



# Journal of the Senate

Number 14

Wednesday, April 17, 1991

## CALL TO ORDER

The Senate was called to order by the President at 9:50 a.m. A quorum present—39:

Madam President	Diaz-Balart	Johnson	Scott
Bankhead	Dudley	Kirkpatrick	Souto
Beard	Forman	Kiser	Thomas
Brown	Gardner	Kurth	Thurman
Bruner	Girardeau	Langley	Walker
Casas	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey
Davis	Jennings	Plummer	

## PRAYER

The following prayer was offered by the Rev. Dr. Bruce Porter, Pastor, Church of the Palms, Sarasota:

Eternal God, who orders all the universes that are, who calls the stars by name, and directs the planets in their courses; we pause this moment in wonder and awe. That you would also care personally for the sons and daughters of this state and for the common concerns of their lives, humbles us:

for budgets and taxes,  
for education and roads,  
for justice and fair play for the poor,  
for right and wrong in the body politic,  
for the elderly, and mid-life people, and the little child.

Remind those that gather in these chambers of the lives we profoundly affect, of the great dreams of our colleagues who preceded us and with whom we are in reunion today. Challenge us with the common good yet to be achieved. Then, grant us comfort at the setting of the sun that we have kept faith in this corner of the world in which you have called us to serve. Amen.

## CONSIDERATION OF RESOLUTIONS

On motion by Senator Gordon, the rules were waived by unanimous consent and the following resolution was introduced out of order:

By Senator Gordon—

**SR 2470**—A resolution honoring Rocky Pomerance, former chief of police of the City of Miami Beach.

WHEREAS, Rocky Pomerance, born 63 years ago in the Bronx in New York City, is an extraordinary man, one who learned Greek at the age of 7 and Spanish at the age of 20, who was valedictorian of his high school, who became a boxer during his service in the Army, and who, as an avid, lifelong reader, has spoken learnedly on topics ranging from Plato to abstract art to riot control, and

WHEREAS, Rocky Pomerance joined the City of Miami Beach Police Department in 1950 as a patrolman and quickly became known as the friendly policeman, even wearing an armband reading "Habla Espanol" for the benefit of the many residents of the city who spoke only Spanish, and

WHEREAS, Rocky Pomerance became chief of police of the City of Miami Beach Police Department after 25 years on the force and served with unusual distinction, including service as president of the International Association of Chiefs of Police, until leaving his position and the department in 1977 to become a private security consultant, and

WHEREAS, Rocky Pomerance rose to national prominence as chief of police of the City of Miami Beach for the security arrangements he provided at the Democratic and Republican national conventions held in the city in 1972, which, at a time of heated national political confrontation over civil rights and the Vietnam War, were reasoned, restrained, and humane and which, as a result, soon became standard across the nation for dealing with large crowds, NOW, THEREFORE,

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

That Rocky Pomerance is hereby honored for his humanity and exemplary service as a member of the City of Miami Beach Police Department and, as chief of police, for the example he set for the rest of the state and nation.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Rocky Pomerance as a tangible token of the sentiments of the Florida Senate.

On motion by Senator Gordon, **SR 2470** was read by title and was read the second time in full and adopted.

Senator Gordon introduced Rocky Pomerance's son and daughter-in-law, Mr. and Mrs. Jimmy Pomerance, who were seated in the chamber.

On motion by Senator Kirkpatrick, by two-thirds vote **SR 2428** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Kirkpatrick—

**SR 2428**—A resolution recognizing this decade as the "Decade of the Brain."

WHEREAS, the brain is considered the great unexplored biological frontier, and

WHEREAS, nearly 48 million people in the United States are affected by brain diseases and disorders, and

WHEREAS, injuries and diseases of the brain, spinal cord, and peripheral nerves are devastating, and

WHEREAS, the "Decade of the Brain" was created by the U.S. Congress by a law signed by President Bush in July 1989, and

WHEREAS, Governor Lawton Chiles has proclaimed this decade as the "Decade of the Brain" in Florida, NOW, THEREFORE,

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

That this decade is recognized as the "Decade of the Brain" in an effort to raise public awareness of the problems associated with diseases and malfunctions of the brain and to encourage these problems to be tackled through education, research, and understanding.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

Senator Kirkpatrick introduced the following physicians from Shands Hospital in Gainesville who were seated in the gallery: Dr. Richard Smith, Dr. Ian Phillips, Dr. William Lutge and Dr. Albert Rhoton.

On motion by Senator Souto, by two-thirds vote **SR 2230** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Souto—

**SR 2230**—A resolution recognizing the week of April 17th as the week of the Brigada de Asalto 2506 (2506 Light Assault Brigade of the Bay of Pigs Invasion).

WHEREAS, the week of April 17th marks the anniversary of the Bay of Pigs Invasion, and

WHEREAS, more than 2,000 men participated in the operation, and

WHEREAS, more than 200 members of the Brigada died during the Bay of Pigs Invasion, including four American pilots assigned to the Brigada's Air Force, and

WHEREAS, there is a monument at S.W. 8th Street and 13th Avenue in Miami which stands as a tribute to the members of the Brigada de Asalto 2506 (2506 Light Assault Brigade) who died in combat and to freedom fighters the world over, and

WHEREAS, the citizens of the State of Florida have great sympathy and respect for the patriots of the Brigada de Asalto 2506 (2506 Light Assault Brigade) who participated in the Bay of Pigs Invasion, and

WHEREAS, it is appropriate that the Senate take time out to honor the many brave men of the Brigada de Asalto 2506 (2506 Light Assault Brigade), NOW, THEREFORE,

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

That the week of April 17th is hereby recognized as the week of the Brigada de Asalto 2506 (2506 Light Assault Brigade).

—was taken up out of order by unanimous consent, read the second time in full and adopted.

On motion by Senator Gardner, by two-thirds vote **SR 2402** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Gardner—

**SR 2402**—A resolution supporting the efforts of World Women's Board Sailing champion Kathy Chapin to win an Olympic gold medal in women's board sailing in the 1992 Olympics.

WHEREAS, Kathy Chapin is recognized as the United States National Champion of Women's Board Sailing, and

WHEREAS, she is also the holder of gold medals from the international Pan American and Goodwill Games, and

WHEREAS, Kathy Chapin is also recognized as a world leader in the sport of women's board sailing, and

WHEREAS, Kathy Chapin is considered a top contender to represent the United States in the 1992 Olympics to be held in Barcelona, Spain, and

WHEREAS, unlike other countries no direct support is provided by the United States for its Olympic athletes, and

WHEREAS, Kathy Chapin is a resident of Brevard County in the State of Florida, NOW, THEREFORE,

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

That the Senate supports Kathy Chapin in her effort to achieve an Olympic gold medal in women's board sailing at the 1992 Olympics in Barcelona, Spain.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Kathy Chapin as a tangible token of the sentiments of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

On motion by Senator Gardner, by two-thirds vote **SR 2446** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Gardner—

**SR 2446**—A resolution recognizing May 5 through May 11, 1991, as National Tourism Week and May 8, 1991, as National Tourism Day.

WHEREAS, under the auspices of the National Travel and Tourism Awareness Council and other organizations, the week of May 5 through 11, 1991, will be observed in the United States as National Tourism Week and Wednesday, May 8, noted as National Tourism Day, and

WHEREAS, the Florida Tourism Association and Division of Tourism of the Florida Department of Commerce are coordinating observances of

this occasion throughout the state in cooperation with the trade associations of the hospitality industry, tourist development councils, chambers of commerce, and convention and visitors bureaus, and

WHEREAS, one out of every fifteen Floridians 18 years of age or older is involved directly in the hospitality community, and many more Floridians derive a part of their incomes from servicing and supplying the needs of business and pleasure travelers, and

WHEREAS, retail sales related to tourism and recreation in Florida exceed \$25 billion and generate approximately one-fifth of the taxes that finance state and local governments, and

WHEREAS, a study by the Joint Legislative Management Committee shows that out-of-state tourists generate approximately \$1.6 billion in sales and highway fuel taxes and support about 12.8 percent of Florida's nonfarm work force in 39 industrial classifications, and

WHEREAS, Florida plays a preeminent role in tourism in America where \$52.8 billion in spending by foreign visitors produces a \$4.7 billion trade surplus, and

WHEREAS, led by Commerce Secretary Greg Farmer, Florida is in the forefront of states urging visitors to travel for enjoyment and business and is supporting the effort of the "GO USA" Travel Coalition to stimulate the tourism economy, and

WHEREAS, the Florida Tourism Association and Division of Tourism are using Tourism Week 1991 as an opportunity to invite and urge residents to see the Sunshine State and to enjoy the abundant and economical vacation opportunities from the azure waters of the Florida Keys to the Emerald Coast of the Panhandle, including the coastal beaches, inland lakes, superb sports facilities, and incomparable attractions, augmented from coast to coast by theaters, art and science museums, community festivals, and historic and cultural sites, like those of the newly established Black Heritage Trail, NOW, THEREFORE,

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

That the Florida Senate recognizes May 5 through May 11, 1991, as National Tourism Week and encourages all Floridians to join in observing May 8, 1991, as National Tourism Day.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

#### SPECIAL ORDER

Consideration of **CS for CS for SB's 1042, 142, 366 and 1070 and CS for HB 417** was deferred.

On motion by Senator Bruner—

**HB 2277**—A bill to be entitled An act relating to correctional education; amending s. 242.68, F.S.; transferring library services; requiring the Department of Corrections to be responsible for renovation and new construction of correctional education facilities; revising provisions relating to membership of the Board of Correctional Education; requiring the Department of Education to render assistance to the board; deleting a board requirement to survey facilities; requiring the board to provide for certain agreements and develop and maintain statistics on the number of general educational development certificates; revising policies for inmates; providing for educational gain-time; deleting provisions relating to training in physical education and personal health; providing for accountability measures; providing for the development of individual plans approved by the Director of Correctional Education for certain candidates for employment; deleting provisions relating to qualifications of correctional librarians; requiring an annual update of the 5-year comprehensive plan; deleting requirement for development of a comprehensive training plan; authorizing a high impact food preparation course; providing for the contracting of educational services; amending s. 20.315, F.S.; requiring the Department of Corrections to provide library services; amending s. 944.275, F.S.; providing for educational gain-time; amending s. 944.704, F.S.; correcting a cross reference; providing for the expiration and commencement of terms of office for members of the Board of Correctional Education; providing an effective date.

—a companion measure, was substituted for **CS for SB 2272** and read the second time by title.

The Committee on Corrections, Probation and Parole recommended **Amendments 1 and 2** which were moved by Senator Bruner and adopted.

On motion by Senator Bruner, by two-thirds vote **HB 2277** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

**SB 2234**—A bill to be entitled An act relating to the valuation of motor vehicles; amending s. 212.05, F.S.; revising the manner in which the Department of Revenue values used motor vehicles; amending s. 319.30, F.S.; directing the Department of Highway Safety and Motor Vehicles to use any official used motor vehicle guide or used mobile home guide for certain purposes; amending s. 723.061, F.S.; providing for the use of nationally recognized publications for the valuation of mobile and manufactured homes for certain purposes; providing an effective date.

—was read the second time by title. On motion by Senator Crenshaw, by two-thirds vote **SB 2234** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

On motion by Senator Crenshaw, the rules were waived and **SB 2234** was ordered immediately certified to the House.

Consideration of **CS for SB 310** was deferred.

**SB 64**—A bill to be entitled An act relating to trafficking in controlled substances; amending s. 893.135, F.S.; including mixtures containing cocaine in a reference to "cocaine"; providing that certain persons shall be sentenced to a term of life imprisonment; providing that certain sentences are not subject to sentencing guidelines; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended **Amendment 1** which was moved by Senator Grant and adopted.

On motion by Senator Grant, by two-thirds vote **SB 64** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34 Nays—None

**SB 318**—A bill to be entitled An act relating to water resources; amending s. 373.103, F.S.; providing for the Department of Environmental Regulation to delegate to local governments the enforcement of storm-water permitting or surface water management programs; amending s. 373.129, F.S.; authorizing such local governments to maintain actions and deposit civil penalties into a local water pollution control trust fund and use those funds for specified purposes; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote **SB 318** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

**CS for SB 310**—A bill to be entitled An act relating to insurance; amending s. 627.733, F.S.; providing an exemption from mandatory motor vehicle insurance requirements for specified military personnel; providing an effective date.

—was read the second time by title. On motion by Senator Bruner, by two-thirds vote **CS for SB 310** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—None

## RECONSIDERATION

On motion by Senator Childers, the rules were waived and the Senate reconsidered the vote by which—

**CS for CS for SB 740**—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.012, F.S.; changing dates for issuance of requests for additional days; amending s. 550.0121, F.S.; specifying the number of performances for certain permit holders; amending ss. 550.04, 550.083, 550.0831, 550.291, 550.34, F.S.; revising language with respect to racing meetings; eliminating a prohibition against certain permitholders operating on Sunday; amending s. 550.09, F.S.; providing that certain provisions relating to the tax on handle for dogracing do not apply to intertrack wagering handle; amending s. 550.10, F.S.; providing for a temporary occupational license with respect to the Greyhound Race of

Champions Meet; amending s. 550.1635, F.S.; providing for intertrack wagering with respect to the Greyhound Race of Champions Meet; amending s. 550.51, F.S.; eliminating a prohibition against certain permitholders operating more than 6 days in any week; providing that no jai alai player can be required to perform on more than six consecutive days per week; amending s. 550.63, F.S.; providing exceptions to the requirement that intertrack wagers be combined with the pari-mutuel pools at the host track; providing an effective date.

—as amended passed April 16.

On motion by Senator Childers, by two-thirds vote the Senate reconsidered the vote by which **CS for CS for SB 740** was read the third time.

Senator Childers moved **Amendment 4** which was adopted.

On motion by Senator Childers, by two-thirds vote **CS for CS for SB 740** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

**CS for SB 284**—A bill to be entitled An act relating to childbirth by caesarean section; defining the term, "provider hospital"; requiring the Department of Health and Rehabilitative Services, in consultation with other entities, to draft and adopt, by rule, specified guidelines that must be applied by provider hospitals prior to the performance of certain caesarean section deliveries; requiring the establishment of peer review boards to review certain caesarean section deliveries; requiring the reviews and reports to be part of the hospital's quality assurance monitoring and peer review process; specifying that this act not serve as the basis of any administrative or civil action; directing the Health Care Cost Containment Board to assess hospitals' caesarean section rate; requiring provider hospitals to provide certain notice to the board; requiring an annual report from the board; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote **CS for SB 284** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—1

On motion by Senator Weinstein, by two-thirds vote **CS for HB 1243** was withdrawn from the Committee on Agriculture.

On motion by Senator Weinstein—

**CS for HB 1243**—A bill to be entitled An act relating to cruelty to animals; creating s. 828.065, F.S.; specifying procedures for the euthanasia of certain animals offered or obtained for sale by pet shops; providing for injunctions; providing penalties; providing an effective date.

—a companion measure, was substituted for **SB 264** and read the second time by title. On motion by Senator Weinstein, by two-thirds vote **CS for HB 1243** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Weinstein, the rules were waived and **CS for HB 1243** was ordered immediately certified to the House.

On motions by Senator Yancey, by two-thirds vote—

**CS for HB 291**—A bill to be entitled An act relating to the Uniform Commercial Code; creating ss. 670.101-670.507, F.S.; prescribing the law governing the rights, duties, and liabilities that arise from funds transfers between commercial entities, from the payment order of the originator to the originator's bank, through intermediary banks, to the beneficiary's bank; including credit transfers but excluding debit transfers; also excluding consumer transactions, conditional orders, and transfers outside the banking system; providing for discharge of the originator's underlying obligation; providing for variation by agreement; prescribing rights with respect to creditor process served on a receiving bank; providing for injunctions and restraining orders with respect to funds transfers; providing for priority among various obligations to be paid from the same account; providing for preclusion of objection to debit of customer's account; providing for determination of the rate of interest that a receiving bank is obliged to pay; specifying applicable law and providing for choice of law; amending s. 671.101, F.S.; revising the short title of the Uniform Commercial Code to include this act; amending s. 671.105, F.S.;

providing that this act governs over that section with respect to specification of applicable law; amending s. 673.106, F.S.; providing for a stated rate of interest in commercial documents; providing legislative intent; providing effective dates.

—a companion measure, was substituted for **CS for SB 200** and by two-thirds vote read the second time by title. On motion by Senator Yancey, by two-thirds vote **CS for HB 291** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34      Nays—None

**CS for SB 204**—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.012, F.S.; revising the definition of “educational institution”; amending s. 196.198, F.S.; specifying that property owned by an educational institution and used for educational purposes by another exempt entity or educational institution is qualified for exemption; providing an effective date.

—was read the second time by title. On motion by Senator Brown, by two-thirds vote **CS for SB 204** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35      Nays—None

Consideration of **SB 236** was deferred.

**SB 70**—A bill to be entitled An act relating to traffic control; amending s. 316.1935, F.S.; increasing the penalty for fleeing or attempting to elude a police officer; providing an effective date.

—was read the second time by title.

Senators Bankhead and Langley offered **Amendments 1 and 2** which were moved by Senator Bankhead and adopted.

Senator Forman moved **Amendments 3 and 4** which were adopted.

Senator Malchon moved **Amendment 5** which was adopted. The vote was:

Yeas—24      Nays—12

Senator Malchon moved **Amendment 6** which was adopted.

On motion by Senator Myers, by two-thirds vote **SB 70** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32      Nays—4

On motion by Senator Myers, the rules were waived and **SB 70** was ordered immediately certified to the House.

**CS for SB 104**—A bill to be entitled An act relating to prostitution; establishing an action for compensatory damages and punitive damages by a prostitute against the person who coerced that person into, or who coerces that person to remain in, prostitution, and against a person who, through coercion, collects or receives any of the prostitute's earnings derived from prostitution; providing a definition for the term “prostitution”; defining coercion for purposes of this section; providing immunity for plaintiffs and witnesses; precluding certain defenses to these actions; preventing the use of prior prostitution or prostitution-related convictions to attack plaintiff's credibility; providing for attorney's fees and costs; providing an effective date.

—was read the second time by title. On motion by Senator Davis, by two-thirds vote **CS for SB 104** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34      Nays—None

On motion by Senator Davis, the rules were waived and **CS for SB 104** was ordered immediately certified to the House.

## MOTION

On motion by Senator Thomas, Rule 10.2 was waived to permit certain guests in the chamber to participate in the annual Senate Reunion.

## SENATE REUNION

The President requested that former Senate Presidents Randolph Hodges, Louis de la Parte, Dempsey Barron, Mallory Horne, W. D. Childers, Curtis Peterson, John Vogt, Philip Lewis and Bob Crawford join her at the rostrum.

The following former members of the Senate in attendance for the 1991 Senate Reunion were welcomed by the President:

Tom Adams, Lynwood Arnold, Dempsey J. Barron, C. W. (Bill) Beaufort, John R. Broxson, Doyle E. Carlton, Jr., Betty Castor, Don Chamberlin, Don C. Childers, Lawton Chiles, Jr., Bob Crawford, C. Welborn Daniel, Hal Davis, Louis de la Parte, Fred O. Dickinson, Dick Fincher, George Firestone, Roberta Fox, Pat Frank, Elmer O. Friday, Jr., Thomas M. Gallen, William M. Gillespie, Edmond J. Gong, Bill Gorman, Mattox Hair, Warren S. Henderson, Cliff Herrell, John A. Hill, Randolph Hodges, Mallory E. Horne, Beth Johnson, Thomas H. Johnson, David C. Lane, Gerald A. Lewis, Philip D. Lewis, Kenneth H. (Buddy) MacKay, Jr., Hal Y. Maines, Franklin B. Mann, Clark Maxwell, Jr., John M. McCarty, David H. McClain, Robert W. McKnight, Tom McPherson, Woodrow Melvin, Kenneth M. Myers, T. Truett Ott, Curtis Peterson, Kenneth A. Plante, John S. Rawls, Cliff S. Reuter, J. B. Rodgers, Jr., Charles A. Savage, Robert L. (Bob) Shevin, Tom Slade, Bruce Smathers, W. Thomas Spencer, Russell E. Sykes, John W. Vogt, John T. Ware, George A. Williamson, Harold S. Wilson, Lori Wilson and Marlene Woodson-Howard.

The following special guests were also welcomed:

Tommy Burns, Leila Coffield, Shirley Gwynn, Catharine Turnbull and Belle Warren, former Senate staff  
George Inman, former reading clerk  
Mrs. Virginia Bishop, widow of Senator W. E. Bishop  
Mrs. A. G. McArthur, widow of Senator Alexander G. McArthur; Sandy McArthur, nephew of Senator McArthur, and his wife, Sharon

The President directed the Secretary to read the names of former Senators who had passed away since the last reunion: Richard Deeb, Wayne Hollingsworth, Bobby Brannon and LeRoy Collins.

## MEMORIAL RESOLUTION

On motion by Senator Thomas, the rules were waived by unanimous consent and the following resolution was introduced out of order:

By Senator Thomas—

**SR 2472**—A resolution expressing regret at the death of Mavis G. Day, a long-time and loyal employee of the Florida Senate, Office of the Secretary.

WHEREAS, Mavis G. Day, well-known to the members of this body as a friendly face behind the Senate Desk, began work with the Senate in 1961 as a regular and special session employee, back in the days before verifiers, tape recorders, electronic roll call devices, computers, and pre-filed bills, and continued to serve the last four Secretaries of the Senate until her untimely death February 19, 1991, and

WHEREAS, Mavis Day was a popular and appreciated employee because of her earnest attention to duty, quick perception, rapid execution of assignments, and cheerful demeanor, and

WHEREAS, Mavis was also dedicated to her church, Blessed Sacrament Catholic Church, where she had served as a member of the Liturgy Commission and President of the Women's Guild, and was, at her demise, a member of the Altar Society, and

WHEREAS, Mavis was a member, and Archivist and Historian, of the Capital City Democratic Women's Club, and it was Mavis' painstaking work that earned the club numerous awards for its scrapbooks, and

WHEREAS, Mavis, an avid amateur genealogist, spent years researching and recording inscriptions and reclaiming fallen gravestones in local cemeteries and had recently completed the arduous task of compiling the Florida voter registration lists for the Reconstruction period, in cooperation with the State Archives, which compilation will soon be published by the Tallahassee Genealogical Society and is certain to be of great interest, not only to genealogists, but to historians and demographers, and has been posthumously honored by the society through the establishment of a memorial fund, and

WHEREAS, to friends, coworkers, and loved ones who would mourn her going, Mavis G. Day has left an invaluable legacy—an unparalleled example of bravery in the face of adversity. They have but to remember that in her valiant effort against a terminal malady, she continued on the even tenor of her way with complete self-abnegation, without self-pity or fear, NOW, THEREFORE,

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

That the Florida Senate expresses its deep regret at the death of Mavis G. Day and extends its condolences to her daughter, Theresa Day Messler; her two sons, William J. Day and Richard G. Day; her four grandchildren, Duane Joseph Day, Raymond Albert Day, Rachel Day, and Nathaniel Aaron Day; her nephew, Benny James Wood; her sisters, Bronnie Greer and Dorothy Jean Sanders; and her aunt, Mary Lou Poppell.

BE IT FURTHER RESOLVED that copies of this resolution, with the Seal of the Senate affixed, be transmitted to the members of Mavis' family as tangible tokens of the sentiments and respect of this body.

On motion by Senator Thomas, **SR 2472** was read by title and was read the second time in full and adopted.

**RECESS**

On motion by Senator Thomas, the Senate recessed at 11:53 a.m. to reconvene at 2:00 p.m. or upon call of the President.

**AFTERNOON SESSION**

The Senate was called to order by the President at 2:24 p.m. A quorum present—32:

Madam President	Diaz-Balart	Kurth	Souto
Beard	Dudley	Langley	Thomas
Brown	Forman	Malchon	Thurman
Bruner	Gordon	McKay	Walker
Casas	Grant	Meek	Weinstein
Crotty	Grizzle	Myers	Weinstock
Dantzler	Jennings	Plummer	Wexler
Davis	Johnson	Scott	Yancey

**SPECIAL ORDER, continued**

Consideration of **CS for SB 130** and **CS for SB 140** was deferred.

**CS for SB 406**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; defining the term "sea trial" for purposes of ch. 212., F.S.; amending s. 212.05, F.S.; revising requirements and conditions relating to the tax exemption provided for boats and airplanes removed from the state after purchase; amending s. 212.08, F.S.; revising requirements and conditions relating to the tax exemption provided for boats temporarily docked in this state; providing an effective date.

—was read the second time by title.

Senator Jenne offered **Amendments 1, 2 and 3** which were moved by Senator Diaz-Balart and adopted.

Senator Childers offered **Amendment 4** which was moved by Senator Diaz-Balart and adopted.

On motion by Senator Diaz-Balart, by two-thirds vote **CS for SB 406** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28      Nays—None

Consideration of **CS for SB's 508 and 514** was deferred.

On motion by Senator Walker, by two-thirds vote **HB 605** was withdrawn from the Committee on Education.

On motion by Senator Walker—

**HB 605**—A bill to be entitled An act relating to the blind services program; amending s. 413.011, F.S.; revising provisions relating to membership of the Advisory Council for the Blind; providing for officers; saving s. 413.011(2), F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for **SB 236** and read the second time by title. On motion by Senator Walker, by two-thirds vote **HB 605** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30      Nays—None

**CS for SB 518**—A bill to be entitled An act relating to hunting and fishing; creating s. 372.105, F.S.; creating the Lifetime Fish and Wildlife Trust Fund; creating s. 372.106, F.S.; creating the Dedicated License Trust Fund; amending s. 372.561, F.S.; providing a fee to cover processing

costs for lifetime or 5-year licenses; providing for remittance of funds; amending s. 372.57, F.S.; providing for a 5-year and lifetime sportsman's licenses for hunting and fishing; providing fees; amending s. 372.571, F.S.; revising language with respect to the expiration of licenses and stamps; providing reference to lifetime and 5-year licenses; amending s. 372.5712, F.S.; providing for the expenditure of certain revenues relating to waterfowl hunting privileges; amending s. 372.5715, F.S.; providing for the expenditure of certain revenues relating to turkey hunting privileges; amending s. 372.573, F.S.; providing for the expenditure of certain revenues relating to management area privileges; amending s. 372.60, F.S.; revising language with respect to the issuance of replacement licenses or stamps to include reference to lifetime and 5-year licenses; amending s. 372.661, F.S.; revising cross references with respect to private hunting preserve licenses; providing appropriations; amending s. 370.0605, F.S.; providing for a 5-year resident saltwater fishing license; providing a penalty; providing fees; providing for the remittance of funds; providing for replacement licenses; amending s. 370.0608, F.S.; providing for the disposition of proceeds from 5-year licenses; creating s. 370.0615, F.S.; providing for lifetime saltwater fishing licenses; providing fees; amending s. 372.5717, F.S.; revising language with respect to Hunter Safety Program Requirements; providing effective dates.

—was read the second time by title.

Senator Dantzler moved **Amendments 1, 2 and 3** which were adopted.

On motion by Senator Dantzler, by two-thirds vote **CS for SB 518** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35      Nays—None

**CS for SB 180**—A bill to be entitled An act relating to taxation; amending s. 212.0505, F.S., which imposes a tax on unlawful sales, use, and other transactions involving medicinal drugs, cannabis, or controlled substances; including possession within such transactions; providing definitions; authorizing the Department of Revenue to enter into agreements with law enforcement agencies in administering the tax; providing that, under such agreement, the law enforcement agency is bound by certain confidentiality requirements; providing that a United States attorney may request that taxes or penalties be settled or compromised; creating the Unlawful Drugs Tax Clearing Trust Fund within the department; providing for the release of certain liens on property for liability for taxes and penalties imposed under said section; authorizing the Department of Revenue to issue subpoenas in connection with the enforcement of said section and providing requirements and procedures; providing for enforcement by the circuit courts; providing for witness fees; amending s. 212.20, F.S.; providing circumstances under which proceeds from the tax on controlled substances may be transferred to law enforcement agencies; amending s. 607.0505, F.S.; authorizing the Department of Legal Affairs to disclose certain information to the Department of Revenue in connection with the enforcement of s. 212.0505; providing that such information is exempt from public record requirements; providing for future legislative review of this and certain other exemptions pursuant to the Open Government Sunset Review Act; providing an effective date.

—was read the second time by title.

Senator Grant moved **Amendments 1 and 2** which were adopted.

Senators Grant and Jenne offered **Amendments 3 and 4** which were moved by Senator Grant and adopted.

On motion by Senator Grant, by two-thirds vote **CS for SB 180** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29      Nays—None

**SB 182**—A bill to be entitled An act relating to state prisoners; amending s. 947.146, F.S.; requiring the Control Release Authority to determine the amount and manner of restitution prison inmates are to pay to their victims or other aggrieved parties; providing an effective date.

—was read the second time by title.

Senator Grant moved **Amendment 1** which was adopted.

On motion by Senator Grant, by two-thirds vote **SB 182** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33 Nays—None

**SB 570**—A bill to be entitled An act relating to the fine arts; amending s. 265.603, F.S.; revising the definition of the term "sponsoring organization" under the Fine Arts Endowment Program of 1985; amending ss. 265.605, 265.606, F.S.; deleting provisions allocating moneys in the Fine Arts Endowment Trust Fund to each of the five fine arts regions within the state; repealing s. 265.604, F.S., relating to the five fine arts regions under the program; providing an effective date.

—was read the second time by title. On motion by Senator Brown, by two-thirds vote **SB 570** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

On motion by Senator Brown, the rules were waived and **SB 570** was ordered immediately certified to the House.

**SB 960**—A bill to be entitled An act relating to the right of eminent domain to counties; amending s. 127.01, F.S.; providing that in eminent domain proceedings a county's burden of showing reasonable necessity for parks, playgrounds, recreational centers, or other types of recreational purposes shall be the same as the burden in other types of eminent domain proceedings; providing an effective date.

—was read the second time by title.

Senator Johnson moved **Amendments 1 and 2** which were adopted.

On motion by Senator Davis, by two-thirds vote **SB 960** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27 Nays—8

**CS for SB 584**—A bill to be entitled An act relating to chemicals used in the manufacture of controlled substances; amending s. 893.02, F.S.; adding a definition of the term "listed chemical"; creating s. 893.033, F.S.; establishing a list of precursor chemicals and essential chemicals; amending s. 893.105, F.S.; authorizing the sample testing and destruction of listed chemicals seized; amending s. 893.12, F.S.; providing that listed chemicals involved in violations of ch. 893, F.S., are contraband and are subject to seizure and forfeiture; providing for destruction of seized chemicals; creating s. 893.149, F.S.; prohibiting the possession of a listed chemical with the intent to unlawfully manufacture a controlled substance; providing penalties; amending s. 112.0455, F.S.; revising a cross-reference to conform to renumbering made by this act; providing an effective date.

—was read the second time by title. On motion by Senator Souto, by two-thirds vote **CS for SB 584** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motions by Senator Kirkpatrick, by two-thirds vote **CS for HB 93** was withdrawn from the Committees on Natural Resources and Conservation; Agriculture; and Appropriations.

On motion by Senator Kirkpatrick—

**CS for HB 93**—A bill to be entitled An act relating to water resources; creating s. 240.5329, F.S.; creating the Florida LAKEWATCH Program within the Institute of Food and Agricultural Sciences at the University of Florida; providing purpose; providing for the use of data collected; providing an effective date.

—a companion measure, was substituted for **CS for SB 140** and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 93** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—None

Consideration of **CS for SB 608** was deferred.

**CS for SB 626**—A bill to be entitled An act relating to false pretense; creating s. 817.025, F.S.; prohibiting home or private business invasion by false personation or representation with intent to commit a felony; providing criminal penalties; providing an effective date.

—was read the second time by title. On motion by Senator Casas, by two-thirds vote **CS for SB 626** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32 Nays—None

Consideration of **CS for SB 1776** and **CS for SB 2144** was deferred.

**CS for SB 1694**—A bill to be entitled An act relating to the Public Employees Relations Commission; amending s. 447.205, F.S.; specifying who shall conduct hearings held under ch. 447, F.S.; authorizing the commission to appoint an employee to conduct elections in accordance with ch. 447, F.S.; amending s. 447.207, F.S.; redefining certain commission statements of general applicability; amending s. 447.208, F.S.; amending the circumstances in which the commission grants extensions of time for hearings on appeals; allowing the commission to reduce penalties in prescribed circumstances; providing an effective date.

—was read the second time by title.

Senator Dudley moved **Amendment 1** which was adopted.

On motion by Senator Dudley, by two-thirds vote **CS for SB 1694** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30 Nays—None

**SB 1196**—A bill to be entitled An act relating to recreational trails; amending s. 253.023, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to acquire certain land for use as recreational trails; amending s. 259.101, F.S.; providing that the Department of Natural Resources shall distribute funds under the Florida Preservation 2000 Act for the Florida Rails to Trails Program to assist in the acquisition of the Florida National Scenic Trail; amending s. 260.012; providing legislative intent with respect to the Florida National Scenic Trail; amending s. 260.013, F.S.; defining the term "canoe"; amending s. 260.016, F.S.; providing additional powers of the Division of Recreation and Parks; amending s. 260.018, F.S.; revising language with respect to agency recognition; providing an effective date.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote **SB 1196** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

**SB 1376**—A bill to be entitled An act relating to incarceration per diem and medical costs fines; creating s. 775.0837, F.S.; authorizing imposition of such fines at sentencing; establishing criteria and evidentiary standards for determination of amount; authorizing total or partial waiver or deferral of payment; authorizing alternative methods of enforcement; authorizing disbursement by the clerk of the sentencing court to the county and state in amounts proportionate to the days of actual incarceration; authorizing refund of excess amounts paid; providing an effective date.

—was read the second time by title. On motion by Senator Yancey, by two-thirds vote **SB 1376** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

**CS for SB 1384**—A bill to be entitled An act relating to water treatment devices; providing definitions; prohibiting false or misleading advertising of water treatment devices; requiring advertisements to contain certain information; providing penalties; providing an effective date.

—was read the second time by title.

Senator Brown moved **Amendments 1 and 2** which were adopted.

On motion by Senator Weinstock, by two-thirds vote **CS for SB 1384** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

On motion by Senator Weinstock, the rules were waived and **CS for SB 1384** was ordered immediately certified to the House.

**CS for SB 1286**—A bill to be entitled An act relating to court filing fees; amending s. 28.241, F.S.; specifying the maximum amount of total charges and fees that may be imposed upon the party that initiates certain civil or appellate proceedings in circuit court; specifying the maximum total amount the clerk of the circuit court may charge a county for his services in a criminal or juvenile proceeding in the circuit court; prohibiting the assessment of a charge or fee for filing a responsive pleading in a proceeding in a circuit court; amending s. 34.041, F.S.; specifying the maximum amount of charges and fees that may be imposed upon the party that initiates a civil proceeding in a county court; prohibiting the assessment of a charge or fee for filing a responsive pleading in a proceeding in a county court or in an appeal to a circuit court; providing that the act applies to proceedings filed after its effective date; providing an effective date.

—was read the second time by title.

Senator Dudley moved **Amendments 1 and 2** which were adopted.

On motion by Senator Weinstein, by two-thirds vote **CS for SB 1286** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34 Nays—None

**SB 1396**—A bill to be entitled An act relating to assault and battery; amending s. 784.07, F.S.; adding juvenile detention staff to the listing of law enforcement officers against whom the commission of assault and battery offenses results in a 1-degree upward reclassification of the offense; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended **Amendment 1** which was moved by Senator Myers and adopted.

On motion by Senator Myers, by two-thirds vote **SB 1396** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motion by Senator Crotty, by two-thirds vote **CS for HB 1411** was withdrawn from the Committee on Professional Regulation.

On motion by Senator Crotty—

**CS for HB 1411**—A bill to be entitled An act relating to chiropractic physicians; amending s. 460.406, F.S.; modifying a training requirement for applicants for licensure by examination; directing the department to submit written notification of certification; providing for lawful practice; providing an effective date.

—a companion measure, was substituted for **CS for SB 1416** and read the second time by title.

Senator Jenne moved **Amendments 1 and 2** which were adopted.

Senator Crotty moved **Amendment 3** which was adopted.

On motion by Senator Crotty, by two-thirds vote **CS for HB 1411** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motion by Senator Crotty, the rules were waived and **CS for HB 1411** was ordered immediately certified to the House.

**CS for SB's 508 and 514**—A bill to be entitled An act relating to sex crimes involving children; amending s. 775.15, F.S.; tolling the statute of limitations for the crime of sexual activity with a child by or at the solicitation of a person in familial or custodial authority; providing that such provision does not apply to such an offense if the limitation period expired before the effective date of the act; amending s. 827.071, F.S.; reclassifying certain crimes relating to sexual performance by a child; providing penalties; providing that each act, thing, or transaction forbidden by this section is punishable as a separate offense; providing an effective date.

—was read the second time by title.

Senator Davis moved **Amendments 1, 2, 3 and 4** which were adopted.

On motion by Senator Brown, by two-thirds vote **CS for SB's 508 and 514** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

**CS for SB 608**—A bill to be entitled An act relating to student financial assistance; creating s. 240.402, F.S.; requiring the State Board of Education to adopt a procedure for the appeal of determinations with respect to applicants' eligibility for state student financial aid; providing for a committee to consider such appeals; prescribing procedures for such appeals; requiring state university and community college presidents to establish institutional procedures for student appeal of grievances related to the award or administration of financial aid; providing for deferred payment under certain conditions; providing an effective date.

—was read the second time by title. On motion by Senator Meek, by two-thirds vote **CS for SB 608** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motion by Senator Meek, the rules were waived and **CS for SB 608** was ordered immediately certified to the House.

On motion by Senator Thomas, by two-thirds vote **CS for HB 655** was withdrawn from the Committee on Agriculture.

On motion by Senator Thomas, by unanimous consent—

**CS for HB 655**—A bill to be entitled An act relating to building designations; designating the administration building at the farmers market in White Springs as the "Wayne Hollingsworth Administration Building"; directing the Department of General Services to erect suitable markers; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Thomas, by two-thirds vote **CS for HB 655** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

**CS for SB 1618**—A bill to be entitled An act relating to the business of manufacturing, processing, packing, holding, or selling at retail of any food; amending s. 500.12, F.S., pertaining to permits to engage in such businesses; authorizing the Department of Agriculture and Consumer Services to impose an administrative fine against a person who engages in such a business without first obtaining the permit from the department; revising terminology and improving clarity of existing provisions; providing an effective date.

—was read the second time by title.

Senator Dantzler moved **Amendments 1 and 2** which were adopted.

On motion by Senator Thurman, by two-thirds vote **CS for SB 1618** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

**CS for SB 130**—A bill to be entitled An act relating to law enforcement officers; amending s. 943.22, F.S., relating to the salary incentive program for full-time officers, to eliminate a prohibition against the making of retirement contributions to, and the receipt of retirement benefits under, the Florida Retirement System with respect to such salary incentives; stating that the provisions of this act fulfill an important state interest; providing an effective date.

—was read the second time by title.

Senator Souto moved **Amendments 1 and 2** which were adopted.

On motions by Senator Thomas, the Senate reconsidered the vote by which **Amendments 1 and 2** were adopted. By permission, **Amendments 1 and 2** were withdrawn.

On motions by Senator Grizzle, by two-thirds vote **CS for SB 130** was removed from the special order calendar and recommitted to the Committee on Community Affairs.

**CS for SB 1554**—A bill to be entitled An act relating to guardianship; creating the Guardianship Oversight Board; providing membership of the board; providing responsibilities of the board; providing for reports; providing for staffing; providing for per diem and travel expenses for members; providing for expiration of the board; providing an effective date.

—was read the second time by title.

Senator Weinstein moved **Amendments 1, 2, 3, 4, 5 and 6** which were adopted.

On motion by Senator Weinstein, by two-thirds vote **CS for SB 1554** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

**SB 1304**—A bill to be entitled An act relating to the correctional system; amending s. 945.30, F.S.; increasing the minimum amount that persons under the supervision of the Department of Corrections are required to contribute each month for the cost of supervision and rehabilitation; providing an effective date.

—was read the second time by title.

Senators Dantzler and Bruner offered **Amendments 1 and 2** which were moved by Senator Dantzler and adopted.

On motion by Senator Dantzler, by two-thirds vote **SB 1304** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34 Nays—None

**CS for SB 2144**—A bill to be entitled An act relating to private investigative, private security, and recovery services; amending s. 493.6105, F.S., and repealing paragraph (g) of subsection (3), relating to the photograph requirement for application for licensure; revising the photograph requirement; amending s. 493.6106, F.S.; revising provisions relating to posting of license and change of address; amending s. 493.6107, F.S.; revising provisions relating to license fee; amending s. 493.6110, F.S.; revising provisions relating to licensee's insurance; amending s. 493.6111, F.S.; revising provisions relating to possession of license; amending s. 493.6113, F.S.; revising renewal requirements; amending s. 493.6115, F.S.; revising firearm requirements; amending s. 493.6118, F.S.; revising provisions relating to grounds for disciplinary action; amending ss. 493.6203, 493.6303, F.S.; revising license requirements; amending s. 493.6301, F.S.; revising classes of licenses; amending s. 493.6305, F.S.; revising provisions relating to uniforms; amending s. 493.6306, F.S.; revising provisions relating to proprietary security officer requirements; amending s. 493.6401, F.S.; revising classes of licenses; amending s. 493.6403, F.S.; revising license requirements; amending s. 493.6102, F.S.; providing for inapplicability to certain persons; providing an effective date.

—was read the second time by title. On motion by Senator Dantzler, by two-thirds vote **CS for SB 2144** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

Consideration of **CS for SB 1312** and **SB 800** was deferred.

**SB 860**—A bill to be entitled An act relating to women prisoners; amending s. 944.24, F.S.; creating the Corrections Equality Act; requiring the Department of Corrections to provide education and rehabilitation programs for women which are equivalent to the programs provided for male prisoners; requiring the department to allow women prisoners to participate in work release programs and to be eligible for early release under the same procedures and standards that apply for men; requiring the department to make certain additional provisions for pregnant inmates; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole recommended **Amendments 1 and 2** which were moved by Senator Grant and adopted.

Senator Grant moved **Amendment 3** which was adopted.

On motion by Senator Grant, by two-thirds vote **SB 860** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

**CS for SB 1312**—A bill to be entitled An act relating to public records; amending s. 265.26, F.S.; providing that the identity of prospective donors to the John and Mable Ringling Museum of Art is exempt from the inspection requirements of the public records law; amending s.

265.289, F.S.; providing that the identity of prospective donors to contract organizations is exempt from the inspection requirements of the public records law; amending s. 265.605, F.S.; providing that information identifying prospective donors to local sponsoring organizations is exempt from the inspection requirements of the public records law; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote **CS for SB 1312** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

**CS for SB 962**—A bill to be entitled An act relating to motor vehicle license plates; creating s. 320.08085, F.S.; providing for the creation of a Vietnam veterans license plate; providing application procedures; providing fees; providing for the deposit and uses of fee proceeds; providing for the transfer of the plates to replacement vehicles; specifying requirements for the design of the plates; allowing combined requests for such plates and personalized prestige plates; providing an effective date.

—was read the second time by title.

Senator Souto moved **Amendment 1**.

Senator Forman moved **Amendment 1A** which was adopted.

**Amendment 1** as amended was adopted.

Senator Souto moved **Amendment 2**.

Senator Forman moved **Amendment 2A** which was adopted.

**Amendment 2** as amended was adopted.

On motion by Senator Souto, by two-thirds vote **CS for SB 962** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—3

**SB 918**—A bill to be entitled An act relating to the Florida National Guard; amending ss. 250.18, 250.21, 250.22, 250.27, 250.28, 250.29, 250.43, 250.44, 250.46, and 250.49, F.S.; revising the provisions of the military code to eliminate reference to gender; eliminating an annual uniform allowance; amending s. 110.205, F.S.; revising language with respect to the exemption from the career service with respect to the military personnel of the Department of Military Affairs to eliminate reference to the appropriate military pay schedule; creating s. 250.375, F.S.; authorizing certain medical officers to practice in Florida; providing an effective date.

—was read the second time by title.

Senator Bankhead moved **Amendment 1** which was adopted.

Senator Bankhead moved **Amendment 2**.

On motion by Senator Bankhead, further consideration of **SB 918** with pending **Amendment 2** was deferred.

**CS for SB 920**—A bill to be entitled An act relating to victim assistance; amending s. 960.03, F.S.; revising definitions; amending s. 960.05, F.S.; establishing the Crime Victims' Services Office within the Department of Legal Affairs; amending s. 960.09, F.S.; providing for determination of claims of victims and witnesses and for administrative hearings thereon; providing that claims shall be subject to the Administrative Procedure Act; amending ss. 960.06, 960.07, 960.12, 960.13, 960.14, 960.15, 960.21, 960.22, 960.23, 960.28, F.S.; transferring duties relating to crime victims and witnesses from the Division of Workers' Compensation to the Department of Legal Affairs; providing for the transfer of the Bureau of Crimes Compensation and Victim and Witness Services, renamed as the Crime Victims' Services Office, to the Department of Legal Affairs; providing that certain records are exempt from the public records law and that the exemption is subject to the Open Government Sunset Review Act; reenacting ss. 775.0835(2), 784.046(9)(a), F.S., relating to criminal fines and repeat violence actions, to incorporate the amendment to s. 960.21, F.S., in references thereto; amending s. 27.3455, F.S., to conform; providing an effective date.

—was read the second time by title.

Five amendments were adopted to **CS for SB 920** to conform the bill to **HB 749**.

Pending further consideration of **CS for SB 920** as amended, on motions by Senator Malchon, by two-thirds vote **HB 749** was withdrawn from the Committees on Judiciary, Commerce and Appropriations.

On motion by Senator Malchon—

**HB 749**—A bill to be entitled An act relating to victim assistance; amending s. 960.02, F.S.; providing legislative intent; amending s. 960.03, F.S.; revising definitions; amending s. 960.05, F.S.; establishing the Crime Victims' Services Office within the Department of Legal Affairs; amending s. 960.09, F.S.; providing for determination of claims of victims and witnesses and for administrative hearings thereon; providing that claims shall be subject to the Administrative Procedure Act; amending ss. 960.06, 960.07, 960.12, 960.13, 960.14, 960.15, 960.21, 960.22, 960.23, and 960.28, F.S.; transferring duties relating to crime victims and witnesses from the Division of Workers' Compensation to the Department of Legal Affairs; providing for the transfer of the Bureau of Crimes Compensation and Victim and Witness Services, renamed as the Crime Victims' Services Office, to the Department of Legal Affairs; reenacting ss. 775.0835(2) and 784.046(9)(a), F.S., relating to criminal fines and repeat violence actions, to incorporate the amendment to s. 960.21, F.S., in references thereto; amending s. 27.3455, F.S., to conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 920** and read the second time by title. On motion by Senator Malchon, by two-thirds vote **HB 749** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

Consideration of **CS for SB 978** was deferred.

**CS for CS for SB 704**—A bill to be entitled An act relating to pollution prevention; amending s. 403.031, F.S.; defining the term "pollution prevention" for purposes of ch. 403, F.S.; amending s. 403.061, F.S.; providing additional duties of the Department of Environmental Regulation in establishing pollution prevention and reduction programs; creating s. 403.072, F.S.; providing a short title; creating s. 403.073, F.S.; providing goals and policies of the state in preventing pollution; creating s. 403.074, F.S.; requiring the department to implement a program for providing technical assistance in pollution prevention; creating the Pollution Prevention Council within the department; providing for appointment of council members; requiring the council to make recommendations for a statewide pollution prevention program; providing for abolishment of the council; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **CS for CS for SB 704** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

On motion by Senator Jenne, by two-thirds vote **CS for HB 777** was withdrawn from the Committee on Commerce.

On motion by Senator Jenne—

**CS for HB 777**—A bill to be entitled An act relating to insurance; amending s. 627.410, F.S.; providing that benefits of an individual accident and health insurance policy form are reasonable in relation to premium rates if the rates are filed pursuant to a loss ratio guarantee; providing an effective date.

—a companion measure, was substituted for **CS for SB 978** and read the second time by title. On motion by Senator Jenne, by two-thirds vote **CS for HB 777** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

**SB 646**—A bill to be entitled An act relating to the operation of vessels; amending s. 376.12, F.S.; revising the limits on a vessel's liability for discharging pollutants within state boundaries; deleting provisions requiring the financial security for a vessel to be payable to the Florida Coastal Protection Trust Fund; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **SB 646** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32 Nays—None

**SB 644**—A bill to be entitled An act relating to land management; amending s. 161.54, F.S., relating to coastal zone protection; revising a cross-reference to conform to amendments made to the referenced provision by this act; amending s. 177.26, F.S.; repealing a legislative policy statement relating to a program of coastal boundary mapping conducted by the Department of Natural Resources; repealing ss. 177.27(2), 177.30, 177.31, 177.32, 177.33, 177.34, F.S., relating to such coastal mapping program; repealing ss. 177.503(9), 177.504(2)(b), 177.507(1), F.S., relating to a program conducted by the department to validate and certify public land survey corners; amending s. 253.025, F.S.; requiring a certified land survey to be made prior to the acquisition of lands by the state; providing requirements for such survey; amending s. 253.82, F.S.; providing for release of the state's interest in certain lands acquired by the state under the Murphy Act; declaring certain state lands to be surplus lands; providing for the sale of such surplus lands and the disposition of proceeds; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended **Amendment 1** which was moved by Senator Kirkpatrick.

Senator Kirkpatrick moved **Amendment 1A** which was adopted.

**Amendment 1** as amended was adopted.

The Committee on Natural Resources and Conservation recommended **Amendments 2, 3 and 4** which were moved by Senator Kirkpatrick and adopted.

Senator Kirkpatrick moved **Amendments 5 and 6** which were adopted.

On motion by Senator Kirkpatrick, by two-thirds vote **SB 644** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

Consideration of **CS for SB 642** was deferred.

#### MOTION

On motion by Senator Thomas, the rules were waived and time of recess was extended until final action on **CS for CS for CS for SB's 1042, 142, 366 and 1070**.

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

**CS for CS for CS for SB's 1042, 142, 366 and 1070**—A bill to be entitled An act relating to public officers, candidates for public office, and public employees; amending s. 112.312, F.S.; redefining the term "gift" for purposes of part III of ch. 112, F.S., and s. 8, Art. II of the State Constitution; amending s. 112.313, F.S.; clarifying a prohibition; providing exemptions from the prohibition against a public officer or employee doing business with his own company or entering into a conflicting employment relationship; amending s. 112.3148, F.S.; prohibiting governmental entities and direct-support organizations from making certain gifts to persons who must file disclosure of financial interests and procurement employees; providing for the valuation of gifts; correcting a cross-reference; amending s. 112.3149, F.S.; redefining "honorarium"; providing applicability; amending s. 112.317, F.S.; prescribing duties of the Commission on Ethics when it determines that a person has filed a frivolous complaint; amending s. 112.3215, F.S.; providing for registration by lobbyists of principals; increasing the lobbyists registration fee; providing for semi-annual reports by lobbyists; providing for receipt and disposition of complaints against lobbyists; providing investigation procedures; amending s. 112.322, F.S.; providing authority of the commission with respect to breaches of the public trust; providing authority for the commission to make rules; amending s. 112.324, F.S.; modifying procedures on complaints of violations of part III of ch. 112, F.S., or s. 8, Art. II of the State Constitution; providing procedures for complaints against former officers and former employees; providing procedures for complaints against candidates; providing effective dates for lobbyist registration fees; amending s. 876.05, F.S.; revising language with respect to the loyalty oath required of public employees; amending s. 350.0605, F.S.; providing restrictions on employment by former Public Service Commissioners for a period of 2 years; providing prospective application; providing an effective date.

—was read the second time by title.

Senators Margolis, Thomas, Crenshaw, Jenne and Langley offered **Amendment 1** which was moved by Senator Langley.

Senator Beard moved **Amendment 1A** which failed.

Senator Gordon moved **Amendment 1B** which failed. The vote was:

Yeas—13 Nays—23

Senator Walker moved that the Senate reconsider the vote by which **Amendment 1A** failed. The motion failed.

Senator Wexler moved **Amendment 1C** which was adopted.

Senator Langley moved **Amendment 1D** which was adopted.

**Amendment 1** as amended was adopted. The vote was:

Yeas—37 Nays—2

Senators Margolis, Thomas, Crenshaw, Jenne and Langley offered **Amendment 2** which was moved by Senator Langley and adopted.

On motion by Senator Jenne, by two-thirds vote **CS for CS for CS for SB's 1042, 142, 366 and 1070** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—2

On motion by Senator Johnson, the rules were waived and **CS for CS for CS for SB's 1042, 142, 366 and 1070** as amended was ordered immediately certified to the House.

On motions by Senator Jenne, by two-thirds vote **CS for HB 2523** was withdrawn from the Committees on Finance, Taxation and Claims; and Appropriations.

On motion by Senator Jenne, by unanimous consent—

**CS for HB 2523**—A bill to be entitled An act relating to taxation; amending s. 20.21, F.S.; renaming the Division of Technical Assistance of the Department of Revenue; amending ss. 72.011 and 215.26, F.S.; providing that taxpayers may contest the legality of any denial of refund of specified taxes, interest, or penalties in circuit court or under chapter 120, F.S.; providing time limitations; amending ss. 26.012, 72.031, and 120.575, F.S., to conform; amending s. 193.114, F.S.; specifying that the property appraiser is the custodian of the tax roll and certain copies thereof for certain purposes; amending s. 194.015, F.S.; renaming the property appraisal adjustment boards; directing that changes in terminology in the Florida Statutes be made; amending s. 195.027, F.S.; revising provisions relating to department rules relating to access to financial records relating to nonhomestead property; amending s. 196.011, F.S.; revising provisions which authorize the property appraiser to accept initial or original applications for homestead exemption for the succeeding year after March 1; repealing s. 197.364, F.S., relating to the collection of certain taxes assessed against railroad property; amending s. 198.15, F.S.; providing a penalty for failure to timely file estate tax; amending s. 199.052, F.S.; requiring corporations to file annual intangible tax returns; exempting corporations that have no intangible tax liability and that file an annual report with the Department of State; amending s. 607.1622, F.S.; including information relating to intangible tax liability in said annual report and providing for furnishing such information to the Department of Revenue; repealing s. 200.069(13), F.S., which requires a notice applicable to persons renting or leasing living quarters or sleeping or housekeeping accommodations on the notice of proposed property taxes; providing for retroactive effect; amending s. 203.01, F.S.; revising provisions relating to the option to separately state the gross receipts tax on utility services on the customer's bill; removing a requirement that certain increases in the rate of such tax be separately stated on the customer's bill; providing that the decision to separately state the increase and the ability to recover it from the customer are not subject to regulatory approval; specifying that the tax applies to certain charges relating to electric utility service; providing legislative intent; specifying the rate applicable to revenues collected on-site from the provision of local pay telephone service; amending s. 206.56, F.S.; revising provisions which specify that failure to account for fuel taxes collected constitutes embezzlement; providing that any person who uses taxes collected pursuant to chapter 206, part II of chapter 212, s. 336.021, s. 336.025, or s. 336.026 with the intent to deprive the state of a right to such funds or appropriate such funds to his own use, commits theft of state funds, and providing penalties therefor; reenacting ss. 206.97, 206.9915(3), 212.66, and

336.026(2)(a), F.S., to incorporate the amendment to s. 206.56, F.S., in references thereto; amending s. 206.9825, F.S.; delaying the repeal date of provisions which provide for levy of the aviation fuel tax at a specified percentage of the retail sales price for certain air carriers; amending s. 212.0305, F.S.; authorizing authorities appointed in connection with the charter county convention development tax to invest tax proceeds and other revenues; amending s. 212.0505, F.S., which imposes a tax on unlawful sales, use, and other transactions involving medicinal drugs, cannabis, or controlled substances; authorizing a designee of the executive director of the department to settle or compromise taxes, penalties, or interest thereunder; amending s. 212.0598, F.S.; providing that the ratio applied in determining sales tax on tangible personal property purchased by certain air carriers shall also apply to such carriers' payments for the lease or rental of, or license in, certain real property; amending s. 212.06, F.S.; providing for application of use tax to certain boats imported into the state; amending s. 212.054, F.S.; revising provisions which specify conditions under which a transaction is deemed to have occurred in a county imposing a discretionary sales surtax, for purposes of imposition of such surtax, to conform; amending s. 212.11, F.S.; revising provisions which require certain taxpayers to pay estimated sales taxes; deleting a revision to the method of calculating estimated tax liability scheduled to take effect July 1, 1991; revising the criterion for determining the taxpayers required to pay estimated taxes; providing for distribution of estimated sales tax revenues; repealing ss. 26 and 27, ch. 90-132, Laws of Florida, which amend ss. 212.04 and 212.12, F.S., to revise the reduced dealer's credit for collecting sales taxes, effective January 1, 1992; amending s. 213.053, F.S., relating to confidentiality of information; specifying governmental and nongovernmental agencies to which the department may provide certain information; providing for application of confidentiality and penalty provisions; authorizing disclosure of certain additional information; creating s. 213.225, F.S.; authorizing the department to publish and distribute certain materials and charge for certain materials; amending s. 213.30, F.S., which authorizes compensation to persons for information relating to violation of tax laws, to remove the restriction that such information relate to the commission of a crime; specifying that department and government employees and former employees may provide such information; providing for confidentiality of information that could lead to the identification of such persons; amending s. 213.34, F.S.; revising the description of the revenue laws with respect to which the department has authority to audit and examine records; creating s. 213.37, F.S.; authorizing the department to require verification of certain documents; providing a penalty; amending and transferring parts I, II, and III of chapter 214, F.S., relating to administration of designated nonproperty taxes, to parts VIII, IX, and X of chapter 220, F.S., the Florida Income Tax Code; repealing s. 214.01, F.S., which specifies the application of chapter 214; revising language relating to penalties for failure to file returns; repealing s. 214.46, F.S., which specifies the length of liens; conforming language and correcting references; amending s. 220.15, F.S.; consolidating in said section provisions for apportionment of adjusted federal income; repealing ss. 214.70 and 214.71, F.S., which define "tax base" and provide a general method for apportionment; amending and renumbering s. 214.72, F.S., relating to apportionment methods for special industries, as s. 220.151, F.S.; amending and renumbering s. 214.73, F.S., relating to other methods of apportionment, as s. 220.152, F.S.; amending ss. 72.011, 72.041, 196.012, 212.0598, 213.05, 213.053, 220.131, 220.181, 220.23, 220.31, 220.32, 220.41, 220.53, 220.64, and 221.04, F.S.; conforming and correcting references; amending s. 220.03, F.S.; revising the definition of the Internal Revenue Code for purposes of the Florida Income Tax Code; providing for retroactive effect; amending ss. 220.11 and 220.63, F.S.; deleting obsolete language relating to legislative review of an increase in the corporate income tax and franchise tax; imposing taxes on banks and savings associations in addition to the franchise tax for a specified period; providing intent with respect to a credit against the franchise tax; amending s. 220.12, F.S.; revising the definition of "net income" under the code; providing for retroactive effect; amending ss. 220.183 and 624.5105, F.S., relating to community contribution tax credits against the corporate income tax and insurance premium tax; revising provisions relating to limitations on credits and carryover of credits; specifying that a taxpayer eligible for the insurance premium tax credit is not eligible for the corporate income tax credit; amending s. 624.511, F.S.; providing requirements with respect to refunds of overpayments of insurance premiums taxes and taxes on wet marine and transportation insurance; amending s. 893.11, F.S., which provides for the suspension or revocation of business and professional licenses of persons convicted of certain felonies involving controlled substances, to exempt licenses, permits, and certificates issued by the department; providing effective dates.

—was taken up out of order and read the second time by title.

Senator Jenne moved **Amendments 1 and 2** which were adopted.

On motion by Senator Jenne, by two-thirds vote **CS for HB 2523** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33    Nays—2

#### REPORTS OF COMMITTEES

The Committee on Executive Business, Ethics and Elections recommends the following pass: **SB 552** with 2 amendments

**The bill was placed on the calendar.**

The Committee on Rules and Calendar recommends a committee substitute for the following: **CS for CS for SB's 1042, 142, 366 and 1070**

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

#### FIRST READING OF COMMITTEE SUBSTITUTES

By the Committees on Rules and Calendar; Finance, Taxation and Claims; Executive Business, Ethics and Elections; and Senators Jenne, Brown, Crotty, Wexler, Plummer, Weinstein, Dudley, Weinstock, Girardeau, Thomas, Margolis, Crenshaw and Langley—

**CS for CS for CS for SB's 1042, 142, 366 and 1070**—A bill to be entitled An act relating to public officers, candidates for public office, and public employees; amending s. 112.312, F.S.; redefining the term "gift" for purposes of part III of ch. 112, F.S., and s. 8, Art. II of the State Constitution; amending s. 112.313, F.S.; clarifying a prohibition; providing exemptions from the prohibition against a public officer or employee doing business with his own company or entering into a conflicting employment relationship; amending s. 112.3148, F.S.; prohibiting governmental entities and direct-support organizations from making certain gifts to persons who must file disclosure of financial interests and procurement employees; providing for the valuation of gifts; correcting a cross-reference; amending s. 112.3149, F.S.; redefining "honorarium"; providing applicability; amending s. 112.317, F.S.; prescribing duties of the Commission on Ethics when it determines that a person has filed a frivolous complaint; amending s. 112.3215, F.S.; providing for registration by lobbyists of principals; increasing the lobbyists registration fee; providing for semi-annual reports by lobbyists; providing for receipt and disposition of complaints against lobbyists; providing investigation procedures; amending s. 112.322, F.S.; providing authority of the commission with respect to breaches of the public trust; providing authority for the commission to make rules; amending s. 112.324, F.S.; modifying procedures on complaints of violations of part III of ch. 112, F.S., or s. 8, Art. II of the State Constitution; providing procedures for complaints against former officers and former employees; providing procedures for complaints against candidates; providing effective dates for lobbyist registration fees; amending s. 876.05, F.S.; revising language with respect to the loyalty oath required of public employees; amending s. 350.0605, F.S.; providing restrictions on employment by former Public Service Commissioners for a period of 2 years; providing prospective application; providing an effective date.

By the Committee on Community Affairs and Senators Jenne and Kiser—

**CS for SB 1698**—A bill to be entitled An act relating to special districts; amending s. 75.05, F.S.; specifying that validation of bonds of community development districts under chapter 75, F.S., is mandatory, except in refunding issues; amending s. 190.003, F.S.; revising definitions under the Uniform Community Development District Act of 1980; amending s. 190.006, F.S.; revising provisions relating to election of members of the district board of supervisors; providing for supervisors' oath of office; revising compensation of supervisors; amending s. 190.011, F.S.; revising the powers of the board; amending s. 190.013, F.S., relating to assessments levied for water management and control plans, to conform; amending s. 190.016, F.S.; revising bond resolution requirements; providing for construction regarding use of bond proceeds; amending s. 190.021, F.S.; authorizing such boards to levy benefit special assessments and maintenance special assessments for district facilities and projects; providing requirements with respect thereto; providing for collection and enforcement; providing for effect on existing taxes and assessments; amending s. 190.022, F.S.; revising provisions relating to the levy of spe-

cial assessments and the use thereof; amending s. 190.033, F.S.; revising provisions relating to bid requirements for district contracts; providing for application of the Consultants' Competitive Negotiation Act; providing requirements for contracts for maintenance and other services; amending s. 190.035, F.S.; revising provisions relating to adoption of rates and fees for district facilities and services; amending s. 190.046, F.S.; providing procedures for contraction or expansion of a district; providing petition requirements; providing duties of counties, municipalities, district boards, and the Florida Land and Water Adjudicatory Commission; providing for filing fees; providing limitations on use of such procedures; amending s. 388.021, F.S.; specifying requirements for creation of mosquito control districts; providing an effective date.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Thomas, by two-thirds vote **CS for HB 457** was withdrawn from the Committee on Criminal Justice; **CS for SB 2114** was withdrawn from the Committee on Governmental Operations; and **CS for SB 1440** was withdrawn from the Committee on Judiciary.

On motions by Senator Grizzle, by two-thirds vote **SB 124**, **CS for SB 1368**, **CS for SB 1408** and **CS for SB 1446** were withdrawn from the Committee on Community Affairs.

On motion by Senator Dudley, by two-thirds vote **SB 868** was withdrawn from the committee of reference and further consideration.

On motions by Senator Kurth, by two-thirds vote **Senate Bills 1250 and 1260** were withdrawn from the committees of reference and further consideration.

On motions by Senator Gardner, by two-thirds vote **CS for SB 60**, **CS for SB 114**, **SB 154**, **CS for SB's 316 and 1290**, **CS for SB 612**, **CS for SB 654**, **SB 778**, **CS for SB 880**, **CS for SB 938**, **CS for SB 1116**, **CS for CS for SB 1264**, **CS for SB 1322**, **Senate Bills 1654, 1726**, **CS for SB 2024**, **CS for SB 2058**, **SB 2228** and **CS for SB 2280** were withdrawn from the Committee on Appropriations.

On motions by Senator Thomas, by two-thirds vote **CS for SB 1424** was removed from the calendar and recommitted to the Committee on Appropriations.

On motions by Senator McKay, by two-thirds vote **SB 2062** was withdrawn from the committees of reference and further consideration.

On motions by Senator Gardner, by two-thirds vote **SB 2240** was withdrawn from the Committee on Commerce and referred to the Committee on Appropriations.

On motion by Senator Thomas, by two-thirds vote **CS for SB 1532** was withdrawn from the Committee on Commerce.

On motions by Senator Jenne, by two-thirds vote **CS for SB 2114** was removed from the calendar and referred to the Committee on Finance, Taxation and Claims.

On motions by Senator Kirkpatrick, by two-thirds vote **Senate Bills 728, 1176, 1980 and 2176** were withdrawn from the committees of reference and further consideration.

#### MOTIONS

On motion by Senator Thomas, the rules were waived and **CS for SB 640** which passed on April 16 was ordered immediately certified to the House.

On motions by Senator Thomas, the rules were waived and by two-thirds vote **CS for CS for CS for SB's 1042, 142, 366 and 1070** was placed on the special order calendar to be considered before **CS for HB 417**.

On motion by Senator Langley, the rules were waived and **HB 2075** which passed as amended on April 16 was ordered immediately certified to the House.

On motion by Senator Thomas, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet upon adjournment to set the special order calendar for Thursday, April 18.

**MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS**

The following Executive Order was filed with the Secretary:

**EXECUTIVE ORDER NUMBER 91-112**

(Executive Order of Suspension)

WHEREAS, DONALD B. PARKER is presently serving as a duly elected member of the Board of County Commissioners of Gulf County, Florida, and

WHEREAS, on April 11, 1991, the Honorable Jim Appleman, State Attorney for the Fourteenth Judicial Circuit of Florida, did file an information charging DONALD B. PARKER with making false statements or representation, knowing them to be false or knowingly failing to disclose a material fact to obtain or increase any unemployment benefits or other payments from the State of Florida to which he was not entitled, contrary to Section 443.071(1), Florida Statutes, and

WHEREAS, it is in the best interests of the residents of Gulf County, Florida, and the citizens of the State of Florida that DONALD B. PARKER be immediately suspended from the public office which he now holds, upon the grounds hereinafter set forth.

NOW, THEREFORE, I, Lawton Chiles, Governor of Florida, pursuant to the Constitution and laws of the State of Florida, do hereby find, determine and, for the purposes of Section 112.41, Florida Statutes, allege as follows:

A. DONALD B. PARKER is, and at all times material hereto was, a duly elected member of the County Commission of Gulf County, Florida.

B. The Office of county commissioner is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. The attached Information alleges that DONALD B. PARKER did commit acts in violation of the laws of the State of Florida, and this Information is hereby incorporated by reference as if fully set forth in this executive order.

D. This suspension is predicated upon the attached Information charging DONALD B. PARKER with a felony.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is hereby promulgated, effective immediately:

*Section 1.*

DONALD B. PARKER is hereby suspended from the public office which he now holds, to wit: member of the County Commission of Gulf County, Florida.

*Section 2.*

DONALD B. PARKER is hereby prohibited from performing any official act, duty, or function of public office, from receiving any pay or allowances, and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until a further executive order, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 15th day of April, 1991.

Lawton Chiles  
GOVERNOR

ATTEST:  
Jim Smith  
SECRETARY OF STATE

(Copy of indictment was filed in the office of the Secretary of the Senate.)

**Referred to the Committee on Executive Business, Ethics and Elections.**

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

**First Reading**

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 291 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By the Committee on Commerce and Representatives C. F. Jones and Davis—

**CS for HB 291**—A bill to be entitled An act relating to the Uniform Commercial Code; creating ss. 670.101-670.507, F.S.; prescribing the law governing the rights, duties, and liabilities that arise from funds transfers between commercial entities, from the payment order of the originator to the originator's bank, through intermediary banks, to the beneficiary's bank; including credit transfers but excluding debit transfers; also excluding consumer transactions, conditional orders, and transfers outside the banking system; providing for discharge of the originator's underlying obligation; providing for variation by agreement; prescribing rights with respect to creditor process served on a receiving bank; providing for injunctions and restraining orders with respect to funds transfers; providing for priority among various obligations to be paid from the same account; providing for preclusion of objection to debit of customer's account; providing for determination of the rate of interest that a receiving bank is obliged to pay; specifying applicable law and providing for choice of law; amending s. 671.101, F.S.; revising the short title of the Uniform Commercial Code to include this act; amending s. 671.105, F.S.; providing that this act governs over that section with respect to specification of applicable law; amending s. 673.106, F.S.; providing for a stated rate of interest in commercial documents; providing legislative intent; providing effective dates.

(Substituted for CS for SB 200 on the special order calendar this day.)

**RETURNING MESSAGES ON HOUSE BILLS**

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2, concurred in same as amended, passed as amended, CS for HB 211 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for HB 211**—A bill to be entitled An act relating to medical practice; amending s. 458.345, F.S.; providing for renewal of registration of resident physicians, assistant resident physicians, house physicians, interns, and fellows in fellowship training leading to subspecialty board certification; requiring a renewal application fee; amending s. 458.347, F.S., relating to physician assistants; authorizing any community college with state board approval to conduct a physician assistant program; authorizing admittance to unlicensed physicians who are graduates of certain foreign medical schools; providing program requirements; providing for examination of such unlicensed physicians for physician assistant certification; requiring application and examination fees; providing for temporary certification of such unlicensed physicians; modifying existing provisions relating to temporary certification; deleting certain alternative certification provisions; providing an alternative to continuing education requirements; revising terms of members of the Physician Assistant Committee; amending s. 459.022, F.S., relating to osteopathic physician assistants; deleting reference to "osteopathic"; providing an alternative to continuing education requirements; revising temporary certification provisions; revising qualifications and terms of members of the Physician Assistant Committee; amending ss. 154.04, 395.011, and 459.002, F.S.; conforming terminology; providing an effective date.

**House Amendment 1 to Senate Amendment 1**—On page 1, line 2, strike "before the period" and insert: through line 29, strike all of said lines

**House Amendment 2 to Senate Amendment 1**—On page 1, lines 2 and 3, strike all of said lines and insert: *is approved by the board.* No person registered under this section may be employed as a house physician or act as a resident physician, an assistant resident physician, an intern, or a fellow in fellowship training which leads to a subspecialty board certification in a hospital of this state for more than 2 years with-

out a valid, active license or renewal of registration under this section. Requirements for renewal of registration shall be established by rule of the board. An application fee not to exceed \$300 as set by the board shall accompany the application for renewal, except that resident physicians, assistant resident physicians, and interns, and fellows in fellowship training which leads to subspecialty board certification shall be exempt from payment of any renewal fees in approved training programs listed by the board in rule shall be exempt from this limitation.

**House Amendment 1 to Senate Amendment 2**—On page 1, line 2, before the words “or was licensed” insert: on July 1, 1990,

On motions by Senator Souto, the Senate concurred in the House amendments to the Senate amendments.

**CS for HB 211** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34 Nays—None

#### RETURNING MESSAGES—FINAL ACTION

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed CS for SB 554.

*John B. Phelps, Clerk*

The bill contained in the foregoing message was ordered enrolled.

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended CS for HB 689.

*John B. Phelps, Clerk*

#### AMENDMENTS TO SENATE BILLS

##### SB 64

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

**Amendment 1**—On page 2, line 18, and on page 4, line 6, strike “section” and insert: *subparagraph*

##### SB 70

Senators Bankhead and Langley offered the following amendments which were moved by Senator Bankhead and adopted:

**Amendment 1**—On page 1, between lines 24 and 25, insert:

Section 2. Subsections (1) and (6) of section 316.193, Florida Statutes, are amended, and a new subsection (9) is added to that section, to read:

316.193 Driving under the influence; penalties.—

(1) A person is guilty of the offense of driving under the influence and is subject to punishment as provided in subsection (2) if such person is driving or in actual physical control of a vehicle within this state and:

(a) The person is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that his normal faculties are impaired; or

(b) The person has a blood alcohol level of 0.10 percent or higher.

(6) With respect to any person convicted of a violation of subsection (1), regardless of any penalty imposed pursuant to subsection (2), subsection (3), or subsection (4):

(a) For the first conviction thereof, the court shall place the defendant on probation for a period not to exceed 1 year and, as a condition of such probation, shall order the defendant to participate in public service or a community work project for a minimum of 50 hours. In lieu of such participation, the court may order that any defendant pay an additional fine of \$10 for each hour of public service or community work otherwise required, if, after consideration of the residence or location of the defendant at the time such public service or community work is required, payment of the fine is in the best interests of the state. However, in no event

may the total period of probation and incarceration exceed 1 year. The court shall also order the impoundment or immobilization of the vehicle operated in violation of subsection (1) for a period of 10 days not concurrent with the time of imprisonment. All costs and fees relating to the impoundment or immobilization shall be paid by the owner of the vehicle or, if the vehicle is leased or rented, by the person renting or leasing the vehicle. If the vehicle is rented or leased, the period of impoundment or immobilization may not extend beyond the expiration of the lease or rental agreement. The court may consider the hardship placed on the vehicle owner's family by impoundment or immobilization, and the vehicle may not be impounded or immobilized if there is no other means, including public transit, available to the vehicle owner's family for necessary travel. Notice by certified mail, return receipt requested, shall be sent by the clerk of the court, within 7 business days after the date that the court orders impoundment or immobilization, to the registered owner, if the registered owner is a person other than the person convicted under subsection (1), and to all persons of record claiming a lien against the vehicle.

(b) For the second conviction within a period of 3 years from the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 10 days, and the court shall also order the impoundment or immobilization of the vehicle operated in violation of subsection (1) for a period of 30 days not concurrent with the time of imprisonment. All costs and fees relating to the impoundment or immobilization shall be paid by the owner of the vehicle or, if the vehicle is leased or rented, by the person renting or leasing the vehicle. If the vehicle is rented or leased, the period of impoundment or immobilization may not extend beyond the expiration of the lease or rental agreement. The court may consider the hardship placed on the vehicle owner's family, and the vehicle may not be impounded or immobilized if there is no other means, including public transit, available to the vehicle owner's family for necessary travel. Notice by certified mail, return receipt requested, shall be sent by the clerk of the court, within 7 business days after the date that the court orders impoundment or immobilization, to the registered owner, if the registered owner is a person other than the person convicted under subsection (1), and to all persons of record claiming a lien against the vehicle. An owner of the vehicle, other than the person convicted under subsection (1), whose vehicle is impounded pursuant to this paragraph, or any person of record claiming a lien against the vehicle, may file a complaint, within 10 days after the time he has knowledge of the location of the vehicle, in the county in which such owner or lienholder resides to determine if the property was wrongfully taken or withheld. Upon the filing of a complaint, the owner or lienholder may have the vehicle released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing or storage to ensure the payment of such charges in the event he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in section 28.24, the clerk of the court shall issue a certificate releasing the vehicle. At the time of such release, after reasonable inspection, such owner or lienholder shall give a receipt to the towing-storage company reciting any claims for loss or damage to the vehicle or its contents.

(c) For the third conviction within a period of 5 years from the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 30 days, and the court shall also order the impoundment or immobilization of the vehicle operated in violation of subsection (1) for a period of 90 days not concurrent with the time of imprisonment. All costs and fees relating to the impoundment or immobilization shall be paid by the owner of the vehicle or, if the vehicle is leased or rented, by the person renting or leasing the vehicle. If the vehicle is rented or leased, the period of impoundment or immobilization may not extend beyond the expiration of the lease or rental agreement. The court may consider the hardship placed on the vehicle owner's family, and the vehicle may not be impounded or immobilized if there is no other means, including public transit, available to the vehicle owner's family for necessary travel. Notice by certified mail, return receipt requested, shall be sent by the clerk of the court, within 7 business days after the date that the court orders impoundment or immobilization, to the registered owner, if the registered owner is a person other than the person convicted under subsection (1), and to all persons of record claiming a lien against the vehicle. An owner of the vehicle, other than the person convicted under subsection (1), whose vehicle is impounded pursuant to this paragraph, or any person of record claiming a lien against the vehicle, may file a complaint, within 10 days after the time he has knowledge of the location of the vehicle, in the county in which such owner or lienholder resides to determine if the property

was wrongfully taken or withheld. Upon the filing of a complaint, the owner or lienholder may have the vehicle released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing or storage to ensure the payment of such charges in the event he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in section 28.24, the clerk of the court shall issue a certificate releasing the vehicle. At the time of such release, after reasonable inspection, such owner or lienholder shall give a receipt to the towing-storage company reciting any claims for loss or damage to the vehicle or its contents.

(d) A defendant, in the court's discretion, may be required to serve all or any portion of a term of imprisonment to which he has been sentenced pursuant to this section in a residential alcoholism treatment program or a residential drug abuse treatment program. Any time spent in such a program shall be credited by the court toward the term of imprisonment.

For the purposes of this section, a previous conviction for the violation of former s. 316.1931, former s. 860.01, or former s. 316.028, or a previous conviction outside this state for any substantially similar alcohol-related or drug-related traffic offense, shall also be considered a previous conviction for violation of this section. Notwithstanding any other provision of this section, \$100 shall be added to any fine imposed pursuant to this section, of which one-quarter shall be deposited in the Emergency Medical Services Trust Fund created in s. 401.34(4), one-half shall be deposited in the Administrative Trust Fund of the Department of Law Enforcement to be used for operational expenses of the Division of Local Law Enforcement Assistance in conducting the statewide criminal analysis laboratory system established in s. 943.32, and one-quarter shall be deposited in the Impaired Drivers and Speeders Trust Fund created in s. 413.613. However, in satisfaction of the fine imposed pursuant to this section, the court may, upon a finding that the defendant is financially unable to pay either all or part of the fine, order that the defendant participate for a specified additional period of time in public service or a community work project in lieu of payment of that portion of the fine which the court determines the defendant is unable to pay. In determining such additional sentence, the court shall consider the amount of the unpaid portion of the fine and the reasonable value of the services to be ordered; however, the court shall not compute the reasonable value of services at a rate less than the federal minimum wage at the time of sentencing.

(9) In addition to any other penalty, a person who is convicted of a violation of subsection (1) when a minor was present in the vehicle at the time of the commission of the offense must pay a fine of \$250 times the number of minors present.

Section 3. This act shall take effect October 1, 1991.

(Renumber subsequent section.)

**Amendment 2**—In title, on page 1, line 5, after the semicolon (;) insert: amending s. 316.193, F.S.; providing for the impoundment or immobilization of a vehicle used in the commission of driving under the influence; providing notice to certain registered owners and lienholders of impounded vehicles; providing procedures for challenging impoundments and for releasing impounded vehicles; prescribing an additional fine when a minor is present in the vehicle when the offense of driving under the influence is committed;

Senator Forman moved the following amendments which were adopted:

**Amendment 3**—On page 1, between lines 24 and 25, insert:

Section 2. Subsection (2) of section 316.1301, Florida Statutes, is amended to read:

316.1301 Traffic regulations to assist blind persons.—

(2) Whenever a pedestrian is crossing, or attempting to cross, a public street or highway, guided by a dog guide or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, the driver of every vehicle approaching the intersection or place where such pedestrian is attempting to cross shall bring his vehicle to a full stop before arriving at such intersection or place of crossing and, before proceeding, shall take such precautions as may be necessary to avoid injuring such pedestrian. A person who is convicted of a violation of this subsection is guilty of a moving violation punishable as provided in s. 318.18(12) s. ~~318.18~~.

Section 3. Section 316.1303, Florida Statutes, is amended to read:

316.1303 Traffic regulations to assist mobility-impaired persons.—Whenever a pedestrian is in the process of crossing a public street or highway and the pedestrian is mobility-impaired (using a walker, a crutch, an orthopedic cane, or a wheelchair), the driver of every vehicle approaching the intersection, as defined in s. 316.003(17), shall bring his vehicle to a full stop before arriving at such intersection and, before proceeding, shall take such precautions as may be necessary to avoid injuring such pedestrian. A person who is convicted of a violation of this section shall be punished as provided in s. 318.18(12) s. ~~318.18(3)~~.

Section 4. Subsection (12) is added to section 318.18, Florida Statutes, 1990 Supplement, as amended by section 10 of chapter 90-330, Laws of Florida, to read:

318.18 Amount of civil penalties.—The penalties required for a non-criminal disposition pursuant to ss. 316.2935(6) and 318.14(1), (2), and (4) are as follows:

(12) Two hundred and fifty dollars for a violation of s. 316.1301 or s. 316.1303. Of this amount, 5 percent shall be deducted by the clerk of the court for administrative costs; \$37.50 shall be deposited into the endowment fund of the Florida Endowment Foundation for Vocational Rehabilitation, established in s. 413.615, and \$37.50 shall be deposited in the Grants and Donation Trust Fund in the Division of Blind Services of the Department of Education; and \$100 shall be distributed as provided in s. 318.21. The remainder shall be deposited into the Transportation Disadvantaged Trust Fund for use as provided in s. 427.0159.

(Renumber subsequent section.)

**Amendment 4**—In title, on page 1, line 5, after the semicolon (;) insert: amending ss. 316.1301, 316.1303, 318.18, F.S.; providing an increased fine for violating those regulations; providing for distributing the proceeds of such fine;

Senator Malchon moved the following amendments which were adopted:

**Amendment 5**—On page 1, strike line 25 and insert:

Section 2. Section 316.193, Florida Statutes, is amended to read:

316.193 Driving under the influence; penalties.—

(1) A person is guilty of the offense of driving under the influence and is subject to punishment as provided in subsection (2) if such person is driving or in actual physical control of a vehicle within this state and:

(a) The person is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that his normal faculties are impaired; or

(b) The person has a blood or breath alcohol level of 0.10 percent or higher.

(2)(a) Except as provided in paragraph (b), subsection (3), or subsection (4), any person who is convicted of a violation of subsection (1) shall be punished:

1. By a fine of:

- a. Not less than \$250 or more than \$500 for a first conviction.
- b. Not less than \$500 or more than \$1,000 for a second conviction.
- c. Not less than \$1,000 or more than \$2,500 for a third conviction; and

2. By imprisonment for:

- a. Not more than 6 months for a first conviction.
- b. Not more than 9 months for a second conviction.
- c. Not more than 12 months for a third conviction.

(b) Any person who is convicted of a fourth or subsequent violation of subsection (1) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; however, the fine imposed for such fourth or subsequent violation shall be not less than \$1,000.

(3) Any person:

- (a) Who is in violation of subsection (1);

(b) Who operates a vehicle; and

(c) Who, by reason of such operation, causes:

1. Damage to the property or person of another is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another, as defined in s. 316.1933, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The death of any human being is guilty of DUI manslaughter, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any person who is convicted of a violation of subsection (1) and who has a blood or breath alcohol level of .20 or above shall be punished:

(a) By a fine of:

1. Not less than \$500 or more than \$1,000 for a first conviction.
2. Not less than \$1,000 or more than \$2,000 for a second conviction.
3. Not less than \$2,000 or more than \$5,000 for a third conviction.

(b) By imprisonment for:

1. Not more than 9 months for a first conviction.
2. Not more than 12 months for a second conviction.
3. Not more than 12 months for a third conviction.

For the purposes of this subsection, only the instant offense is required to be a violation of subsection (1) by a person who has a blood or breath alcohol level of .20 or above.

(5) The court shall place any person convicted of violating this section on monthly reporting probation and shall require attendance at a substance abuse course specified by the court; and the agency conducting the course may refer the person to an authorized agency for substance abuse evaluation and treatment, in addition to any sentence or fine imposed under this section. Such person shall assume reasonable costs for such education, evaluation, and treatment, with completion of all such education, evaluation, and treatment being a condition of reporting probation. Such treatment resulting from a psychosocial evaluation may not be waived without a supporting psychosocial evaluation conducted by an agency appointed by the court and with access to the original evaluation. The cost of this procedure shall be borne by the defendant. The term "substance abuse" means the abuse of alcohol or any substance named or described in Schedules I through V of s. 893.03. Whenever the authorized agency for substance abuse treatment is the same agency which conducts the substance abuse evaluation and education, that agency shall submit a quarterly statistical report which shall be reviewed by the Traffic Court Review Committee to assure that excessive referrals to treatment have not been made. A programmatic and statistical report shall be submitted annually to the Traffic Court Review Committee by each agency authorized to provide services under this act.

(6) With respect to any person convicted of a violation of subsection (1), regardless of any penalty imposed pursuant to subsection (2), subsection (3), or subsection (4):

(a) For the first conviction thereof, the court shall place the defendant on probation for a period not to exceed 1 year and, as a condition of such probation, shall order the defendant to participate in public service or a community work project for a minimum of 50 hours. In lieu of such participation, the court may order that any defendant pay an additional fine of \$10 for each hour of public service or community work otherwise required, if, after consideration of the residence or location of the defendant at the time such public service or community work is required, payment of the fine is in the best interests of the state. However, in no event may the total period of probation and incarceration exceed 1 year.

(b)1. For the second conviction within a period of 3 years from the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 10 days.

2. For the second conviction within a period of 10 years from the date of a prior conviction for violation of this section, the court shall inform the defendant that any subsequent conviction within 10 years

from the date of the prior conviction may result in forfeiture of the vehicle involved in the offense pursuant to s. 316.1939, if such vehicle is owned by the defendant at the time of the offense. However, failure to provide such notice shall not prohibit the forfeiture of a vehicle involved in a subsequent offense.

(c) For the third conviction within a period of 5 years from the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 30 days.

(d) A defendant, in the court's discretion, may be required to serve all or any portion of a term of imprisonment to which he has been sentenced pursuant to this section in a residential alcoholism treatment program or a residential drug abuse treatment program. Any time spent in such a program shall be credited by the court toward the term of imprisonment.

For the purposes of this section, a previous conviction for the violation of former s. 316.1931, former s. 860.01, or former s. 316.028, or a previous conviction outside this state for any substantially similar alcohol-related or drug-related traffic offense, shall also be considered a previous conviction for violation of this section. Notwithstanding any other provision of this section, \$100 shall be added to any fine imposed pursuant to this section, of which one-quarter shall be deposited in the Emergency Medical Services Trust Fund created in s. 401.34(4), one-half shall be deposited in the Administrative Trust Fund of the Department of Law Enforcement to be used for operational expenses of the Division of Local Law Enforcement Assistance in conducting the statewide criminal analysis laboratory system established in s. 943.32, and one-quarter shall be deposited in the Impaired Drivers and Speeders Trust Fund created in s. 413.613. However, in satisfaction of the fine imposed pursuant to this section, the court may, upon a finding that the defendant is financially unable to pay either all or part of the fine, order that the defendant participate for a specified additional period of time in public service or a community work project in lieu of payment of that portion of the fine which the court determines the defendant is unable to pay. In determining such additional sentence, the court shall consider the amount of the unpaid portion of the fine and the reasonable value of the services to be ordered; however, the court shall not compute the reasonable value of services at a rate less than the federal minimum wage at the time of sentencing.

(7) A conviction under the provisions of this section shall not be a bar to any civil suit for damages against the person so convicted.

(8) At the arraignment or in conjunction with any notice of arraignment provided by the clerk of the court, the clerk shall provide any person charged with a violation of this section with notice that upon conviction the court shall suspend or revoke the person's driver's license and that the person should make arrangements for transportation at any proceeding in which the court may take such action. Failure to provide such notice shall not affect the court's suspension or revocation of the person's driver's license.

Section 3. Section 316.1932, Florida Statutes, is amended to read:

316.1932 Breath, blood, and urine tests for alcohol, chemical substances, or controlled substances; implied consent; right to refuse.—

(1)(a) Any person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state shall, by so operating such vehicle, be deemed to have given his consent to submit to an approved chemical test or physical test including but not limited to an infrared light test of his breath for the purpose of determining the alcoholic content of his blood or breath, and to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances, if he is lawfully arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic beverages, chemical substances, or controlled substances. The chemical or physical breath test shall be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of the motor vehicle within this state while under the influence of alcoholic beverages. The urine test shall be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of a motor vehicle within this state while under the influence of controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile

or otherwise, which is equipped to administer such tests in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of one type of test shall not preclude the administration of another type of test. Such person shall be told that his failure to submit to any lawful test of his breath or urine, or both, will result in the suspension of his privilege to operate a motor vehicle for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of such person has been previously suspended as a result of a refusal to submit to such a test or tests. The refusal to submit to a chemical or physical breath test or to a urine test upon the request of a law enforcement officer as provided in this section shall be admissible into evidence in any criminal proceeding.

(b)1. *The percent of alcohol in the blood shall be based upon grams of alcohol per 100 milliliters of blood when analyzing blood, or upon grams of alcohol per 210 liters of breath when analyzing breath.*

2. An analysis of a person's breath, in order to be considered valid under this section, must have been performed substantially according to methods approved by the Department of Health and Rehabilitative Services. For this purpose, the department is authorized to approve satisfactory techniques or methods. Any insubstantial differences between approved techniques and actual testing procedures in any individual case shall not render the test or test results invalid.

(c) Any person whose consent is implied as provided in this section shall be deemed to have consented to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided herein if such person appears for treatment at a hospital, clinic, or other medical facility ~~as a result of his involvement as a driver in a motor vehicle accident and the administration of a breath or urine test is impractical or impossible.~~ The blood test shall be performed in a reasonable manner. Any person who is incapable of refusal by reason of unconsciousness or other mental or physical condition shall be deemed not to have withdrawn his consent to such test. A blood test may be administered whether or not such person is told that his failure to submit to such a blood test will result in the suspension of his privilege to operate a motor vehicle upon the public highways of this state. Any person who is capable of refusal shall be told that his failure to submit to such a blood test will result in the suspension of his privilege to operate a motor vehicle for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of such person has been suspended previously as a result of a refusal to submit to such a test or tests. The refusal to submit to a blood test upon the request of a law enforcement officer shall be admissible in evidence in any criminal proceeding.

(d) If the arresting officer does not request a chemical or physical breath test of the person arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic beverages or controlled substances, such person may request the arresting officer to have a chemical or physical test made of the arrested person's breath or a test of the urine or blood for the purpose of determining the alcoholic content of the person's blood or breath or the presence of chemical substances or controlled substances; and, if so requested, the arresting officer shall have the test performed.

(e)1. By applying for a driver's license and by accepting and using a driver's license, the person holding the driver's license is deemed to have expressed his consent to the provisions of this section.

2. A nonresident or any other person driving in a status exempt from the requirements of the driver's license law, by his act of driving in such exempt status, is deemed to have expressed his consent to the provisions of this section.

3. A warning of the consent provision of this section shall be printed above the signature line on each new or renewed driver's license issued after the effective date of this act.

(f)1. The tests determining the weight of alcohol in the defendant's blood or breath shall be administered at the request of a law enforcement officer substantially in accordance with rules and regulations which shall have been adopted by the Department of Health and Rehabilitative Services. Such rules and regulations shall be adopted after public hearing, shall specify precisely the test or tests which are approved by the Department of Health and Rehabilitative Services for reliability of result and facility of administration, and shall provide an approved method of administration which shall be followed in all such tests given under this

section. However, the failure of a law enforcement officer to request the withdrawal of blood shall not affect the admissibility of a test of blood withdrawn for medical purposes.

2. Only a physician, certified paramedic, registered nurse, licensed practical nurse, *other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician* ~~or duly licensed clinical laboratory technologist or clinical laboratory technician~~, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining the alcoholic content thereof or the presence of chemical substances or controlled substances therein. However, the failure of a law enforcement officer to request the withdrawal of blood shall not affect the admissibility of a test of blood withdrawn for medical purposes.

3. The person tested may, at his own expense, have a physician, registered nurse, *other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician* ~~duly licensed clinical laboratory technologist, or technician, or clinical laboratory technician~~, or other person of his own choosing administer a test in addition to the test administered at the direction of the law enforcement officer for the purpose of determining the amount of alcohol in his blood or breath or the presence of chemical substances or controlled substances at the time alleged, as shown by chemical analysis of his blood or urine, or by chemical or physical test of his breath. The failure or inability to obtain an additional test by a person shall not preclude the admissibility in evidence of the test taken at the direction of the law enforcement officer.

4. Upon the request of the person tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him or his attorney.

5. No hospital, clinical laboratory, medical clinic, or similar medical institution or physician, certified paramedic, registered nurse, licensed practical nurse, *other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician* ~~duly licensed clinical laboratory technologist or clinical laboratory technician~~, or other person assisting a law enforcement officer shall incur any civil or criminal liability as a result of the withdrawal or analysis of a blood or urine specimen, or the chemical or physical test of a person's breath pursuant to accepted medical standards when requested by a law enforcement officer, regardless of whether or not the subject resisted administration of the test.

(2) The results of any test administered pursuant to this section for the purpose of detecting the presence of any controlled substance shall not be admissible as evidence in a criminal prosecution for the possession of a controlled substance.

(3) Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, information relating to the alcoholic content of the blood or breath or the presence of chemical substances or controlled substances in the blood obtained pursuant to this section shall be released to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with an alleged violation of s. 316.193 upon request for such information.

Section 4. Subsections (1) and (2) of section 316.1933, Florida Statutes, are amended to read:

316.1933 Blood test for impairment or intoxication in cases of death or serious bodily injury; right to use reasonable force.—

(1) Notwithstanding any recognized ability to refuse to submit to the tests provided in s. 316.1932 or any recognized power to revoke the implied consent to such tests, if a law enforcement officer has probable cause to believe that a motor vehicle driven by or in the actual physical control of a person under the influence of alcoholic beverages, any chemical substances, or any controlled substances has caused the death or serious bodily injury of a human being, such person shall submit, upon the request of a law enforcement officer, to a test of his blood for the purpose of determining the alcoholic content thereof or the presence of chemical substances as set forth in s. 877.111 or any substance controlled under chapter 893. The law enforcement officer may use reasonable force if necessary to require such person to submit to the administration of the blood test. The blood test shall be performed in a reasonable manner. The term "serious bodily injury" means an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(2)(a) Only a physician, certified paramedic, registered nurse, licensed practical nurse, *other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician or duly licensed clinical laboratory technologist or clinical laboratory technician*, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining the alcoholic content thereof or the presence of chemical substances or controlled substances therein. However, the failure of a law enforcement officer to request the withdrawal of blood shall not affect the admissibility of a test of blood withdrawn for medical purposes.

(b) A chemical analysis of the person's blood to determine the alcoholic content thereof must have been performed substantially in accordance with methods approved by the Department of Health and Rehabilitative Services and by an individual possessing a valid permit issued by the department for this purpose. The Department of Health and Rehabilitative Services may approve satisfactory techniques or methods, ascertain the qualifications and competence of individuals to conduct such analyses, and issue permits which will be subject to termination or revocation at the discretion of the department.

(c) No hospital, clinical laboratory, medical clinic, or similar medical institution or physician, certified paramedic, registered nurse, licensed practical nurse, *other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician duly licensed clinical laboratory technologist or clinical laboratory technician*, or other person assisting a law enforcement officer shall incur any civil or criminal liability as a result of the withdrawal or analysis of a blood specimen pursuant to accepted medical standards when requested by a law enforcement officer, regardless of whether or not the subject resisted administration of the test.

Section 5. Subsections (1) and (2) of section 316.1934, Florida Statutes, are amended, subsection (5) is renumbered as subsection (6), and a new subsection (5) is added to said section, to read:

316.1934 Presumption of impairment; testing methods.—

(1) It is unlawful and punishable as provided in chapter 322 and in s. 316.193 for any person who is under the influence of alcoholic beverages or controlled substances, when affected to the extent that his normal faculties are impaired, to drive or be in actual physical control of any motor vehicle within this state. *Such normal faculties include, but are not limited to, the ability to see, hear, walk, talk, judge distances, drive an automobile, make judgments, act in emergencies, and, in general, normally perform the many mental and physical acts of daily life.*

(2) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving, or in actual physical control of, a vehicle while under the influence of alcoholic beverages or controlled substances, when affected to the extent that his normal faculties were impaired or to the extent that he was deprived of full possession of his normal faculties, the results of any test administered in accordance with s. 316.1932 or s. 316.1933 and this section shall be admissible into evidence when otherwise admissible, and the amount of alcohol in the person's blood *or breath* at the time alleged, as shown by chemical analysis of the person's blood, or by chemical or physical test of the person's breath, shall give rise to the following presumptions:

(a) If there was at that time 0.05 percent or less by weight of alcohol in the person's blood *or breath*, it shall be presumed that the person was not under the influence of alcoholic beverages to the extent that his normal faculties were impaired.

(b) If there was at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood *or breath*, such fact shall not give rise to any presumption that the person was or was not under the influence of alcoholic beverages to the extent that his normal faculties were impaired, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcoholic beverages to the extent that his normal faculties were impaired.

(c) If there was at that time 0.10 percent or more by weight of alcohol in the person's blood *or breath*, that fact shall be prima facie evidence that the person was under the influence of alcoholic beverages to the extent that his normal faculties were impaired. Moreover, such person who has a blood *or breath* alcohol level of 0.10 percent or above is guilty of driving, or being in actual physical control of, a motor vehicle, with an unlawful blood *or breath* alcohol level.

~~The presumptions provided in The percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 milliliters of blood.~~ the foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of alcoholic beverages to the extent that his normal faculties were impaired.

(5) *An affidavit containing the results of any test of a person's blood or breath to determine its alcohol content, as authorized by s. 316.1932 or s. 316.1933, shall be admissible in evidence under the exception to the hearsay rule in s. 90.803(8) for public records and reports. Such affidavit shall be admissible without further authentication and shall be presumptive proof of the results of an authorized test to determine alcohol content of the blood or breath if the affidavit discloses:*

(a) *The type of test administered and the procedures followed;*

(b) *The time of the collection of the blood or breath sample analyzed;*

(c) *The numerical results of the test indicating the alcohol content of the blood or breath;*

(d) *The type and status of any permit issued by the Department of Health and Rehabilitative Services that was held by the person who performed the test; and*

(e) *If the test was administered by means of a breath testing instrument, the date of performance of the most recent required maintenance on such instrument.*

*The Department of Health and Rehabilitative Services shall provide a form for the affidavit. Admissibility of the affidavit shall not abrogate the right of the person tested to subpoena the person who administered the test for examination as an adverse witness at a civil or criminal trial or other proceeding.*

Section 6. Section 316.1939, Florida Statutes, is created to read:

316.1939 Seizure and forfeiture of vehicles involved in certain driving under the influence offenses.—

(1) A vehicle used in the course of any offense resulting in a conviction as specified in this subsection may be seized by a law enforcement agency and shall be subject to forfeiture pursuant to the forfeiture procedures contained in ss. 932.703-932.704, if such vehicle is owned by the defendant at the time of the offense:

(a) A third conviction for violation of s. 316.193 within a period of 10 years from the date of a prior conviction for violation of s. 316.193.

(b) A fourth or subsequent conviction for a violation of s. 316.193.

(c) A conviction for a felony violation of s. 316.193 resulting in the death of any person.

For the purposes of this paragraph, a previous conviction for the violation of former s. 316.1931, former s. 860.01, or former s. 316.028, or a previous conviction outside this state for any alcohol-related or drug-related traffic offense substantially similar to s. 316.193, shall also be considered a previous conviction for violation of s. 316.193.

(2) Prior to ordering any forfeiture under this section, the court shall consider the hardship which forfeiture would impose on the owner's family, and the vehicle may not be forfeited if there is no other means available to the owner's family for necessary travel.

Section 7. Section 316.656, Florida Statutes, is amended to read:

316.656 Mandatory adjudication; prohibition against accepting plea to lesser included offense.—

(1) Notwithstanding the provisions of s. 948.01, no court may suspend, defer, or withhold adjudication of guilt or imposition of sentence for any violation of s. 316.193, for manslaughter resulting from the operation of a motor vehicle, or for vehicular homicide.

(2)(a) No trial judge may accept a plea of guilty to a lesser offense from a person charged under the provisions of this act who has been given a breath or blood test to determine blood *or breath* alcohol content, the results of which show a blood *or breath* alcohol content by weight of 0.20 percent or more.

(b) No trial judge may accept a plea of guilty to a lesser offense from a person charged with a violation of s. 316.193(3), manslaughter resulting from the operation of a motor vehicle, or vehicular homicide.

Section 8. Section 322.291, Florida Statutes, is amended to read:

322.291 Driver improvement schools; required in certain suspension and revocation cases.—Except as provided in s. 322.03(1)(b), any person:

(1) Whose driving privilege has been revoked:

(a) Upon conviction for:

1. Driving, or being in actual physical control of, any vehicle while under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, in violation of s. 316.193; or

2. Driving with an unlawful blood or breath alcohol level; or

(b) As a habitual offender; or

(2) Whose license was suspended under the point system

shall, before the driving privilege may be reinstated, in addition to passing the complete driver's license examination, present to the department proof of enrollment in a department-approved driver training or substance abuse education course. If the person fails to complete such course within 90 days after reinstatement, the driver's license shall be canceled by the department until such course is successfully completed.

Section 9. Subsections (1) and (4) of section 327.35, Florida Statutes, are amended to read:

327.35 Operating vessel while under the influence of alcoholic beverages, chemical substances, or controlled substances; penalties.—

(1) It is unlawful and punishable as provided in subsection (2) for:

(a) Any person who is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that his normal faculties are impaired, to operate a vessel on the waters of this state; or

(b) Any person with a blood or breath alcohol level of 0.10 percent or above to operate a vessel within this state.

(4) With respect to any person convicted of a violation of subsection (1), regardless of any penalty imposed pursuant to subsection (2):

(a) For the first conviction for violation of this section, the court shall order the defendant to participate in public service or a community work project for a minimum of 50 hours.

(b)1. For the second conviction within a period of 3 years from the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 10 days.

2. For the second conviction within a period of 10 years from the date of a prior conviction for violation of this section, the court shall inform the defendant that any subsequent conviction within 10 years from the date of the prior conviction may result in forfeiture of the vessel involved in the offense, if such vessel is owned by the defendant at the time of the offense. However, failure to provide such notice shall not prohibit the forfeiture of a vessel involved in a subsequent offense.

(c)1. For the third conviction within a period of 5 years from the date of a prior conviction for violation of this section, the court shall order imprisonment for not less than 30 days.

2. For the third conviction within a period of 10 years from the date of a prior conviction for violation of this section, the vessel used in violation of this section may be seized by a law enforcement agency and shall be subject to forfeiture pursuant to the forfeiture procedures contained in ss. 932.703-932.704, if such vessel is owned by the defendant at the time of the offense. However, the court shall consider any hardship which would be imposed on the owner's family, and such vessel may not be forfeited if forfeiture would cause undue hardship to the owner's family.

(d) For a fourth or subsequent conviction for violation of this section, the vessel used in violation of this section may be seized by a law enforcement agency and shall be subject to forfeiture pursuant to the forfeiture procedures contained in ss. 932.703-932.704, if such vessel is

owned by the defendant at the time of the offense. However, the court shall consider any hardship which would be imposed on the owner's family, and such vessel may not be forfeited if forfeiture would cause undue hardship to the owner's family.

Section 10. Subsection (1) of section 327.352, Florida Statutes, is amended to read:

327.352 Tests for impairment or intoxication; right to refuse.—

(1)(a) The Legislature declares that the operation of a vessel is a privilege that must be exercised in a reasonable manner. In order to protect the public health and safety, it is essential that a lawful and effective means of reducing the incidence of boating while impaired or intoxicated be established.

(b) Any person who operates a vessel within this state shall submit to an approved chemical breath test or physical test, including, but not limited to, an infrared light test to determine the alcoholic content of the blood or breath and to a urine test to detect the presence of controlled substances, if that person is lawfully arrested for any offense allegedly committed while he was operating a vessel while under the influence of alcoholic beverages or controlled substances. The chemical or physical breath test shall be incidental to a lawful arrest and administered at the request of a law enforcement officer who has probable cause to believe such person was operating the vessel within this state while under the influence of alcoholic beverages. The urine test shall be incidental to a lawful arrest and administered at a detention facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has probable cause to believe such person was operating a vessel within this state while under the influence of controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of either test shall not preclude the administration of the other test. The person shall be told that his failure to submit to a breath test or a urine test, or both, will result in a civil penalty of \$500. The refusal to submit to a chemical or physical breath or urine test upon the request of a law enforcement officer as provided in this section shall be admissible into evidence in any criminal proceeding.

(c) If the arresting officer does not request a chemical or physical breath test of the person arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages or controlled substances, such person may request the arresting officer to have a chemical or physical test made of the arrested person's breath, or a test of the urine or blood for the purpose of determining the alcoholic content of the person's blood or breath or the presence of controlled substances; and, if so requested, the arresting officer shall have the test performed.

(d) The provisions of s. 316.1932(1)(f), relating to administration of tests for determining the weight of alcohol in the defendant's blood or breath, additional tests at the defendant's expense, availability of test information to the defendant or the defendant's attorney, and liability of medical institutions and persons administering such tests are incorporated into this act.

Section 11. Section 327.354, Florida Statutes, is amended to read:

327.354 Presumption of impairment; testing methods.—

(1) It is unlawful and punishable as provided in s. 327.35 for any person who is under the influence of alcoholic beverages or controlled substances, when affected to the extent that his normal faculties are impaired, to operate a vessel on the waters of this state.

(2) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while operating a vessel while under the influence of alcoholic beverages or controlled substances, when affected to the extent that his normal faculties were impaired or to the extent that he was deprived of full possession of his normal faculties, the results of any test administered in accordance with s. 327.352 or s. 327.353 and this section shall be admissible into evidence when otherwise admissible, and the amount of alcohol in the person's blood or breath at the time alleged, as shown by chemical analysis of the person's blood or by chemical or physical test of the person's breath, shall give rise to the following presumptions:

(a) If there was at that time 0.05 percent or less by weight of alcohol in the person's blood *or breath*, it shall be presumed that the person was not under the influence of alcoholic beverages to the extent that his normal faculties were impaired.

(b) If there was at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood *or breath*, such fact shall not give rise to any presumption that the person was or was not under the influence of alcoholic beverages to the extent that his normal faculties were impaired, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcoholic beverages to the extent that his normal faculties were impaired.

(c) If there was at that time 0.10 percent or more by weight of alcohol in the person's blood *or breath*, that fact shall be prima facie evidence that the person was under the influence of alcoholic beverages to the extent that his normal faculties were impaired.

The percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 milliliters of blood *when analyzing blood or grams of alcohol per 210 liters of breath when analyzing breath*. The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was under the influence of alcoholic beverages to the extent that his normal faculties were impaired.

(3) A chemical analysis of a person's blood to determine its alcoholic content or a chemical or physical analysis of a person's breath, in order to be considered valid under the provisions of this section, must have been performed substantially in accordance with methods approved by the Department of Health and Rehabilitative Services and by an individual possessing a valid permit issued by the department for this purpose. Any insubstantial differences between approved techniques and actual testing procedures in an individual case shall not render the test or test results invalid. The Department of Health and Rehabilitative Services may approve satisfactory techniques or methods, ascertain the qualification and competence of individuals to conduct such analyses, and issue permits which shall be subject to termination or revocation in accordance with rules adopted by the department.

(4) Any person charged with operating a vessel while under the influence of alcoholic beverages or controlled substances to the extent that his normal faculties were impaired, whether in a municipality or not, shall be entitled to trial by jury according to the Florida Rules of Criminal Procedure.

Section 12. Paragraph (a) of subsection (2) of section 327.36, Florida Statutes is amended to read:

327.36 Mandatory adjudication; prohibition against accepting plea to lesser included offense.—

(2)(a) No trial judge may accept a plea of guilty to a lesser offense from a person who is charged with a violation of s. 327.351, manslaughter resulting from the operation of a vessel, or vessel homicide and who has been given a breath or blood test to determine blood *or breath* alcohol content, the results of which show a blood *or breath* alcohol content by weight of .20 percent or more.

Section 13. For the purpose of incorporating the amendments to sections 316.193, 316.1932, 316.1933, 316.1934, and 327.35, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

322.03 Operators and chauffeurs must be licensed; penalties.—

(2) Prior to issuing a driver's license, the department shall require any person who has been convicted two or more times of a violation of s. 316.193 or of a substantially similar alcohol-related or drug-related offense outside this state within the preceding 5 years, or who has been convicted of three or more such offenses within the preceding 10 years, to present proof of successful completion of or enrollment in a department-approved substance abuse education course. If the person fails to complete such education course within 90 days after issuance, the department shall cancel the license. Further, prior to issuing the driver's license the department shall require such person to present proof of financial responsibility as provided in s. 324.031. For the purposes of this paragraph, a previous conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 shall be considered a previous conviction for violation of s. 316.193.

322.264 "Habitual traffic offender" defined.—A "habitual traffic offender" is any person whose record, as maintained by the Department of Highway Safety and Motor Vehicles, shows that such person has accumulated the specified number of convictions for offenses described in subsection (1) or subsection (2) within a 5-year period:

(1) Three or more convictions of any one or more of the following offenses arising out of separate acts:

(a) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle;

(b) Any violation of s. 316.193, former s. 316.1931, or former s. 860.01;

(c) Any felony in the commission of which a motor vehicle is used;

(d) Driving a motor vehicle while his license is suspended or revoked;

(e) Failing to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another; or

(f) Driving a commercial motor vehicle while his privilege is disqualified.

(2) Fifteen convictions for moving traffic offenses for which points may be assessed as set forth in s. 322.27, including those offenses in subsection (1).

Any violation of any federal law, any law of another state or country, or any valid ordinance of a municipality or county of another state substantially conforming to a statutory prohibition specified in subsection (1) or subsection (2) shall be counted as a violation of such prohibition. In computing the number of convictions, all convictions during the 5 years previous to July 1, 1972, will be used, provided at least one conviction occurs after that date. The fact that previous convictions may have resulted in suspension, revocation, or disqualification under another section does not exempt them from being used for suspension or revocation under this section as a habitual offender.

322.271 Authority to modify revocation, cancellation, or suspension order.—

(2)(a) Upon such hearing, the person whose license has been suspended, canceled, or revoked may show that such suspension, cancellation, or revocation of his license causes a serious hardship and precludes his carrying out his normal business occupation, trade, or employment and that the use of his license in the normal course of his business is necessary to the proper support of himself or his family. Except as otherwise provided in this subsection, the department shall require proof of the successful completion of an approved driver training or substance abuse education course and may require letters of recommendation from respected businessmen in the community, law enforcement officers, or judicial officers in determining whether such person should be permitted to operate a motor vehicle on a restricted basis for business or employment use only and in determining whether such person can be trusted to so operate a motor vehicle. If a driver's license has been suspended under the point system or pursuant to s. 322.2615, the department shall require proof of enrollment in an approved driver training course or substance abuse education course, and may require the letters of recommendation described in this subsection to determine if the driver should be reinstated on a restricted basis; if such person fails to complete the approved course within 90 days after reinstatement, the department shall cancel his driver's license until the course is successfully completed. The privilege of driving on a limited or restricted basis for business or employment use shall not be granted to a person who has been convicted of a violation of s. 316.193 until completion of such education or training course. Except as provided in paragraph (b), the privilege of driving on a limited or restricted basis for business or employment use shall not be granted to a person whose license is revoked pursuant to s. 322.28 or suspended pursuant to s. 322.2615 and who has been convicted of a violation of s. 316.193 two or more times or whose license has been suspended two or more times for refusal to submit to a test pursuant to s. 322.2615 or former s. 322.261.

322.28 Period of suspension or revocation.—

(2) In a prosecution for a violation of s. 316.193 or former s. 316.1931, the following provisions apply:

(a) Upon conviction of the driver, the court, along with imposing sentence, shall revoke the driver's license or driving privilege of the person so convicted and shall prescribe the period of such revocation in accordance with the following provisions:

1. Upon a first conviction for a violation of the provisions of s. 316.193, except a violation resulting in death, the driver's license or driving privilege shall be revoked for not less than 180 days or more than 1 year.

2. Upon a second conviction within a period of 5 years from the date of a prior conviction for a violation of the provisions of s. 316.193 or former s. 316.1931 or a combination of such sections, the driver's license or driving privilege shall be revoked for not less than 5 years.

3. Upon a third conviction within a period of 10 years from the date of conviction of the first of three or more convictions for the violation of the provisions of s. 316.193 or former s. 316.1931 or a combination of such sections, the driver's license or driving privilege shall be revoked for not less than 10 years.

For the purposes of this paragraph, a previous conviction outside this state for a violation of any alcohol-related or drug-related traffic offense substantially similar to the offense of driving under the influence as proscribed by s. 316.193 will be considered a previous conviction for violation of s. 316.193, and a conviction for violation of former s. 316.028, former s. 316.1931, or former s. 860.01 is considered a conviction for violation of s. 316.193.

(e) The court shall permanently revoke the driver's license or driving privilege of a person who has been convicted four times for violation of s. 316.193 or former s. 316.1931 or a combination of such sections or a person who has been convicted of manslaughter resulting from the operation of a motor vehicle or vehicular homicide and who has been convicted of a violation of s. 316.193 or former s. 316.1931. If the court has not permanently revoked such license or privilege within 30 days after imposing sentence, the department shall permanently revoke the license or privilege pursuant to this paragraph. No driver's license or driving privilege may be issued or granted to any such person. This paragraph applies only if at least one of the convictions for violation of s. 316.193 or former s. 316.1931 was for a violation that occurred after July 1, 1982. For the purposes of this paragraph, a conviction for violation of former s. 316.026, former s. 316.1931, or former s. 860.01 is also considered a conviction for violation of s. 316.193. Also, a conviction of any substantially similar traffic offense outside this state is considered a conviction for the purposes of this paragraph.

(5)(a) Upon a conviction for a violation of s. 316.193(3), a conviction of manslaughter resulting from the operation of a motor vehicle, or a conviction of vehicular homicide, the court shall revoke the driver's license of the person convicted for a minimum period of 3 years if death to any other person resulted from the operation of a motor vehicle by such driver.

322.282 Procedure when court revokes or suspends license or driving privilege and orders reinstatement.—When a court suspends or revokes a person's license or driving privilege and, in its discretion, orders reinstatement as provided by s. 322.28(2)(d) or former s. 322.261(5):

(2)(a) The court shall issue an order of reinstatement, on a form to be furnished by the department, which the person may take to any driver's license examining office. The department shall issue a temporary driver's permit to a licensee who presents the court's order of reinstatement, proof of completion of a department-approved driver training or substance abuse education course, and a written request for a hearing under s. 322.271. The permit shall not be issued if a record check by the department shows that the person has previously been convicted for a violation of s. 316.193, former s. 316.1931, former s. 316.028, former s. 860.01, or any substantially similar alcohol-related or drug-related traffic offense outside the state; that the person's driving privilege has been previously suspended for refusal to submit to a lawful test of breath, blood, or urine; or that the person is otherwise not entitled to issuance of a driver's license. This paragraph shall not be construed to prevent the reinstatement of a license or driving privilege that is presently suspended for refusal to submit to a breath, urine, or blood test and is also revoked for a conviction for a violation of s. 316.193 or former s. 316.1931, if the suspension and revocation arise out of the same incident.

327.351 Operation of a vessel while intoxicated; punishment.—

(1) It is unlawful for any person, while in an intoxicated condition or under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893 to the extent that his normal faculties are impaired, to operate on the waters of this state any vessel. Any person convicted of a violation of this section

shall be punished as provided in s. 327.35. For the purposes of this subsection, a previous conviction under s. 327.35 shall also be considered a previous conviction for violation of this subsection.

(2) If, however, damage to the property or person of another, other than damage resulting in the death of any person, is done by such intoxicated person under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893 to the extent that his normal faculties are impaired, by reason of the operation of any vessel mentioned herein, such person is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, but the penalty imposed for a violation of this subsection shall be not less than the penalty provided under s. 327.35; and, if the death of any human being is caused by the operation of a vessel by any person while so intoxicated, such person shall be deemed guilty of manslaughter and on conviction shall be punished as provided by existing law relating to manslaughter.

327.3521 Penalty for failure to submit to test.—

(1) A person who is lawfully arrested for an alleged violation of s. 327.35 and who refuses to submit to a breath test or urine test pursuant to s. 327.352 is subject to a civil penalty of \$500.

(2) When a person refuses to submit to a breath test or urine test pursuant to s. 327.352, a law enforcement officer who is authorized to make arrests for violations of this chapter shall file with the clerk of the court, on a form provided by the department, a certified statement that probable cause existed to arrest the person for a violation of s. 327.35 and that the person refused to submit to a test as required by s. 327.352.

327.353 Blood test for impairment or intoxication in cases of death or serious bodily injury; right to use reasonable force.—

(1)(a) Notwithstanding any recognized ability to refuse to submit to the tests provided in s. 327.352, if a law enforcement officer has probable cause to believe that a vessel operated by a person under the influence of alcoholic beverages or controlled substances has caused the death or serious bodily injury of any human being, including the operator of the vessel, such person shall submit, upon the request of a law enforcement officer, to a test of his blood for the purpose of determining the alcoholic content thereof or the presence of controlled substances therein. The law enforcement officer may use reasonable force if necessary to require such person to submit to the administration of the blood test. The blood test shall be performed in a reasonable manner.

(b) The term "serious bodily injury" means a physical condition which creates a substantial risk of death; serious, personal disfigurement; or protracted loss or impairment of the function of any bodily member or organ.

(2) The provision of s. 316.1933(2), relating to blood tests for impairment or intoxication, are incorporated into this act.

(3)(a) Any criminal charge resulting from the incident giving rise to the officer's demand for testing should be tried concurrently with a charge of any violation arising out of the court. If such charges are tried separately, the fact that such person refused, resisted, obstructed, or opposed testing shall be admissible at the trial of the criminal offense which gave rise to the demand for testing.

(b) The results of any test administered pursuant to this section for the purpose of detecting the presence of any controlled substance shall not be admissible as evidence in a criminal prosecution for the possession of a controlled substance.

(4) Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, information obtained pursuant to this section shall be released to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with an alleged violation of s. 327.35 or s. 327.351 upon request for such information.

Section 14. Subsection (8) of section 90.803, Florida Statutes, 1990 Supplement, is amended to read:

90.803 Hearsay exceptions; availability of declarant immaterial.—The provision of s. 90.802 to the contrary notwithstanding, the following are not inadmissible as evidence, even though the declarant is available as a witness:

(8) PUBLIC RECORDS AND REPORTS.—Records, reports, statements reduced to writing, or data compilations, in any form, of public offices or agencies, setting forth the activities of the office or agency, or matters observed pursuant to duty imposed by law as to matters which there was a duty to report, excluding in criminal cases matters observed by a police officer or other law enforcement personnel, unless the sources of information or other circumstances show their lack of trustworthiness. *The criminal case exclusion shall not apply to an affidavit otherwise admissible under s. 316.1934(5).*

Section 15. Subsection (3) is added to section 316.062, Florida Statutes, 1990 Supplement, to read:

316.062 Duty to give information and render aid.—

(3) *The statutory duty of a person to make a report or give information to a law enforcement officer making a written report relating to an accident shall not be construed as extending to information which would violate the privilege of such person against self-incrimination.*

Section 16. Subsection (4) of section 316.066, Florida Statutes, 1990 Supplement, is amended to read:

316.066 Written reports of accidents.—

(4) Except as specified in this subsection, each accident report made by a person involved in an accident and any statement made by such person to a law enforcement officer for the purpose of completing an accident report required by this section shall be without prejudice to the individual so reporting. No such report or statement shall be used as evidence in any trial, civil or criminal. *However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the accident if that person's privilege against self-incrimination is not violated.* The results of breath, urine, and blood tests administered as provided in s. 316.1932 or s. 316.1933 are not confidential and shall be admissible into evidence in accordance with the provisions of s. 316.1934(2). Accident reports made by persons involved in accidents shall not be used for commercial solicitation purposes; provided, however, that use of an accident report for purposes of publication in a newspaper or other news periodical or a radio or television broadcast shall not be construed as "commercial purpose."

Section 17. Paragraph (b) of subsection (1) of section 324.051, Florida Statutes, 1990 Supplement, is amended to read:

324.051 Reports of accidents; suspensions of licenses and registrations.—

(1)

(b) The department is hereby further authorized to require reports of accidents from individual owners or operators whenever it deems it necessary for the proper administration of this chapter, and these reports shall be made without prejudice except as specified in this subsection. No such report shall be used as evidence in any trial arising out of an accident. *However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the accident if that person's privilege against self-incrimination is not violated.*

Section 18. Paragraph (d) of subsection (2) of section 316.1937, Florida Statutes, 1990 Supplement, is amended to read:

316.1937 Ignition interlock devices, requiring; unlawful acts.—

(2) If the court imposes the use of an ignition interlock device as a condition of probation, the court shall:

(d) Determine the probationer's ability to pay for installation of the device if the probationer claims inability to pay. *If the court determines that the probationer is unable to pay for installation of the device, the court may order that any portion of a fine paid by the probationer for a violation of s. 316.193 shall be allocated to defray the costs of installing the device.*

Section 19. This act shall take effect October 1, 1991, and shall apply to offenses committed on or after that date.

**Amendment 6**—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to criminal offenses; amending s. 316.1935, F.S.; increasing the penalty for fleeing or attempt-

ing to elude a police officer; amending s. 316.193, F.S.; providing that driving with a specified breath alcohol level constitutes driving under the influence; providing minimum fines; requiring certain notice to the defendant; amending s. 316.1932, F.S.; specifying the basis for determining the percent of alcohol in blood or breath; expanding implied consent for blood tests; specifying persons who may withdraw blood for blood test purposes; providing for release of breath test information; amending s. 316.1933, F.S.; specifying persons who may withdraw blood; amending s. 316.1934, F.S.; defining "normal faculties"; providing admissibility of breath tests; specifying presumptions relating to impairment; providing for admissibility of an affidavit containing the results of a blood or breath test in specified circumstances; creating s. 316.1939, F.S.; providing for seizure and forfeiture of vehicles involved in certain cases of driving under the influence; providing exceptions; amending s. 327.35, F.S.; providing that operating a vessel with a specified breath alcohol level constitutes operating a vessel under the influence; requiring certain notice to the defendant; providing for seizure and forfeiture of vessels involved in certain cases of operating a vessel under the influence; amending s. 327.352, F.S., relating to tests for impairment or intoxication with respect to operating a vessel under the influence, to conform; amending s. 327.354, F.S.; providing admissibility of breath tests; specifying presumptions relating to impairment; specifying the basis for determining the percent of alcohol in blood or breath; amending ss. 316.656, 322.291, and 327.36, F.S., to conform; reenacting ss. 322.03(2), 322.264, 322.271(2)(a), 322.28(2)(a) and (e) and (5)(a), 322.282(2)(a), 327.351(1) and (2), 327.352(1) and (2), and 327.353, F.S., relating to accident reports, driver's licenses, and operation of a vessel while intoxicated, to incorporate the amendments to ss. 316.193, 316.1932, 316.1933, 316.1934, and 327.35, F.S., in references thereto; amending s. 90.803, F.S.; providing for admissibility of an affidavit containing the results of a blood or breath test notwithstanding the hearsay rule; amending s. 316.062, F.S.; providing that the duty of a person to give information regarding an accident to a law enforcement officer does not extend to information that would incriminate the person; amending ss. 316.066 and 324.051, F.S.; providing circumstances under which a law enforcement officer may testify as to statements made to him relating to accidents; amending s. 316.1937, F.S.; providing for defraying costs of installing ignition interlock devices, for probationers unable to pay therefor, from allocation of fines; providing an effective date.

#### CS for SB 130

Senator Souto moved the following amendments which were adopted:

**Amendment 1**—On page 2, strike all of lines 10 and 11 and insert:

Section 3. Section 321.061, Florida Statutes, is created to read:

321.061 Disability leave.—

(1) A certified law enforcement officer employed by the Division of the Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, who, while within the course of his law enforcement duties, sustains a work-related disability shall be carried in full-pay status rather than be required to use sick, annual, or other leave. Full-pay status shall be granted only after submission to the employing agency's head of a medical report which provides a current diagnosis of the employee's disability and prognosis of recovery and ability to return to work. In no case shall the employee's salary and entitlement to any other state disability-related benefit exceed the amount of the employee's regular salary.

(2) For the purposes of this section the term "work-related disability" means an injury which has been inflicted by another, as a result of a motor vehicle accident, or as a result of exposure to toxic agents.

(3) Nothing contained in this section shall abridge the employer's right or ability to place a certified law enforcement officer entitled to disability leave under this section in a light duty capacity while in full-pay status.

Section 4. This act shall take effect upon becoming a law, except that section 3 shall take effect October 1, 1991.

**Amendment 2**—In title, on page 1, line 11, after the semicolon (;) insert: creating s. 321.061, F.S.; providing that certain law enforcement officers who sustain a work-related disability shall be carried on full-pay status under certain circumstances; providing a definition;

**Amendments 1 and 2** were reconsidered and withdrawn.

## CS for SB 180

Senator Grant moved the following amendments which were adopted:

**Amendment 1**—On page 9, between lines 12 and 13, insert:

Section 4. Section 213.053, Florida Statutes, 1990 Supplement, is amended to read:

213.053 Confidentiality and information sharing.—

(1) The provisions of this section apply to s. 125.0104, county government; s. 125.0108, tourist impact tax; chapter 198, estate taxes; chapter 199, intangible personal property taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; chapter 211, tax on severance and production of minerals; part I of chapter 212, tax on sales, use, and other transactions; chapter 214, administration of designated non-property taxes; chapter 220, income tax code; chapter 221, emergency excise tax; s. 370.07(3), Apalachicola Bay oyster surcharge; chapter 376, pollutant spill prevention and control; s. 403.718, waste tire fees; s. 403.7185, lead-acid battery fees; s. 403.7195, waste newsprint disposal fees; s. 538.09, registration of secondhand dealers; s. 538.25, registration of secondary metals recyclers; ss. 624.509-624.514, insurance code: administration and general provisions; and s. 681.117, motor vehicle warranty enforcement.

(2) Except as provided in subsections (3), (4), (5), (6), (7), (8), (9), (10), and (11), and (12), all information contained in returns, reports, accounts, or declarations received by the department, including investigative reports and information and including letters of technical advice, is confidential except for official purposes and is exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Any officer or employee, or former officer or employee, of the department who divulges any such information in any manner, except for such official purposes or in accordance with the provisions of subsection (3), subsection (4), subsection (5), subsection (6), subsection (7), subsection (8), subsection (9), subsection (10), or subsection (11), or subsection (12), is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, ~~or s. 775.084.~~

(3) The department shall permit a taxpayer, his authorized representative, or the personal representative of an estate to inspect the taxpayer's return and may furnish him an abstract of such return. A taxpayer may authorize the department in writing to divulge specific information concerning his account.

(4) Nothing contained in this section shall prevent the department from publishing statistics so classified as to prevent the identification of particular accounts, reports, declarations, or returns or prevent the department from disclosing to the Comptroller the names and addresses of those taxpayers who have claimed an exemption pursuant to s. 199.185(1)(h) or a deduction pursuant to s. 220.63(5).

(5) The department may make available to the Secretary of the Treasury of the United States or his delegate, the Commissioner of Internal Revenue of the United States or his delegate, the Secretary of the Department of the Interior of the United States or his delegate, or the proper officer of any state or his delegate, exclusively for official purposes, information to comply with any formal agreement for the mutual exchange of state information with the Internal Revenue Service of the United States, the Department of the Interior of the United States, or any state.

(6) Any information received by the Department of Revenue in connection with the administration of taxes, including, but not limited to, information contained in returns, reports, accounts, or declarations filed by persons subject to tax, shall be made available by the department to the Auditor General or his authorized agent, the Comptroller or his authorized agent, the Treasurer or his authorized agent, or a property appraiser or tax collector or their authorized agents pursuant to s. 195.084(1), in the performance of their official duties, or to designated employees of the Executive Office of the Governor solely for determination of each school district's price level index pursuant to s. 236.081(2); however, no information shall be disclosed to the Auditor General or his authorized agent, the Comptroller or his authorized agent, the Treasurer or his authorized agent, or to a property appraiser or tax collector or their authorized agents, or to designated employees of the Executive Office of the Governor if such disclosure is prohibited by federal law. The Auditor General or his authorized agent, the Comptroller or his authorized agent,

the Treasurer or his authorized agent, and the property appraiser or tax collector and their authorized agents, or designated employees of the Executive Office of the Governor shall be subject to the same requirements of confidentiality and the same penalties for violation of the requirements as the department. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. For the purpose of this subsection, "designated employees of the Executive Office of the Governor" means only those employees directly responsible for calculation of price level indices pursuant to s. 236.081(2). It does not include the supervisors of such employees or any other employees or elected officials within the Executive Office of the Governor.

(7) The provisions of this section apply to all sections of chapter 207, the Florida Special Fuel and Motor Fuel Use Tax Act of 1981, except for s. 207.025, exchange of information. However, nothing in this section shall prevent the department from providing information relative to chapter 211, chapter 376, or chapter 377 to the proper state agency in the conduct of its official duties, from providing information relative to the commencement of business activities of a foreign corporation to the Division of Corporations of the Department of State in the conduct of its official duties, or from providing information relative to chapter 212 to the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation in the conduct of its official duties or to the Department of Environmental Regulation, names and addresses only, in the conduct of its official duties, or from providing information relative to chapter 88-282, Laws of Florida, to the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business Regulation in the conduct of its official duties. Such state agencies shall be bound by the same requirements of confidentiality as the Department of Revenue. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

(8) The Department of Revenue shall provide returns, reports, accounts, or declarations received by the department, including investigative reports and information, or information contained in such documents, pursuant to an order of a judge of a court of competent jurisdiction or pursuant to a subpoena duces tecum only when the subpoena is:

(a) Issued by a state attorney, a United States attorney, or a court in a criminal investigation or a criminal judicial proceeding;

(b) Issued by a state or federal grand jury; or

(c) Issued by a state attorney, the Department of Legal Affairs, a United States attorney, or a court in the course of a civil investigation or a civil judicial proceeding under the state or federal racketeer influenced and corrupt organization act or under chapter 896.

(9)(a) Notwithstanding other provisions of this section, the department shall, subject to paragraph (c) and to the safeguards and limitations of paragraphs (b) and (d), disclose to the governing body of a municipality, a county, or a subcounty district levying a local option tax, or any state tax which is distributed to units of local government based upon place of collection, which the department is responsible for administering, names and addresses only of the taxpayers granted a certificate of registration pursuant to s. 212.18(3) who reside within or adjacent to the taxing boundaries of such municipality, county, or subcounty district when sufficient information is supplied by the municipality, the county, or subcounty district as the department by rule may prescribe, provided such governing bodies are following s. 212.18(3) relative to the denial of an occupational license after the department cancels a dealer's sales tax certificate of registration.

(b) Such information shall be disclosed only if the department receives an authenticated copy of a resolution adopted by the governing body requesting it.

(c) After receipt of such information, the governing body and its officers and employees are subject to the same requirements of confidentiality and the same penalties for violating confidentiality as the department and its employees. The resolution requesting such information shall provide assurance that the governing body and its officers and employees are aware of those requirements and of the penalties for their violation of such requirements, and the resolution shall describe the measures that will be put into effect to ensure such confidentiality. The officer of the department who is authorized to receive, consider, and act upon such requests shall, if satisfied that the assurances in the resolution are adequate to assure confidentiality, grant the request. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(10)(d) Nothing in this section ~~subsection~~ authorizes disclosure of any information prohibited by federal law from being disclosed.

(11)(10) Notwithstanding any other provision of this section, with respect to a request for verification of a certificate of registration issued pursuant to s. 212.18 to a specified dealer or taxpayer or with respect to a request by a law enforcement officer for verification of a certificate of registration issued pursuant to s. 538.09 to a specified secondhand dealer or pursuant to s. 538.25 to a specified secondary metals recycler, the department may disclose whether the specified person holds a valid certificate or whether a specified certificate number is valid and the name of the holder of such certificate. This subsection shall not be construed to create a duty to request verification of any certificate of registration.

(12)(11) The department may provide to a United States Trustee, or his designee, for any United States Bankruptcy Court, exclusively for official purposes in connection with administering a bankruptcy estate, information relating to payment or nonpayment of taxes imposed by any revenue law of this state by a trustee, debtor, or debtor in possession, including any amount paid or due.

(13) Any return, report, account, or declaration received by the department, including an investigative report and information, or information contained in such document, shall be made available by the department to the Department of Law Enforcement during joint investigations with the department under s. 943.04, without subpoena or court order. The Department of Law Enforcement is subject to the same requirements of confidentiality and the same penalties for violation of the requirements as the department. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 5. Subsection (2) of section 896.102, Florida Statutes, is amended to read:

896.102 Currency more than \$10,000 received in trade or business; report required; noncompliance penalties.—

(2) The Department of Revenue shall have the duty to enforce compliance with the provisions of subsection (1) and shall be the custodian of all information and documents filed pursuant to subsection (1). Such information and documents are ~~shall be~~ confidential; however, the information ~~is shall be~~ subject to disclosure pursuant to subpoena as provided in s. 213.053(8) or as otherwise provided in s. 213.053(12). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(Renumber subsequent section.)

**Amendment 2**—In title, on page 2, line 6, after the semicolon (;) insert: amending ss. 213.053, 896.102, F.S.; authorizing the department to release certain information and currency transaction reports to the Department of Law Enforcement without subpoena or court order; prohibiting disclosure of any information prohibited by federal law from being disclosed;

Senators Grant and Jenne offered the following amendments which were moved by Senator Grant and adopted:

**Amendment 3**—On page 9, between lines 12 and 13, insert:

Section 4. Subsection (8) of section 212.0505, Florida Statutes, 1990 Supplement, is amended to read:

212.0505 Taxation of unlawful sales, use, and other transactions involving medicinal drugs, cannabis, or controlled substances.—

(8) Two trust funds are created, known as the "Drug Abuse Education and Rehabilitation Trust Fund" and the "Drug Enforcement Trust Fund." The Drug Enforcement Trust Fund shall be administered by the Department of Revenue. Funds in the Drug Abuse Education and Rehabilitation Trust Fund shall be returned on a pro rata basis to the county where the tax was collected, for use at the discretion of the county for drug abuse education and rehabilitation purposes ~~administered at the discretion of the Legislature.~~

Section 5. Paragraph (c) of subsection (6) of section 212.20, Florida Statutes, 1990 Supplement, is amended to read:

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

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

(c) Fifty percent of the proceeds from the tax on controlled and other substances imposed pursuant to s. 212.0505 shall be transferred to the Drug Enforcement Trust Fund, and the remaining 50 percent shall be transferred to the Drug Abuse Education and Rehabilitation Trust Fund.

(Renumber subsequent section.)

**Amendment 4**—In title, on page 2, line 6, following the semicolon (;) insert: amending ss. 212.0505 and 212.20, F.S.; providing for return of a portion of the proceeds of the tax on unlawful sales of drugs and controlled substances to the county of collection and providing for use thereof;

**SB 182**

Senator Grant moved the following amendment which was adopted:

**Amendment 1**—On page 1, strike all of lines 11-24 and insert:

Section 1. Section 947.147, Florida Statutes, is created to read:

947.147 Victim restitution as condition of control release.—If the defendant is released under Control Release, any restitution ordered under s. 775.089 shall be a condition of such release. The Control Release Authority may revoke the offender's control release if the defendant fails to comply with such order. In determining whether to revoke control release, the Control Release Authority shall consider the defendant's employment status, earning ability, and financial resources; the willfulness of the defendant's failure to pay; and any other special circumstances that may have a bearing on the defendant's ability to pay.

Section 2. This act shall take effect July 1, 1991, or upon becoming a law, whichever occurs later.

**CS for SB 406**

Senator Jenne offered the following amendments which were moved by Senator Diaz-Balart and adopted:

**Amendment 1**—On page 3, lines 30 and 31, and on page 4, line 1, strike all of said lines and insert: ~~altered, within 10 days after completion of such repairs or alterations. In no event shall the boat or airplane remain in this state more than 90 days after the date of purchase.~~ This

**Amendment 2**—On page 8, strike all of lines 1-5 and insert:

Section 4. Subsection (11) is added to section 212.06, Florida Statutes, to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(11) In lieu of any other facts which may indicate commingling, any boat which remains in this state for more than an aggregate of 183 days in any 1-year period, except as provided in subsection (8) or s. 212.08(7)(t), shall be presumed to be commingled with the general mass of property of this state.

(Renumber subsequent section.)

**Amendment 3**—In title, on page 1, strike all of lines 5-12 and insert: ch. 212, F.S.; amending s. 212.05, F.S.; revising requirements and conditions relating to the tax exemption provided for boats and airplanes removed from the state after purchase; amending s. 212.08, F.S.; revising requirements and conditions relating to the tax exemption provided for boats temporarily docked in this state; amending s. 212.06, F.S.; providing a presumption with respect to when boats are considered commingled with the general mass of property of this state; providing an effective date.

Senator Childers offered the following amendment which was moved by Senator Diaz-Balart and adopted:

**Amendment 4**—On page 8, between lines 5 and 6, insert:

(bb) Community Cemeteries.—Also exempt is any nonprofit corporation that has qualified under s. 501(c)(3) of the Internal Revenue Code and that is operated for the purpose of maintaining a cemetery that has been left to the community by deed. This exemption shall apply to taxes on sales, use, motor fuels, special fuels, and utilities taxes.

## CS for SB's 508 and 514

Senator Davis moved the following amendments which were adopted:

**Amendment 1**—On page 1, strike all of lines 19 and 20 and insert:

Section 1. Subsections (2) and (7) of section 775.15, Florida Statutes, 1990 Supplement, are amended to read:

**Amendment 2**—On page 1, between lines 21 and 22, insert:

(2) Except as otherwise provided in this section, prosecutions for other offenses are subject to the following periods of limitation:

(a) A prosecution for a felony of the first degree must be commenced within 4 years after it is committed, *except that a prosecution for a violation of s. 794.041(2)(b) or, if the victim is under the age of 18 years at the time of the offense, a prosecution for a violation of s. 794.011(4) must be commenced within 8 years after it is committed.*

(b) A prosecution for any other felony must be commenced within 3 years after it is committed, *except that a prosecution for a violation of s. 794.041(2)(a), s. 794.05, s. 826.04, s. 827.071(2), s. 827.071(3), or, if the victim is under the age of 18 years at the time of the offense, a violation of s. 794.011(5) or s. 800.04 must be commenced within 8 years after it is committed.*

(c) A prosecution for a misdemeanor of the first degree must be commenced within 2 years after it is committed.

(d) A prosecution for a misdemeanor of the second degree or a noncriminal violation must be commenced within 1 year after it is committed.

(e) A prosecution for a violation of chapter 517 must be commenced within 5 years after the violation is committed.

(f) A prosecution for a felony violation of chapter 403 must be commenced within 5 years after the date of discovery of the violation.

**Amendment 3**—On page 1, line 24, after "16" insert: *at the time of the offense*

**Amendment 4**—On page 1, line 27, after "governmental agency" insert: *authorized by law to receive allegations of child abuse*

## CS for SB 518

Senator Dantzer moved the following amendments which were adopted:

**Amendment 1**—On page 22, line 22, strike "10" and insert: 30

**Amendment 2**—On page 22, between lines 20 and 21, insert:

(13)(a) Any person cited for a violation of the license requirements of subsection (1) or the stamp requirements of s. 370.1111(1)(a) or s. 370.14(11)(a) is guilty of a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is \$50 ~~to \$75~~, in addition to the cost of the amount of the annual license fee or stamp involved in the infraction, except as otherwise provided in this section. *The civil penalty for any other noncriminal infraction shall be \$50, except as otherwise provided in this section.*

(d) Any person charged with a noncriminal infraction under this section may:

1. Pay the civil penalty, either by mail or in person, within 30 ~~40~~ days after the date of receiving the citation; or

2. If he has posted bond, forfeit bond by not appearing at the designated time and location.

If the person cited follows either procedure prescribed in this paragraph, he has admitted the infraction and waives his right to a hearing on the issue of commission of the infraction. Such admission may not be used as evidence in any other proceedings.

**Amendment 3**—On page 19, line 1, after the comma (,) insert: paragraph (a) and paragraph (d) are amended,

## SB 644

The Committee on Natural Resources and Conservation recommended the following amendment which was moved by Senator Kirkpatrick:

**Amendment 1**—On page 2, line 30, insert:

Section 4. Section 216.331, Florida Statutes, is amended to read:

216.331 Disbursement of state moneys.—Except as provided in s. 17.076, s. 253.025(15), s. 717.124(3), s. 732.107(6), or s. 733.816(5), all moneys in the State Treasury shall be disbursed by state warrant, drawn by the Comptroller upon the State Treasury and payable to the ultimate beneficiary.

(Renumber subsequent sections.)

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

**Amendment 1A**—On page 1, line 19, after "beneficiary." insert: *This authorization shall include electronic disbursement*

**Amendment 1** as amended was adopted.

The Committee on Natural Resources and Conservation recommended the following amendments which were moved by Senator Kirkpatrick and adopted:

**Amendment 2**—On page 3, strike all of lines 1-3 and insert:

Section 4. Paragraph (c) of subsection (7) of section 253.025, Florida Statutes, 1990 Supplement, is amended and subsection (15) is added to said section to read:

**Amendment 3**—On page 4, between lines 2 and 3, insert:

(15) *The Division of State Lands is authorized to request disbursement of payments for real estate closings in accordance with a written authorization from an ultimate beneficiary to allow a third party authorized by law to receive such payment provided the Comptroller determines that such disbursement is consistent with good business practices and can be completed in a manner minimizing costs and risks to the state.*

**Amendment 4**—In title, on page 1, strike all of lines 16-19 and insert: survey corners; amending s. 216.331, F.S.; adding an exception for disbursement of state moneys; amending s. 253.025, F.S.; requiring a certified land survey to be made prior to the acquisition of lands by the state; authorizing the distribution of state funds for real estate closings in a certain manner;

Senator Kirkpatrick moved the following amendments which were adopted:

**Amendment 5**—On page 6, between lines 2 and 3, insert:

Section 6. Paragraph (a) of subsection (3) of section 286.23, Florida Statutes, is amended to read:

286.23 Real property conveyed to public agency; disclosure of beneficial interests; notice; exemptions.—

(3)(a) ~~The beneficial interest in any entity which is represented by stock in corporations registered with the Federal Securities Exchange Commission or in corporations registered pursuant to chapter 517, whose interest stock is for sale to the general public, is hereby exempt from the provisions of this section. When disclosure of persons having beneficial interests in nonpublic entities corporations or in trusts is required, the entity corporation or person shall not be required by the provisions of this section to disclose persons or entities holding less than 5 percent of the stock or having less than a 5 percent vested, noncontingent, beneficial interest in the disclosing entity trust.~~

(Renumber subsequent section.)

**Amendment 6**—In title, on page 1, strike line 26 and insert: amending s. 286.23, F.S.; providing exemptions for disclosure of beneficial interest in real property conveyed to the state or any local government unit; providing an effective date.

## CS for CS for SB 740

Senator Childers moved the following amendment which was adopted:

**Amendment 4**—On page 15, strike all of lines 6-20

## SB 860

The Committee on Corrections, Probation and Parole recommended the following amendments which were moved by Senator Grant and adopted:

**Amendment 1**—On page 2, between lines 24 and 25, insert:

Section 2. Section 951.175, Florida Statutes, is created to read:

951.175 Provision of Programs for Women.—

- (1) This section may be cited as the County Corrections Equality Act.
- (2) All regularly employed assistants, officers, and employees whose duties bring them into contact with the inmates of the institution shall be women as far as practicable.

(3) Women inmates shall have access to programs of education, vocational training, rehabilitation, and substance abuse treatment that are equivalent to those programs which are provided for male inmates. The county shall ensure that women inmates are given opportunities for exercise, recreation, and visitation privileges according to the same standards as those privileges are provided for men. Women inmates shall be given opportunities to participate in work release programs which are comparable to the opportunities provided for male inmates and shall be eligible for early release according to the same standards and procedures under which male inmates are eligible for early release.

(4) An inmate who is pregnant shall be provided with prenatal care and medical treatment for the duration of her pregnancy. The county shall ensure that a pregnant inmate receives supplemental food and clothing and is excused from inappropriate work assignments. An inmate shall be transferred to a hospital outside the detention facility grounds if a condition develops which is beyond the scope and capabilities of the county detention center's medical facilities.

(5) Any woman inmate who gives birth to a child during her term of imprisonment may be temporarily taken to a hospital outside the detention facility for the purpose of childbirth, and the charge for hospital and medical care shall be charged against the funds allocated to the detention facility. The county shall provide for the care of any child so born and shall pay for the child's care until the child is suitably placed outside the prison system.

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 1, line 13, after the semicolon (;) insert: creating the County Corrections Equality Act; requiring the county to provide education and rehabilitation programs for women which are equivalent to the programs provided for male prisoners; requiring the county to allow women prisoners to participate in work release programs and to be eligible for early release under the same procedures and standards that apply for men; requiring the county to make certain additional provisions for pregnant inmates;

Senator Grant moved the following amendment which was adopted:

**Amendment 3**—On page 2, line 25, strike "1991" and insert: 1993

## SB 918

Senator Bankhead moved the following amendment which was adopted:

**Amendment 1**—On page 2, line 3, after "paid" insert: , upon appointment,

Senator Bankhead moved the following amendment:

**Amendment 2**—On page 2, strike all of lines 12-14 and insert:

(1) A ~~When any~~ commissioned officer, warrant officer, or enlisted person who ~~man~~ has served 20 years in the active elements of the Florida National Guard, ~~he~~ may, upon ~~his own~~

## SB 960

Senator Johnson moved the following amendments which were adopted:

**Amendment 1**—On page 2, between lines 14 and 15, insert:

Section 2. Section 127.02, Florida Statutes, is amended to read:

127.02 County commissioners may authorize acquirement of property by eminent domain.—The board of county commissioners may, by resolution, authorize the acquirement by eminent domain of property, real or personal, for any county use or purpose designated in such resolution. *The county shall take action to acquire title to the property within 6 months after the date of adoption of the resolution.*

(Renumber subsequent section.)

**Amendment 2**—In title, on page 1, line 9, after the semicolon (;) insert: amending s. 127.02, F.S.; requiring that counties take action to acquire property title within a specified period of time following a resolution authorizing eminent domain proceedings;

## CS for SB 962

Senator Souto moved the following amendment:

**Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. Vietnam veterans license plates.—

(1) The department shall develop a Vietnam veterans license plate to honor the veterans of the Vietnam War. The Vietnam veterans license plate shall be issued upon request to the owner of any vehicle, except a vehicle registered under the International Registration Plan or a commercial truck required to display two license plates pursuant to section 320.0706, Florida Statutes, who makes application and pays the applicable license tax and fees.

(2) Each request shall be submitted annually to the department on an application form supplied by the department, accompanied by the following tax and fees:

(a) The license tax required for the vehicle as set forth in section 320.08, Florida Statutes.

(b) A Vietnam veterans license plate use fee of \$15.

(c) A processing fee of \$2.

(d) A replacement fee as required by section 320.06(1)(b), Florida Statutes.

An application may be made any time during an applicant's registration period. If application is made for a Vietnam veterans license plate to replace an existing current valid license plate, the specialty plate shall be issued with appropriate decals attached at no tax for the plate, but all fees and service charges must be paid. A refund may not be made to the applicant for any unused portion remaining on the original plate. When application is made for a specialty plate at the beginning of the applicant's registration period, the tax, together with all applicable fees and service charges, shall be paid.

(3) The proceeds of the Vietnam veterans license plate use fees shall be deposited into the State Homes for Veterans Trust Fund, to be administered by the Department of Veterans' Affairs for the purpose of constructing, operating, and maintaining domiciliary and nursing homes for veterans as the department considers necessary.

(4) If a vehicle owner who has been issued a Vietnam veterans license plate acquires a replacement vehicle within a registration period, the department shall authorize a transfer of the license plate to the replacement vehicle in accordance with section 320.0609, Florida Statutes. There will be no refund of the annual use fee or processing fee.

(5) Vietnam veterans license plates shall be the color and design approved by the department. In addition, the plate may be imprinted with numerals from 1 to 999, inclusive, capital letters "A" through "Z," or a combination thereof. The maximum number of characters, including both numerals and letters, shall be determined by the department. Vietnam veterans license plates shall be of the same material and size as standard license plates issued by the state for any registration period. The word "Florida" shall appear at the top of the plate and the words "Vietnam Veterans" shall appear at the bottom of the plate, both words in small letters. The birth month decal shall be placed on the lower left corner of the plate with the year of expiration decal on the lower right corner.

(6) The request for a Vietnam veterans license plate may be combined with a request that such plate be a personalized prestige license plate. That request must be made upon a form supplied by the depart-

ment and is subject to the additional fees required by section 320.0805(2)(b) and (c), Florida Statutes, as well as the other requirements of section 320.0805, Florida Statutes.

Section 2. License plates for members of the United States Coast Guard Auxiliary.—

(1) The owner of an automobile for private use or a truck weighing not more than 5,000 pounds, which truck is not used for commercial purposes, who is a resident of this state and who is a member of the United States Coast Guard Auxiliary may, upon application to the Department of Highway Safety and Motor Vehicles, be issued a license plate upon which is stamped the phrase "U.S. Coast Guard Auxiliary." In order to be issued such a plate, a person must submit annually to the department an application, proof that he is qualified to be issued such a plate, payment of the license tax required for the vehicle as set forth in section 320.08, Florida Statutes, payment of a license plate use fee of \$15, payment of a processing fee of \$2, and payment of a replacement fee as required by section 320.06(1)(b), Florida Statutes.

(2) The Department of Highway Safety and Motor Vehicles shall transfer the proceeds of the license plate use fee to the Department of Natural Resources for deposit into the Motorboat Revolving Trust Fund for the purpose of providing boater safety education.

Section 3. Motor vehicle license plates for recipients of the Purple Heart.—

(1) Each owner of any vehicle, except a vehicle registered under the International Registration Plan or a commercial truck required to display two license plates pursuant to section 320.0706, Florida Statutes, who left the Armed Forces of the United States other than through a dishonorable discharge or a discharge for bad conduct, and who is a recipient of the Purple Heart medal may, upon application to the Department of Highway Safety and Motor Vehicles, be issued a license plate pursuant to this section on which is stamped the words "Purple Heart." The department shall approve the design of such plate in conformance with this section. The word "Florida" must appear at the top of the plate, and the words "Combat-Wounded Veteran" must appear at the bottom of the plate. In order to be issued such a license plate, a person must submit annually to the department an application, proof that he is qualified to be issued such a license plate, payment of the license tax required for the vehicle as set forth in section 320.08, Florida Statutes, payment of a license plate use fee of \$15, payment of a processing fee of \$2, and payment of a replacement fee as required by section 320.06(1)(b), Florida Statutes.

(2) The department shall transfer the proceeds of the license plate use fee to the State Treasury for deposit into the State Homes for Veterans Trust Fund for the purpose of constructing, operating, and maintaining domiciliary and nursing homes for veterans, subject to the requirements of chapter 216, Florida Statutes.

Section 4. Florida Special Olympics license plates.—

(1) The department shall develop a Florida Special Olympics license plate as provided in this section and shall issue such plate upon request to the owner of any motor vehicle, except a vehicle registered under the International Registration Plan, a commercial truck required to display two license plates pursuant to section 320.0706, Florida Statutes, or a truck tractor, who makes application and pays the applicable tax and fees.

(2) Each request shall be submitted annually to the department on an application form supplied by the department, accompanied by the following tax and fees:

- (a) The license tax required for the vehicle as set forth in section 320.08, Florida Statutes.
- (b) A Special Olympics license plate use fee of \$15.
- (c) A processing fee of \$2.
- (d) A replacement fee as required by section 320.06(1)(b), Florida Statutes.

An application may be made any time during an applicant's registration period. If application is made for such plate to replace an existing current valid license plate, the specialty plate shall be issued with appropriate decals attached at no tax for the plate, but all fees and service charges must be paid. No refund shall be made to the applicant for any unused portion remaining on the original plate. When application is made for a specialty plate at the beginning of the applicant's registration period, the tax, together with all applicable fees and service charges, shall be paid.

(3) Notwithstanding section 320.0806(2), Florida Statutes, the Florida Special Olympics license plate annual use fee shall be designated to and administered by Florida Special Olympics, Inc., and used for the administration and general operation of the Florida Special Olympics program.

(4) If a vehicle owner who has been issued a Florida Special Olympics license plate acquires a replacement vehicle within a registration period, the department shall authorize a transfer of the license plate to the replacement vehicle in accordance with section 320.0609, Florida Statutes. The annual use fee may not be refunded.

(5) Florida Special Olympics license plates shall contain the official Florida Special Olympics logo and be produced in a design and colors approved by the department. In addition, the plate may be imprinted with numerals from 1 to 999, inclusive, capital letters "A" through "Z," or a combination thereof. The maximum number of characters, including both numerals and letters, shall be determined by the department. Florida Special Olympics license plates shall be of the same material and size as standard plates that are issued by the state for any registration period. The word "Florida" shall be centered at the top of the plate and the words "Support Florida Special Olympics" shall be centered at the bottom of the plate. The birth month decal shall be placed on the upper left corner of the plate with the year of expiration decal on the upper right corner. The Florida Special Olympics license plate shall be made available for sale beginning January 1, 1992.

(6) The request for a Florida Special Olympics license plate may be combined with a request that such a plate be a personalized prestige license plate. Such a request shall be upon a form supplied by the department and shall be subject to the additional fees required by section 320.0805(2)(b) and (c), Florida Statutes, as well as other requirements of section 320.0805, Florida Statutes.

Section 5. License plates for military veterans.—

(1) The owner or lessee of an automobile for private use or a truck weighing not more than 5,000 pounds, which truck is not used for commercial purposes, who is a resident of this state, who is a veteran of the Armed Forces of the United States, and who has been honorably discharged from active duty from the United States Armed Forces may, upon application to the Department of Highway Safety and Motor Vehicles and upon the annual payment of a veterans' license plate use fee of \$15 and a processing fee of \$2, and payment of a replacement fee as required by section 320.06(1)(b), Florida Statutes, be issued a specialized license plate honoring veterans. The plate must be of the same material and size as a standard license plate. In order to be issued such a plate, a person must submit to the department an application, proof that he is qualified to be issued such a plate, and payment of the applicable license tax and fees.

(2) The license plate annual use fee collected under this section must be deposited in the State Homes for Veterans Trust Fund. All such moneys must be administered by the Department of Veterans' Affairs and must be used solely for the purpose of constructing, operating, and maintaining domiciliary and nursing homes for veterans, subject to the requirements of chapter 216, Florida Statutes.

Section 6. Save Our Children license plate.—

(1) The Department of Highway Safety and Motor Vehicles shall develop a Save Our Children license plate. The Save Our Children license plate shall be issued upon request to the owner of any motor vehicle, except a vehicle registered under the International Registration Plan, who makes application and pays the applicable license tax and fees.

(2) Each request must be submitted annually to the department on an application form supplied by the department, accompanied by the following tax and fees:

- (a) The license tax required for the vehicle as set forth in section 320.08, Florida Statutes.
- (b) A Save Our Children license plate use fee of \$15.
- (c) A processing fee of \$2.
- (d) A replacement fee as required by section 320.06(1)(b), Florida Statutes.

An application may be made any time during an applicant's registration period. If application is made for a Save Our Children license plate to

replace a current valid license plate, the specialty plate shall be issued with appropriate decals attached at no tax for the plate, but all fees and service charges must be paid. A refund may not be made to the applicant for any unused portion remaining on the original plate. When application is made for a specialty plate at the beginning of the applicant's registration period, the tax, together with all applicable fees and service charges, must be paid.

(3) The Save Our Children license plate annual use fee shall be distributed as follows:

(a) Twenty-five percent of the annual use fee shall be distributed to the General Revenue Fund to be used for the State of Florida Guardian Ad Litem Program of the Supreme Court Office of State Courts Administrator to be used to represent children pursuant to section 415.508, Florida Statutes.

(b) Fifty percent of the annual use fee shall be distributed to the Department of Health and Rehabilitative Services for residential adolescent drug abuse facilities that provide treatment pursuant to contracts with the department.

(c) Twenty-five percent of the annual use fee shall be distributed to the Department of Health and Rehabilitative Services to fund programs designed to care for substance-exposed newborns due to their mothers' substance abuse during pregnancy.

Notwithstanding section 320.08062(2), Florida Statutes, annual use fees distributed pursuant to this subsection may be used for the general and administrative costs of the identified programs.

(4) If a vehicle owner who has been issued a Save Our Children license plate acquires a replacement vehicle within a registration period, the department shall authorize a transfer of the license plate to the replacement vehicle in accordance with section 320.0609, Florida Statutes. The annual use fee or processing fee may not be refunded.

(5) Save Our Children license plates shall be in the color and design approved by the department. The plate may be imprinted with numerals from 1 to 999, inclusive, capital letters "A" through "Z," or a combination thereof. The maximum number of characters, including both numerals and letters, shall be determined by the department. Save Our Children license plates must be of the same material and size as standard license plates that are issued by the state for any registration period. The word "Florida" must appear at the top of the plate, and the words "Save Our Children" must appear at the bottom of the plate. The birth month decal shall be placed on the upper left corner of the plate with the year of expiration decal on the upper right corner.

(6) The request for a Save Our Children license plate may be combined with a request that such plate be a personalized prestige license plate. Such a request shall be made upon a form supplied by the department and is subject to the additional fees required by section 320.0805(2)(b) and (c), Florida Statutes, as well as the other requirements of section 320.0805, Florida Statutes.

#### Section 7. Community college license plates.—

(1) The Department of Highway Safety and Motor Vehicles shall develop a community college specialty license plate as provided in this section for state community colleges, in this state, and shall issue a community college specialty license plate to the owner of any motor vehicle, except a vehicle registered under the International Registration Plan or a commercial truck required to display two license plates pursuant to section 320.0706, Florida Statutes, upon application and payment of the appropriate license tax and fees.

(2) Each request must be submitted annually to the Department of Highway Safety and Motor Vehicles on an application form supplied by the department, accompanied by the following tax and fees:

(a) The license tax required for the vehicle, as set forth in section 320.08, Florida Statutes.

(b) An annual use fee of \$25.

(c) A processing fee of \$2.

(d) A replacement fee as required in section 320.06(1)(b), Florida Statutes.

An application for the specialty license plate may be made any time during an applicant's registration period. If application is made for a specialty plate to replace an existing current valid license plate, the specialty plate shall be issued with appropriate decals attached at no tax for the plate. All fees and service charges must be paid. A refund may not be paid to the applicant for any unused portion remaining on the original plate. When application is made for a specialty plate at the beginning of the applicant's registration period, the tax, together with all applicable fees and service charges, shall be paid. The application must be made only through the agents of the department who are located in the community college district.

(3) A community college specialty plate annual use fee shall be distributed to the state community college foundation designated by the purchaser for deposit in an unrestricted account. The State Board of Community Colleges shall require each community college to submit a plan for approval of the expenditure of all funds so designated. All such funds may be used only for academic enhancement, including scholarships and private fund-raising activities.

(4) If a vehicle owner who has been issued a community college specialty license plate acquires a replacement vehicle within a registration period, the Department of Highway Safety and Motor Vehicles shall authorize a transfer of the license plate to the replacement vehicle in accordance with the provisions of section 320.0609, Florida Statutes. The annual use fee or processing fee may not be refunded.

(5) Community college specialty license plates shall be the color and design approved by the Department of Highway Safety and Motor Vehicles as appropriate for each state community college. In addition to letters identifying the community college, the plate may be imprinted with numerals from 1 to 999, inclusive, capital letters "A" through "Z," or a combination thereof. The maximum number of characters, including both numerals and letters, shall be determined by the department. Community college specialty license plates shall otherwise be of the same material and size as standard license plates issued by the state for any registration period and the word "Florida" shall be stamped across the bottom of the plate in small letters.

(6) The request for a community college specialty license plate may be combined with a request that such plate be a personalized prestige license plate. Such a request shall be upon a form supplied by the Department of Highway Safety and Motor Vehicles and shall be subject to the additional fees required by section 320.0805(2)(b) and (c), Florida Statutes, as well as the other requirements of section 320.0805, Florida Statutes.

#### Section 8. Ducks Unlimited license plate.—

(1) The Department of Highway Safety and Motor Vehicles shall develop a Ducks Unlimited license plate to commemorate the preservation of the state's wetlands for waterfowl habitat. The Ducks Unlimited license plate shall be issued upon request to the owner of any motor vehicle, except a vehicle registered under the International Registration Plan, who makes application and pays the applicable license tax and fees.

(2) Each request must be submitted annually to the department on an application form supplied by the department, accompanied by the following tax and fees:

(a) The license tax required for the vehicle as set forth in section 320.08, Florida Statutes.

(b) A Ducks Unlimited license plate use fee of \$15.

(c) A processing fee of \$2.

(d) A replacement fee as required by section 320.06(1)(b), Florida Statutes.

An application may be made any time during an applicant's registration period. If application is made for a Ducks Unlimited license plate to replace a current valid license plate, the specialty plate shall be issued with appropriate decals attached at no tax for the plate, but all fees and service charges must be paid. A refund may not be made to the applicant for any unused portion remaining on the original plate. When application is made for a specialty plate at the beginning of the applicant's registration period, the tax, together with all applicable fees and service charges, must be paid.

(3) The Ducks Unlimited license plate annual use fee shall be deposited into the Ducks Unlimited Trust Fund hereby created within the Game and Fresh Water Fish Commission to be used for the rehabilitation of wetlands in the state. The Game and Fresh Water Fish Commission shall consult with and consider the advice of the Marsh Committee of the Florida Chapter of Ducks Unlimited in expending moneys deposited in the trust fund.

(4) If a vehicle owner who has been issued a Ducks Unlimited license plate acquires a replacement vehicle within a registration period, the department shall authorize a transfer of the license plate to the replacement vehicle in accordance with section 320.0609, Florida Statutes. The annual use fee or processing fee may not be refunded.

(5) Ducks Unlimited license plates shall be the color and design approved by the department. In addition, the plate may be imprinted with numerals from 1 to 999, inclusive, capital letters "A" through "Z," or a combination thereof. The maximum number of characters, including both numerals and letters, shall be determined by the department. Ducks Unlimited license plates shall be of the same material and size as standard license plates that are issued by the state for any registration period. The word "Florida" shall appear at the top of the plate and the words "Ducks Unlimited" shall appear on the plate. The birth month decal shall be placed on the upper left corner of the plate with the year of expiration decal on the upper right corner. The center portion of the plate shall include the outline of a Mallard duck head facing to the right.

(6) The request for a Ducks Unlimited license plate may be combined with a request that such plate be a personalized prestige license plate. Such a request shall be upon a form supplied by the department and shall be subject to the additional fees required by section 320.0805(2)(b) and (c), Florida Statutes, as well as the other requirements of section 320.0805, Florida Statutes.

#### Section 9. Marine turtle license plate.—

(1) The Department of Highway Safety and Motor Vehicles shall develop a marine turtle license plate to help create public awareness of the four endangered and one threatened species of marine turtles found in Florida waters and on its beaches. The marine turtle license plate shall be issued upon request to the owner of any motor vehicle, except a vehicle registered under the International Registration Plan, who submits an application therefor and pays the applicable license tax and fees.

(2) Each request shall be submitted annually to the department on an application form supplied by the department, accompanied by the following tax and fees:

(a) The license tax required for the vehicle as set forth in section 320.08, Florida Statutes.

(b) A marine turtle license plate fee of \$15.

(c) A processing fee of \$2.

(d) A replacement fee as required by section 320.06(1)(b), Florida Statutes.

An application may be submitted at any time during an applicant's registration period. If the application submitted for a marine turtle license plate is to replace a current, valid license plate, the specialty plate shall be issued with appropriate decals attached at no tax for the plate, but all fees and service charges must be paid.

(3) Annual use fees for marine turtle license plates shall be deposited in the Marine Turtle Protection Trust Fund to be used for marine turtle protection, research, and recovery efforts pursuant to the provisions of section 370.12(1), Florida Statutes.

(4) If a vehicle owner who has been issued a marine turtle license plate acquires a replacement vehicle within a registration period, the department shall authorize a transfer of the license plate to the replacement vehicle in accordance with section 320.0609, Florida Statutes. The annual use fee or processing fee may not be refunded.

(5) Marine Turtle license plates shall be the color and design approved by the department. In addition, the plate may be imprinted with numerals from 1 to 999, inclusive, capital letters "A" through "Z," or a combination thereof. The maximum number of characters, including both numerals and letters, shall be determined by the department. Marine turtle license plates shall be of the same material and size as standard license plates that are issued by the state for any registration period.

The word "Florida" shall appear at the top of the plate and the words "Save Marine Turtles" shall appear at the bottom of the plate. The birth month decal shall be placed on the upper left corner of the plate, with the year of expiration decal on the upper right corner. The marine turtle license plate shall be available for sale for a period of 5 years, beginning January 1, 1992, through December 31, 1996.

(6) The request for a marine turtle license plate may be combined with a request that such plate be a personalized prestige license plate. Such a request shall be upon a form supplied by the department and shall be subject to the additional fees required by section 320.0805(2)(b) and (c), Florida Statutes, as well as the other requirements of section 320.0805, Florida Statutes.

#### Section 10. Civil Air Patrol license plates.—

(1) The Department of Highway Safety and Motor Vehicles shall develop a Civil Air Patrol license plate to identify corporate and personal vehicles owned or operated by authorized members on active status in a Civil Air Patrol Unit. A Civil Air Patrol license plate shall be issued upon request by the owner of any vehicle, except a vehicle registered under the International Registration Plan or a commercial truck required to display two license plates pursuant to section 320.0706, Florida Statutes, who makes application, produces a letter of authorization of eligibility signed by the Wing Commander of Florida Wing, Civil Air Patrol, and pays the applicable license tax and fees.

(2) Each request shall be submitted annually to the department on an application form supplied by the department, accompanied by the following tax and fees:

(a) The license tax required for the vehicle as set forth in section 320.08, Florida Statutes.

(b) A Civil Air Patrol license plate use fee of \$25.00.

(c) A processing fee of \$2.00.

(d) A replacement fee as required by section 320.06(1)(b), Florida Statutes.

Application may be made any time during an applicant's registration period. If application is made for a Civil Air Patrol plate to replace an existing current valid license plate, the specialty plate shall be issued with appropriate decals attached at no tax for the plate, but all fees and service charges must be paid. No refund shall be made to the applicant for any unused portion remaining on the original plate. When application is made for a specialty plate at the beginning of the applicant's registration period, the tax, together with all applicable fees and service charges, shall be paid.

(3) The Civil Air Patrol license plate use fee shall be designated to and administered by the Civil Air Patrol and used for search and seizure equipment.

(4) If a vehicle owner who has been issued a Civil Air Patrol license plate acquires a replacement vehicle within a registration period, the department shall authorize a transfer of the license plate to the replacement vehicle in accordance with section 320.0609, Florida Statutes. There will be no refund of the annual use fee or processing fee.

(5) Civil Air Patrol license plates shall be the colors and design approved by the department. In addition, the plate may be imprinted with numerals from 1 to 999, inclusive, capital letters "A" through "Z," or a combination of those numerals and letters. The maximum number of characters, including both numerals and letters, shall be determined by the department. Civil Air Patrol license plates shall be of the same material and size as standard license plates issued by the state for any registration period. The words and logo of the Civil Air Patrol shall appear to the right of the numerals and letters. The birth month decal shall be placed on the upper left corner of the plate with the year-of-expiration decal on the upper right corner.

(6) The request for a Civil Air Patrol license plate may be combined with a request for a personalized prestige plate. The request shall be upon a form supplied by the department and shall be subject to the additional fees required by section 320.0805(2)(a) and (b), Florida Statutes, as well as the other requirements of section 320.0805, Florida Statutes.

(7) If the recipient of a Civil Air Patrol license plate does not retain active status in the organization, he must surrender the plate and apply for another plate.

Section 11. World Cup 1994 license plates.—

(1) The Department of Highway Safety and Motor Vehicles, in cooperation with the Florida World Cup Task Force, a committee appointed by the Governor and under the direction of the Secretary of State, shall develop the design for a license plate to commemorate the 1994 World Cup, being played in the United States for the first time in June and July 1994. The license plate shall be available for issuance after December 31, 1991, and until January 1, 1996. World Cup license plates may be issued only for private passenger automobiles and for trucks weighing not more than 5,000 pounds.

(2) Application for a World Cup 1994 license plate or for renewal thereof must be submitted annually to the department or the county tax collector, accompanied by the following tax and fees:

(a) The license tax required for the vehicle as set forth in section 320.08, Florida Statutes.

(b) A World Cup 1994 license plate use fee of \$15.

(c) A processing fee of \$2.

(d) A replacement fee as required in section 320.06(1)(b), Florida Statutes.

However, fees and taxes may not be prorated or refunded for any unused portion of a license plate that is replaced. The World Cup 1994 license plate may not be issued as a personalized prestige plate and may not be renewed after December 31, 1995.

(3)(a) Proceeds of the World Cup 1994 license plate use fee collected before April 1, 1994, shall be distributed to the World Cup 1994 Task Force in each location hosting games. The proceeds shall be distributed in an amount that is in proportion to the number of games each location is hosting, and must be used to support the World Cup 1994 competition after first repaying the loans made to the task force by the state. Notwithstanding section 320.08062(2), Florida Statutes, annual use fees distributed pursuant to this subsection may be used for the general and administrative costs of the identified programs.

(b) Proceeds of the World Cup 1994 license plate use fee collected on or after April 1, 1994, shall be deposited in a trust fund established within the Department of Commerce for use by the department to promote and develop amateur soccer and related industries in the state.

Section 12. Effective July 1, 1991, subsection (3) of section 2 of chapter 89-168, Laws of Florida, is amended to read:

Section 2. Super Bowl XXV license plates.—

(3)(a) Proceeds of the Super Bowl XXV license plate fee collected from October 1, 1989, through December 31, 1991 ~~1990~~, shall be distributed to the Super Bowl Task Force to be used to support the Super Bowl Silver Anniversary Game.

(b) Proceeds of the Super Bowl XXV license plate fee collected on or after January 1, 1992 ~~1991~~, shall be deposited in a trust fund established within the State Treasury for use by the Department of Commerce to promote and develop professional sports and related industries.

Section 13. Florida Children and Family Services license plates.—

(1) Each owner of a motor vehicle, except a vehicle registered under the International Registration Plan, a commercial truck required to display two license plates pursuant to section 320.0706, Florida Statutes, or a truck tractor, who is a resident of this state, may, upon application to the department, be issued a Florida Children and Family Services license plate pursuant to this section.

(2) Each request must be submitted annually to the department on an application form supplied by the department, accompanied by the following tax and fees:

(a) The license tax required for the vehicle as set forth in section 320.08, Florida Statutes.

(b) A Florida Children and Family Services license plate use fee of \$15.

(c) A processing fee of \$2.

(d) A replacement fee as required by section 320.06(1)(b), Florida Statutes.

An application may be made any time during an applicant's registration period. If application is made for such plate to replace an existing current valid license plate, the specialty plate shall be issued with appropriate decals attached at no tax for the plate, but all fees and service charges must be paid. A refund may not be made to the applicant for any unused portion remaining on the original plate. When application is made for a specialty plate at the beginning of the applicant's registration period, the tax, together with all applicable fees and service charges, shall be paid.

(3) The Florida Children and Family Services license plate annual use fee shall be distributed to the Florida Network of Youth and Family Services for the purpose of providing services for Families in Need of Services and for Children in Need of Services as contracted through the Department of Health and Rehabilitative Services. Notwithstanding section 320.08062(2), Florida Statutes, annual use fees distributed pursuant to this subsection may be used for the general and administrative costs of the identified programs.

(4) If a vehicle owner who has been issued a Florida Children and Family Services license plate acquires a replacement vehicle within a registration period, the department shall authorize a transfer of the license plate to the replacement vehicle in accordance with section 320.0609, Florida Statutes. The annual use fee may not be refunded.

(5) Florida Children and Family Services license plates shall contain an appropriate design created by the Florida Network of Youth and Family Services and be produced in a design and colors approved by the department. In addition, the plate may be imprinted with numerals from 1 to 999, inclusive, capital letters "A" through "Z," or a combination thereof. The maximum number of characters, including both numerals and letters, shall be determined by the department. Florida Children and Family Services license plates shall be of the same material and size as standard plates that are issued by the state for any registration period. The word "Florida" shall be centered at the top of the plate and the words "Support Youth and Families in Crisis" shall be centered at the bottom of the plate. The Florida Children and Family Services license plate shall be made available for sale beginning January 1, 1992.

(6) The request for a Florida Children and Family Services license plate may be combined with a request that such a plate be a personalized prestige license plate. Such a request shall be upon a form supplied by the department and shall be subject to the additional fees required by section 320.0805(2)(b) and (c), Florida Statutes, as well as other requirements of section 320.0805, Florida Statutes.

Section 14. Florida United States Olympic Committee license plates.—

(1) A Florida United States Olympic Committee license plate shall be issued upon request to the owner of any motor vehicle, except a vehicle registered under the International Registration Plan, a commercial truck required to display two license plates pursuant to section 320.0706, Florida Statutes, or a truck tractor, who makes application and pays the applicable tax and fees.

(2) Each request must be submitted annually to the department on an application form supplied by the department, accompanied by the following tax and fees:

(a) The license tax required for the vehicle as set forth in section 320.08, Florida Statutes.

(b) A United States Olympic Committee license plate use fee of \$15.

(c) A processing fee of \$2.

(d) A replacement fee as required by section 320.06(1)(b), Florida Statutes.

Application may be made any time during an applicant's registration period. If application is made for a plate to replace an existing current valid license plate, the specialty plate shall be issued with appropriate decals attached at no tax for the plate, but all fees and service charges must be paid. A refund may not be made to the applicant for any unused portion remaining on the original plate. When application is made for a specialty plate at the beginning of the applicant's registration period, the tax, together with all applicable fees and service charges, must be paid.

(3) The Florida United States Olympic Committee license plate annual use fee shall be designated to the United States Olympic Committee, after which, one-half of the annual use fee shall be reimbursed to the

Sunshine State Games Foundation for the general operation of that program. Notwithstanding section 320.08062(2), Florida Statutes, annual use fees distributed pursuant to this subsection may be used for the general and administrative costs of the identified programs.

(4) If a vehicle owner who has been issued a Florida United States Olympic Committee license plate acquires a replacement vehicle within a registration period, the department shall authorize a transfer of the license plate to the replacement vehicle in accordance with section 320.0609, Florida Statutes. The annual use fee may not be refunded.

(5) Florida United States Olympic Committee license plates shall contain the official United States Olympic Committee logo and be produced in a design and colors approved by the department. In addition, the plate may be imprinted with numerals from 1 to 999, inclusive, capital letters "A" through "Z," or a combination thereof. The maximum number of characters, including both numerals and letters, shall be determined by the department. Florida United States Olympic Committee license plates shall be of the same material and size as standard plates that are issued by the state for any registration period. The word "Florida" shall be centered at the top of the plate. The Florida United States Olympic Committee license plate shall be made available for sale beginning January 1, 1992.

(6) The request for a Florida United States Olympic Committee license plate may be combined with a request for a personalized prestige license plate. The request must be upon a form supplied by the department and shall be subject to the additional fees required by section 320.0805(2)(b) and (c), Florida Statutes, as well as other requirements of section 320.0805, Florida Statutes.

Section 15. Effective July 1, 1991, section 320.08085, Florida Statutes, is created to read:

320.08085 Florida Patriot license plates.—

(1) The department shall develop a Florida Patriot license plate to honor the veterans who have served their country in Operation Desert Shield or Operation Desert Storm. The Patriot license plate shall be issued upon request to the owner of any vehicle, except a vehicle registered under the International Registration Plan or a commercial truck required to display two license plates pursuant to section 320.0706, Florida Statutes, who applies and pays the applicable license tax and fees.

(2) Each request must be submitted annually to the department on an application supplied by the department, accompanied by the following tax and fees:

(a) The license tax required for the vehicle as set forth in section 320.08, Florida Statutes.

(b) A Patriot license plate use fee of \$20.

(c) A processing fee of \$2.

(d) A replacement fee as required by section 320.06(1)(b), Florida Statutes.

(3) An application may be made any time during an applicant's registration period. If application is made for a Patriot plate to replace an existing current valid license plate, the specialty plate shall be issued with appropriate decals attached at no tax for the plate, but all fees and service charges must be paid. No refund shall be made to the applicant for any unused portion remaining on the original plate. When application is made for a specialty plate at the beginning of the applicant's registration period, the tax, together with all applicable fees and service charges, shall be paid.

(4) The proceeds of the annual use fee shall be distributed annually to the Patriot Education and Training Trust Fund hereby established in the Department of Education, for use as follows:

(a) Notwithstanding section 320.08062(2), Florida Statutes, a maximum of \$200,000 shall be allocated for administration of the military transition program established as the Second Careers Office within the Department of Education.

(b) A minimum of 75 percent of the balance of these funds shall be allocated for the Patriot Scholarship Program as provided by section 240.4078, Florida Statutes.

(c) A minimum of 25 percent of the balance of these funds shall be allocated for the Florida Patriot Challenge Grant Program as provided by section 240.51, Florida Statutes.

(5) If a vehicle owner who has been issued a Patriot license plate acquires a replacement vehicle within a registration period, the department shall authorize transfer of the license plate to the replacement vehicle in accordance with section 320.0609, Florida Statutes. The annual use fee and processing fee are nonrefundable.

(6) Patriot license plates shall be the color and design approved by the department. In addition, the plate may be imprinted with numerals 1 to 999, inclusive, capital letters "A" through "Z," or a combination thereof. The maximum number of characters, including both numerals and letters, shall be determined by the department. Patriot license plates shall be of the same material and size as standard license plates issued by the state for a registration period. The word "Florida" shall appear at the top of the plate and the word "Patriot" shall appear at the bottom of the plate, both words in small letters. The birth month decal shall be placed on the upper left corner of the plate with the year of expiration decal on the upper right corner.

(7) The request for a Patriot license plate may be combined with a request that such plate be a personalized prestige license plate. Such a request shall be upon a form supplied by the department and shall be subject to the additional fees and requirements imposed by section 320.0805, Florida Statutes.

Section 16. Effective July 1, 1991, section 240.4078, Florida Statutes, is created to read:

240.4078 Florida Patriot Scholarship Program.—

(1) The Florida Patriot Scholarship Program is created for the purpose of providing opportunities for returning military personnel involved in Operation Desert Shield or Operation Desert Storm to pursue postsecondary educational goals despite the interruption caused by their service in the Persian Gulf War. Eligible military personnel are encouraged to use the scholarships provided under this section to complete education and training programs leading to careers in teaching, law enforcement, health care, and public service occupations.

(2) Eligibility for patriot scholarships shall be limited to students who:

(a) Meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section;

(b) Attend, full-time or part-time, a public university, community college, or public vocational technical institution located in this state, or an independent college or university that is located in and chartered by this state and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools. A student is enrolled full-time if he enrolls for a minimum of 12 credit hours per term or the equivalent in clock hours and is enrolled part-time if he enrolls for a minimum of 6 credit hours per term or the equivalent in clock hours;

(c) Enroll in courses leading to the award of a vocational certificate of at least 900 clock hours, an associate of science degree, an associate of arts degree, a baccalaureate degree, a masters degree, a specialist degree, or doctoral degree;

(d) Have established legal residency in this state pursuant to s. 240.1201 or have established this state as their home of record pursuant to official military designation;

(e) Participated in the Persian Gulf arena during hostilities with Iraq beginning with Operation Desert Shield on August 5, 1990, and including Operation Desert Storm; and

(f) Apply for a scholarship within 1 year after cessation of Operation Desert Storm.

(3) From the funds available, the Department of Education shall make awards to eligible applicants as follows:

(a) A maximum of \$6,000 per year to students enrolled full-time at an eligible public or independent college or university.

(b) A maximum of \$3,000 per year to students enrolled part-time at an eligible public or independent college or university.

(c) A maximum of \$3,000 per year to students enrolled full-time at an eligible public community college or vocational technical institution.

(d) A maximum of \$1,500 per year to students enrolled part-time at an eligible public community college or vocational technical institution.

(4) From the funds available, the department shall make an award to each eligible applicant. In determining the amount of each award, the department shall consider the cost of education, as determined by the department, for the institution in which the applicant is enrolled and any GI or veterans' benefits for which the applicant is eligible. Combined federal GI or other veterans' benefits and patriot scholarship awards may not exceed the cost of the education as determined by the department. If available funds are not sufficient to provide each eligible applicant with the maximum patriot scholarship award to which the applicant is entitled, the department shall prorate the amount of each award to ensure that all eligible applicants are served. In any year in which a proration of awards is necessary, such adjustment may be made by reducing the award disbursements to award recipients. Students receiving patriot scholarship grants may not receive any other form of state educational financial assistance.

(5) A student seeking a vocational certificate may not receive an award for more than the equivalent of six semesters in a period of not more than 4 consecutive years. A student seeking an associate degree may not receive an award for more than the equivalent of eight semesters in a period of more than 5 consecutive years. A student seeking a baccalaureate, masters or doctoral degree may not receive an award for more than the equivalent of 12 semesters in a period of more than 7 consecutive years.

(6) The department shall establish, by rule, criteria for renewing a scholarship award. These criteria must include the requirement that a student must maintain the equivalent of a 3.0 grade-point average on a 4.0 scale to be eligible for continuation of the award.

(7) There is hereby created a Florida Patriot Scholarship Program Trust Fund, which shall receive distributions as provided for by s. 320.08085. The comptroller shall authorize expenditures from this fund for the purposes provided in this section. Any balance remaining in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of this section.

(8) The State Board of Education shall adopt rules necessary to implement this section.

Section 17. Effective July 1, 1991, section 240.51, Florida Statutes, is created to read:

240.51 Florida Patriot Industry Challenge Grant Program.—

(1) The Florida Patriot Industry Challenge Grant Program is created to encourage private and public employers to provide educational programs for people who served in Operation Desert Shield or Operation Desert Storm. Such educational programs shall assist participants to acquire or enhance occupational skills to enable them to advance within their current occupations or acquire new skills necessary to change careers.

(2) A student who participates in the Florida Patriot Industry Challenge Grant Program must have served in the United States military, must have participated in Operation Desert Shield or Operation Desert Storm at some time during that military service, and must be a current resident of this state pursuant to s. 240.1201 or by official military designation of this state as his legal home of residence.

(3) An employer who participates in the Florida Patriot Industry Challenge Grant Program must be a private employer, public agency, or consortium of private employers or public agencies and must submit to the Commissioner of Education a plan for the educational program. The commissioner may approve, disapprove, or require changes in such a plan based upon an analysis of cost-effectiveness of the proposed program and considerations of other educational options available to the proposed student body. The approval process must assure that educational programs are not duplicated in the same geographical area unless the students to be served would receive a significant benefit from duplicating the program. Each plan must include the following provisions:

(a) The name of the proposed program provider or the name of each member of a consortium of providers.

(b) A proposed budget listing the amount to be expended for personnel, facilities, equipment, and materials.

(c) A description of the proposed curriculum and credentials of the teachers. Teachers may be provided by a public educational institution, but the institution shall not include students served and funded by the program in calculations of student participation for funding through the Florida Education Finance Program, the Community College Program Fund, or for enrollment-based state appropriations to the State University System pursuant to s. 240.271.

(d) The employment opportunities to be made available to students who complete the program.

(4) The Commissioner of Education shall give priority for funding to a program in which the sponsors agree to employ students who successfully complete a substantial portion of the program in positions that represent advancement over previous positions held by the students. A program shall not be approved or reapproved if its plan or review of its operation demonstrates that it is unlikely to advance employment opportunities to people who served in Operation Desert Shield or Operation Desert Storm. A program shall not be approved or reapproved if its plan or review of its operation demonstrates that its primary purpose is to provide continuing educational services to current employees of its sponsors without consideration of their participation in Operation Desert Shield or Operation Desert Storm.

(5) Upon approval of each plan, the commissioner shall issue grant funds to each program sponsor. Each grant shall be made from funds collected pursuant to s. 320.08085 and shall be equal to the amount collected or donated by the program sponsors.

(6) The commissioner shall approve or disapprove the continuation of each program at least every 3 years. To be approved for continuation, a program must demonstrate a relationship between the program and employment of participants. Programs have priority for reapproval if they can demonstrate that program sponsors have provided employment or advancement of participants who served in Operation Desert Shield or Operation Desert Storm.

(7) The State Board of Education may adopt rules necessary to administer this program.

Section 18. Subsection (3) of section 320.08066, Florida Statutes, 1990 Supplement, is amended to read:

320.08066 Manatee license plate.—

(3) ~~(a) Fifty percent of~~ The manatee license plate annual use fee shall be deposited into the Save the Manatee Trust Fund, created within the Department of Natural Resources. All funds deposited in the Save the Manatee Trust Fund may only be used for manatee research, protection, and recovery.

~~(b) Fifty percent of the manatee license plate annual use fee shall be deposited into the Save Our State Environmental Education Trust Fund within the Department of Natural Resources and used for environmental education.~~

Section 19. Florida Agriculture License Plate.—

(1) The Department of Highway Safety and Motor Vehicles shall develop an agriculture license plate. The agriculture license plate shall be issued upon request to the owner of any motor vehicle, except a vehicle registered under the International Registration Plan or a commercial truck required to display two license plates pursuant to section 320.0706, Florida Statutes, who makes application and pays the applicable license tax and fees.

(2) Each request must be submitted annually to the department on an application form supplied by the department, accompanied by the following tax and fees:

(a) The license tax required for the vehicle as set forth in section 320.08, Florida Statutes.

(b) An agriculture license plate use fee of \$15.

(c) A processing fee of \$2.

(d) A replacement fee as required by section 320.06(1)(b), Florida Statutes.

An application may be made any time during an applicant's registration period. If application is made for an agriculture license plate to replace a current valid license plate, the specialty plate shall be issued with appropriate decals attached at no tax for the plate, but all fees and service charges must be paid. A refund may not be made to the applicant for any unused portion remaining on the original plate. When application is made for a specialty plate at the beginning of the applicant's registration period, the tax, together with all applicable fees and service charges, must be paid.

(3) The agriculture license plate annual use fee shall be deposited in the Agricultural Promotional Campaign Trust Fund, created within the Department of Agriculture and Consumer Services. All funds deposited therein may only be used for the Florida Agricultural Promotional Campaign. Notwithstanding section 320.08062(2), Florida Statutes, annual use fees distributed pursuant to this subsection may be used for the general and administrative costs of the Florida Agricultural Promotional Campaign.

(4) If a vehicle owner who has been issued an agriculture license plate acquires a replacement vehicle within a registration period, the department shall authorize a transfer of the license plate to the replacement vehicle in accordance with section 320.0609, Florida Statutes. The annual use fee or processing fee may not be refunded.

(5) The design for the agriculture license plate shall be provided by the Department of Agriculture and Consumer Services. The design and colors of the plate must be approved by the department. The word "Florida" shall appear at the top of the plate and the word "Agriculture" shall appear at the bottom of the plate. Except as otherwise provided herein, such license plates must conform to all other existing laws and regulations governing license plates.

(6) The request for an agriculture license plate may be combined with a request that such plate be a personalized prestige license plate. Such a request shall be upon a form supplied by the department and shall be subject to the additional fees required by section 320.0805(2)(b) and (c), Florida Statutes, as well as the other requirements of section 320.0805, Florida Statutes.

Section 20. Subsection (3) is added to section 320.0104, Florida Statutes, to read:

320.0104 Legislative intent with respect to implementation of chapter.—

(3) *It is the intent of the Legislature that specialty license plates shall only be created if such plates are anticipated to generate sufficient revenue to cover the costs of production and sale and to provide additional revenues above and beyond such costs. In order to comply with this intent, persons who propose the creation of a specialty license plate should provide evidence of the anticipated market for such plate including, but not limited to, obtaining at least 8,500 signatures of prospective purchasers of such plate and preparing short-term and long-term marketing plans for such plate.*

Section 21. Sections 240.4078, 240.51, 320.08065, 320.08066, 320.08067, 320.0808, 320.08085, 320.0809, 320.0895, and 320.0898, Florida Statutes, are repealed October 1, 1994, and shall be reviewed by the Legislature prior to that date.

Section 22. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 19 of this act are repealed October 1, 1994, and shall be reviewed by the Legislature prior to that date.

Section 23. Except as otherwise expressly provided in this act, this act shall take effect January 1, 1992.

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

**Amendment 1A**—On page 36, strike all of lines 12-15 and insert:

Section 22. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 19, and 23 of this act are repealed October 1, 1994, and shall be reviewed by the Legislature prior to that date.

Section 23. Korean veterans license plates.—

(1) The department shall develop a Korean veterans license plate to honor the veterans of the Korean War. The Korean veterans license plate shall be issued upon request to the owner of any vehicle, except a vehicle

registered under the International Registration Plan or a commercial truck required to display two license plates pursuant to s. 320.0706, who makes application and pays the applicable license tax and fees.

(2) Each request shall be submitted annually to the department on an application form supplied by the department, accompanied by the following tax and fees:

- (a) The license tax required for the vehicle as set forth in s. 320.08.
- (b) A Korean veterans license plate use fee of \$15.
- (c) A processing fee of \$2.
- (d) A replacement fee as required by s. 320.06(1)(b).

An application may be made any time during an applicant's registration period. If application is made for a Korean veterans license plate to replace an existing current valid license plate, the specialty plate shall be issued with appropriate decals attached at no tax for the plate, but all fees and service charges must be paid. A refund may not be made to the applicant for any unused portion remaining on the original plate. When application is made for a specialty plate at the beginning of the applicant's registration period, the tax, together with all applicable fees and service charges, shall be paid.

(3) The proceeds of the Korean veterans license plate use fees shall be deposited into the State Homes for Veterans Trust Fund, to be administered by the Department of Veterans' Affairs for the purpose of constructing, operating, and maintaining domiciliary and nursing homes for veterans as the department considers necessary.

(4) If a vehicle owner who has been issued a Korean veterans license plate acquires a replacement vehicle within a registration period, the department shall authorize a transfer of the license plate to the replacement vehicle in accordance with s. 320.0609. There will be no refund of the annual use fee or processing fee.

(5) Korean veterans license plates shall be the color and design approved by the department. In addition, the plate may be imprinted with numerals from 1 to 999, inclusive, capital letters "A" through "Z," or a combination thereof. The maximum number of characters, including both numerals and letters, shall be determined by the department. Korean veterans license plates shall be of the same material and size as standard license plates issued by the state for any registration period. The word "Florida" shall appear at the top of the plate and the words "Korean Veterans" shall appear at the bottom of the plate, both words in small letters. The birth month decal shall be placed on the lower left corner of the plate with the year of expiration decal on the lower right corner.

(6) The request for a Korean veterans license plate may be combined with a request that such plate be a personalized prestige license plate. That request must be made upon a form supplied by the department and is subject to the additional fees required by s. 320.0805(2)(b) and (c) as well as the other requirements of s. 320.0805.

(Renumber subsequent sections.)

**Amendment 1** as amended was adopted.

Senator Souto moved the following amendment:

**Amendment 2**—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to motor vehicle license plates; providing for the creation of a Vietnam veterans license plate; providing application procedures; providing fees; providing for the deposit and uses of fee proceeds; providing for the transfer of the plates to replacement vehicles; specifying requirements for the design of the plates; allowing combined requests for such plates and personalized prestige plates; providing for the issuance to members of the United States Coast Guard Auxiliary of license plates upon which are stamped the name of such organization; requiring payment of a use fee and processing fee in order to be issued such a license plate; requiring the Department of Highway Safety and Motor Vehicles to transfer the proceeds of such fee to the Department of Natural Resources for deposit into the Motorboat Revolving Trust Fund for use for boater safety education; providing for issuance of "Purple Heart" license plates to recipients of the Purple Heart; requiring payment of a use fee in order to be issued such a license plate; requiring the Department of Highway Safety and Motor Vehicles to transfer the proceeds of such fee to the State Treasury for deposit into the State Homes for Veterans Trust Fund for use for the construction

and operation of domiciliary and nursing homes for veterans; providing for the issuance of Florida Special Olympics motor vehicle license plates upon payment of the license tax and additional fees; providing for deposit of a portion of the fees; providing for the use of fees; providing for duties of Florida Special Olympics, Inc.; providing for the issuance to military veterans of specialized license plates; providing for fees and for the deposit and use of such fees; providing for the issuance of Save Our Children license plates; providing fees; providing for the use of fees; requiring the Department of Highway Safety and Motor Vehicles to issue specialty license plates for state community colleges; providing fees; providing for the distribution and use of the fees; providing application and issuance requirements; providing for Ducks Unlimited license plates; providing fees; creating a trust fund; providing for the use of fees; providing for the creation and sale of marine turtle license plates; establishing fees and providing for deposit and use thereof; creating the Marine Turtle Protection Trust Fund and providing uses thereof; providing for the issuance of Civil Air Patrol motor vehicle license plates upon payment of the license tax and additional fees; providing for deposit of a portion of the fees; providing for the use of fees; requiring the Department of Highway Safety and Motor Vehicles in cooperation with the Florida World Cup Task Force to design a license plate commemorating the 1994 World Cup soccer competition; providing for the issuance of the plate for a specified time period; requiring the payment of a license tax, a use fee, and a processing fee upon issuance of such a plate; requiring the distribution of the proceeds of the use fee to each local World Cup Task Force of each location within the state which hosts world cup games; specifying uses; creating a trust fund within the Department of Commerce to provide moneys for the promotion and development of amateur soccer and related industries in the state; requiring a portion of the proceeds to be deposited in the trust fund; amending s. 2, ch. 89-168, Laws of Florida; extending the time period for proceeds of the Super Bowl XXV license plate fees to be distributed to the Super Bowl Task Force; postponing the time period for those proceeds to be available for use by the Department of Commerce; providing for the issuance of Florida Children and Family Services motor vehicle license plates upon payment of the license tax and additional fees; providing for distribution of the fees to the Florida Network of Youth and Family Services; providing for the use of fees; providing for the issuance of Florida United States Olympic Committee motor vehicle license plates upon payment of the license tax and additional fees; providing for deposit of a portion of the fees; providing for the use of fees; creating s. 320.08085, F.S.; providing for the issuance of Florida Patriot license plates; providing fees; providing for use of fees; creating s. 240.4078, F.S.; creating the Florida Patriot Scholarship Program; providing eligibility for scholarships; providing scholarship award amounts and limitations; establishing the Florida Patriot Scholarship Program Trust Fund; providing for disbursements from such trust fund; creating s. 240.51, F.S.; establishing the Florida Patriot Industry Challenge Grant Program; providing eligibility criteria for participation in such program; providing for the award of matching grants; providing rulemaking authority; amending s. 320.08066, F.S.; providing for the distribution of the annual use fee into the Save the Manatee Trust Fund; providing for the creation and sale of a Florida Agriculture license plate; establishing fees and providing for the use thereof; amending s. 320.0104, F.S.; providing Legislative intent regarding the creation of specialty license plates; providing for future repeal and legislative review of ss. 240.4078, 240.51, 320.08065, 320.08066, 320.08067, 320.0808, 320.08085, 320.0809, 320.0895, 320.0898, F.S., relating to the Florida Patriot Scholarship Program; the Florida Patriot Industry Challenge Grant Program; the Florida panther license plate; the manatee license plate; the quincennial state license plate; the Challenger license plate; the Florida Patriot license plate; collegiate license plates; the Florida Salutes Veterans license plate; and emergency service special registration plates; providing for future repeal and legislative review of sections 1-14 and section 19 of the act, relating to specialty license plates; providing an effective date.

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

**Amendment 2A**—In title, on page 5, strike all of lines 16-19 and insert: registration plates; providing for future repeal and legislative review of sections of act relating to specialty license plates; providing for the creation of a Korean veterans license plate; providing application procedures; providing fees; providing for the deposit and uses of fee proceeds; providing for the transfer of the plates to replacement vehicles; specifying requirements for the design of the plates; allowing combined requests for such plates and personalized prestige plates; providing an

### CS for CS for CS for SB's 1042, 142, 366 and 1070

Senators Margolis, Thomas, Crenshaw, Jenne and Langley offered the following amendment which was moved by Senator Langley:

**Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. Section 112.312, Florida Statutes, as amended by section 2 of chapter 90-502, Laws of Florida, is amended to read:

112.312 Definitions.—As used in this part and for purposes of ~~full and public disclosure under the provisions of s. 8, Art. II of the State Constitution, unless the context otherwise requires:~~

(1) "Advisory body" means any board, commission, committee, council, or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than 1 percent of the budget of each agency it serves or \$100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations.

(2) "Agency" means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.

(3) "Breach of the public trust" means a violation of a provision of the State Constitution or these statutes which establishes a standard of ethical conduct, a disclosure requirement, or a prohibition applicable to public officers or employees in order to avoid conflicts between public duties and private interests, including, without limitation, a violation of s. 8, Art. II of the State Constitution or of this part.

(4) "Business associate" means any person or entity engaged in carrying on a business enterprise with a public officer, public employee, or candidate as a partner, joint venturer, corporate shareholder when the shares of such corporation are not listed on any national or regional stock exchange, or coowner of property.

(5)(3) "Business entity" means any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.

(6)(4) "Candidate" means any person who has filed a statement of financial interest and qualification papers, has subscribed to the candidate's oath as required by s. 99.021, and seeks by election to become a public officer. This definition expressly excludes a committeeman regulated by chapter 103 and persons seeking any other office or position in a political party.

(7)(5) "Commission" means the Commission on Ethics created by s. 112.320 or any successor to which its duties are transferred.

(8)(6) "Conflict" or "conflict of interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

(9)(7) "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his public duties.

(10)(8) "Disclosure period" means the taxable year for the person or business entity, whether based on a calendar or fiscal year, immediately preceding the date on which, or the last day of the period during which, the financial disclosure statement required by this part is required to be filed.

(11) "Facts materially related to the complaint at issue" means facts which tend to show a violation of this part or of s. 8, Art. II of the State Constitution by the alleged violator other than those alleged in the complaint and consisting of separate instances of the same or similar conduct as alleged in the complaint, or which tend to show an additional violation of this part or of s. 8, Art. II of the State Constitution by the alleged violator which arises out of or in connection with the allegations of the complaint.

**Amendment 2** as amended was adopted.

(12)(9)(a) "Gift," for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for his benefit or by any other means, for which equal or greater consideration is not given, including:

1. Real property.
2. The use of real property.
3. Tangible or intangible personal property.
4. The use of tangible or intangible personal property.
5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
6. Forgiveness of an indebtedness.
7. Transportation, lodging, or parking.
8. Food or beverage, other than that consumed at a single sitting or event.
9. Membership dues.
10. Entrance fees, admission fees, or tickets to events, performances, or facilities.
11. Plants, flowers, or floral arrangements.
12. Services provided by persons pursuant to a professional license or certificate.
13. Other personal services for which a fee is normally charged by the person providing the services.
14. Any other similar service or thing having an attributable value not already provided for in this section.

(b) "Gift" does not include:

1. Salary, benefits, services, fees, commissions, *gifts*, or expenses associated primarily with the recipient's employment or business.
2. Contributions or expenditures reported pursuant to chapter 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
3. An honorarium or an expense related to an honorarium event paid to a person or his spouse.
4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.
5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
6. Food or beverage consumed, or tickets for food or beverage to be consumed, at a single sitting or event.
7. The use of a public facility or public property, made available by a governmental agency, for a public purpose.
8. Any transportation expense, including parking fees, for which the recipient would be reimbursed by his agency or pursuant to s. 112.061.
9. Any expense paid or reimbursed by a governmental agency or a charitable organization that is tax-exempt under the United States Internal Revenue Code.
10. Any lodging in a private residence or a nonpublic lodging facility except a residence or facility made available by a person who is regulated pursuant to s. 112.3148(5).

(c) For the purposes of paragraph (a), "intangible personal property" means property as defined in s. 192.001(11)(b).

(13)(10) "Indirect" or "indirect interest" means an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under this part.

(14)(11) "Liability" means any monetary debt or obligation owed by the reporting person to another person, except for credit card and retail installment accounts, taxes owed, indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, or accrued income taxes on net unrealized appreciation. Each liability which is required to be disclosed by s. 8, Art. II of the State Constitution shall identify the name and address of the creditor.

(15)(12) "Material interest" means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. For the purposes of this act, indirect ownership does not include ownership by a spouse or minor child.

(16)(13) "Materially affected" means involving an interest in real property located within the jurisdiction of the official's agency or involving an investment in a business entity, a source of income or a position of employment, office, or management in any business entity located within the jurisdiction or doing business within the jurisdiction of the official's agency which is or will be affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.

(17)(14) "Ministerial matter" means action that a person takes in a prescribed manner in obedience to the mandate of legal authority, without the exercise of the person's own judgment or discretion as to the propriety of the action taken.

(18) "Parties materially related to the complaint at issue" means any other public officer or employee within the same agency as the alleged violator who has engaged in the same conduct as that alleged in the complaint, or any other public officer or employee who has participated with the alleged violator in the alleged violation as a coconspirator or as an aider and abettor.

(19)(15) "Person or business entities provided a grant or privilege to operate" includes state and federally chartered banks, state and federal savings and loan associations, cemetery companies, insurance companies, mortgage companies, credit unions, small loan companies, alcoholic beverage licensees, pari-mutuel wagering companies, utility companies, and entities controlled by the Public Service Commission or granted a franchise to operate by either a city or county government.

(20)(16) "Purchasing agent" means a public officer or employee having the authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for an agency, as opposed to the authority to request or requisition a contract or purchase by another person.

(21)(17) "Relative," unless otherwise specified in this part, means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.

(22)(18) "Represent" or "representation" means actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client.

(23)(19) "Source" means the name, address, and description of the principal business activity of a person or business entity.

(24)(20) "Value of real property" means the most recently assessed value in lieu of a more current appraisal.

Section 2. Section 112.3141, Florida Statutes, is repealed, and section 112.313, Florida Statutes, as amended by section 3 of chapter 90-502, Laws of Florida, is amended to read:

112.313 Standards of conduct for public officers and employees of agencies.—

(1) DEFINITION.—As used in this section, unless the context otherwise requires, the term “public officer” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(2) SOLICITATION OR ACCEPTANCE OF GIFTS.—No public officer, employee of an agency, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, or candidate would be influenced thereby.

(3) DOING BUSINESS WITH ONE'S AGENCY.—No employee of an agency acting in his official capacity as a purchasing agent, or public officer acting in his official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his own agency from any business entity of which he or his spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or his spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to his own agency, if he is a state officer or employee, or to any political subdivision or any agency thereof, if he is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator's place of business or when such offices are on property wholly or partially owned by the legislator. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

- (a) October 1, 1975.
- (b) Qualification for elective office.
- (c) Appointment to public office.
- (d) Beginning public employment.

(4) UNAUTHORIZED COMPENSATION.—No public officer or employee of an agency or his spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer or employee knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other *specific official* action in which the officer or employee was expected to participate in his official capacity.

(5) SALARY AND EXPENSES.—No public officer shall be prohibited from voting on a matter affecting his salary, expenses, or other compensation as a public officer, as provided by law.

(6) MISUSE OF PUBLIC POSITION.—No public officer or employee of an agency shall corruptly use or attempt to use his official position or any property or resource which may be within his trust, or perform his official duties, to secure a special privilege, benefit, or exemption for himself or others. This section shall not be construed to conflict with s. 104.31.

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his private interests and the performance of his public duties or that would impede the full and faithful discharge of his public duties.

1. When the agency referred to is that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by a public officer or employee of such agency shall not be prohibited by this subsection or be deemed a conflict per se. However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section shall be deemed a conflict of interest in violation of the standards of conduct set forth by this section.

2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict.

(b) This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

(8) DISCLOSURE OR USE OF CERTAIN INFORMATION.—No public officer or employee of an agency shall disclose or use information not available to members of the general public and gained by reason of his official position for his personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND EMPLOYEES.—

(a)1. *It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officials, and designated public employees.*

2. *As used in this paragraph:*

a. “Employee” means:

(I) *Any person employed in the executive branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.*

(II) *The Auditor General, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.*

(III) *The executive director of the Advisory Council on Intergovernmental Relations and the executive director and deputy executive director of the Commission on Ethics.*

(IV) *An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director or staff director of, or an executive assistant, analyst, or attorney in, the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.*

(V) *Any person having the power normally conferred upon the positions referenced in this sub-subparagraph.*

b. “Officer” means *any member of the Legislature or a statewide elected officer.*

3. *No member of the Legislature or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.*

4. *No agency employee shall personally represent another person or entity for compensation before the agency with whom he was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.*

5. *Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.*

6. *This paragraph is not applicable to a person employed by the Legislature or other agency prior to July 1, 1989, or persons who have reached normal retirement age defined in s. 121.021(29), and who have retired under the provisions of chapter 121 by July 1, 1991.*

(b) In addition to the provisions of this part which are applicable to legislators and legislative employees by virtue of their being public officers or employees, the conduct of members of the Legislature and legislative employees shall be governed by the ethical standards provided in the respective rules of the Senate or the House of Representatives which are not in conflict herewith.

(c) No full-time legislative employee shall be otherwise employed during the regular hours of his primary occupation, except with the written permission of the presiding officer of the house by which he is employed, filed with the Clerk of the House of Representatives or with the Secretary of the Senate, as may be appropriate. Employees of joint committees must have the permission of the presiding officers of both houses. This subsection shall not be construed to contravene the restrictions of s. 11.26.

~~(9) DISCLOSURE OF SPECIFIED INTERESTS.—~~

~~(a) If a public officer or employee of an agency is an officer, director, partner, proprietor, associate, or general agent (other than a resident agent solely for service of process) of, or owns a material interest in, any business entity which is granted a privilege to operate in this state, he shall file a statement disclosing such facts no later than 45 days after becoming an officer or employee or after the acquisition of such position or material interest. The statement shall give the name, address, and principal business activity of the business entity and shall state the position held with such business entity or the fact that a material interest is owned and the nature of that interest. New appointees to public office or new public employees shall file the statement required herein, if applicable, no later than 45 days after their appointment or after the date their employment begins.~~

~~(b) A person seeking to qualify as a candidate for nomination or election to any office shall file a like statement along with, and as a part of, the required qualification papers. The statement shall be filed with the Department of State if the individual is seeking a state office or is a state officer or employee. Persons seeking to qualify as a candidate for nomination or election to office within a political subdivision of the state, the duties and jurisdiction of which are limited to that political subdivision, and officers and employees of such subdivisions, shall file their statements with the supervisor of elections of the county in which they are principally employed or are residents.~~

(10) EMPLOYEES HOLDING OFFICE.—

(a) No employee of a state agency or of a county, municipality, special taxing district, or other political subdivision of the state shall hold office as a member of the governing board, council, commission, or authority, by whatever name known, which is his employer while, at the same time, continuing as an employee of such employer.

(b) The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this act. However, such a person shall surrender his conflicting employment prior to seeking reelection or accepting reappointment to office.

(11) PROFESSIONAL AND OCCUPATIONAL LICENSING BOARD MEMBERS.—No officer, director, or administrator of a Florida state, county, or regional professional or occupational organization or association, while holding such position, shall be eligible to serve as a member of a state examining or licensing board for the profession or occupation.

(12) EXEMPTION.—The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing person and full disclosure of the transaction or relationship by the appointee to the appointing person. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:

(a) Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city or county.

(b) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:

1. The official or his spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;

2. The official or his spouse or child has in no way used or attempted to use his influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

3. The official, prior to or at the time of the submission of the bid, has filed a statement with the Department of State, if he is a state officer or employee, or with the supervisor of elections of the county in which the agency has its principal office, if he is an officer or employee of a political subdivision, disclosing his interest, or the interest of his spouse or child, and the nature of the intended business.

(c) The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.

(d) An emergency purchase or contract which would otherwise violate a provision of subsection (3) or subsection (7) must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.

(e) The business entity involved is the only source of supply within the political subdivision of the officer or employee and there is full disclosure by the officer or employee of his interest in the business entity to the governing body of the political subdivision prior to the purchase, rental, sale, leasing, or other business being transacted.

(f) The total amount of the transactions in the aggregate between the business entity and the agency subject transaction does not exceed \$500 per calendar year.

(g) The fact that a county or municipal officer or member of a public board or body, including a district school officer or an officer of any district within a county, is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of any such public board or body, provided it appears in the records of the agency that the governing body of the agency has determined that such officer or member of a public board or body has not favored such bank over other qualified banks.

(h) The transaction is made pursuant to s. 240.229 or s. 240.241 and is specifically approved by the president and the Chancellor. The Chancellor shall submit to the Governor and the Legislature by March 1 of each year a report of the transactions approved pursuant to this paragraph during the preceding year.

(i) The public officer or employee in a private capacity purchases goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity that is doing business with, or subject to regulation by, his agency.

(13) COUNTY AND MUNICIPAL ORDINANCES REGULATING FORMER OFFICERS OR EMPLOYEES.—The governing body of any county or municipality is authorized to adopt an ordinance providing that no county or municipal officer or employee shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or employee for a period of 2 years following vacation of office or termination of employment, except for the purposes of collective bargaining. Nothing in this section shall be construed to prohibit such ordinance.

(14) ADDITIONAL EXEMPTION.—No elected public officer shall be held in violation of subsection (7) if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s. 501(c) of the Internal Revenue Code and which contracts with or otherwise enters into a business relationship with the officer's agency and:

(a) The officer's employment is not directly or indirectly compensated as a result of such contract or business relationship;

(b) The officer has in no way participated in the agency's decision to contract or to enter into the business relationship with his employer, whether by participating in discussion at the meeting, by communicating with officers or employees of the agency, or otherwise; and

(c) The officer abstains from voting on any matter which may come before the agency involving the officer's employer, publicly states to the assembly the nature of his interest in the matter from which he is abstaining, and files a written memorandum as provided in s. 112.3143.

Section 3. Section 112.3143, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 112.3143, F.S., for present text.)*

112.3143 Voting conflicts.—

(1) As used in this section:

(a) "Public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(b) "Relative" means any father, mother, son, daughter, husband, wife, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(2) No state public officer is prohibited from voting in his official capacity on any matter. However, any state public officer voting in his official capacity upon any measure which would inure to his special private gain; which he knows would inure to the special private gain of any principal by whom he is retained or to the parent organization or subsidiary of a corporate principal by which he is retained; or which he knows would inure to the special private gain of a relative or business associate of the public officer shall, within 15 days after the vote occurs, disclose the nature of his interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(3)(a) No county, municipal, or other local public officer shall vote in his official capacity upon any measure which would inure to his special private gain; which he knows would inure to the special private gain of any principal by whom he is retained or to the parent organization or subsidiary of a corporate principal by which he is retained, other than an agency as defined in s. 112.312(2); or which he knows would inure to the special private gain of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of his interest in the matter from which he is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b) However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

(4) No appointed public officer shall participate in any matter which would inure to his special private gain; which he knows would inure to the special private gain of any principal by whom he is retained or to the parent organization or subsidiary of a corporate principal by which he is retained; or which he knows would inure to the special private gain of a relative or business associate of the public officer, without first disclosing the nature of his interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

(5) Whenever a public officer or former public officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

Section 4. Present subsections (5), (6), and (7) of section 112.3145, Florida Statutes, as amended by section 5 of chapter 90-502, Laws of Florida, are renumbered as subsections (6), (7), and (8), respectively, and a new subsection (5) is added to that section to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(5) *Each elected constitutional officer and each candidate for such office; each other public officer required, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of his financial interests; and each state officer, local officer, specified state employee, and candidate for elective public office who is or was during the disclosure period an officer, director, partner, proprietor, or agent, other than a resident agent solely for service of process, of, or owns or owned during the disclosure period a material interest in, any business entity which is granted a privilege to operate in this state shall disclose such facts as a part of the disclosure form filed pursuant to s. 8, Art. II of the State Constitution, or this section, as applicable. The statement shall give the name, address, and principal business activity of the business entity and shall state the position held with such business entity or the fact that a material interest is owned and the nature of that interest.*

Section 5. Section 112.3146, Florida Statutes, as amended by section 6 of chapter 90-502, Laws of Florida, is amended to read:

112.3146 Public records.—The statements required by ss. 112.313, ~~112.314~~, 112.3145, 112.3148, and 112.3149 shall be public records within the meaning of s. 119.01.

Section 6. Section 112.3147, Florida Statutes, as amended by section 7 of chapter 90-502, Laws of Florida, is amended to read:

112.3147 Forms.—All information required to be furnished by ss. 112.313, ~~112.314~~, 112.3143, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II of the State Constitution shall be on forms prescribed by the Commission on Ethics.

Section 7. Section 112.3148, Florida Statutes, as amended by section 8 of chapter 90-502, Laws of Florida, is amended to read:

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and procurement employees.—

(1) The provisions of this section do not apply to gifts solicited or accepted by a reporting individual or procurement employee from a relative.

(2) As used in this section:

(a) "Immediate family" means any parent, spouse, child, or sibling.

(b) "Lobbyist" means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decisionmaking of a reporting individual or procurement employee or his agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his agency. With respect to an agency that has established, by rule, ordinance, or law, a registration or other designation process for persons seeking to influence decisionmaking or to encourage the passage, defeat, or modification of any proposal or recommendation by such agency or an employee or official of the agency, the term "lobbyist" includes only a person who is required to be registered or otherwise designated as a lobbyist in accordance with such rule, ordinance, or law or who was during the preceding 12 months required to be registered or otherwise designated as a lobbyist in accordance with such rule, ordinance, or law.

(c) "Person" includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(d) "Reporting individual" means any individual who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. 112.3145, to file full or limited public disclosure of his financial interests.

(e) "Procurement employee" means any employee of an officer, department, board, commission, or council of the executive branch or judicial branch of state government who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procure-

ment standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds \$1,000 in any year.

(3) A reporting individual or procurement employee is prohibited from soliciting any gift, food, or beverage from a political committee or committee of continuous existence, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or the partner, firm, employer, or principal of such lobbyist, where such gift, food, or beverage is for the personal benefit of the reporting individual or procurement employee, another reporting individual or procurement employee, or any member of the immediate family of a reporting individual or procurement employee.

(4) A reporting individual or procurement employee or any other person on his behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a political committee or committee of continuous existence, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he knows or reasonably believes that the gift has a value in excess of \$100; however, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

(5)(a) A political committee or a committee of continuous existence, as defined in s. 106.011; a lobbyist who lobbies a reporting individual's or procurement employee's agency; the partner, firm, employer, or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist is prohibited from giving, either directly or indirectly, a gift that has a value in excess of \$100 to the reporting individual or procurement employee or any other person on his behalf; however, such person may give a gift having a value in excess of \$100 to a reporting individual or procurement employee if the gift is intended to be transferred to a governmental entity or a charitable organization.

(b) *However, a person who is regulated by this subsection and who makes, or directs another to make, an individual gift in excess of \$50 in value or multiple gifts that have a cumulative value in excess of \$100 during a calendar quarter, must file a report on the last day of the calendar quarter, for the previous calendar quarter in which a reportable gift was made. The report shall be filed with the Secretary of State, except with respect to gifts to reporting individuals of the legislative branch, in which case the donor must report the gift or gifts to the Joint Legislative Management Committee. The report must contain a description of the gift or gifts, the monetary value thereof, the name and address of the person making the gift, the name and address of the recipient of the gift, and the date thereof. In addition, when a gift is made which requires the donor to file a report under this subsection, the donor must notify the recipient at the time the gift is made that the donor will report the gift under this subsection.*

(6) *Notwithstanding the provisions of subsections (4) and (5):*

(a) *A reporting individual or procurement employee, or any other person on his behalf, is prohibited from accepting a gift of cash, or cash equivalent, in any amount, for his own personal benefit; and*

(b) *A political committee; committee of continuous existence; a lobbyist who lobbies a reporting individual or procurement employee's agency; the partner, firm, employer, or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist, is prohibited from giving a reporting individual or procurement employee, or any other person on his behalf, a gift of cash, or cash equivalent, in any amount, for the personal benefit of the reporting individual or procurement employee.*

(a) ~~Notwithstanding the provisions of subsection (5), an entity of the legislative or judicial branch, a department or commission of the executive branch, a county, a municipality, or a school board may give, either directly or indirectly, a gift having a value in excess of \$100 to any reporting individual or procurement employee if a public purpose can be shown for the gift; and a direct support organization specifically authorized by law to support a governmental entity may give such a gift to a reporting individual or procurement employee who is an officer or employee of such governmental entity.~~

(b) ~~Notwithstanding the provisions of subsection (4), a reporting individual or procurement employee may accept a gift having a value in excess of \$100 from an entity of the legislative or judicial branch, a department or commission of the executive branch, a county, a municipality, or a school board if a public purpose can be shown for the gift; and a reporting individual or procurement employee who is an officer or employee of a governmental entity supported by a direct support organization specifically authorized by law to support such governmental entity may accept such a gift from such direct support organization.~~

(c) ~~No later than March 1 of each year, each governmental entity or direct support organization specifically authorized by law to support a governmental entity which has given a gift to a reporting individual or procurement employee under paragraph (a) shall provide the reporting individual or procurement employee with a statement of each gift having a value in excess of \$100 given to such reporting individual or procurement employee by the governmental entity or direct support organization during the preceding calendar year. Such report shall contain a description of each gift, the date on which the gift was given, and the value of the total gifts given by the governmental entity or direct support organization to the reporting individual or procurement employee during the calendar year for which the report is made. A governmental entity may provide a single report to the reporting individual or procurement employee of gifts provided by the governmental entity and any direct support organization specifically authorized by law to support such governmental entity.~~

(d) ~~No later than July 1 of each year, each reporting individual or procurement employee shall file a statement listing each gift having a value in excess of \$100 received by the reporting individual or procurement employee, either directly or indirectly, from a governmental entity or a direct support organization specifically authorized by law to support a governmental entity. The statement shall list the name of the person providing the gift, a description of the gift, the date or dates on which the gift was given, and the value of the total gifts given during the calendar year for which the report is made. The reporting individual or procurement employee shall attach to such statement any report received by him in accordance with paragraph (c), which report shall become a public record when filed with the statement of the reporting individual or procurement employee. The reporting individual or procurement employee may explain any differences between the report of the reporting individual or procurement employee and the attached reports. The annual report filed by a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual report filed by a procurement employee shall be filed with the Department of State.~~

(7)(a) The value of a gift provided to a reporting individual or procurement employee shall be determined using actual cost to the donor, or fair market value when there is no cost or when actual cost is unknown or difficult to determine, and, with respect to personal services provided by the donor, the reasonable and customary charge regularly charged for such service in the community in which the service is provided shall be used. If additional expenses are required as a condition precedent to eligibility of the donor to purchase or provide a gift and such expenses are primarily for the benefit of the donor or are of a charitable nature, such expenses shall not be included in determining the value of the gift.

(b) Compensation provided by the donee to the donor shall be deducted from the value of the gift in determining the value of the gift.

(c) If the actual gift value attributable to individual participants at an event cannot be determined, the total costs shall be prorated among all invited persons, whether or not reporting individuals or procurement employees.

(d) Transportation shall be valued on a round-trip basis unless only one-way transportation is provided. Round-trip transportation expenses shall be considered a single gift. Transportation provided in a private conveyance shall be given the same value as transportation provided in a comparable commercial conveyance.

(e) Lodging provided on consecutive days shall be considered a single gift. Lodging in a private residence shall be valued at the per diem rate provided in s. 112.061(6)(a)1. less the meal allowance rate provided in s. 112.061(6)(b).

(f) Food and beverages which are not exempted under s. 112.312(12)(b)6. ~~s. 112.312(9)(b)5.~~ and which are provided on the same

calendar day shall be considered a single gift, and the total value of all food and beverages provided on that date shall be considered the value of the gift.

(g) Membership dues paid to the same organization during any 12-month period shall be considered a single gift.

(h) Entrance fees, admission fees, or tickets shall be valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater.

(i) Except as otherwise specified in this section, a gift shall be valued on a per occurrence basis.

(8)(a) Each reporting individual or procurement employee shall file a statement with the Secretary of State on the last day of each calendar quarter, for the previous calendar quarter, containing a list of gifts which he believes to be in excess of \$100 in value, if any, accepted by him, except the following:

1. Gifts from relatives.
2. Gifts prohibited by subsection (4) or s. 112.313(4).
3. Gifts otherwise required to be disclosed by this section.

(b) The statement shall include:

1. A description of the gift; the monetary value of the gift; the name and address of the person making the gift; and the dates thereof. If any of these facts, other than the gift description, are unknown or not applicable, the report shall so state.

2. A copy of any receipt for such gift provided to the reporting individual or procurement employee by the donor.

(c) The statement may include an explanation of any differences between the reporting individual's or procurement employee's statement and the receipt provided by the donor.

(d) The reporting individual's or procurement employee's statement shall be sworn to by such person as being a true, accurate, and total listing of all such gifts.

(e) If a reporting individual or procurement employee has not received any gifts described in paragraph (a) during a calendar quarter, he is not required to file a statement under this subsection for that calendar quarter.

(9) A person, other than a lobbyist regulated under s. 11.045, who violates the provisions of subsection (5) commits a noncriminal infraction, punishable by a fine of not more than \$5,000 and by a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the reporting individual or procurement employee to which the gift was given in violation of subsection (5), for a period of not more than 24 months. *In addition, a political committee or committee of continuous existence that fails to file the report required in subsection (5) may be decertified by the Secretary of State.* The state attorney, or an agency, if otherwise authorized, may initiate an action to impose or recover a fine authorized under this section or to impose or enforce a limitation on lobbying provided in this section.

(10) A member of the Legislature may request an advisory opinion from the general counsel of the house of which he is a member as to the application of this section to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The member of the Legislature may reasonably rely on such opinion.

Section 8. Paragraph (a) of subsection (1) of section 112.3149, Florida Statutes, as created by chapter 90-502, Laws of Florida, is amended to read:

*(Substantial rewording of paragraph. See s. 9, ch. 90-502, Laws of Florida, for present text.)*

112.3149 Solicitation and disclosure of honoraria.—

(1) As used in this section:

(a) "Honorarium" means:

1. A payment of money or anything of value accepted by an officer as consideration for an appearance, speech, or article, in connection with such officer's official public duties. As used in this subparagraph, the term:

a. "Appearance" means attendance at a public or private conference, convention, meeting, social event, or like gathering, and any incidental conversations or remarks made at that time.

b. "Speech" means an address, oration, or other form of oral presentation, regardless of whether presented in person, recorded, or broadcast over the media.

c. "Article" means a writing other than a book, which has been or is intended to be published.

2. "Honorarium" does not include:

a. An award. The term "award" means a gift of money or anything of value given:

(I) Primarily in recognition of religious, charitable, scientific, educational, artistic, or literary achievement;

(II) Based on a selection process with established criteria and which does not require the officer to apply for or take any other action in the way of competition for the award;

(III) Gratuitously under circumstances which do not require the recipient to make an appearance or speech, or write an article as a condition for receiving the award;

(IV) Which is not made to serve in place of an honorarium or a contribution; or

(V) To memorialize an occasion, if given incidentally to an appearance at such occasion.

b. A gift, as defined in s. 112.312(9)(a), which is not supported by consideration or made to serve in place of an honorarium or a contribution.

c. Compensation, including a salary or fee, for services rendered by the officer which are related to the officer's nonpublic professional or personal activities and are not related to the public office he occupies.

d. A campaign contribution reported pursuant to chapter 106.

e. Provision of actual and reasonable transportation, lodging and food and beverage expenses related to the honorarium event for a reporting individual or procurement employee or their spouses.

Section 9. Section 112.317, Florida Statutes, as reenacted by section 10 of chapter 90-502, Laws of Florida, is amended to read:

112.317 Penalties.—

(1) Violation of any provision of this part, including, but not limited to, any failure to file any ~~disclosure~~ disclosures required by this part or violation of any standard of conduct imposed by this part, or violation of any provision of s. 8, Art. II of the State Constitution, in addition to any criminal penalty or other civil penalty involved, shall, pursuant to applicable constitutional and statutory procedures, constitute grounds for, and may be punished by, one or more of the following:

(a) In the case of a public officer:

1. Impeachment.
2. Removal from office.
3. Suspension from office.
4. Public censure and reprimand.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$5,000.
7. Restitution of any pecuniary benefits received because of the violation committed.

(b) In the case of an employee or a person designated as a public officer by this part who otherwise would be deemed to be an employee:

1. Dismissal from employment.
2. Suspension from employment for not more than 90 days without pay.
3. Demotion.

4. Reduction in salary level.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$5,000.
7. Restitution of any pecuniary benefits received because of the violation committed.
8. Public censure and reprimand.

(c) In the case of a candidate who violates the provisions of this part or s. 8, Art. II of the State Constitution ~~s. 112.3145~~:

1. Disqualification from being on the ballot.
2. Public censure.
3. Reprimand.
4. A civil penalty not to exceed \$5,000.

(d) In the case of a former public officer or former employee who has violated a provision applicable to former officers or former employees or whose violation occurred before such officer or employee left public office or employment:

1. Public censure and reprimand.
2. A civil penalty not to exceed \$5,000.
3. Restitution of any pecuniary benefit received because of the violation committed.

(2) In any case in which the commission finds a violation of this part or of s. 8, Art. II of the State Constitution and recommends a civil penalty or restitution penalty, the Attorney General shall bring a civil action to recover such penalty. No defense may be raised in the civil action to enforce the civil penalty or order of restitution that could have been raised by judicial review of the administrative findings and recommendations of the commission by certiorari to the district court of appeal.

(3) The penalties prescribed in this part shall not be construed to limit or to conflict with:

- (a) The power of either house of the Legislature to discipline its own members or impeach a public officer.
- (b) The power of agencies to discipline officers or employees.

(4) Any violation of this part or of s. 8, Art. II of the State Constitution by a public officer shall constitute malfeasance, misfeasance, or neglect of duty in office within the meaning of s. 7, Art. IV of the State Constitution.

(5) By order of the Governor, upon recommendation of the commission, any elected municipal officer who violates any provision of this part or of s. 8, Art. II of the State Constitution may be suspended from office and the office filled by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the Governor. The Senate may, in proceedings prescribed by law, remove from office, or reinstate, the suspended official, and for such purpose the Senate may be convened in special session by its president or by a majority of its membership.

~~(6) Any person who willfully discloses, or permits to be disclosed, his intention to file a complaint, the existence or contents of a complaint which has been filed with the commission, or any document, action, or proceeding in connection with a confidential preliminary investigation of the commission, before such complaint, document, action, or proceeding becomes a public record as provided herein is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

(6)(7) In any case in which the commission finds probable cause to believe that a complainant has committed perjury in regard to any document filed with, or any testimony given before, the commission, it shall refer such evidence to the appropriate law enforcement agency for prosecution and taxation of costs.

(7)(8) In any case in which the commission determines that a person has filed a complaint against a public officer or employee with a malicious intent to injure the reputation of such officer or employee and in which such complaint is found to be frivolous and without basis in law or fact,

the complainant shall be liable for costs plus reasonable attorney's fees incurred by the person complained against. If the complainant fails to pay such costs voluntarily within 30 days following such finding and dismissal of the complaint by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action to recover such costs.

(8) In any case in which the commission determines that a person has filed a complaint against a public officer or employee with a malicious intent to injure the reputation of such officer or employee or in which such complaint is found to be frivolous and without basis in law or fact, the commission shall issue a letter to the person complained against, and send a copy to the complainant, which letter shall be included in the complaint file and the final public report, and which shall state that in the commission's opinion the complainant has filed a complaint with a malicious intent to injure the reputation of the person complained against or that such complaint is found to be frivolous and without basis in law or fact.

Section 10. Section 112.320, Florida Statutes, is amended to read:

112.320 Commission on Ethics; purpose.—There is created a Commission on Ethics, the purpose of which is to serve as guardian of the standards of conduct for the officers and employees of the state, and of a county, city, or other political subdivision of the state, as defined in this part, and to serve as the independent commission provided for in s. 8(f), Art. II of the State Constitution.

Section 11. Section 112.3215, Florida Statutes, 1990 Supplement, is amended to read:

112.3215 Executive branch lobbyists; registration and reporting; investigation by commission.—

(1) For the purposes of this section:

(a) "Lobbyist" means a person who for compensation, remuneration, or commission, on behalf of another person, lobbies an agency or who is principally employed for governmental affairs by another person to lobby on behalf of that other person. Lobbyist does not include a person who is:

1. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.
2. An employee of an agency acting in the normal course of his duties.
3. A person who is a confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.

4. Any person who lobbies to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017(1)(a).

(b) "Lobbies" means seeking, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement.

(c) "Agency" means the Governor, Governor and Cabinet, or any department, division, bureau, board, commission, or authority of the executive branch.

(d) "Fund" means the Executive Branch Lobby Registration Trust Fund.

(2) The Executive Branch Lobby Registration Trust Fund is hereby created within the commission. All annual registration fees collected pursuant to this section shall be deposited into such fund. The commission is authorized to make expenditures from the fund for administering the provisions of this section.

(3) Before lobbying an agency on behalf of a principal, a lobbyist must file a registration form, and pay an annual lobbyist registration fee, with the commission for such principal. The registration for such principal shall be valid for the calendar year and must be renewed and the annual registration fee paid before lobbying an agency on behalf of that principal during any subsequent calendar year. The registration form and fee must be submitted for each principal represented. Before representing a principal for whom a valid registration is in effect before

an agency for which the lobbyist has not registered, the lobbyist shall file a new registration form with the commission but shall not be required to pay an additional fee. ~~A person may not lobby an agency until such person has registered as a lobbyist with the commission. Such registration shall be due upon initially being retained to lobby and on January 1 of each year thereafter.~~ The registration shall require the lobbyist to disclose, under oath, the following information:

- (a) His name and business address;
- (b) The name and business address of ~~the~~ each principal he represents;
- (c) His area of interest;
- (d) The agencies before which he will appear; and
- (e) The existence of any direct or indirect business association, partnership, or financial relationship with any employee of an agency with which he lobbies, or intends to lobby, as disclosed in the registration.

(4) The annual lobbyist registration fee shall be \$20 for each principal represented ~~\$10~~.

(5) A lobbyist's registration to lobby an agency on behalf of a principal shall be effective upon receipt by the commission of the completed registration form and the annual lobbyist registration fee; or, if the lobbyist has already registered to lobby another agency for that principal and has paid the annual fee, receipt of an updated registration form describing the additional agency or agencies. However, if the registration form and fee are mailed to the commission, the registration shall be effective on the notary's date provided on the registration form, so long as the form is received by the commission within 7 days of that date.

(6)(5) A lobbyist must also submit to the commission, semiannually, a signed expenditure report, under oath, for each principal summarizing his lobbying expenditures made for the benefit of agency officers and employees whom he lobbied, and the sources from which the expenditures came, including, but not limited to, meals, entertainment, and gifts, and further listing the names and positions of officers and employees whom he has lobbied for such principal for public officers and employees, and the sources from which they came, for the preceding 6 months. Such semiannual reports ~~expenditure report~~ shall be filed by July 15 of each year for the period from January 1 through June 30 and by January 15 of each year for the period from July 1 through December 31. The semiannual reports shall be rendered on the form provided by the commission and shall be open to public inspection. A semiannual report shall be filed even if there have been no expenditures or lobbying activity during a reporting period. ~~due on January 1 and July 1 of each year.~~

(7)(6) A lobbyist may cancel his registration with the commission upon termination of his contract or other such employment relationship with his principal. Such cancellation must be by written notice to the commission. A lobbyist who has cancelled his registration must file a semiannual report for the 6-month period in which the cancellation occurred.

(8)(7) The commission shall investigate every sworn complaint executed on a form prescribed by the commission and which is filed with it alleging that a person covered by this section has failed to register, has failed to submit a ~~an~~ expenditure report, or has knowingly submitted false information or omitted information in any report or registration required herein. Within 5 days after the commission receives a complaint it shall transmit a copy to the alleged violator. All proceedings, the complaint, and other records or meetings relating to the investigation shall be confidential, and exempt from the provisions of ss. 119.07(1) and 286.011, respectively, as well as from any applicable sections of chapter 120, s. 119.07(1) either until the alleged violator requests in writing that such investigation and records be made public records or until the commission determines, based on the investigation, whether probable cause exists to believe that a violation occurred.

(9)(8) If, upon completion of the preliminary investigation, the commission finds no probable cause to believe that a violation of this section occurred, it shall report the results of its investigation to the alleged violator and to the complainant and dismiss the complaint, whereupon the complaint, and all documents made or received in the disposition of the complaint together with a written statement of the findings of the investigation and a summary of the facts, shall become a matter of public record, and the commission shall send a copy of the complaint, findings, and summary to the complainant and the alleged violator. If the commis-

sion finds probable cause to believe that a violation occurred, it shall report the results of its investigation to the Governor and Cabinet and send a copy of the report to the alleged violator by certified mail. Such notification and all documents made or received in the disposition of the complaint shall then become public records. Upon request submitted to the Governor and Cabinet in writing, any person whom the commission finds probable cause to believe has violated any provision of this section shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within 14 days following the mailing of the probable cause notification. However, the Governor and Cabinet may on their own motion require a public hearing and may conduct such further investigation as they deem necessary.

(10)(9) If the Governor and Cabinet find that a violation occurred, they may reprimand the violator, censure the violator, or prohibit the violator from lobbying all agencies for a period not to exceed 2 years.

(11)(10) Any person, when in doubt about the applicability and interpretation of this section to himself in a particular context, may submit in writing the facts of the situation to the commission with a request for an advisory opinion to establish the standard of duty. An advisory opinion shall be rendered by the commission and, until amended or revoked, shall be binding on the conduct of the person who sought the opinion, unless material facts were omitted or misstated in the request.

(12)(11) Agencies shall be diligent to ascertain whether persons required to register pursuant to this section have complied. An agency may not knowingly permit a person who is not registered pursuant to this section to lobby the agency.

(13)(12) Upon discovery of violations of this section an agency or any person may file a sworn complaint with the commission.

(14)(13) The commission shall adopt rules to implement the provisions of this section, which shall include forms for registration, and expenditure reports, complaints, and procedures for registration, ~~and procedures which will prevent disclosure of information which is confidential as provided herein.~~

Section 12. Section 112.322, Florida Statutes, is amended to read:

112.322 Duties and powers of commission.—

(1) It is the duty of the Commission on Ethics to receive and investigate sworn complaints of violation of the code of ethics as established in this part and of any other breach of the public trust, as provided in s. 8(f), Art. II of the State Constitution, including investigation of all facts and parties materially related to the complaint at issue. When the commission determines that there is a party materially related to a complaint at issue, the commission shall file a complaint against such materially related party.

(2)(a) Any public officer or employee may request a hearing before the Commission on Ethics to present oral or written testimony in response to allegations made against such person that he violated the code of ethics established in this part or allegations of any other breach of the public trust, as provided in s. 8, Art. II of the State Constitution, provided a majority of the commission members present and voting consider that the allegations are of such gravity as to affect the general welfare of the state and the ability of the subject public officer or employee effectively to discharge the duties of the office. If the allegations made against the subject public officer or employee are made under oath, then he shall also be required to testify under oath.

(b) Upon completion of any investigation initiated under this subsection, the commission shall make a finding and public report as to whether any provision of the code of ethics has been violated or any other breach of the public trust has been committed by the subject official or employee. In the event that a violation or breach is found to have been committed, the commission shall recommend appropriate action to the agency or official having power to impose any penalty provided by s. 112.317.

(c) All proceedings conducted pursuant to this subsection shall be public meetings within the meaning of chapter 286, and all documents made or received in connection with the commission's investigation thereof shall be public records within the meaning of chapter 119.

(d) Any response to a request of a public official or employee shall be addressed in the first instance to the official or employee making the request.

(3)(a) Every public officer, candidate for public office, or public employee, when in doubt about the applicability and interpretation of this part or s. 8, Art. II of the State Constitution to himself in a particular context, may submit in writing the facts of the situation to the Commission on Ethics with a request for an advisory opinion to establish the standard of public duty. Any public officer or employee who has the power to hire or terminate employees may likewise seek an advisory opinion from the commission as to the application of the provisions of this part or s. 8, Art. II of the State Constitution to any such employee or applicant for employment. An advisory opinion shall be rendered by the commission, and each such opinion shall be numbered, dated, and published without naming the person making the request, unless such person consents to the use of his name.

(b) Such opinion, until amended or revoked, shall be binding on the conduct of the officer, employee, or candidate who sought the opinion or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

(4) The commission has the power to subpoena, audit, and investigate. The commission may subpoena witnesses and compel their attendance and testimony, administer oaths and affirmations, *delegate to its investigators the authority to administer oaths and affirmations*, take evidence, and require by subpoena the production of any books, papers, records, or other items relevant to the performance of the duties of the commission or to the exercise of its powers. *The commission may delegate the authority to issue subpoenas to its chairman and may authorize its employees to serve any subpoena issued under this section.* In the case of a refusal to obey a subpoena issued to any person, the commission may make application to any circuit court of this state which shall have jurisdiction to order the witness to appear before the commission and to produce evidence, if so ordered, or to give testimony touching on the matter in question. Failure to obey the order may be punished by the court as contempt. Witnesses shall be paid mileage and witnesses fees as authorized for witnesses in civil cases.

(5) The commission may recommend that the Governor initiate judicial proceedings in the name of the state against any executive or administrative state, county, or municipal officer to enforce compliance with any provision of this part or of s. 8, Art. II of the State Constitution or to restrain violations of this part or of s. 8, Art. II of the State Constitution, pursuant to s. 1(b), Art. IV of the State Constitution; and the Governor may without further action initiate such judicial proceedings.

(6) The commission is authorized to call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties. The Department of Legal Affairs shall, upon request, provide legal and investigative assistance to the commission.

(7) The commission may prepare materials designed to assist persons in complying with the provisions of this part and with s. 8, Art. II of the State Constitution.

(8) It shall be the further duty of the commission to submit to the Legislature from time to time a report of its work and recommendations for legislation deemed necessary to improve the code of ethics and its enforcement.

(9) The Commission on Ethics shall report to the Special District Information Program of the Department of Community Affairs, by November 1 each year, the names of special district local officers certified as delinquent in filing financial disclosure.

(10) *The commission may adopt rules not inconsistent with law necessary to carry out the duties and authority conferred upon the commission by s. 8, Art. II of the State Constitution or by this part, including rules providing for the practices and procedures of the commission.*

Section 13. Section 112.3231, Florida Statutes, is created to read:

112.3231 Time limitations.—

(1) On or after October 1, 1993, all sworn complaints alleging a violation of this part, or of any other breach of the public trust within the jurisdiction of the Commission on Ethics under s. 8, Art. II of the State Constitution, shall be filed with the commission within 5 years after the alleged violation or other breach of the public trust.

(2) A violation of this part or any other breach of public trust is committed when every element has occurred or, if the violation or breach of public trust involves a continuing course of conduct, at the time when the course of conduct or the officer's, employee's, or candidate's complicity therein is terminated. Time starts to run on the day after the violation or breach of public trust is committed.

(3) The applicable period of limitation is tolled on the day a sworn complaint against the public officer, employee, or candidate is filed with the Commission on Ethics. If it can be concluded from the face of the complaint that the applicable period of limitation has run, the allegations shall not be considered a complaint for the purpose of requiring the issuance of a public report. Furthermore, the complaint and all material related thereto shall remain confidential.

Section 14. Section 112.324, Florida Statutes, 1990 Supplement, is amended to read:

112.324 Procedures on complaints of violations.—

(1) Upon a written complaint executed on a form prescribed by the commission and signed under oath or affirmation by any person, the commission shall investigate any alleged violation of this part or any other alleged breach of the public trust within the jurisdiction of the commission as provided in s. 8(f), Art. II of the State Constitution in accordance with procedures set forth herein. Within 5 days after receipt of a complaint by the commission, a copy shall be transmitted to the alleged violator. All proceedings, the complaint, and other records relating to the preliminary investigation as provided herein, ~~including a dismissal of the complaint~~, shall be confidential and exempt from the provisions of s. 119.07(1), either until the alleged violator requests in writing that such investigation and records be made public records, *the complaint is dismissed*, or the preliminary investigation is completed, notwithstanding any provision of chapter 120 or chapter 286. ~~In no event shall a complaint under this part against a candidate in any general, special, or primary election be filed or any intention of filing such a complaint be disclosed on the day of any such election or within the 5 days immediately preceding the date of the election.~~

(2) A preliminary investigation of each legally sufficient complaint over which the commission has jurisdiction shall first be undertaken by the commission to determine *whether there is if the facts alleged in the complaint constitute probable cause to believe that a violation has occurred*. If, upon completion of the preliminary investigation, the commission finds no probable cause to believe that this part has been violated or that any other breach of the public trust has occurred, the commission shall dismiss the complaint with the issuance of a public report to the complainant and the alleged violator. *At that time, and the complaint and all materials relating to the complaint, unless prohibited by subsection (3), shall become a matter of public record, together with a written statement of the findings of the preliminary investigation and a summary of the facts which the commission shall send to the complainant and the alleged violator.* If the commission finds from the preliminary investigation probable cause to believe that this part has been violated or that any other breach of the public trust has occurred, it shall so notify the complainant and the alleged violator in writing. Such notification and all documents made or received in the disposition of the complaint shall then become public records. Upon request submitted to the commission in writing, any person who the commission finds probable cause to believe has violated any provision of this part or has committed any other breach of the public trust shall be entitled to a public hearing. Such person shall be deemed to have waived the right to public hearing if the request is not received within 14 days following the mailing of the probable cause notification required by this subsection. However, the commission may on its own motion require a public hearing, and may conduct such further investigation as it deems necessary, and may enter into such stipulations and settlements as it finds to be just and in the best interests of the state. A finding of probable cause shall not be based upon an advisory opinion issued subsequent to the date of the alleged breach of the public trust.

(3) If, in any case pertaining to a member of the Legislature, upon completion of a full and final ~~its preliminary~~ investigation by the commission of a complaint against an impeachable officer or member of the Legislature, the commission finds that there has been insufficient evidence to establish probable cause to believe a violation of this part or of any provision of s. 8, Art. II of the State Constitution has occurred, ~~it shall dismiss the complaint. All evidence and material shall be kept in strict confidentiality by the commission after a complaint is dismissed. The information may be disclosed only upon written request by an appropriate legislative committee. Upon finding sufficient evidence to establish probable cause to believe a violation by such officer has occurred, the commission shall forward a copy of the complaint and its findings by certified mail to the President of the Senate or the Speaker of the House of Representatives, whichever is applicable, who may shall refer the complaint to the appropriate committee for investigation and~~

action as provided which shall be governed by the rules of its respective house. The complaint and all records relating to the preliminary investigation shall become public records upon referral by the Speaker or President to the appropriate committee. It shall be the duty of the committee to report its final action upon the complaint to the commission within 90 days of the date of transmittal to the respective house. If, for any reason, the committee to which the complaint is referred feels that it cannot or should not investigate the complaint, it may return the complaint to the commission which shall conduct a full investigation and report its findings to the committee for appropriate action. Upon request of the committee, the commission shall submit a recommendation as to what penalty, if any, should be imposed. In the case of a member of the Legislature, the house in which the member serves has the power to invoke the penalty provisions of this part.

(4) If, in any case pertaining to a complaint against an impeachable officer, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution, the commission shall forward a copy of the complaint and its findings by certified mail to the Speaker of the House of Representatives, who may refer the complaint to the appropriate committee for investigation and action as provided by the rules of the House of Representatives.

(5) If the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution by an impeachable officer other than the Governor, and the commission recommends public censure and reprimand, forfeiture of a portion of the officer's salary, a civil penalty, or restitution, the commission shall report its findings and recommendation of disciplinary action to the Governor, who shall have the power to invoke the penalty provisions of this part.

(6) If the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution by the Governor, and the commission recommends public censure and reprimand, forfeiture of a portion of the Governor's salary, a civil penalty, or restitution, the commission shall report its findings and recommendation of disciplinary action to the Attorney General, who shall have the power to invoke the penalty provisions of this part.

(7)(4) If, in cases pertaining to complaints other than complaints against impeachable officers or members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of s. 8, Art. II of the State Constitution, it shall be the duty of the commission to report its findings and recommend appropriate action to the proper disciplinary official or body as follows, and such official or body shall have the power to invoke the penalty provisions of this part:

(a) The Governor, in any case concerning officers who can be removed or suspended by the Governor.

(b) The head of the agency, in any case concerning a state officer or employee not covered in paragraph (a).

(c) The governing body or appointing official of an officer or employee of a county, city, or other political subdivision of the state not otherwise covered in paragraph (a).

(d) The Secretary of State, in any case concerning a candidate whose name is placed on the ballot by certification of the Secretary of State only when the commission recommends removal of such candidate from the ballot for a violation of s. 112.3145 or s. 8, Art. II of the State Constitution.

(e) The city commission or city council, in any case concerning a candidate for municipal office only when the commission recommends removal of such candidate from the ballot for a violation of s. 112.3145 or s. 8, Art. II of the State Constitution.

(f) The county commission, in any case concerning a candidate for county office only when the commission recommends removal of such candidate from the ballot for a violation of s. 112.3145 or s. 8, Art. II of the State Constitution.

(g) In any case concerning a former impeachable officer who has violated a provision applicable to former officers or whose violation occurred prior to leaving public office, the proper disciplinary official is the Governor.

(h) In any other case concerning a former public officer or employee who has violated a provision applicable to former officers or employees or whose violation occurred prior to leaving public office or employment, the proper disciplinary official or body is the official or body designated by this subsection for the position formerly held by the individual.

(i) In any case concerning a former member of the Legislature who has violated a provision applicable to former members or whose violation occurred prior to leaving public office, the proper disciplinary official is the Speaker of the House of Representatives or the President of the Senate, whichever is applicable.

(j) In any case concerning a candidate or former candidate for office when the commission recommends that a public censure, reprimand, or civil penalty be imposed, the proper disciplinary official is the Governor.

(8)(5) In addition to reporting its findings to the proper disciplinary body or official, the commission shall report these findings to the state attorney or any other appropriate official or agency having authority to initiate prosecution when violation of criminal law is indicated.

(9)(6) Notwithstanding the foregoing procedures of this section, a sworn complaint against any member or employee of the Commission on Ethics for violation of this part or of s. 8, Art. II of the State Constitution shall be filed with the President of the Senate and the Speaker of the House of Representatives. Each presiding officer shall, after determining that there are sufficient grounds for review, appoint three members of their respective bodies to a special joint committee who shall investigate the complaint. The members shall elect a chairman from among their number. If the special joint committee finds insufficient evidence to establish probable cause to believe a violation of this part or of s. 8, Art. II of the State Constitution has occurred, it shall dismiss the complaint. If, upon completion of its preliminary investigation, the committee finds sufficient evidence to establish probable cause to believe a violation has occurred, the chairman thereof shall transmit such findings to the Governor who shall convene a meeting of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court to take such final action on the complaint as they shall deem appropriate, consistent with the penalty provisions of this part. Upon request of a majority of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court, the special joint committee shall submit a recommendation as to what penalty, if any, should be imposed.

(10) Notwithstanding the procedures of this section to the contrary, the following provisions apply to complaints against candidates:

(a) No one may file a complaint under this part against a candidate in any general, special, or primary election on, or within the 45 days immediately preceding, the date of that election.

(b) Complaints properly filed against candidates may be considered on an emergency basis by the commission.

(c) The commission must report its findings and recommendations to the proper disciplinary official or body at least 10 days before the election.

(d) The commission, for purposes of this subsection, may adopt rules to:

1. Expedite emergency complaint procedures;
2. Provide for emergency meetings of the commission;
3. Allow the use of telephonic, electronic, and computer transfers of information, as well as use of video taped testimony, by the commission.

(11) Notwithstanding the provisions of subsections (1)-(7), the commission may, at its discretion, dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, in which case the commission shall issue a public report stating with particularity its reasons for the dismissal.

Section 15. The increase in the lobbyist registration fee provided in this act applies to registrations for the calendar year 1992 and thereafter.

Section 16. Subsection (1) of section 876.05, Florida Statutes, is amended to read:

876.05 Public employees; oath.—

~~(1) All persons who now or hereafter are employed by or who now or hereafter are on the payroll of The state, or any of its departments and agencies, subdivisions, counties, cities, school boards and districts of the free public school system of the state or counties, or institutions of higher learning may require all persons who now or hereafter are employed by or who now or hereafter are on the payroll and all candidates for public office, and all candidates for public office, are required to take an oath, except as otherwise provided by state or federal law, before any person duly authorized to take acknowledgments of instruments for public record in the state in the following form:~~

~~I, . . . , a citizen of the State of Florida and of the United States of America, and being employed by or an officer of . . . and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.~~

Section 17. Subsection (3) is added to section 350.0605, Florida Statutes, to read:

350.0605 Former commissioners and employees; representation of clients before commission.—

(3) *For a period of 2 years following termination of service on the commission, a former member may not accept employment by or compensation from any business entity that, either directly or indirectly, owns or controls any public utility regulated by the commission, from any public utility regulated by the commission, or from any business entity that, either directly or indirectly, is an affiliate, subsidiary, or representative of any public utility regulated by the commission. If it is judicially determined that the provisions of this subsection do not apply to commissioners serving on the effective date of this subsection, and if a member of the commission accepts such employment otherwise prohibited by this subsection, the employer shall file with the commission and with the office of the public counsel a complete list of all dockets in which the former member participated in which the employer had an interest or represented a company which had an interest.*

Section 18. The investigation of facts and parties materially related to a complaint, as provided in section 112.322(1), Florida Statutes, and pursuant to the definitions contained in subsections (11) and (18) of section 112.312, Florida Statutes, herein, and the amendment of section 112.3143, Florida Statutes, shall apply only to alleged violations occurring after the effective date of this act.

Section 19. This act shall take effect October 1, 1991, except that sections 7 and 8 shall take effect January 1, 1992, and except that this section and section 14 shall take effect upon becoming a law.

Senator Beard moved the following amendment to **Amendment 1** which failed:

**Amendment 1A**—On page 23, line 18, through page 32, line 18, strike all of said lines and insert:

*(Substantial rewording of section. See s. 112.3148, F.S., as amended by ch. 90-502, Laws of Florida, for present text.)*

112.3148 Gifts to individuals filing full or limited public disclosure and procurement employees.—

(1) The provisions of this section do not apply to gifts solicited or accepted by a reporting individual or procurement employee from a relative.

(2) As used in this section:

(a) "Reporting individual" means any individual who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. 112.3145, to file full or limited public disclosure of his financial interests.

(b) "Procurement employee" means any employee of an officer, department, board, commission, or council of the executive branch or judicial branch of state government who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds \$1,000 in any year.

(3) Except as provided in subsection (1), a person may not give a gift to a reporting individual or procurement employee. Except as provided in subsection (1), a reporting individual or procurement employee may not accept a gift from any person.

(4) A reporting individual or procurement employee who violates subsection (3) may be punished as provided in s. 112.317. A lobbyist who violates subsection (3) by giving a prohibited gift may be punished by revocation of his registration to act as a lobbyist.

Senator Gordon moved the following amendment to **Amendment 1** which failed:

**Amendment 1B**—On page 31, line 1, following "individual" insert: *, except a legislative assistant,*

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

**Amendment 1C**—On page 26, line 29, after the period (.) insert: *Under this paragraph, a gift need not be reported by more than one person or entity.*

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

**Amendment 1D**—On page 24, strike line 8 and insert: *or the employee or official of the agency. The term "lobbyist"*

**Amendment 1** as amended was adopted.

Senators Margolis, Thomas, Crenshaw, Jenne and Langley offered the following amendment which was moved by Senator Langley and adopted:

**Amendment 2**—In title, on page 1, strike everything before the enacting clause and insert: *A bill to be entitled An act relating to public officers, candidates for public office, and public employees; amending s. 112.312, F.S.; providing additional definitions and redefining the term "gift" for purposes of part III of ch. 112, F.S., and s. 8, Art. II of the State Constitution; amending s. 112.313, F.S.; clarifying a prohibition; including provisions regulating representation before certain agencies by legislators, statewide elected officers, and agency employees, and standards of conduct for legislators and employees; removing provisions relating to disclosure of certain specified interests; providing exemptions from the prohibition against a public officer or employee doing business with his own company or entering into a conflicting employment relationship; repealing s. 112.3141, F.S., relating to additional standards of conduct for public officers and employees; amending s. 112.3143, F.S.; revising provisions relating to voting conflicts and disclosure with respect thereto; amending s. 112.3145, F.S.; requiring certain officers, candidates, and employees who hold a specified relationship with business entities authorized to operate in this state to file a disclosure statement as part of their financial statements; amending ss. 112.3146, 112.3147, F.S.; conforming cross-references; amending s. 112.3148, F.S.; removing a prohibition on governmental entities and direct-support organizations making certain gifts to persons who must file disclosure of financial interests and procurement employees; providing for the valuation of gifts; conforming a cross-reference; amending s. 112.3149, F.S.; redefining "honorarium"; providing applicability; amending s. 112.317, F.S.; providing penalties for officers, employees, and candidates who violate s. 8, Art. II of the State Constitution; providing penalties for former public officers or former employees who violated provisions of part III of ch. 112, F.S., or s. 8, Art. II of the State Constitution; removing prohibition against certain disclosures of information; amending s. 112.320, F.S.; providing that the Commission on Ethics is the commission provided for in s. 8(f), Art. II of the State Constitution; amending s. 112.3215, F.S.; providing for registration by lobbyists of principals; increasing the lobbyist's registration fee; providing for semi-annual reports by lobbyists; providing for receipt and disposition of complaints against lobbyists; providing investigation procedures; amending s. 112.322, F.S.; providing authority of the commission with respect to breaches of the public trust; authorizing the commission to delegate to its investigators the authority to administer oaths; authorizing the commission to delegate its subpoena powers to its chairman; authorizing the commission to allow its employees to serve such subpoenas; providing authority for the commission to make rules; creating s. 112.3231, F.S.; providing time limitations for complaint filing; amending s. 112.324, F.S.; modifying procedures on complaints of violations of part III of ch. 112, F.S., or s. 8, Art. II of the State Constitution; providing procedures for complaints against former officers, former employees, and former candidates; providing procedures for complaints against candi-*

dates; amending s. 876.05, F.S.; revising language with respect to the loyalty oath required of public employees; amending s. 350.0605, F.S.; providing restrictions on employment by former Public Service Commissioners for a period of 2 years; providing for prospective applicability of specified provisions; providing effective dates for lobbyist registration fees; providing an effective date.

#### CS for SB 1286

Senator Dudley moved the following amendments which were adopted:

**Amendment 1**—On page 6, between lines 9 and 10, insert:

Section 3. Subsection (3) of section 28.2401, Florida Statutes, is amended to read:

28.2401 Service charges in probate matters.—

(3) Service charges in excess of those fixed in this section may be imposed by the governing authority of the county by ordinance, or by special or local law, to provide and maintain facilities, including a law library, or to provide or maintain a legal aid program. Service charges other than those fixed in this section shall be governed by s. 28.24. *An additional service charge of \$2.50 on petitions seeking summary administration, family administration, formal administration, ancillary administration, guardianship, curatorship, and conservatorship, shall be paid to the clerk for deposit into the Court Education Trust Fund.*

Section 4. Subsections (1), (2), and (3) of section 44.108, Florida Statutes, 1990 Supplement, are amended to read:

44.108 Funding of mediation and arbitration.—Mediation should be accessible to all parties regardless of financial status. Each board of county commissioners may support mediation and arbitration services by appropriating moneys from county revenues and by:

(1) Levying, in addition to *other the* service charges levied by law ~~under s. 28.241~~, a service charge of no more than \$5 on any circuit court proceeding, which shall be deposited in the court's mediation-arbitration account fund under the supervision of the chief judge of the circuit in which the county is located; and

(2) Levying, in addition to *other the* service charges levied by law ~~pursuant to s. 28.241~~, a service charge of no more than \$5 on any county court proceeding, which shall be deposited in the county's mediation-arbitration account fund to be used to fund county civil mediation services under the supervision of the chief judge of the circuit in which the county is located.

(3) Levying, in addition to *other the* service charges levied by law ~~under s. 28.241~~, a service charge of no more than \$45 on any petition for a modification of a final judgment of dissolution, which shall be deposited in the court's family mediation account fund to be used to fund family mediation services under the supervision of the chief judge of the circuit in which the county is located.

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 1, line 20, after the semicolon (;) insert: amending s. 28.2401, F.S.; providing a service charge on specified probate proceedings to be deposited into the Court Education Trust Fund; amending s. 44.108, F.S.; authorizing counties to levy service charges to support mediation and arbitration services in addition to other service charges levied by law;

#### SB 1304

Senators Dantzler and Bruner offered the following amendments which were moved by Senator Dantzler and adopted:

**Amendment 1**—On page 1, line 24 after "rehabilitation." insert: *Funds collected from felony offenders may be used to offset costs of the Department of Corrections associated with the community control, probation, or parole supervision programs or the pretrial supervision program, subject to appropriation by the Legislature.*

**Amendment 2**—In title, on page 1, line 7, after the semicolon (;) insert: allowing cost of supervision payments to offset costs of supervising offenders;

#### CS for SB 1384

Senator Brown moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 10, insert:

Section 1. Section 255.259, Florida Statutes, is created to read:

255.259 Xeriscape landscaping on public property.—

(1) The Legislature finds that water conservation is increasingly critical to the continuance of an adequate water supply for the citizens of this state. The Legislature further finds that "Xeriscape," as defined in s. 373.185, can contribute significantly to the conservation of water. Finally, the Legislature finds that state government has the responsibility to promote Xeriscape as a water conservation measure by using Xeriscape on public property associated with publicly owned buildings or facilities.

(2) As used in this section, "publicly owned buildings or facilities" means those construction projects under the purview of the Department of General Services. It does not include environmentally endangered land or roads and highway construction under the purview of the Department of Transportation.

(3) The Department of General Services, in consultation with the Department of Environmental Regulation and the Department of Natural Resources, shall, by June 30, 1992, adopt rules and guidelines for the required use of Xeriscape on public property associated with publicly owned buildings or facilities constructed after June 30, 1992. The Department of General Services also shall develop a 5-year program for phasing in the use of Xeriscape on public property associated with publicly owned buildings or facilities constructed before July 1, 1992. In accomplishing these tasks, the Department of General Services shall take into account the guidelines set out in s. 373.185(2)(a)-(f). The Department of Transportation shall implement Xeriscape landscaping pursuant to s. 335.167.

Section 2. Section 335.167, Florida Statutes, is created to read:

335.167 State highway construction and maintenance; Xeriscape landscaping in rights-of-way.—The department shall use and require the use of Xeriscape practices in the construction and maintenance of all new state highways, wayside parks, access roads, welcome stations, and other state highway rights-of-way constructed upon or acquired after June 30, 1992. The department shall develop a 5-year program for phasing in the use of Xeriscape, including the use of solid waste compost, in state highway rights-of-way constructed upon or acquired before July 1, 1992. In accomplishing these tasks, the department shall employ the guidelines set out in s. 373.185(2)(a)-(f).

Section 3. Section 373.185, Florida Statutes, is created to read:

373.185 Local Xeriscape ordinances.—

(1) As used in this section, the term:

(a) "Local government" means any county or municipality of the state.

(b) "Xeriscape" means a landscaping method that maximizes the conservation of water by the use of site-appropriate plants and an efficient watering system. The principles of Xeriscape include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

(2) Each water management district shall design and implement an incentive program to encourage all local governments within its district to adopt new ordinances or amend existing ordinances to require Xeriscape landscaping for development permitted after the effective date of the new ordinance or amendment. Each district shall adopt rules governing the implementation of its incentive program and governing the review and approval of local government Xeriscape ordinances or amendments which are intended to qualify a local government for the incentive program. Each district shall assist the local governments within its jurisdiction by providing a model Xeriscape code and other technical assistance. A local government Xeriscape ordinance or amendment, in order to qualify the local government for a district's incentive program, must include, at a minimum:

(a) Landscape design, installation, and maintenance standards that result in water conservation. Such standards shall address the use of plant groupings, soil analysis including the promotion of the use of solid waste compost, efficient irrigation systems, and other water-conserving practices.

- (b) Identification of prohibited invasive exotic plant species.
- (c) Identification of controlled plant species, accompanied by the conditions under which such plants may be used.
- (d) A provision specifying the maximum percentage of turf and the maximum percentage of impervious surfaces allowed in a xeriscaped area and addressing the practical selection and installation of turf.
- (e) Specific standards for land clearing and requirements for the preservation of existing native vegetation.
- (f) A monitoring program for ordinance implementation and compliance.

The districts also shall work with local governments to promote, through educational programs and publications, the use of Xeriscape practices, including the use of solid waste compost, in existing residential and commercial development. This section may not be construed to limit the authority of the districts to require Xeriscape ordinances or practices as a condition of any consumptive use permit.

Section 4. Paragraph (a) of subsection (3) of section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(3)(a) To be eligible for designation under this program, the developer shall comply with each of the following requirements which is applicable to the site of a qualified development:

1. Have donated or entered into a binding commitment to donate the fee or a lesser interest sufficient to protect in perpetuity the natural attributes of the types of land listed below. In lieu of the above requirement, the developer may enter into a binding commitment which runs with the land to set aside such areas on the property, in perpetuity, as open space to be retained in a natural condition or as otherwise permitted under this subparagraph. Under the requirements of this subparagraph, the developer may reserve the right to use such areas for the purpose of passive recreation which is consistent with the purposes for which the land was preserved.

a. Wetlands and water bodies within the jurisdiction of the Department of Environmental Regulation pursuant to s. 403.8171. The developer may use such areas for the purpose of site access, provided other routes of access are unavailable or impracticable; may use such areas for the purpose of stormwater or domestic sewage management and other necessary utilities to the extent that such uses are permitted pursuant to chapter 403; or may redesign or alter wetlands and water bodies within the jurisdiction of the Department of Environmental Regulation which have been artificially created, if the redesign or alteration is done so as to produce a more naturally functioning system.

b. Active beach or primary and, where appropriate, secondary dunes, to maintain the integrity of the dune system and adequate public accessways to the beach. However, the developer may retain the right to construct and maintain elevated walkways over the dunes to provide access to the beach.

c. Known archaeological sites determined to be of significance by the Division of Historical Resources of the Department of State.

d. Areas known to be important to animal species designated as endangered or threatened animal species by the United States Fish and Wildlife Service or by the Florida Game and Fresh Water Fish Commission, for reproduction, feeding, or nesting; for traveling between such areas used for reproduction, feeding, or nesting; or for escape from predation.

e. Areas known to contain plant species designated as endangered plant species by the Department of Agriculture and Consumer Services.

2. Produce, or dispose of, no substances designated as hazardous or toxic substances by the United States Environmental Protection Agency or by the Department of Environmental Regulation or the Department of Agriculture and Consumer Services. This subparagraph is not intended to apply to the production of these substances in nonsignificant amounts as would occur through household use or incidental use by businesses.

3. Participate in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area.

4. Incorporate no dredge and fill activities in, and no stormwater discharge into, waters designated as Class II, aquatic preserves, or Outstanding Florida Waters, except as activities in those waters are permitted pursuant to s. 403.813(2) and the developer demonstrates that those activities meet the standards under Class II waters, Outstanding Florida Waters, or aquatic preserves, as applicable.

5. Include open space, recreation areas, *Xeriscape as defined in s. 373.185*, and energy conservation and minimize impermeable surfaces as appropriate to the location and type of project.

6. Provide for construction and maintenance of all onsite infrastructure necessary to support the project and enter into a binding commitment with local government to provide an appropriate fair-share contribution toward the offsite impacts which the development will impose on publicly funded facilities and services, except offsite transportation, and condition or phase the commencement of development to ensure that public facilities and services, except offsite transportation, will be available concurrent with the impacts of the development. For the purposes of offsite transportation impacts, the developer shall comply, at a minimum, with the standards of the state land planning agency's development-of-regional-impact transportation rule, the approved regional comprehensive plan, any applicable regional planning council transportation rule, and the approved local government comprehensive plan and land development regulations adopted pursuant to part II of chapter 163.

7. Design and construct the development in a manner which is consistent with the adopted state plan, the state land development plan, the applicable comprehensive regional policy plan, and the applicable adopted local government comprehensive plan.

Section 5. Section 125.568, Florida Statutes, is created to read:

125.568 Conservation of water; Xeriscape.—

(1)(a) The Legislature finds that Xeriscape contributes to the conservation of water. In an effort to meet the water needs of this state in a manner that will supply adequate and dependable supplies of water where needed, it is the intent of the Legislature that Xeriscape be an essential part of water conservation planning.

(b) "Xeriscape" means a landscaping method that maximizes the conservation of water by the use of site-appropriate plants and an efficient watering system. The principles of Xeriscape include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, practical use of turf, efficient irrigation, appropriate use of mulches, and proper maintenance.

(2) By October 1, 1992, the board of county commissioners of each county shall consider enacting ordinances requiring the use of Xeriscape as a water conservation measure. If the board determines that Xeriscape would be of significant benefit as a water conservation measure relative to the cost to implement Xeriscape landscaping in its area of jurisdiction, the board shall enact a Xeriscape ordinance. Further, the board of county commissioners shall consider promoting Xeriscape as a water conservation measure by: using Xeriscape in, around, or near facilities, parks, and other common areas under its jurisdiction which are landscaped after the effective date of this act; providing public education on Xeriscape, its uses as a water conservation tool, and its long-term cost effectiveness; and offering incentives to local residents and businesses to implement Xeriscape landscaping.

Section 6. Section 166.048, Florida Statutes, is created to read:

166.048 Conservation of water; Xeriscape.—

(1)(a) The Legislature finds that Xeriscape contributes to the conservation of water. In an effort to meet the water needs of this state in a manner that will supply adequate and dependable supplies of water where needed, it is the intent of the Legislature that Xeriscape be an essential part of water conservation planning.

(b) "Xeriscape" means a landscaping method that maximizes the conservation of water by the use of site-appropriate plants and an efficient watering system. The principles of Xeriscape include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, practical use of turf, efficient irrigation, appropriate use of mulches, and proper maintenance.

(2) By October 1, 1992, the governing body of each municipality shall consider enacting ordinances requiring the use of Xeriscape as a water

conservation measure. If the governing body determines that Xeriscape would be of significant benefit as a water conservation measure relative to the cost to implement Xeriscape landscaping in its area of jurisdiction in the municipality, the board shall enact a Xeriscape ordinance. Further, the governing body shall consider promoting Xeriscape as a water conservation measure by: using Xeriscape in, around, or near facilities, parks, and other common areas under its jurisdiction which are landscaped after the effective date of this act; providing public education on Xeriscape, its uses as a water conservation tool, and its long-term cost effectiveness; and offering incentives to local residents and businesses to implement Xeriscape landscaping.

Section 7. Water conservation; automatic sprinkler systems.—Any person who purchases and installs an automatic lawn sprinkler system after the effective date of this act shall install a rain sensor device or switch which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.

Section 8. Subsection (6) of section 481.303, Florida Statutes, is amended to read:

481.303 Definitions.—As used in this chapter:

(6) "Landscape architecture" means professional services, including, but not limited to, the following:

(a) Consultation, investigation, research, planning, design, preparation of drawings, specifications, contract documents and reports, responsible construction supervision, or landscape management in connection with the planning and development of land and incidental water areas, including the use of Xeriscape as defined in s. 373.185, where, and to the extent that, the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values;

(b) The determination of settings, grounds, and approaches for and the siting of buildings and structures, outdoor areas, or other improvements;

(c) The setting of grades, shaping and contouring of land and water forms, determination of drainage, and provision for storm drainage and irrigation systems where such systems are necessary to the purposes outlined herein; and

(d) The design of such tangible objects and features as are necessary to the purpose outlined herein.

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 1, strike line 2 and insert: An act relating to water; creating ss. 255.259, 335.167, F.S.; requiring Xeriscape landscaping of certain property under the Department of General Services or the Department of Transportation, by a specified date; providing a 5-year phase-in for Xeriscape landscaping of certain other property under the departments; providing for rules and guidelines; creating s. 373.185, F.S.; providing definitions; requiring local Xeriscape incentive programs under the water management districts; providing for local government ordinances; specifying requirements; providing for rules and a model Xeriscape code; providing for promotion of residential and commercial use of Xeriscape; amending s. 380.061, F.S.; adding a Xeriscape landscaping requirement under the Florida Quality Developments program; creating ss. 125.568, 166.048, F.S.; providing legislative findings and intent relating to the conservation of water through Xeriscape; directing counties and municipalities to consider enacting ordinances requiring the use of Xeriscape and to enact such ordinances in specified circumstances; requiring counties and municipalities to consider promoting Xeriscape through public education and local incentives; requiring purchasers of automatic lawn sprinkler systems to install rain sensor devices; amending s. 481.303; including Xeriscape within the definition of landscape architecture;

#### SB 1396

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

**Amendment 1**—In title, on page 1, line 4, after "staff" insert: and officer of the Control Release Authority

#### CS for SB 1554

Senator Weinstein moved the following amendments which were adopted:

**Amendment 1**—On page 2, line 11, after "business." insert: The board shall meet not more than three times per year.

**Amendment 2**—On page 3, between lines 4 and 5, insert:

(d) The public guardianship provision of the Florida Guardianship Law, and shall consider its implementation, application, and the advisability of increasing the powers and duties of public guardians to include authorization to provide alternative services to guardianship, to charge minimal fees for such services, to serve as guardian advocates pursuant to section 393.12, Florida Statutes, and to offer training of guardians.

**Amendment 3**—On page 3, strike all of lines 21-30 and insert:

(8) The Office of the State Courts Administrator shall provide staff for the board and for all necessary data collection and analysis and research and support services. The Office of the State Courts Administrator is authorized to incur expenses for clerical support and legal research assistants to assist the staff in performing its responsibilities.

(9) Members of the board shall serve without compensation. Members of the board who represent state government entities shall be reimbursed for per diem and travel expenses as provided in section 112.061, Florida Statutes. Other members shall serve on a voluntary basis and are not eligible for reimbursement from state funds.

(10) The board shall expire June 30, 1993.

Section 2. The amount of \$18,000 is appropriated from the General Revenue Fund to the Office of the State Courts Administrator to carry out the provisions of this act.

(Renumber subsequent section.)

**Amendment 4**—In title, on page 1, line 8, after the semicolon (;) insert: providing an appropriation;

**Amendment 5**—On page 3, between lines 30 and 31, insert:

Section 2. Section 744.653, Florida Statutes, is created to read:

744.653 Annual guardianship report.—Guardians appointed under the Veterans' Guardianship Law shall not be required to comply with the provisions of s. 744.367.

(Renumber subsequent section.)

**Amendment 6**—In title, on page 1, line 8, after the semicolon (;) insert: creating s. 744.653, F.S.; providing that guardians appointed under the Veterans' Guardianship Law need not comply with s. 744.367, F.S.;

#### CS for SB 1618

Senator Dantzer moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 12, after the semicolon (;) insert: amending s. 531.41, F.S.; providing for exemption of scales used for determining human weight;

**Amendment 2**—On page 3, line 28, insert a new section 2 to read:

Section 2. Subsection (16) is added to section 531.41, Florida Statutes, 1990 Supplement, to read:

531.41 Powers and duties of the department.—The department shall:

(16) *The provisions of chapter 531 and the rules adopted thereunder notwithstanding, scales routinely used by providers of weight control services shall not be considered commercial weights and measures when used to determine human weight or to compute charges or payments for services rendered by such providers on the basis of said weight, measure, or count.*

(Renumber subsequent sections.)

#### CS for SB 1694

Senator Dudley moved the following amendment which was adopted:

**Amendment 1**—On page 1, line 27, after "employee" insert: as elections supervisor

## AMENDMENTS TO HOUSE BILLS

## CS for HB 1411

Senator Jenne moved the following amendments which were adopted:

**Amendment 1**—On page 2, strike all of lines 22 and 23 and insert:

Section 2. Section 486.109, Florida Statutes, is created to read:

486.109 Continuing education.—

(1) The board shall require licensees to periodically demonstrate their professional competence as a condition of renewal of a license by completing 24 hours of continuing education biennially.

(2) The board shall approve only those courses sponsored by a college or university which provides a curriculum for training physical therapists or physical therapist assistants which is accredited by, or has status with an accrediting agency approved by, the United States Department of Education or courses sponsored or approved by the Florida Physical Therapy Association or the American Physical Therapy Association.

(3) The board may make exceptions from the requirements of this section in emergency or hardship cases as provided by rule.

(4) Each licensee shall be responsible for maintaining sufficient records in a format as determined by rule which shall be subject to a random audit by the department to assure compliance with this section.

(5) The board may adopt rules within the requirements of this section that are necessary for its implementation.

Section 3. Each section which is added to chapter 486, Florida Statutes, by this act is repealed October 1, 1996, and shall be reviewed by the Legislature pursuant to section 11.61, Florida Statutes.

Section 4. Section 1 of this act shall take effect upon becoming a law and Sections 2 and 3 of this act shall take effect January 1, 1992.

**Amendment 2**—In title, on page 1, line 2, strike “chiropractic physicians” and insert: professional regulation; creating s. 486.109, F.S.; providing continuing education requirements for physical therapists;

Senator Crotty moved the following amendment which was adopted:

**Amendment 3**—On page 2, line 11, strike “72 hours” and insert: 5 working days

## HB 2277

The Committee on Corrections, Probation and Parole recommended the following amendments which were moved by Senator Bruner and adopted:

**Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. Subsections (1), (2), and (6), and paragraphs (f), (j), (n), (p), (q), (r), (s), (t), and (u) of subsection (4) of section 242.68, Florida Statutes, 1990 Supplement, are amended to read:

242.68 Education for state prisoners; Correctional Education School Authority; Board of Correctional Education.—

(1) There is hereby created a Correctional Education School Authority attached to the Department of Corrections which shall be composed of the educational and library facilities of all institutions operated by the Department of Corrections and shall be supervised by a Board of Correctional Education. Library services and facilities, and maintenance of facilities, that house the education programs shall continue to be assigned to the Department of Corrections, which shall also be responsible, in consultation with the Correctional Education School Authority, for renovation and new construction of correctional education facilities. All education-related positions, including central office administrative positions, shall be assigned to the school authority.

(2)(a) There is hereby established a Board of Correctional Education attached to the Department of Corrections, which shall be composed of nine seven voting members and two nonvoting members. Membership shall be as follows:

1. Four Two voting ex officio members, who shall be the Commissioner of Education or his designee, and the Secretary of Corrections or his designee, the Secretary of Labor and Employment Security or his designee, and the President of Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE) or his designee.

2. Five voting members appointed by the Governor and confirmed by the Senate in regular session as follows: one member who is trained in vocational education and training; one member who is trained in adult basic education; one member who is trained in special education; one member who has business experience in the private sector; and one member who is a former inmate of the Florida prison system and who has completed requirements for a general educational development certificate or vocational certificate. ~~Appointed members shall represent the community at large and shall have knowledge of educational or correctional issues.~~ The Commissioner of Education and the Secretary of Corrections may submit recommendations for appointment to the Governor for his consideration. The Governor may remove any member for cause and shall fill vacancies, as appropriate.

3. ~~Two nonvoting ex officio members, who shall be the secretary of the Department of Labor and Employment Security and the President of Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE).~~

(b) Members of the board shall serve without compensation but shall be reimbursed for per diem and travel expenses incurred in the performance of their duties as provided in s. 112.061.

(c) Members at large shall be appointed for terms of 4 years each, except for initial appointments and whenever a vacancy occurs other than by expiration of a term. Initial terms shall be as follows: two members at large shall be appointed for 2-year terms and three members at large shall be appointed for 4-year terms. Whenever a vacancy occurs of a member at large other than by expiration, the Governor shall appoint a member for the remainder of that term.

(d) No appointed member shall serve more than two consecutive 4-year terms.

(e) Members of the board shall elect a chairman annually.

(f) The board is vested with the authority and responsibility to manage and operate the correctional education program as provided by law. The Department of Corrections and the Department of Education shall cooperate and render assistance as may be necessary to enable the board to discharge its responsibilities. Resources of the departments department may be used to support the operation of the education programs as agreed by the departments department and the board. The Correctional Education School Authority shall operate its education programs in accordance with applicable provisions of the Florida school laws and rules of the State Board of Education except as expressly exempted by the State Board of Education.

~~(g) The board shall be appointed no later than 60 days subsequent to passage of this bill.~~

~~(g)(h)~~ The responsibilities of the board shall be to:

1. Adopt and enforce all necessary rules for the management and operation of education programs within the Department of Corrections. In adopting rules the board shall consider the Department of Corrections operating procedures and goals of correctional education. Rules adopted by the board shall not conflict with Department of Corrections rules relating to security or any applicable rules adopted by the Department of Education as specified in the Florida School Code.

2. Develop written cooperative agreements with the Department of Corrections outlining the duties and responsibilities of the school authority and its staff and Department of Corrections institutional personnel.

3. Develop guidelines for collecting education-related information during the inmate reception process and for disseminating such information to the classification staff of the Department of Corrections. The information collected shall include the inmate's areas of educational or vocational interest, his vocational skills, and his level of education.

4. Develop guidelines, in cooperation with the Department of Corrections, for identifying which inmates would most likely benefit from correctional education. The guidelines shall be based on the inmate's academic and vocational needs, the inmate's level of interest, and the length of time the inmate is expected to remain in prison.

5. Develop guidelines, in cooperation with the Department of Corrections, that assure that inmates who are identified as likely to benefit from correctional education are assigned to facilities that offer correctional education courses.

6. Develop guidelines for the school authority staff concerning the behavioral control of inmates while in education programs and the reporting of behavioral problems.

~~7. Survey the facilities of existing education programs within the institutions and determine the need, extent, and cost of renovation and remodeling.~~

7.8. In cooperation with the Department of Education, pursuant to s. 229.565, monitor and assess all inmate education program services and report the results of such evaluation in the board's annual report of its activities.

8.9. Establish and adopt criteria to annually evaluate the Director of Correctional Education and set the compensation and salary of the director.

9.10. Adopt rules governing the compensation and salary of teachers and other education personnel ~~under annual or term contracts.~~

~~10.11. Visit and inspect schools at reasonably frequent intervals.~~

~~11.12. Approve education programs of the appropriate levels and types in the correctional institutions and adopt rules for the admission of inmate students thereto.~~

12.13. Enter into agreements with public or private school districts, entities, community colleges, junior colleges, colleges, or universities as may be deemed appropriate for the purpose of carrying out its duties and responsibilities *and ensure that agreements require minimum performance standards and standards for measurable objectives, in accordance with established Department of Education standards.* Agreements and contracts for instructional services shall expressly prescribe the qualifications of and the board's expectations for instructors and the educational objectives to be met. All tangible personal property purchased with state funds is the property of the state and is subject to chapter 273.

13.14. Review and approve the budget request for the correctional education program. The approved budget shall be forwarded to the Department of Corrections for inclusion in the departmental budget pursuant to s. 20.315.

14.15. Review and approve the 5-year comprehensive plan for correctional education.

15.16. Review and approve goals and objectives relating to all phases of the correctional education program.

16.17. Report the board's annual activities to the Secretary of Corrections, the Commissioner of Education, the Governor, and the Legislature.

17.18. Develop and maintain complete and reliable statistics on the number of *general educational development graduate equivalency diplomas (GED) certificates* and vocational certificates issued by each institution in each skill area, the change in inmate literacy levels, and the number of inmate admissions to and withdrawals from education courses. The compiled statistics shall be summarized and analyzed in the annual report of correctional education activities required by subparagraph 16 17.

18.19. Develop a written procedure for selecting programs to add to or delete from the vocational curriculum. The procedure shall include a labor market analysis which demonstrates the projected demand for certain occupations and the projected supply of potential employees. In conducting these analyses, the board shall evaluate the feasibility of adding vocational education programs which have been identified by the Department of Labor and Employment Security or a regional coordinating council as being in undersupply in this state.

19.20. Ensure that correctional education programs comply with the policies set by the board and with public policies and goals and objectives of the state, which include, in the following order of priority:

a. Providing every inmate who has an expectation of release from custody within 5 years and whose length of time in prison is sufficient for educational programming with the opportunity to achieve functional literacy, specifically the ability to read and write the English language and the ability to perform routine mathematical functions prior to his release or expiration of his sentence.

b. Providing every inmate who has an expectation of release from custody within 5 years and whose length of time in prison is sufficient for

educational programming, and who has demonstrated the intellectual capacity to benefit therefrom, with the opportunity to obtain the equivalent of a public high school education. Inmates who wish to receive a standard high school diploma shall be required to meet the graduation requirements provided for in ss. 232.246 and 232.247. The highest priority in achieving this goal shall be focused on those institutions housing youthful offenders as defined in chapter 958.

c. Ensuring that every inmate who has an expectation of release from custody within 5 years and whose length of time in prison is sufficient for educational programming be released possessing at least entry-level marketable vocational skills in one or more occupational fields for which there is a demonstrable demand in the economy of this state.

d. Ensuring that every inmate be released possessing life management skills which will allow him to function successfully in a free society.

e. Providing inmates who demonstrate college-level aptitudes be provided the opportunity to participate in college-level academic programs which may be offered within correctional facilities. Associated costs shall be borne by the inmate.

~~f. Providing that training in the fundamentals of physical education and personal health be an integral part of all academic and vocational education programs. Such training shall include instruction in personal hygiene, general health, and the importance of rules and discipline in athletic contests. Regular vigorous physical exercise shall be emphasized in those correctional facilities housing youthful offenders as defined in chapter 958.~~

20.21. Ensure, in cooperation with the Department of Corrections, that every inmate who has 2 years or more remaining to serve on his sentence at the time that he is received at an institution and who lacks basic and functional literacy skills as defined in s. 228.0713 attends not fewer than 150 hours of sequential instruction in a correctional adult basic education program. The basic and functional literacy level of an inmate shall be determined by the average composite test score obtained on a test approved for this purpose by the State Board of Education.

a. Upon completion of the 150 hours of instruction, the inmate shall be retested and, if a composite test score of functional literacy is not attained, the authority is authorized to require, the inmate to remain in the instructional program.

b. Highest priority of inmate participation shall be focused on youthful offenders and those inmates nearing release from the correctional system.

c. An inmate shall be required to attend the 150 hours of adult basic education instruction unless such inmate:

(I) Is serving a life sentence or is under sentence of death.

(II) Is specifically exempted for security or health reasons.

(III) Is housed at a community correctional center, road prison, work camp, or vocational center.

(IV) Attains a functional literacy level after attendance in fewer than 150 hours of adult basic education instruction.

(V) Is unable to enter such instruction because of insufficient facilities, staff, or classroom capacity.

d. The Correctional Education School Authority shall provide classes to accommodate those inmates assigned to correctional or public work programs after normal working hours.

e. If an inmate attends and actively participates in the 150 hours of instruction, the education program manager shall recommend, and the Department of Corrections may grant, a one-time award of up to 6 additional days of incentive gain-time, which must be credited and applied as provided by law. Active participation means, at a minimum, that the inmate is attentive, responsive, cooperative, and completes assigned work.

21. Recommend to the Department of Corrections the award of additional incentive gain-time for inmates who receive a general educational development certificate or vocational certificate.

(4) There is hereby established the position of Director of Correctional Education who shall be appointed by the board and shall serve at the discretion of the board. The director shall:

(f) Ensure that all education staff ~~are shall be~~ certified in accordance with the Department of Education standards ~~within 2 years. Provision shall be made for the development of individual plans, approved by the Director of Correctional Education, in the event any current education staff member does not qualify for certification and the school authority chooses to hire him. In lieu of certification, correctional librarians must hold a master's degree in library science from a library program accredited by the American Library Association.~~

(j) ~~Annually update the Develop~~ a 5-year comprehensive plan for correctional education by June 1, 1988. The plan ~~shall have a 3-year phase in schedule and shall require the director to:~~

1. Work with PRIDE to develop training programs for offenders.
2. Develop measurable objectives.
3. Develop quality control mechanisms.
4. Interface academic education and vocational training with participation in prison industries programs.

(n) ~~Maintain~~ Immediately implement procedures to secure appropriate entitlement funds from federal and state grant sources to supplement the annual legislative appropriation. These funds shall be utilized expressly for correctional education.

(p) ~~With assistance from the Department of Education, develop a comprehensive operational training plan which shall contain the following provisions:~~

1. ~~The vocational technical center shall house inmates who have reached a minimum level of proficiency in institutional vocational training programs and provide them with intensified training in their field.~~

2. ~~Inmates shall become eligible for transfer to the vocational technical center approximately 1 year prior to their anticipated work release eligibility date, provided they are otherwise qualified.~~

3. ~~Course offerings at the vocational technical center shall be in accordance with established Department of Education vocational training standards.~~

4. ~~Vocational training offered at the vocational technical center shall be offered either by contract or by Correctional Education School Authority teachers and administrators.~~

(p)(q) Specify which educational facilities ~~other than the vocational technical center~~ shall offer vocational training and which programs shall be available. Criteria for making such determinations shall be in accordance with accepted Department of Education standards. Programs not meeting minimum Department of Education standards shall not be offered.

(q)(r) Ensure that vocational training programs complement existing PRIDE programs whenever possible. Such vocational training programs shall be in accordance with standards established by the Department of Education.

(r)(s) In conjunction with the Department of Corrections, determine conditions under which an inmate may be removed from an education program or the classroom. Department of Corrections managers are prohibited from taking inmates out of education programs or classrooms unless such conditions exist.

(t) ~~Be responsible for renovation and new construction of correctional education facilities.~~

(s)(t) ~~Assess and identify within 60 days upon admission at the receiving facility inmates who have special education needs and develop a plan whereby those special needs will be addressed. Monthly statistics shall be collected on the number of inmates who are under 21 years of age and in need of special education, and such statistics shall be reported to the Department of Education. Conduct a survey of all correctional institutions to identify inmates with special education needs and develop a plan whereby those special needs will be addressed. The survey may be revised at any time but at least once every 2 years.~~

(6) Contract Educational services may be ~~contracted for to provide~~ provided every inmate with the opportunity to: achieve functional literacy; develop marketable entry-level vocational skills; or develop abilities to live in a law-abiding and democratic society. The contract must be with a school district, community college, or licensed accredited private

postsecondary educational institution. Contracts for these services must show cost estimates; course titles; course descriptions; number of inmate students to be served; total instructional hours per week per course; number of full-time equivalent students per course; full-time equivalent unit cost; description, quantity, and cost of miscellaneous goods or services; and total cost of services with total full-time equivalent students by program. The contract must name the correctional institution and the educational provider. No contract shall be made unless the positions specified in the contract cannot be filled by career service instructors.

(a) The educational provider shall agree in the contract to:

1. Designate a liaison person.
2. ~~Give priority to hiring qualified adversely affected Correctional Education School Authority educational personnel.~~
- 2.3. Provide an educational package that includes instruction by qualified instructors having mastery of the courses or skills being taught.
- 3.4. Arrange for qualified substitutes ~~for absent in the case of absence~~ of instructors.
- 4.5. Require instructors to assume instructional and supervisory responsibilities for inmates in their classes.
- 5.6. Provide the correctional institution's education program manager with reports on inmate progress and performance.
- 6.7. Coordinate teaching schedules that take into consideration the institution's inmate schedule.
- 7.8. Comply with Department of Corrections and Correctional Education School Authority written rules and reasonable directives, and local policies of the institution, regarding security and safety.
- 8.9. Not discriminate against student inmates because of race, color, religion, sex, or national origin.
- 9.10. Submit education reports provided for in the contract.

(b) The Correctional Education School Authority and correctional institution shall agree in the contract to:

1. Provide an education program manager and a secretary to coordinate the educational programs with the educational provider.
2. Provide a sufficient number of properly selected eligible students for membership in each course.
3. Provide institutional orientation for educational provider staff.
4. Supply all classroom and shop laboratory facilities and standard utilities, including water, lights, phones, heat, and air conditioning
5. Provide the normal configuration of audio-visual equipment, as available, and incidentals such as chalk, erasers, photocopying services, student paper, and pencils.
6. Provide janitorial and maintenance services.
7. Provide for the safety of all instructors.
8. Provide adequate library services and clerical support.
9. Provide staff support and recordkeeping.

(c) The parties shall agree on other supplies, services, consumables, laboratory materials, and textbooks as necessary. Both parties shall agree that the education program manager is responsible for coordination of the education program and shall participate in selecting and evaluating instructional personnel sent in to serve the institutions and collaborate in developing operational procedures for efficient management of the education programs. The contract must be signed by the Director of Correctional Education and the superintendent of the correctional institution or his designee; the college president or school superintendent, as applicable, or his designee; the education program manager; and the educational provider's dean or director.

Section 2. Paragraphs (f) and (g) of subsection (1) of section 20.315, Florida Statutes, 1990 Supplement, are renumbered as paragraphs (g) and (h), and a new paragraph (f) is added to that subsection to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(1) **PURPOSE.**—The purpose of the Department of Corrections is to integrate the delivery of all offender rehabilitation and incarceration services that are deemed necessary for the rehabilitation of offenders and the protection of society. The goals of the department shall be:

(f) *To provide library services, which includes general and law library services. All librarians, in lieu of certification, must hold a master's degree in library science from a library program accredited by the American Library Association.*

Section 3. Paragraph (d) is added to subsection (4) of section 944.275, Florida Statutes, to read:

944.275 Gain-time.—

(4)

(d) *Notwithstanding paragraph (b), the education program manager shall recommend, and the Department of Corrections may grant, a one-time award of 60 additional days of incentive gain-time to an inmate who is otherwise eligible and who successfully completes requirements for and is awarded a general educational development certificate or vocational certificate. Under no circumstances may an inmate receive more than 60 days for educational attainment pursuant to this section.*

Section 4. Subsection (6) of section 944.704, Florida Statutes, is amended to read:

944.704 Transition assistance coordinators; duties.—The department shall provide transition assistance coordinators at major institutions. Their duties shall include, but not be limited to:

(6) Performing any other duties consistent with s. 242.68(2)(g)20. ~~(b)16,~~ relating to the Board of Correctional Education.

Section 5. The terms of office for current members of the Board of Correctional Education shall expire August 31, 1991, and the terms of office for new board members shall commence September 1, 1991.

Section 6. This act shall take effect July 1, 1991, or upon becoming a law, whichever occurs later.

**Amendment 2**—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to correctional education; amending s. 242.68, F.S.; transferring library services; requiring the Department of Corrections to be responsible for renovation and new construction of correctional education facilities; revising provisions relating to membership of the Board of Correctional Education; requiring the Department of Education to render assistance to the board; deleting a board requirement to survey facilities; requiring the board to provide for certain agreements and develop and maintain statistics on the number of general educational development certificates; providing for incentive gain-time; deleting provisions relating to training in physical education and personal health; deleting provisions for the development of individual plans for staff who do not qualify for certification; deleting provisions relating to qualifications of correctional librarians; requiring an annual update of the 5-year comprehensive plan; deleting requirement for development of a comprehensive training plan; providing for the assessment and identification of inmates with special education needs; providing for the contracting of educational services; amending s. 20.315, F.S.; requiring the Department of Corrections to provide library services; amending s. 944.275, F.S.; providing for incentive gain-time; amending s. 944.704, F.S.; correcting a cross-reference; providing for the expiration and commencement of terms of office for members of the Board of Correctional Education; providing an effective date.

#### CS for HB 2523

Senator Jenne moved the following amendments which were adopted:

**Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. Paragraph (f) of subsection (2) and paragraph (f) of subsection (3) of section 20.21, Florida Statutes, 1990 Supplement, are amended to read:

20.21 Department of Revenue.—There is created a Department of Revenue.

(2) The following divisions are established within the Department of Revenue:

(f) *Division of Taxpayer Technical Assistance.*

(3)

(f) The responsibilities of the Division of ~~Taxpayer Technical Assistance~~ shall include the rendering of advice to department personnel and the public on tax matters. The functions of the division shall include, but are not limited to, the preparation of departmental rules for all taxes, the rendition of opinions pursuant to s. 213.22, and the provision of informal assistance to the public on tax matters.

Section 2. Section 72.011, Florida Statutes, 1990 Supplement, is amended to read:

72.011 Jurisdiction of circuit courts in specific tax matters; administrative hearings and appeals; time for commencing action; parties; deposits.—

(1) A taxpayer may contest the legality of any assessment or denial of refund of tax, fee, surcharge, permit, interest, or penalty provided for under s. 125.0104, s. 125.0108, chapter 198, chapter 199, chapter 201, chapter 203, chapter 206, chapter 207, chapter 211, chapter 212, chapter 213, ~~chapter 214,~~ chapter 220, chapter 221, s. 336.021, s. 336.025, s. 336.026, s. 370.07(3), chapter 376, s. 403.717, s. 403.718, s. 403.7185, s. 403.7195, s. 538.09, s. 538.25, chapter 624, or s. 681.117 by filing an action in circuit court; or, alternatively, the taxpayer may file a petition under the applicable provisions of chapter 120. However, once an action has been initiated under s. 120.56, s. 120.565, or s. 120.57, no action relating to the same subject matter may be filed by the taxpayer in circuit court, and judicial review shall be exclusively limited to appellate review pursuant to s. 120.68; and once an action has been initiated in circuit court, no action may be brought under chapter 120.

(2) No action may be brought to contest an assessment of any tax, interest, or penalty assessed under a section or chapter specified in subsection (1) after 60 days from the date the assessment becomes final. *No action may be brought to contest a denial of refund of any tax, interest, or penalty paid under a section or chapter specified in subsection (1) after 60 days from the date the denial becomes final.* The Department of Revenue or, with respect to assessments or refund denials under chapter 207, the Department of Highway Safety and Motor Vehicles, shall establish by rule when an assessment or refund denial becomes final for purposes of this section and a procedure by which a taxpayer shall be notified of the assessment or refund denial. It is not necessary for the applicable department to file or docket any assessment or refund denial with the agency clerk in order for such assessment or refund denial to become final for purposes of an action initiated pursuant to this chapter or chapter 120.

(3) In any action filed in circuit court contesting the legality of any tax, interest, or penalty assessed under a section or chapter specified in subsection (1), the plaintiff must:

(a) Pay to the applicable department the amount of the tax, penalty, and accrued interest assessed by such department which is not being contested by the taxpayer; and either

(b)1. Tender into the registry of the court with the complaint the amount of the contested assessment complained of, including penalties and accrued interest, unless this requirement is waived in writing by the executive director of the applicable department; or

2. File with the complaint a cash bond or a surety bond for the amount of the contested assessment endorsed by a surety company authorized to do business in this state, or by any other security arrangement as may be approved by the court, and conditioned upon payment in full of the judgment, including the taxes, costs, penalties, and interest, unless this requirement is waived in writing by the executive director of the applicable department.

Failure to pay the uncontested amount as required in paragraph (a) shall result in the dismissal of the action and imposition of an additional penalty in the amount of 25 percent of the tax assessed.

(4)(a) Except as provided in paragraph (b) of this subsection, an action initiated in circuit court pursuant to subsection (1) shall be filed in the Second Judicial Circuit Court in and for Leon County or in the circuit court in the county where the taxpayer resides or maintains its principal commercial domicile in this state.

(b) Venue in an action initiated in circuit court pursuant to subsection (1) by a taxpayer that is not a resident of this state or that does not maintain a commercial domicile in this state shall be in Leon County.

Venue in an action contesting the legality of an assessment or refund denial arising under chapter 198 shall be in the circuit court having jurisdiction over the administration of the estate.

(5) The requirements of this section are jurisdictional.

~~(6) This section is not applicable to actions for refund of taxes previously paid.~~

~~(6)(7)~~ Any action brought under this chapter is not subject to the provisions of chapter 45 as amended by chapter 87-249, Laws of Florida, relating to offers of settlement.

Section 3. Subsection (6) is added to section 215.26, Florida Statutes, to read:

215.26 Repayment of funds paid into State Treasury through error.—

(6) A taxpayer may contest a denial of refund of tax, interest, or penalty paid under a section or chapter specified in s. 72.011(1) pursuant to the provisions of s. 72.011.

Section 4. The amendments made to sections 72.011 and 215.26, Florida Statutes, by this act apply to refund denials issued on or after July 1, 1991.

Section 5. Paragraph (e) of subsection (2) of section 26.012, Florida Statutes, is amended to read:

26.012 Jurisdiction of circuit court.—

(2) They shall have exclusive original jurisdiction:

(e) In all cases involving legality of any tax assessment or toll or denial of refund, except as provided in s. 72.011;

Section 6. Paragraph (d) of subsection (3) of section 57.111, Florida Statutes, is amended to read:

57.111 Civil actions and administrative proceedings initiated by state agencies; attorneys' fees and costs.—

(3) As used in this section:

(d) The term "small business party" means:

1.a. A sole proprietor of an unincorporated business, including a professional practice, whose principal office is in this state, who is domiciled in this state, and whose business or professional practice has, at the time the action is initiated by a state agency, not more than 25 full-time employees or a net worth of not more than \$2 million, including both personal and business investments; or

b. A partnership or corporation, including a professional practice, which has its principal office in this state and has at the time the action is initiated by a state agency not more than 25 full-time employees or a net worth of not more than \$2 million; or

2. Either small business party as defined in subparagraph 1., without regard to the number of its employees or its net worth, in any action under s. 72.011 or in any administrative proceeding under that section and s. 120.575(1)(b) to contest the legality of any assessment or denial of refund of tax imposed for the sale or use of services as provided in chapter 212, or interest thereon, or penalty therefor.

Section 7. Subsection (1) of section 72.031, Florida Statutes, is amended to read:

72.031 Actions under s. 72.011(1); parties; service of process.—

(1) In any action brought in circuit court pursuant to s. 72.011(1), the person initiating the action shall be the plaintiff and the Department of Revenue shall be the defendant, except that for actions contesting an assessment or denial of refund under chapter 207 the Department of Highway Safety and Motor Vehicles shall be the defendant. It shall not be necessary for the Governor and Cabinet, constituting the Department of Revenue, to be named as party defendants or named separately as individual parties; nor shall it be necessary for the executive director of the department to be named as an individual party.

Section 8. Section 120.575, Florida Statutes, is amended to read:

120.575 Taxpayer contest proceedings.—

(1)(a) In any administrative proceeding brought pursuant to chapter 120 as authorized in s. 72.011(1), the taxpayer or other substantially affected party shall be designated the "petitioner" and the Department of Revenue shall be designated the "respondent," except that for actions contesting an assessment or denial of refund under chapter 207 the Department of Highway Safety and Motor Vehicles shall be designated the "respondent."

(b) In any such administrative proceeding brought pursuant to s. 120.57(1) as authorized in s. 72.011(1) to contest the legality of any assessment or denial of refund of tax imposed for the sale or use of services as provided in chapter 212, or interest thereon or penalty therefor, the following procedures shall apply, any provisions of this chapter to the contrary notwithstanding:

1. The petition shall be filed with the division, which shall forward a copy to the department immediately upon receipt of the petition.

2. The hearing officer or panel provided in s. 120.65(5) shall conduct all proceedings under this paragraph.

3. Within 10 days after receiving the petition, the hearing officer or panel shall accept or deny the petition.

4. Within 30 days after the hearing or receipt of the hearing transcript, whichever is later, the hearing officer or panel shall issue an order, which shall consist of findings of fact, conclusions of law, interpretation of administrative rules, and any other information required by law or rule to be contained in the final order. Such order shall affirm or deny the assessment, interest, or penalty, or denial of refund and shall determine the amount of any assessment, interest, or penalty, or refund.

5. The order of the hearing officer or panel shall be final agency action.

(2) In any administrative proceeding brought pursuant to s. 120.57, the applicable department's burden of proof, except as otherwise specifically provided by general law, shall be limited to a showing that an assessment has been made against the taxpayer and the factual and legal grounds upon which the applicable department made the assessment.

(3)(a) Before a taxpayer may file a petition under this chapter, he shall pay to the applicable department the amount of taxes, penalties, and accrued interest assessed by that department which are not being contested by the taxpayer. Failure to pay the uncontested amount shall result in the dismissal of the action and imposition of an additional penalty of 25 percent of the amount taxed.

(b) The requirements of s. 72.011(2) and (3)(a) are jurisdictional for any action under this chapter to contest an assessment by the Department of Revenue or by the Department of Highway Safety and Motor Vehicles.

Section 9. Section 198.15, Florida Statutes, is amended to read:

198.15 When tax due; extension; interest; penalty.—

(1) The tax imposed by this chapter is due and payable on or before the last day prescribed by law for paying the federal estate tax pursuant to the initial estate tax return and shall be paid by the personal representative to the department. The department shall extend the time for payment of the tax or any part of the tax if the time for paying the federal estate tax is extended, provided the personal representative files with the department a copy of the approved federal extension notice within 30 days after receiving such notice. No extension shall be for more than 1 year, and the aggregate of extensions with respect to any estate shall not exceed 10 years from the due date. In such case, the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension, unless a further extension is granted. If the time for the payment is thus extended, there shall be collected, as part of such amount, interest thereon at the rate of 1 percent per month of the amount due from the due date of the tax to the date the same is paid.

(2) If the tax is not paid by the due date or by the due date of any extension granted by the department, in addition to any other penalties, a specific penalty shall be added to the tax in the amount of 5 percent of any unpaid tax if the failure is for not more than 30 days, or 10 percent of the aggregate of any unpaid tax if the failure is for more than 30 days.

Section 10. Section 199.052, Florida Statutes, is amended to read:

199.052 Annual tax returns; payment of annual tax.—

(1) An annual intangible tax return must be filed with the department by every corporation authorized to do business in this state or doing business in this state and by every person, regardless of domicile, who on January 1 owns, controls, or manages intangible personal property which has a taxable situs in this state. For purposes of this chapter, "control" or "manage" does not include any ministerial function or any processing activity. The return shall be due on June 30 of each year. It shall list separately the character, description, and just valuation of all such property.

(2) No person shall be required to pay the annual tax in any year when the aggregate annual tax upon the person's intangible personal property, after exemptions, would be less than \$5. In such case, an annual return is not required unless the taxpayer is a corporation, a banking organization claiming the exemption provided in s. 199.185(1)(h), or an agent or fiduciary of whom the department requires an informational return. Agents and fiduciaries shall report for each person for whom they hold intangible personal property if the aggregate annual tax on such person is more than \$5.

(3) A corporation having no intangible tax liability, and required to file an annual report pursuant to s. 607.1622, is not required to file the annual intangible tax return required by this section.

(4)(3) A husband and wife may file a joint return with regard to all intangible personal property held jointly or individually by them. They shall then be jointly liable for the payment of the annual tax.

(5)(4) The trustee of a Florida-situs trust is primarily responsible for returning the trust's intangible personal property and paying the annual tax on it. The trust's beneficiaries, however, may individually return their equitable shares of the trust's intangible personal property and pay the tax on such shares, in which case the trustee need not return such property or pay such tax, although the department may require the trustee to file an informational return.

(6)(5) Each Florida resident with a beneficial interest, as defined in s. 199.023(7), in a foreign-situs trust, that is, a trust with situs outside of this state, is primarily responsible for returning the resident's equitable share of the trust's intangible personal property and paying the annual tax on it. The trustee of a foreign trust may return and pay the tax on the equitable shares of all Florida residents having beneficial interests, in which case the residents need not return such property or pay such tax.

(7)(6) The personal representative or curator of a Florida estate is primarily responsible for returning the estate's intangible personal property and paying the annual tax on it. The heirs or devisees, however, may individually return their equitable shares of the estate's intangible personal property and pay the tax on such shares, in which case the personal representative or curator need not return such property or pay such tax, although the department may require the personal representative or curator to file an informational return.

(8)(7) The guardian of the property of a Florida incompetent shall return the incompetent's intangible personal property and pay the annual tax on it. The custodian of a Florida minor under a gifts to minors or similar act shall return the minor's intangible personal property which is subject to the custodianship and pay the annual tax on it.

(9)(8) Where an agent has control or management of intangible personal property, the principal is primarily responsible for returning such property and paying the annual tax on it, but the agent shall return such property on behalf of the principal and pay the annual tax on it if the principal fails to do so. The department may in any case require the agent to file an informational return.

(10)(9) An affiliated group of corporations may elect to make a consolidated return for any year. The election shall be made by timely filing a consolidated return. Once made, an election may not be revoked, and it is binding for the tax year. The mere making of a consolidated return shall not in itself provide a business situs in this state for intangible personal property held by a corporation. The fact that members of an affiliated group own stock in corporations which do not qualify under the stock ownership requirements as members of an affiliated group shall not preclude the filing of a consolidated return on behalf of the qualified members. Where a consolidated return is made, intercompany accounts, including the capital stock of an includable corporation, other than the

parent, owned by another includable corporation, shall not be subject to annual taxation. However, capital stock and other intercompany accounts of a nonqualified member of the affiliated group shall be subject to annual tax. Each consolidated return shall be accompanied by documentation identifying all intercompany accounts and containing such other information as the department shall require.

(11)(10) The return filed by each banking organization shall set out the character, description, and just valuation by category of all intangible personal property which is issued in or arises out of international banking transactions and which is owned by the banking organization.

(12)(11) Securities held in margin accounts by a security broker not acting as a fiduciary shall be returned, and the annual tax on such securities shall be paid, by the customer owning them. The security broker shall not be required to return or pay the tax on such securities.

(13)(12) Except as otherwise provided in this section, the owner of intangible personal property is liable for the payment of annual tax on it, and any other person required to return such property is liable for the tax if the owner fails to pay it.

Section 11. Subsection (1) of section 607.1622, Florida Statutes, 1990 Supplement, is amended to read:

607.1622 Annual report for Department of State.—

(1) Each domestic corporation and each foreign corporation authorized to transact business in this state shall deliver to the Department of State for filing a sworn annual report on such forms as the Department of State prescribes that sets forth:

(a) The name of the corporation and the state or country under the law of which it is incorporated;

(b) The date of incorporation or, if a foreign corporation, the date on which it was admitted to do business in this state;

(c) The address of its principal office and the mailing address of the corporation;

(d) The corporation's federal employer identification number, if any, or, if none, whether one has been applied for;

(e) The names and business street addresses of its directors and principal officers;

(f) The street address of its registered office and the name of its registered agent at that office in this state; and

(g) Whether the corporation has liability for intangible taxes under section 199.032. The Department of State shall annually prepare a list of those corporations that have indicated no intangible tax liability, and provide such list to the Department of Revenue; and

(h)(g) Such additional information as may be necessary or appropriate to enable the Department of State to carry out the provisions of this act.

Section 12. Subsections (5), (6), and (7) of section 203.01, Florida Statutes, 1990 Supplement, are amended, and subsection (8) is added to that section, to read:

203.01 Tax on gross receipts for utility services.—

(5) The tax imposed pursuant to this part relating to the provision of any utility services at the option of the person supplying the taxable services may be separately stated as Florida gross receipts tax on the total amount of any bill, invoice, or other tangible evidence of the provision of such taxable services and may be added as a component part of the total such charge. Whenever a provider of taxable services elects to separately state such tax as a component of the charge for the provision of such taxable services, every person, including all governmental units, shall remit the tax to the person who provides such taxable services as a part of the total bill, and the tax is a component part of the debt of the purchaser to the person who provides such taxable services until paid and, if unpaid, is recoverable at law in the same manner as any other part of the original charge for such taxable services. For a utility, the decision to separately state any increase in the rate of tax imposed by this part which is effective after December 31, 1989, and the ability to recover the increased charge from the customer shall be separately stated on the customer's bill and collected from the purchaser in addition to any other charges of the utility, and shall not be subject to regulatory approval.

(6) The tax is imposed upon every person for the privilege of conducting a utility telecommunication business, and each provider of the taxable services remains fully and completely liable for the tax, even if the tax is separately stated as a line item or component of the total bill.

(7) Any person who provides such services and who fails, neglects, or refuses to collect or remit the tax imposed in this part, either by himself or through his agents or employees, is liable for the tax and is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or, s. 775.083, or s. 775.084.

(8) Gross receipts subject to the tax imposed by this section for the provision of electricity shall include receipts from monthly customer charges or monthly customer facility charges.

Section 13. It is the intent of the Legislature that subsection (8) that is added to section 203.01, Florida Statutes, by this act is remedial legislation intended to clarify the application of the tax, both under current law and under the law as it existed prior to the enactment of chapter 90-132, Laws of Florida. It is not the intent of the Legislature to change the definition of gross receipts under current law or to tax gross receipts that have not previously been subject to tax.

Section 14. Paragraph (b) of subsection (2) of section 203.012, Florida Statutes, 1990 Supplement, is amended to read:

203.012 Definitions.—As used in this chapter:

(2)

(b) Gross receipts for telecommunication services do not include:

1. Charges for customer premises equipment, including such equipment that is leased or rented by the customer from any source;

2. Charges made to the public for commercial or cable television, unless it is used for two-way communication; however, if such two-way communication service is separately billed, only the charges made for two-way communication service will be subject to tax hereunder;

3. Charges made by hotels and motels, which are required under the provisions of s. 212.03 to collect transient rentals tax from tenants and lessees, for local telephone service or toll telephone service, when such charge occurs incidental to the right of occupancy in such hotel or motel;

4. Connection and disconnection charges; move or change charges; suspension of service charges; and service order, number change, and restoration charges; or

5. Any tax collected pursuant to this chapter if the tax is separately stated as provided in s. 203.01(5) or s. 203.63(1); or

5.6. Charges for services or items of equipment supplied by providers of the telecommunication services described in paragraph (5)(b), such as maintenance charges, equipment sales, or rental which are incidental to the provision of such telecommunication services, provided such charges are separately stated, itemized, or described on the bill, invoice, or other tangible evidence of the provision of such service.

Section 15. Subsection (13) of section 206.01, Florida Statutes, is amended to read:

206.01 Definitions.—As used in part I of this chapter:

(13) "Motor fuel" means and includes what is commonly known and sold as gasoline and fuels containing a mixture of gasoline and other products, but excludes alternative fuel.

Section 16. Section 206.56, Florida Statutes, is amended to read:

206.56 ~~Unlawful use of Failure to account for tax collected; theft of state funds embezzlement.~~

(1) Any person who knowingly obtains or uses, or endeavors to obtain or use, taxes collected pursuant to this chapter, part II of chapter 212, s. 336.021, s. 336.025, or s. 336.026 with the intent, either temporarily or permanently, to deprive the state of a right to the funds or a benefit therefrom, or appropriate the funds to his own use or to the use of any person not entitled thereto, commits theft of state funds.

(2)(a) If the total amount of revenue involved is \$100,000 or more, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the total amount of revenue involved is \$20,000 or more, but less than \$100,000, the offense is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If the total amount of revenue involved is \$300 or more, but less than \$20,000, the offense is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) If the total amount of revenue involved is less than \$300, the offense is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, any person who commits theft of state funds involving less than \$300 and who has previously been convicted of any theft of state funds is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who commits theft of state funds involving less than \$300 and who has previously been convicted two or more times of any theft of state funds is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. ~~If any refiner, importer, or wholesaler collects from another, upon an invoice rendered, the tax in this part contemplated, and fails to report and pay the same to the department as provided, with intent to temporarily or permanently deprive the state of a right or benefit to such moneys or appropriate such moneys to his own use or that of another not entitled to such moneys, he shall be deemed to be guilty of embezzlement of funds, the property of the state, and upon conviction shall be punished as if convicted of larceny of a like sum.~~

Section 17. For the purpose of incorporating the amendment to section 206.56, Florida Statutes, in references thereto, section 206.97, Florida Statutes, 1990 Supplement, is reenacted to read:

206.97 Applicability of specified sections of part I.—The provisions of ss. 206.026, 206.027, 206.028, 206.04, 206.055, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.23, 206.24, 206.25, 206.27, 206.28, 206.41(3), 206.425, 206.44, 206.49, 206.56, 206.59, 206.61, and 206.62 of part I of this chapter shall, as far as lawful or practicable, be applicable to the tax herein levied and imposed and to the collection thereof as if fully set out in this part. However:

(1) "Refiner, importer, or wholesaler" means "dealer."

(2) "Motor fuel" means "special fuel."

(3) No provision of any such section shall apply if it conflicts with any provision of this part.

Section 18. For the purpose of incorporating the amendment to section 206.56, Florida Statutes, in references thereto, subsection (3) of section 206.9915, Florida Statutes, 1990 Supplement, is reenacted to read:

206.9915 Legislative intent and general provisions.—

(3) The provisions of ss. 206.01, 206.026, 206.027, 206.028, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.425, 206.426, 206.44, 206.445, 206.48, 206.49, 206.56, 206.59, 206.86, 206.94, 206.945, and 206.9815 shall, as far as lawful or practicable, be applicable to the levy and collection of taxes imposed pursuant to this part as if fully set out in this part and made expressly applicable to the taxes imposed herein.

Section 19. For the purpose of incorporating the amendment to section 206.56, Florida Statutes, in references thereto, section 212.66, Florida Statutes, is amended to read:

212.66 Applicability of specified sections of chapter 206.—The provisions of ss. 206.026, 206.027, 206.028, 206.055, 206.06, 206.065, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.19, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.41(2), 206.425, 206.426, 206.44, 206.445, 206.48, 206.49, 206.56, 206.59, 206.626, 206.87(2)(a) and (3)(f), (g), 206.89, 206.94, and 206.945 shall, as far as lawful or practicable, be applicable to the levy and collection of taxes imposed pursuant to this part as if fully set out in this part.

Section 20. Subsection (13) of section 206.86, Florida Statutes, is amended and subsection (14) is added to that section to read:

206.86 Definitions.—As used in this part:

(13) "Alternative fuel" means any liquefied petroleum gas product or compressed natural gas product or combination thereof used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. This term includes, but is not limited to, all forms of fuel commonly or commercially known or sold as *natural gasoline*, butane gas or propane gas, or any other form of liquefied petroleum gas or compressed natural gas.

(14) "*Natural gasoline*" is a liquid hydrocarbon that is produced by natural gas and must be blended with other liquid petroleum products to produce motor fuel.

Section 21. Subsection (4) of section 206.9931, Florida Statutes, is amended to read:

206.9931 Administrative provisions.—

(4) All pollutants imported, produced, or sold in this state are presumed to be subject to the taxes imposed by this part. *Any person, except the retail consumer, who has purchased a pollutant for sale, use, consumption, or distribution in this state must document that the taxes imposed by this part have been paid or must pay such taxes directly to the department in accordance with subsection (2). It shall be presumed that all pollutants imported, produced, received, or possessed by any retail dealer are held for sale, use, or distribution within this state. Unless such retail dealer has paid the taxes imposed by this part to the person making the sale to him or has received a statement in such form as may be prescribed by the department to the effect that the taxes imposed by this part have previously been paid to or paid by an identified refiner, importer, wholesaler, or dealer registered under this chapter or to or by an identified person required to pay the taxes, such retail dealer shall pay such taxes directly to the department in accordance with subsection (2).*

Section 22. Subsection (1) of section 212.02, Florida Statutes, 1990 Supplement, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) The term "admissions" means and includes the net sum of money after deduction of any federal taxes for admitting a person or vehicle or persons to any place of amusement, sport, or recreation or for the privilege of entering or staying in any place of amusement, sport, or recreation, including, but not limited to, theaters, outdoor theaters, shows, exhibitions, games, races, or any place where charge is made by way of sale of tickets, gate charges, seat charges, box charges, season pass charges, cover charges, greens fees, participation fees, entrance fees, or other fees or receipts of anything of value measured on an admission or entrance or length of stay or seat box accommodations in any place where there is any exhibition, amusement, sport, or recreation, and all dues and initiation fees paid to private clubs and membership clubs providing recreational or physical fitness facilities, including, but not limited to, golf, tennis, swimming, yachting, boating, athletic, exercise, and fitness facilities, except physical fitness facilities owned or operated by any hospital licensed under chapter 395. *Money paid for admitting a person to a foreign-registered vessel for carriage to the high seas on a cruise known as a "cruise to nowhere" is not an admission for purposes of this chapter.*

Section 23. Paragraph (b) of subsection (4) of section 212.0305, Florida Statutes, 1990 Supplement, is amended to read:

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(4) AUTHORIZATION TO LEVY; USE OF PROCEEDS; OTHER REQUIREMENTS.—

(b) Charter county levy for convention development.—

1. Each county, as defined in s. 125.011(1), may impose, pursuant to an ordinance enacted by the governing body of the county, a levy on the exercise within its boundaries of the taxable privilege of leasing or letting transient rental accommodations described in subsection (3) at the rate of 3 percent of the total consideration charged therefor. The proceeds of this levy shall be known as the charter county convention development tax.

2. All charter county convention development moneys, including any interest accrued thereon, received by a county imposing the levy shall be used as follows:

a. Two-thirds of the proceeds shall be used to extend, enlarge, and improve the largest existing publicly owned convention center in the county.

b. One-third of the proceeds shall be used to construct a new multipurpose convention/coliseum/exhibition center/stadium or the maximum components thereof as funds permit in the most populous municipality in the county.

c. After the completion of any project under sub-subparagraph a., the tax revenues and interest accrued under sub-subparagraph a. may be used to acquire, construct, extend, enlarge, remodel, repair, improve, plan for, operate, manage, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, or auditoriums, and may be used to acquire and construct an intercity light rail transportation system as described in the Light Rail Transit System Status Report to the Legislature dated April 1988, which shall provide a means to transport persons to and from the largest existing publicly owned convention center in the county and the hotels north of the convention center and to and from the downtown area of the most populous municipality in the county as determined by the county.

d. After completion of any project under sub-subparagraph b., the tax revenues and interest accrued under sub-subparagraph b. may be used to acquire, construct, extend, enlarge, remodel, repair, improve, operate, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, or auditoriums in the most populous municipality in the county as determined by the county.

e. For the purposes of completion of any project pursuant to this paragraph, tax revenues and interest accrued may be used:

(I) As collateral, pledged, or hypothecated for projects authorized by this paragraph, including bonds issued in connection therewith; or

(II) As a pledge or capital contribution in conjunction with a partnership, joint venture, or other business arrangement between a municipality and one or more business entities for projects authorized by this paragraph.

3. The governing body of each municipality in which a municipal tourist tax is levied may adopt a resolution prohibiting imposition of the charter county convention development levy within such municipality. If the governing body adopts such a resolution, the convention development levy shall be imposed by the county in all other areas of the county except such municipality. No funds collected pursuant to this paragraph may be expended in a municipality which has adopted such a resolution.

4.a. Before the county enacts an ordinance imposing the levy, the county shall notify the governing body of each municipality in which projects are to be developed pursuant to sub-subparagraph 2.a. or sub-subparagraph 2.b. The governing bodies of such municipalities shall designate or appoint an authority that shall have the sole power to approve the concept, location, program, and design of the facilities or improvements to be built in accordance with this paragraph and to administer and disburse such proceeds and any other related source of revenue. The members of each such authority shall be selected from the tourism and hospitality industry that does business within such municipality and shall serve at the pleasure of the governing body of such municipality. The annual budget of such authority shall be subject to approval of the governing body of the municipality.

b. *The authority, by resolution to be adopted from time to time, may invest and reinvest the proceeds from the convention development tax and any other revenues generated by the authority in the same manner that the municipality in which the authority is located may invest surplus funds.*

5. The charter county convention development levy shall be in addition to any other levy imposed pursuant to this section.

6. A certified copy of the ordinance imposing the levy shall be furnished by the county to the department within 10 days after approval of such ordinance. The effective date of imposition of the levy shall be the first day of any month at least 60 days after enactment of the ordinance.

7. Revenues collected pursuant to this paragraph shall be deposited in a convention development trust fund, which shall be established by the county as a condition precedent to receipt of such funds.

Section 24. Paragraph (b) of subsection (1) of section 212.04, Florida Statutes, 1990 Supplement, is amended, and paragraphs (c) and (d) are added to that subsection, to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(1)

(b) For the exercise of such privilege, a tax is levied at the rate of 6 percent of sales price, or the actual value received from such admissions, which 6 percent shall be added to and collected with all such admissions from the purchaser thereof, and such tax shall be paid for the exercise of the privilege as defined in the preceding paragraph. Each ticket *must* ~~shall~~ show on its face the actual sales price of the admission, or each dealer selling the admission *must prominently display at the box office or other place where the admission charge is made a notice disclosing the price of the admission,* and the tax shall be computed and collected on the basis of the *actual price of the each such admission charged by the dealer price.* The sale price or actual value of admission shall, for the purpose of this chapter, be that price remaining after deduction of federal taxes, if any, imposed upon such admission, and the rate of tax on each admission shall be according to the brackets established by s. 212.12(9).

(c) *The provisions of this part that authorize a tax-exempt sale for resale do not apply to sales of admissions. However, if a purchaser of an admission subsequently resells the admission for more than the amount paid, the purchaser shall collect tax on the full sales price and may take credit for the amount of tax previously paid. If the purchaser of the admission subsequently resells it for an amount equal to or less than the amount paid, the purchaser shall not collect any additional tax, nor shall the purchaser be allowed to take credit for the amount of tax previously paid.*

(d) *No additional tax is due on an admission if the admission is incorporated as part of a package sold by a travel agent; if the package includes admissions and transient rentals, transportation, or meals; and if there is no separate itemization of the admission, transient rental, transportation, or meal in the sales price of the package.*

Section 25. Paragraph (a) of subsection (6) of section 212.0505, Florida Statutes, 1990 Supplement, is amended to read:

212.0505 Taxation of unlawful sales, use, and other transactions involving medicinal drugs, cannabis, or controlled substances.—

(6)(a) The department shall notify the state attorney of the appropriate circuit of an assessment made under this section. The *executive director* of the department or *his designee executive director* may settle or compromise any tax, penalty, or interest imposed under this section only when requested by the state attorney, the statewide prosecutor, or the Attorney General, in writing, to do so and only when the *executive director* of the department or *his designee executive director* finds that it is in the best interest of the state to do so. A request by the state attorney, statewide prosecutor, or Attorney General under this subsection shall specify the reasons for the request.

Section 26. Subsection (2) of section 212.054, Florida Statutes, 1990 Supplement, is amended to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.—

(2)(a) The tax imposed by the governing body of any county authorized to so levy pursuant to s. 212.055 shall be a discretionary surtax on all transactions occurring in the county which transactions are subject to the state tax imposed on sales, use, rentals, admissions, and other transactions by this part. The surtax, if levied, shall be computed as the applicable rate or rates authorized pursuant to s. 212.055 times the amount of taxable sales and taxable purchases representing such transactions.

(b) However:

1. The tax on any sales amount above \$5,000 on any item of tangible personal property and on long distance telephone service shall not be subject to the surtax. *For purposes of administering the \$5,000 limitation on an item of tangible personal property, if two or more taxable items of tangible personal property are sold to the same purchaser at the same time and, under generally accepted business practice or industry standards or usage, are normally sold in bulk or are items that, when assembled, comprise a working unit or part of a working unit, such items must be considered a single item for purposes of the \$5,000 limitation when supported by a charge ticket, sales slip, invoice, or other tangible evidence of a single sale or rental.*

2. In the case of utility, telecommunication, or television system program services billed on or after the effective date of any such surtax, the entire amount of the tax for utility, telecommunication, or television system program services shall be subject to the surtax. In the case of utility, telecommunication, or television system program services billed after the last day the surtax is in effect, the entire amount of the tax on said items shall not be subject to the surtax.

3. In the case of written contracts which are signed prior to the effective date of any such surtax for the construction of improvements to real property or for remodeling of existing structures, the surtax shall be paid by the contractor responsible for the performance of the contract. However, the contractor may apply for one refund of any such surtax paid on materials necessary for the completion of the contract. Any application for refund shall be made no later than 15 months following initial imposition of the surtax in that county. The application for refund shall be in the manner prescribed by the department by rule. A complete application shall include proof of the written contract and of payment of the surtax. The application shall contain a sworn statement, signed by the applicant or its representative, attesting to the validity of the application. The department shall, within 30 days after approval of a complete application, certify to the county information necessary for issuance of a refund to the applicant. Counties are hereby authorized to issue refunds for this purpose and shall set aside from the proceeds of the surtax a sum sufficient to pay any refund lawfully due. Any person who fraudulently obtains or attempts to obtain a refund pursuant to this subparagraph, in addition to being liable for repayment of any refund fraudulently obtained plus a mandatory penalty of 100 percent of the refund, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 27. Paragraph (c) of subsection (2) of section 212.055, Florida Statutes, 1990 Supplement, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(c) Pursuant to s. 212.054(4), the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within such county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population, which agreement may include a school district with the consent of the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population; or

2. If there is no interlocal agreement, according to the formula provided in s. 218.62.

*Any change in the distribution formula must take effect on the first day of any month that begins at least 60 days after written notification of that change has been made to the department.*

Section 28. Subsection (7) is added to section 212.0596, Florida Statutes, 1990 Supplement, to read:

212.0596 Taxation of mail order sales.—

(7) *The department may establish, by rule, procedures for collecting the use tax from unregistered persons who but for their mail-order purchases would not be required to remit sales or use tax directly to the department. The procedures may provide for waiver of registration and registration fees, provisions for irregular remittance of tax, elimination of the collection allowance, and nonapplication of local option surtaxes.*

Section 29. Subsection (1) of section 212.10, Florida Statutes, is amended to read:

212.10 Sale of business; liability for tax, procedure, penalty for violation.—

(1) If any dealer liable for any tax, interest, or penalty levied hereunder shall sell out his business or stock of goods, he shall make a final return and payment within 15 days after the date of selling the business; his successor, successors, or assigns shall withhold a sufficient portion of the purchase money to safely cover the account of such taxes, interest, or penalties due and unpaid until such former owner shall produce a receipt from the department showing that they have been paid or a certificate stating that no taxes, interest, or penalty are due. If the purchasers of a business or stock of goods shall fail to withhold a sufficient amount of the purchase money as above provided, he shall be personally liable for the payment of the taxes, interest, and penalties accruing and unpaid on account of the operation of the business by any former owner, owners, or assigns. *Any receipt or certificate from the department does not, without an audit of the selling dealer's books and records by the department, guarantee that there is not a tax deficiency owed the state from operation of the seller's business. To secure protection from transferee liability under this section, the seller or purchaser may request an audit of the seller's books and records. The department may contract with private auditors pursuant to s. 213.28 to perform the audit and may charge the cost of the audit to the person requesting the audit.*

Section 30. Subsections (10) and (11) of section 212.12, Florida Statutes, 1990 Supplement, are amended to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(10) In ~~charter~~ counties that which have adopted a the discretionary sales surtax at the rate of 1 percent ~~1-percent tax~~, the following brackets apply ~~shall be applicable~~ to all taxable transactions which would otherwise have been transactions taxable at the rate of 6 percent:

- (a) On single sales of less than 10 cents, no tax shall be added.
- (b) On single sales in amounts from 10 cents to 14 cents, both inclusive, 1 cent shall be added for taxes.
- (c) On sales in amounts from 15 cents to 28 cents, both inclusive, 2 cents shall be added for taxes.
- (d) On sales in amounts from 29 cents to 42 cents, both inclusive, 3 cents shall be added for taxes.
- (e) On sales in amounts from 43 cents to 57 cents, both inclusive, 4 cents shall be added for taxes.
- (f) On sales in amounts from 58 cents to 71 cents, both inclusive, 5 cents shall be added for taxes.
- (g) On sales in amounts from 72 cents to 85 cents, both inclusive, 6 cents shall be added for taxes.
- (h) On sales in amounts from 86 cents to \$1, both inclusive, 7 cents shall be added for taxes.
- (i) On sales in amounts from \$1 up to, and including, the first \$5,000 \$1,000 in price, 7 percent shall be charged upon each dollar of price, plus the appropriate bracket charge upon any fractional part of a dollar.
- (j) On sales in amounts of more than \$5,000 \$1,000 in price, 7 percent shall be added upon the first \$5,000 \$1,000 in price, and 6 percent shall be added upon each dollar of price in excess of the first \$5,000 \$1,000 in price, plus the bracket charges upon any fractional part of a dollar as provided for in subsection (9).

(11) *The department shall prescribe, by rule, the tax amounts and brackets applicable to all taxable transactions that occur in counties that have adopted the surtax at a rate other than 1 percent and which would otherwise have been transactions taxable at the rate of 6 percent. Likewise, the department shall prescribe promulgate by rule the tax amounts and brackets applicable to transactions taxable at 3 percent pursuant to s. 212.08(3) and on transactions which would otherwise have been so taxable in counties which have adopted a the discretionary sales surtax 1-percent tax.*

Section 31. Subsection (1) and paragraph (e) of subsection (6) of section 212.20, Florida Statutes, 1990 Supplement, are amended to read:

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

(1) The department shall pay over to the Treasurer of the state all funds received and collected by it under the provisions of this part, to be credited to the account of the General Revenue Fund of the state, *except the proceeds of the fee imposed pursuant to s. 212.18(5).*

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

(e) Proceeds from the fee imposed pursuant to s. 212.18(5) shall be *deposited in the Solid Waste Management Clearing Trust Fund and subsequently transferred to the State Treasurer to be deposited into the Solid Waste Management Trust Fund.*

Section 32. Section 213.051, Florida Statutes, is amended to read:

213.051 Service of subpoenas.—

(1) For the purpose of administering and enforcing the provisions of the revenue laws of this state, the Executive Director of the Department of Revenue, or any of his assistants designated in writing by him, shall be authorized to serve subpoenas and subpoenas duces tecum issued by the state attorney relating to investigations concerning the taxes enumerated in s. 213.05 or otherwise placed under the control and administration of the department by an act of the Legislature.

(2) *For purposes of collection of taxes, penalties, and interest or enforcement of the revenue laws of this state, the department may issue subpoenas or subpoenas duces tecum compelling the attendance and testimony of witnesses and the production of books, records, and written materials and electronically recorded information. Subpoenas shall issue with the approval of the executive director and the signature of the director or his designee appointed in writing, on written and sworn application to the director or his designee by any employee of the department. The application shall set forth the reasons for the application, the name of the person subpoenaed, the time and place of appearance of the witness, and a description of any books, records, or electronically recorded information to be produced, together with a statement by the applicant that the department has unsuccessfully attempted other reasonable means of securing information and that the witness testimony or the written or electronically recorded materials sought in the subpoena are necessary for the collection of taxes, penalty, or interest or the enforcement of the revenue laws of this state. Subpoenas shall be served in the manner provided by law and by the Florida Rules of Civil Procedure and shall be returnable only during regular business hours and at least 5 calendar days after the date of service of the subpoena. Every subpoena, when served upon the witness or records custodian must be accompanied by a copy of the provisions of this subsection. In the case of a refusal to obey a subpoena or subpoena duces tecum issued to any person, the department may make application to any circuit court of this state, which shall have jurisdiction to enforce compliance with the subpoena as provided by law. Witnesses shall be paid mileage and witness fees as authorized for witnesses in civil cases.*

Section 33. Subsections (1), (2), and (7) of section 213.053, Florida Statutes, 1990 Supplement, are amended, and subsections (12) and (13) are added to that section, to read:

213.053 Confidentiality and information sharing.—

(1) The provisions of this section apply to s. 125.0104, county government; s. 125.0108, tourist impact tax; chapter 198, estate taxes; chapter 199, intangible personal property taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; chapter 211, tax on severance and production of minerals; part I of chapter 212, tax on sales, use, and other transactions; ~~chapter 214, administration of designated non-property taxes~~; chapter 220, income tax code; chapter 221, emergency excise tax; s. 370.07(3), Apalachicola Bay oyster surcharge; chapter 376, pollutant spill prevention and control; s. 403.718, waste tire fees; s. 403.7185, lead-acid battery fees; s. 403.7195, waste newsprint disposal fees; s. 538.09, registration of secondhand dealers; s. 538.25, registration of secondary metals recyclers; ss. 624.509-624.514, insurance code: administration and general provisions; and s. 681.117, motor vehicle warranty enforcement.

(2) Except as provided in subsections (3), (4), (5), (6), (7), (8), (9), (10), ~~and~~ (11), (12), ~~and~~ (13), all information contained in returns, reports, accounts, or declarations received by the department, including investigative reports and information and including letters of technical advice, is confidential except for official purposes and is exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Any officer or

employee, or former officer or employee, of the department who divulges any such information in any manner, except for such official purposes or in accordance with the provisions of subsection (3), subsection (4), subsection (5), subsection (6), subsection (7), subsection (8), subsection (9), subsection (10), ~~or subsection (11), subsection (12), or subsection (13)~~ is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, or s. 775.083, ~~or s. 775.084.~~

(7) *Notwithstanding any other provision of this section, the department may provide:*

(a) *Information relative to chapter 211, chapter 376, or chapter 377 to the proper state agency in the conduct of its official duties.*

(b) *Names, addresses, and dates of commencement of business activities of corporations to the Division of Corporations of the Department of State in the conduct of its official duties.*

(c) *Information relative to chapter 212 and chapters 561 through 568 to the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation in the conduct of its official duties.*

(d) *Names, addresses, and sales tax registration information to the Division of Hotels and Restaurants of the Department of Business Regulation in the conduct of its official duties.*

(e) *Names, addresses, taxpayer identification numbers, and outstanding tax liabilities to the Department of the Lottery and the Department of Banking and Finance in the conduct of their official duties.*

(f) *State tax information to the Nexus Program of the Multistate Tax Commission pursuant to any formal agreement for the exchange of mutual information between the department and the commission.*

(g) *Tax information to principals, and their designees, of the Revenue Estimating Conference for the purpose of developing official revenue estimates.*

(h) *Names and addresses of persons paying taxes pursuant to part IV of chapter 206 to the Department of Environmental Regulation in the conduct of its official duties.*

(i) *Information relative to chapter 212 and chapter 326 to the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business Regulation in the conduct of its official duties. The provisions of this section apply to all sections of chapter 207, the Florida Special Fuel and Motor Fuel Use Tax Act of 1981, except for s. 207.025, exchange of information. However, nothing in this section shall prevent the department from providing information relative to chapter 211, chapter 376, or chapter 377 to the proper state agency in the conduct of its official duties, from providing information relative to the commencement of business activities of a foreign corporation to the Division of Corporations of the Department of State in the conduct of its official duties, or from providing information relative to chapter 212 to the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation in the conduct of its official duties or to the Department of Environmental Regulation, names and addresses only, in the conduct of its official duties, or from providing information relative to chapter 282, Laws of Florida, to the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business Regulation in the conduct of its official duties.*

Such state agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

(12) *The department may disclose certain state sales tax information relating to the cancellation or revocation of sales and use tax certificates of registration for the failure to collect and remit sales tax. This information is limited to the sales tax certificate number, trade name, owner's name, business location address, and the reason for the cancellation or revocation.*

(13) *Notwithstanding the provisions of s. 896.102(2), the department may allow full access to the information and documents required to be filed with it under s. 896.102(1) to the Department of Banking and Finance and the Department of Law Enforcement during joint investi-*

*gations of large currency transactions by those two departments and the Department of Revenue, and any of those departments may use the information and documents in any civil or criminal investigation and in any court proceedings.*

Section 34. Subsection (1) of section 213.06, Florida Statutes, is amended to read:

213.06 Rules of department; circumstances requiring emergency rules.—

(1) The Department of Revenue is granted authority to adopt such rules as are necessary to carry out the intent and purposes of this chapter and all other revenue laws enumerated in s. 213.05 or otherwise placed under the control and administration of the department administered by the department, and it may amend such rules to conform to legislation or departmental policy changes made in the absence of any legislation.

Section 35. Section 213.2201, Florida Statutes, is created to read:

213.2201 Publications by the department.—The department, through the Division of Administration, may from time to time cause the laws under its jurisdiction, together with any rules and other publications, to be published in pamphlet form for free distribution in this state. The department may make charges for these technical and educational publications and mimeographed material of use for educational or reference purposes, except that charges may not be made for providing publications to any agency of the state. The charges shall be made at the discretion of the Division of Administration. The charges may be sufficient to cover the cost of research, preparation, printing, binding, publishing, and distribution. All moneys received for publications shall be deposited into the fund from which the cost of the publication was paid. The department may also enter into agreements with persons, firms, corporations, governmental agencies, and other institutions whereby publications may be exchanged reciprocally in lieu of payments for the publications.

Section 36. Subsection (4) of section 213.27, Florida Statutes, 1990 Supplement, is amended to read:

213.27 Contracts with debt collection agencies.—

(4) The department shall require a bond from the debt collection agency not in excess of \$100,000 guaranteeing compliance with the terms of the contract. *However, a bond of \$10,000 is required from a debt collection agency if the agency does not actually collect and remit delinquent funds to the department.*

Section 37. Subsections (2) and (3) of section 213.28, Florida Statutes, are amended to read:

213.28 Contracts with private auditors.—

(2) The Department of Revenue may contract with certified public accountants to conduct an audit of any person who is subject to a Florida revenue law. *Furthermore, the Department of Revenue may contract with a private firm to facilitate the securing of the services of certified public accountants, licensed outside this state, to conduct audits on persons who are subject to the revenue laws of this state and who are located outside the state.* Those taxes administered under chapters 199, 206, 220, 221, and 336 and part II of chapter 212 shall be excluded from such contracts, unless the department and the Internal Revenue Service mutually agree to include them on a case-by-case basis.

(3) *Any contract may provide, in the discretion of the executive director of the Department of Revenue, the manner in which the compensation for such services will be paid. Under standards established by rule, such compensation shall be added to the amount of the tax and either collected as a part thereof by the agency or deducted from the amount of tax, penalty, and interest actually collected.* Contracts in excess of \$25,000 or in which hourly rates substantially exceed the department's costs per hour must be approved by the head of the department. Contracts under this section shall be interpreted under Florida law and any action for resolution of any dispute related to any such contract shall be brought under Florida law. Contracts may contain such other terms and conditions as the department deems appropriate under the circumstances.

Section 38. Section 213.30, Florida Statutes, is amended to read:

213.30 Compensation for information relating to a violation of the tax laws.—

(1) The executive director of the department, pursuant to rules adopted by the department, is authorized to compensate persons providing information to the department leading to the punishment of, or collection of taxes, penalties, or interest from, any person ~~committing any crime~~ with respect to the taxes enumerated in s. 213.05 ~~s. 72.011(4)~~. The amount of any payment made under this subsection may not exceed 10 percent of any tax, penalties, or interest collected as a result of such information.

(2) Any employee of the department or of any other state or federal agency who comes into possession of information relating to a violation of a revenue law while an employee of such agency *may provide information to the department of the type described in subsection (1), but the employee may not be compensated under this section.* Any former employee of the department or any other state or federal agency who came into possession of information relating to a violation of a revenue law while an employee of such agency *may provide information to the department of the type described in subsection (1), but the former employee may not receive compensation under this section.*

(3) The names of all persons supplying information to the department under this section *and other information that could lead to the identification of those persons* are confidential as provided in s. 213.053 in the same manner as other confidential taxpayer information.

Section 39. Subsection (1) of section 213.34, Florida Statutes, is amended to read:

213.34 Authority to audit.—

(1) The Department of Revenue shall have the authority to audit and examine the accounts, books, or records of all persons who are subject to a revenue law made applicable to this chapter, *or otherwise placed under the control and administration of the department,* for the purpose of ascertaining the correctness of any return which has been filed or payment which has been made, or for the purpose of making a return where none has been made.

Section 40. Section 213.37, Florida Statutes, is created to read:

213.37 Authority to require sworn statements.—

(1) The Department of Revenue may require a sworn affidavit in conjunction with documents relating to the administration of the revenue laws of this state, including, but not limited to, forms, applications, claims, notices, tax returns, inventories, affidavits, pleadings, or other written statements presented by, or requested of, taxpayers or their authorized representatives.

(2) These sworn affidavits must be verified as provided for in s. 92.525(1)(b).

(3) Any person who knowingly makes a false written declaration is guilty of perjury by false written declaration, under s. 92.525(3).

Section 41. Section 213.756, Florida Statutes, is created to read:

213.756 Funds collected are state tax funds.—Funds collected from a purchaser under the representation that they are taxes provided for under the state revenue laws are state funds from the moment of collection and are not subject to refund absent proof that such funds have been refunded previously to the purchaser.

Section 42. Section 214.01, Florida Statutes, is repealed.

Section 43. Section 214.02, Florida Statutes, is transferred and renumbered as section 220.701, Florida Statutes, and amended to read:

~~220.701 214.02~~ Collection authority.—The department of Revenue, hereinafter referred to as “the department,” shall collect the tax taxes imposed by laws made applicable to this chapter and shall pay all moneys received by it ~~under such laws~~ into the general revenue fund of the state.

Section 44. Section 214.03, Florida Statutes, is transferred and renumbered as section 220.703, Florida Statutes, and subsection (2) of that section is amended, to read:

~~220.703 214.03~~ Assessment.—

(2) Whenever a notice of deficiency has been issued, the amount of the deficiency shall be deemed assessed on the date provided in s. 220.713 ~~s. 214.08~~ if no protest is filed or, if a protest is filed, on the date when the decision of the department with respect to the protest becomes final, ~~as provided in s. 214.11(4).~~

Section 45. Section 214.04, Florida Statutes, is transferred and renumbered as section 220.705, Florida Statutes.

Section 46. Section 214.05, Florida Statutes, is transferred and renumbered as section 220.707, Florida Statutes, and subsection (1) of that section is amended, to read:

~~220.707 214.05~~ Notice and demand.—

(1) As soon as practicable after an amount payable under this chapter is deemed assessed under s. 220.703 ~~s. 214.03~~ or any other provision of this chapter, the department shall give notice of the amount unpaid to each taxpayer liable for any unpaid portion of such assessment and shall demand payment thereof. The amount stated in such notice shall be payable upon receipt of such notice, at the place and time stated in such notice.

Section 47. Section 214.06, Florida Statutes, is transferred and renumbered as section 220.709, Florida Statutes, and subsection (3) of that section is amended, to read:

~~220.709 214.06~~ Deficiency determinations.—

(3) An erroneous refund shall be considered deficiency of tax on the date made, and shall be deemed assessed and shall be collected as provided in ss. 220.703 and 220.707 ~~ss. 214.03 and 214.05~~.

Section 48. Section 214.07, Florida Statutes, is transferred and renumbered as section 220.711, Florida Statutes.

Section 49. Section 214.08, Florida Statutes, is transferred, renumbered as section 220.713, Florida Statutes, and amended to read:

~~220.713 214.08~~ Assessment after notice.—Upon the expiration of 60 days after the date on which it was issued (150 days, if the taxpayer is outside the United States), a notice of deficiency shall constitute an assessment of the amount of tax and penalties specified therein, except for amounts as to which the taxpayer shall have filed a protest with the department under s. 220.717 ~~s. 214.11~~.

Section 50. Sections 214.10 and 214.11, Florida Statutes, are transferred and renumbered as sections 220.715 and 220.717, Florida Statutes, respectively.

Section 51. Section 214.12, Florida Statutes, is transferred and renumbered as section 220.719, Florida Statutes, and subsection (1) of that section is amended, to read:

~~220.719 214.12~~ Jeopardy assessments.—

(1) If the department finds that a taxpayer is about to depart from the state, to conceal its property, or to do any other act tending to prejudice or render wholly or partly ineffectual the normal procedures for collection of any amount of tax, penalty, or interest ~~under made subject to~~ this chapter, or if the department otherwise finds that the collection of such amount will be jeopardized by delay, the department shall issue to the taxpayer a notice of such findings and shall make demand for the immediate payment of such amount, whereupon such amount shall be deemed assessed and shall become immediately due and payable.

Section 52. Section 214.13, Florida Statutes, is transferred and renumbered as section 220.721, Florida Statutes.

Section 53. Section 214.14, Florida Statutes, is transferred and renumbered as section 220.723, Florida Statutes, and subsection (1) of that section is amended, to read:

~~220.723 214.14~~ Overpayments; interest.—

(1) Interest shall be allowed and paid in accordance with the provisions of s. 220.807 ~~s. 214.425~~ upon any overpayment of a tax ~~imposed by made subject to~~ this chapter. However, if any overpayment is refunded or credited within 3 months after the date upon which the taxpayer files written notice advising the department of such overpayment, no interest shall be allowed on such overpayment.

Section 54. Sections 214.15 and 214.16, Florida Statutes, are transferred and renumbered as sections 220.725 and 220.727, Florida Statutes, respectively.

Section 55. Section 214.17, Florida Statutes, is transferred, renumbered as section 220.729, Florida Statutes, and amended to read:

~~220.729 214.17~~ Books and records.—

(1) Each person ~~subject to required by law to administer any non-property tax to which this chapter is applicable~~ shall keep suitable books and records relating to ~~the tax imposed by this chapter~~ and shall preserve such books and records as long as required by s. 213.35.

(2) All books, records, and other papers and documents which are required by ~~this chapter applicable law~~ to be kept shall be subject to inspection by the department or its duly authorized agents and employees at all times during business hours.

Section 56. Section 214.18, Florida Statutes, is transferred, renumbered as section 220.731, Florida Statutes, and amended to read:

~~220.731 214-18~~ Investigations.—For the purpose of administering and enforcing the provisions of ~~this chapter applicable tax laws~~, the department or any officer, agent, or employee of the department designated by the executive director in writing or by regulation may:

- (1) Hold investigations concerning any matters;
- (2) Require the attendance of any individual, or any officer or employee of a taxpayer, having knowledge of such matters; and
- (3) Take testimony and require proof for its information.

In the conduct of any investigation, neither the department nor any officer, agent, or employee thereof shall be bound by the technical rules of evidence, and the informality in any proceeding or in the manner of taking testimony shall not invalidate any order, decision, rule, or regulation made or approved or confirmed by the department. Any officer or employee of the department authorized by the executive director or regulation shall have power to administer oaths. The books, papers, records, and memoranda of the department, or parts thereof, may be proved in any investigation or legal proceeding by a reproduced copy thereof, under the certificate of the executive director, and any such reproduced copy shall, without further proof, be admitted into evidence before the department or in any legal proceeding.

Section 57. Section 214.19, Florida Statutes, is transferred and renumbered as section 220.733, Florida Statutes, and amended to read:

~~220.733 214-19~~ Actions to recover taxes.—At any time that the department might commence proceedings for a levy under ~~part II~~ of this chapter, it may bring an action in any court of competent jurisdiction within or without the state, in the name of the state, to recover the amount of any taxes, penalties, and interest due and unpaid under ~~any law made applicable to this chapter~~. In any such action, a certificate of the department showing the amount of the delinquency shall be prima facie evidence of the correctness of such amount, the validity of its assessment, and its compliance with all the provisions of this chapter.

Section 58. Section 214.20, Florida Statutes, is transferred and renumbered as section 220.735, Florida Statutes.

Section 59. Section 214.22, Florida Statutes, is transferred and renumbered as section 220.737, Florida Statutes, and subsection (2) of that section is amended to read:

~~220.737 214-22~~ Amounts less than \$1.—

(2) The department may by regulation provide that any amount which is required to be shown or reported on any return or other document required under ~~laws made applicable to this chapter~~ shall, if such amount is not a whole dollar, be increased to the nearest whole dollar when the fractional part of a dollar is 50 cents or more and decreased to the nearest whole dollar when the fractional part of a dollar is less than 50 cents.

Section 60. Section 214.23, Florida Statutes, 1990 Supplement, is transferred and renumbered as section 220.739, Florida Statutes.

Section 61. Sections 220.701 through 220.739, Florida Statutes, are designated as part VIII of chapter 220, Florida Statutes, entitled "Administrative Procedures and Judicial Review."

Section 62. Section 214.40, Florida Statutes, is transferred and renumbered as section 220.801, Florida Statutes, and subsections (1) and (2) of that section are amended to read:

~~220.801 214-40~~ Penalties; failure to file timely returns.—

(1) In case of failure to file any tax return required under ~~laws made applicable to this chapter~~ on the date prescribed therefor, including any

extensions thereof, there shall be added as a penalty to the amount of tax due with such return 5 percent of the amount of such tax, if the failure is not for more than 1 month, plus an additional 5 percent for each additional month or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. The department may settle or compromise such penalties pursuant to s. 213.21. For purposes of this section, the amount of tax due with any return shall be reduced by any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which was properly allowable on the date the return was required to be filed.

(2) In case of failure to file any tax return required by ~~this chapter s. 220-22~~, notwithstanding that no tax is shown to be due thereon, a penalty in the amount of \$25 for each month or portion thereof, not to exceed \$150 in the aggregate, shall be assessed and paid for each such failure to file. This subsection shall only apply to corporations when they also are required to file a federal income tax return.

Section 63. Section 214.41, Florida Statutes, is transferred and renumbered as section 220.803, Florida Statutes, and subsection (1) of that section is amended, to read:

~~220.803 214-41~~ Penalties; failure to pay tax.—

(1) If any part of a deficiency is due to negligence or intentional disregard of rules and regulations prescribed by or under ~~this chapter applicable law~~, but without intent to defraud, there shall be added to the tax as a penalty an amount equal to 5 percent of the deficiency.

Section 64. Section 214.42, Florida Statutes, is transferred, renumbered as section 220.805, Florida Statutes, and amended to read:

~~220.805 214-42~~ Assessment of penalties.—The penalties provided by this part shall be paid upon notice and demand and shall be assessed, collected, and paid in the same manner as taxes. Any reference in this chapter to the tax imposed by ~~laws made applicable to this chapter~~ shall be deemed a reference to penalties provided by this part.

Section 65. Section 214.425, Florida Statutes, is transferred and renumbered as section 220.807, Florida Statutes, and subsection (1) of that section is amended, to read:

~~220.807 214-425~~ Determination of rate of interest.—

(1) The annual rate of interest ~~for revenue laws made applicable to this chapter~~ shall be the adjusted rate established by the Executive Director of the Department of Revenue under subsection (2).

Section 66. Section 214.43, Florida Statutes, is transferred, renumbered as section 220.809, Florida Statutes, and amended to read:

~~220.809 214-43~~ Interest on deficiencies.—

(1) If any amount of tax imposed by ~~laws made applicable to this chapter~~ is not paid on or before the date, determined without regard to any extensions, prescribed for payment of such tax, interest shall be paid in accordance with the provisions of ~~s. 220.807 s. 214-425~~ on the unpaid amount from such date to the date of payment.

(2) Interest prescribed by this section on any tax or penalty shall be deemed assessed upon the assessment of the tax or penalty to which such interest relates, and shall be collected and paid in the same manner as taxes. Any reference in this chapter to the tax imposed by ~~laws made applicable to this chapter~~ shall be deemed a reference to interest imposed by this section.

(3) No interest shall be imposed upon the interest provided by this section.

(4) Interest shall be paid in respect to any penalty which is not paid within 20 days of the notice and demand therefor, but only for the period from the date of the notice and demand to the date of payment.

(5) If notice and demand is made for the payment of any amount due under ~~laws made applicable to this chapter~~, and if such amount is paid within 30 days after the date of such notice and demand, interest under this section on the amount so paid shall not be imposed for the period after the date of such notice and demand.

(6) Any tax, interest, or penalty imposed by ~~applicable laws or this chapter~~ which has been erroneously refunded and which is recoverable by the department shall bear interest computed as provided in ~~s. 220.807 s. 214-425~~ from the date of payment of such refund.

(7) The department may settle or compromise interest imposed herein pursuant to s. 213.21.

Section 67. Section 214.434, Florida Statutes, is transferred and renumbered as section 220.811, Florida Statutes.

Section 68. Section 214.44, Florida Statutes, is transferred and renumbered as section 220.813, Florida Statutes, and subsection (1) of that section is amended, to read:

~~220.813~~ ~~214.44~~ Liens; attachment and notice.—

(1) The state shall have a lien for all or any portion of the tax or any penalty, or for any amount of interest which may be due, upon all the real and personal property of any taxpayer assessed with a tax under ~~applicable laws or~~ this chapter.

Section 69. Section 214.45, Florida Statutes, is transferred and renumbered as section 220.815, Florida Statutes, and subsection (2) of that section is amended, to read:

~~220.815~~ ~~214.45~~ Liens; priority and filing.—

(2) The clerks of the circuit courts of the several counties shall establish and maintain a file and index book for liens arising under this chapter ~~and the laws made applicable hereto~~, in the manner and form prescribed by the department, which shall contain numerical and alphabetical indexes. Each entry in the file shall show the name and address of the taxpayer named in the notice, the tax to which the lien relates, the serial number of the notice, the date and hour of filing, whether the lien is a regular lien or a jeopardy assessment lien, and the amount of taxes, penalties, and interest due and unpaid at the time the notice is filed.

Section 70. Section 214.46, Florida Statutes, is repealed.

Section 71. Section 214.47, Florida Statutes, is transferred and renumbered as section 220.819, Florida Statutes.

Section 72. Section 214.48, Florida Statutes, is transferred and renumbered as section 220.821, Florida Statutes, and paragraph (e) of subsection (1) of that section is amended, to read:

~~220.821~~ ~~214.48~~ Liens; certificates of release.—

(1) The department shall issue a certificate of complete or partial release of lien:

(e) To the extent and under the circumstances specified in s. ~~220.819~~ ~~s. 214.47~~.

Section 73. Section 214.49, Florida Statutes, is transferred and renumbered as section 220.823, Florida Statutes.

Section 74. Section 214.50, Florida Statutes, is transferred, renumbered as section 220.825, Florida Statutes, and amended to read:

~~220.825~~ ~~214.50~~ Liens; foreclosure.—In addition to any other remedy provided by the laws of this state, and provided that no hearing or proceedings for review provided by this chapter shall be pending and that the time for the taking of review shall have expired, the department may foreclose in any court of competent jurisdiction any lien on real or personal property for any tax, penalty, or interest to the same extent and in the same manner as in the enforcement of other liens. Any proceeding to foreclose shall be instituted not more than 20 years after the filing, or availability for filing, of the notice of lien under the provisions of s. ~~220.815~~ ~~s. 214.45~~.

Section 75. Section 214.51, Florida Statutes, is transferred, renumbered as section 220.827, Florida Statutes, and amended to read:

~~220.827~~ ~~214.51~~ Collection procedures.—

(1) In addition to any other remedy provided by the laws of this state, if any tax imposed by ~~laws made applicable to~~ this chapter is not paid within the time required by this chapter, the department, or someone designated by it, may cause a demand to be made on the taxpayer for the payment thereof. If such tax remains unpaid for 10 days after such demand has been made and no proceedings have been taken to review the same, the department may issue a warrant directed to any sheriff or other person authorized to serve process, commanding said sheriff or other person to levy upon and sell the real and personal property of the taxpayer found within his jurisdiction for the payment of the amount

thereof, including penalties, interest, and the cost of executing the warrant. Such warrant shall be returned to the department together with the money collected by virtue thereof within the time therein specified, which shall not be less than 20 nor more than 90 days from the date of the warrant. The sheriff or other person to whom such a warrant shall be directed shall proceed upon the same in all respects and with like effect as is prescribed by law for executions issued against property upon judgments of record, and shall be entitled to the same fees for his services in executing the warrant, to be collected in the same manner. No proceedings for a levy under this section shall be commenced more than 20 years after the filing of the notice of lien under the provisions of this part.

(2) Whenever an execution or writ of attachment issued from any court for the enforcement or collection of any tax liability created by ~~laws made applicable to~~ this chapter shall be levied by any sheriff or other authorized person upon any personal property, and such property shall be claimed to be exempt from execution or attachment by any person other than the defendant in the execution or attachment, then it shall be the duty of the person making such claim to give notice in writing of his claim and of his intention to prosecute the same to the sheriff or other person within 10 days after the making of said levy. The giving of such notice shall be a condition precedent to any legal action against the sheriff or other authorized person for wrongful levy or seizure or for sale of said property, and any such person who fails to give notice within said time shall be forever barred from bringing any legal action against such sheriff or other person for injury or damages to or conversion of said property.

Section 76. Section 214.52, Florida Statutes, is transferred and renumbered as section 220.829, Florida Statutes.

Section 77. Sections 220.801 through 220.829, Florida Statutes, are designated as part IX of chapter 220, Florida Statutes, entitled "Penalties, Interest, and Enforcement."

Section 78. Section 214.60, Florida Statutes, is transferred, renumbered as section 220.901, Florida Statutes, and amended to read:

~~220.901~~ ~~214.60~~ Willful and fraudulent acts.—Any taxpayer who is subject to the provisions of this chapter and who willfully fails to file a return or keep required books and records, files a fraudulent return, willfully violates any rule or regulation of the department, or willfully attempts in any other manner to evade or defeat any tax imposed by ~~laws made applicable to~~ this chapter or the payment thereof, is, in addition to other penalties, guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or, s. 775.083, ~~or s. 775.084~~.

Section 79. Section 214.61, Florida Statutes, is transferred and renumbered as section 220.903, Florida Statutes.

Section 80. Section 214.62, Florida Statutes, is transferred, renumbered as section 220.905, Florida Statutes, and amended to read:

~~220.905~~ ~~214.62~~ Aiding and abetting.—Any person who aids, abets, counsels, or conspires to commit any of the acts described in s. ~~220.901~~ ~~or s. 220.903~~ ~~s. 214.60~~ ~~or s. 214.61~~ shall be subject to fine or imprisonment to the same extent as the perpetrator of such act.

Section 81. Sections 220.901 through 220.905, Florida Statutes, are designated as part X of chapter 220, Florida Statutes, entitled "Tax Crimes."

Section 82. Section 214.70, Florida Statutes, is repealed.

Section 83. Section 214.71, Florida Statutes, is repealed.

Section 84. Section 214.72, Florida Statutes, is transferred and renumbered as section 220.151, Florida Statutes, and paragraph (d) is added to subsection (2) of that section, to read:

~~220.151~~ ~~214.72~~ Apportionment; methods for special industries.—

(2) The tax base for a taxpayer furnishing transportation services, for the purpose of computing a tax on those activities, shall be apportioned to this state by multiplying such base by a fraction the numerator of which is the revenue miles of the taxpayer in this state and the denominator of which is the revenue miles of the taxpayer everywhere.

(d) For purposes of this subsection, the term "taxpayer furnishing transportation services" includes taxpayers engaged exclusively in interstate commerce.

Section 85. Section 214.73, Florida Statutes, is transferred, renumbered as section 220.152, Florida Statutes, and amended to read:

~~220.152~~ ~~214.73~~ Apportionment; other methods.—If the apportionment methods of *ss. 220.15 and 220.151* ~~ss. 214.71 and 214.72~~ do not fairly represent the extent of a taxpayer's tax base attributable to this state, the taxpayer may petition for, or the department may require, in respect to all or any part of the taxpayer's tax base, if reasonable:

- (1) Separate accounting;
- (2) The exclusion of any one or more factors;
- (3) The inclusion of one or more additional factors which will fairly represent the taxpayer's tax base attributable to this state; or
- (4) The employment of any other method which will produce an equitable apportionment.

Section 86. Subsection (3) of section 72.041, Florida Statutes, 1990 Supplement, is amended to read:

72.041 Tax liabilities arising under the laws of other states.—Actions to enforce lawfully imposed sales, use, and corporate income taxes and motor and other fuel taxes of another state may be brought in a court of this state under the following conditions:

- (3) This section does not apply to the enforcement of tax warrants of another state unless the warrant has been obtained as a result of a judgment entered by a court of competent jurisdiction in the taxing state or unless the courts of the state seeking to enforce its warrant allow the enforcement of the warrants issued by the Department of Revenue pursuant to chapters 206, 212, 213, ~~214~~, 220, and 221, and *ss. 336.021, 336.025, and 336.026*; and

Section 87. Paragraph (a) of subsection (15) and paragraph (a) of subsection (16) of section 196.012, Florida Statutes, are amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(15) "New business" means:

(a)1. A business establishing 10 or more jobs to employ 10 or more full-time employees in this state, which manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant;

2. A business establishing 25 or more jobs to employ 25 or more full-time employees in this state, the sales factor of which, as defined by *s. 220.15(5)* ~~s. 214.71(3)~~, for the facility with respect to which it requests an economic development ad valorem tax exemption is less than 0.50 for each year the exemption is claimed; or

3. An office space in this state owned and used by a corporation newly domiciled in this state; provided such office space houses 50 or more full-time employees of such corporation;

provided that such business or office first begins operation on a site clearly separate from any other commercial or industrial operation owned by the same business.

(16) "Expansion of an existing business" means:

(a)1. A business establishing 10 or more jobs to employ 10 or more full-time employees in this state, which manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant; or

2. A business establishing 25 or more jobs to employ 25 or more full-time employees in this state, the sales factor of which, as defined by *s. 220.15(5)* ~~s. 214.71(3)~~, for the facility with respect to which it requests an economic development ad valorem tax exemption is less than 0.50 for each year the exemption is claimed;

provided that such business increases operations on a site collocated with a commercial or industrial operation owned by the same business, resulting in a net increase in employment of not less than 10 percent or an increase in productive output of not less than 10 percent.

Section 88. Subsections (1) and (2) of section 212.0598, Florida Statutes, 1990 Supplement, are amended to read:

212.0598 Special provisions; air carriers.—

(1) Notwithstanding other provisions of this part to the contrary, any air carrier utilizing mileage apportionment for corporate income tax purposes in this state pursuant to chapter ~~220~~ ~~214~~ may elect, upon the conditions prescribed in subsection (4), to be subject to the tax imposed by this part on tangible personal property according to the provisions of this section.

(2) The basis of the tax shall be the ratio of Florida mileage to total mileage as determined pursuant to ~~part IV~~ ~~of~~ chapter ~~220~~ ~~214~~ and this section. The ratio shall be determined at the close of the carrier's preceding fiscal year. The ratio shall be applied each month to the carrier's total systemwide gross purchases of tangible personal property and services otherwise taxable in Florida.

Section 89. Section 213.05, Florida Statutes, 1990 Supplement, is amended to read:

213.05 Department of Revenue; control and administration of revenue laws.—The Department of Revenue shall have only those responsibilities for ad valorem taxation specified to the department in chapter 192, taxation, general provisions; chapter 193, assessments; chapter 194, administrative and judicial review of property taxes; chapter 195, property assessment administration and finance; chapter 196, exemption; chapter 197, tax collections, sales, and liens; chapter 199, intangible personal property taxes; and chapter 200, determination of millage. The Department of Revenue shall have the responsibility of regulating, controlling, and administering all revenue laws and performing all duties as provided in *s. 125.0104*, the Local Option Tourist Development Act; *s. 125.0108*, tourist impact tax; chapter 198, estate taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; chapter 206, motor and other fuel taxes; chapter 211, tax on production of oil and gas and severance of solid minerals; chapter 212, tax on sales, use, and other transactions; ~~chapter 214, administration of designated nonproperty taxes~~; chapter 220, income tax code; chapter 221, emergency excise tax; *ss. 336.021, 336.025, and 336.026*, taxes on motor fuel and special fuel; *s. 370.07(3)*, Apalachicola Bay oyster surcharge; *s. 376.11*, pollutant spill prevention and control; *s. 403.718*, waste tire fees; *s. 403.7185*, lead-acid battery fees; *s. 403.7195*, waste newsprint disposal fees; *s. 538.09*, registration of secondhand dealers; *s. 538.25*, registration of secondary metals recyclers; *s. 440.57*, group self-insurer's fund premium tax; *s. 624.5091*, retaliatory tax; *s. 624.4425*, multiple-employer welfare arrangement premium tax; *s. 624.475*, commercial self-insurance fund premium tax; *s. 624.509-624.514*, insurance code: administration and general provisions; *s. 624.515*, State Fire Marshal regulatory assessment; *s. 627.356*, professional liability self-insurance premium tax; *s. 627.357*, medical malpractice self-insurance premium tax; *s. 629.5011*, reciprocal insurers premium tax; *s. 637.406*, dental service plan corporation premium tax; *s. 651.027*, continuing care contract entrance fees; and *s. 681.117*, motor vehicle warranty enforcement.

Section 90. Subsection (5) of section 220.131, Florida Statutes, is amended to read:

220.131 Adjusted federal income; affiliated groups.—

(5) Each taxpayer shall apportion adjusted federal income under *s. 220.15* ~~s. 214.71~~ as a member of an affiliated group which files a consolidated return under this section on the basis of apportionment factors described in *s. ss. 214.71 and 220.15*. For the purposes of this subsection, each special industry member included in an affiliated group filing a consolidated return hereunder, which member would otherwise be permitted to use a special method of apportionment under *s. 220.151* ~~s. 214.72~~, shall construct the numerator of its sales, property, and payroll factors, respectively, by multiplying the denominator of each such factor by the premiums or revenue miles factor ratio otherwise applicable pursuant to *s. 220.151* ~~s. 214.72~~ in the manner prescribed by the department by rule.

Section 91. Section 220.15, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 220.15, F.S., for present text.)*

220.15 Apportionment of adjusted federal income.—

(1) Except as provided in *ss. 220.151 and 220.152*, adjusted federal income as defined in *s. 220.13* shall be apportioned to this state by multiplying it by an apportionment fraction composed of a sales factor repre-

senting 50 percent of the fraction, a property factor representing 25 percent of the fraction, and a payroll factor representing 25 percent of the fraction. If any factor described in subsection (2), subsection (4), or subsection (5) has a denominator that is zero or is determined by the department to be insignificant, the relative weights of the other factors in the denominator of the apportionment fraction shall be as follows:

(a) If the denominators for any two factors are zero or are insignificant, the weighted percentage for the remaining factor shall be 100 percent.

(b) If the denominator for the sales factor is zero or is insignificant, the weighted percentage for the property and payroll factors shall change from 25 percent to 50 percent, respectively.

(c) If the denominator for either the property or payroll factor is zero or is insignificant, the weighted percentage for the other shall be  $33 \frac{1}{3}$  percent, and the weighted percentage for the sales factor shall be  $66 \frac{2}{3}$  percent.

(2) The property factor is a fraction the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the taxable year or period and the denominator of which is the average value of such property owned or rented and used everywhere.

(a) Real and tangible personal property owned by the taxpayer shall be valued at original cost. Real and tangible personal property rented by the taxpayer shall be valued at 8 times the net annual rental rate paid by the taxpayer less any annual rental rate received from subrentals.

(b) The average value of real and tangible personal property shall be determined by averaging the value at the beginning and the end of the taxable year or period, unless the department determines that an averaging of monthly values during the taxable year or period is reasonably required to reflect properly the average value of the taxpayer's real and tangible personal property.

(3) The property factor used by a financial organization shall also include intangible personal property, except goodwill, which is owned and used in the business, valued at its tax basis for federal income tax purposes. Intangible personal property shall be in this state if it consists of any of the following:

(a) Coin or currency located in this state;

(b) Assets in the nature of loans, including balances due from depository institutions, repurchase agreements, federal funds sold, and bankers acceptances, which assets are located in this state; installment obligations on loans for which the customer initially applied at an office located in this state; or loans secured by mortgages, deeds of trust, or other liens upon real or tangible personal property located in this state;

(c) A portion of a participation loan if the office that enters into the participation is located in this state;

(d) Credit card receivables from customers who reside or who are commercially domiciled in this state;

(e) Investments in securities that generate business income if the taxpayer's commercial domicile is in the state, unless such securities have acquired a discrete business situs elsewhere;

(f) Securities used to maintain reserves against deposits to meet federal or state deposit requirements, based on the ratio that total deposits in this state bear to total deposits everywhere;

(g) Securities held by a state treasurer or other public official or pledged to secure public funds or trust funds deposited with the taxpayer if the office at which the secured deposits are maintained is in this state;

(h) Leases of tangible personal property to another if the taxpayer's commercial domicile is in the state, unless the taxpayer establishes that the location of the leased tangible personal property is in another state or states for the entire taxable year and the taxpayer is taxable in such other state or states;

(i) Installment sale agreements originally executed by a taxpayer or its agent to sell real or tangible personal property located in this state; or

(j) Any other intangible personal property located in this state which is used to generate business income.

(4) The payroll factor is a fraction the numerator of which is the total amount paid in this state during the taxable year or period by the taxpayer for compensation and the denominator of which is the total compensation paid everywhere during the taxable year or period.

(a) As used in this subsection, the term "compensation" means wages, salaries, commissions, and any other form of remuneration paid to employees for personal services.

(b) Compensation is paid in this state if:

1. The employee's service is performed entirely within the state; or

2. The employee's service is performed both within and without the state, but the service performed without the state is incidental to the employee's service within the state; or

3. Some of the employee's service is performed in the state, and

a. The base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state, or

b. The base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed and the employee's residence is in this state.

(5) The sales factor is a fraction the numerator of which is the total sales of the taxpayer in this state during the taxable year or period and the denominator of which is the total sales of the taxpayer everywhere during the taxable year or period.

(a) As used in this subsection, the term "sales" means all gross receipts of the taxpayer except interest, dividends, rents, royalties, and gross receipts from the sale, exchange, maturity, redemption, or other disposition of securities. However:

1. Rental income is included in the term if a significant portion of the taxpayer's business consists of leasing or renting real or tangible personal property; and

2. Royalty income is included in the term if a significant portion of the taxpayer's business consists of dealing in or with the production, exploration, or development of minerals.

(b)1. Sales of tangible personal property occur in this state if the property is delivered or shipped to a purchaser within this state, regardless of the f.o.b. point, other conditions of the sale, or ultimate destination of the property, unless shipment is made via a common or contract carrier.

2. When citrus fruit is delivered by a cooperative for a grower-member, by a grower-member to a cooperative, or by a grower-participant to a Florida processor, the sales factor for the growers for such citrus fruit delivered to such processor shall be the same as the sales factor for the most recent taxable year of that processor. That sales factor, expressed only as a percentage and not in terms of the dollar volume of sales, so as to protect the confidentiality of the sales of the processor, shall be furnished on the request of such a grower promptly after it has been determined for that taxable year.

3. Reimbursement of expenses under an agency contract between a cooperative, a grower-member of a cooperative, or a grower and a processor is not a sale within this state.

(c) Sales of a financial organization, including, but not limited to, banking and savings institutions, investment companies, real estate investment trusts, and brokerage companies, occur in this state if derived from:

1. Fees, commissions, or other compensation for financial services rendered within this state;

2. Gross profits from trading in stocks, bonds, or other securities managed within this state;

3. Interest received within this state, other than interest from loans secured by mortgages, deeds of trust, or other liens upon real or tangible personal property located without this state, and dividends received within this state;

4. Interest charged to customers at places of business maintained within this state for carrying debit balances of margin accounts, without deduction of any costs incurred in carrying such accounts;

5. Interest, fees, commissions, or other charges or gains from loans secured by mortgages, deeds of trust, or other liens upon real or tangible personal property located in this state or from installment sale agreements originally executed by a taxpayer or his agent to sell real or tangible personal property located in this state;

6. Rents from real or tangible personal property located in this state; or

7. Any other gross income, including other interest, resulting from the operation as a financial organization within this state.

In computing the amounts under this paragraph, any amount received by a member of an affiliated group (determined under s. 1504(a) of the Internal Revenue Code, but without reference to whether any such corporation is an "includable corporation" under s. 1504(b) of the Internal Revenue Code) from another member of such group shall be included only to the extent such amount exceeds expenses of the recipient directly related thereto.

(6) The term "financial organization," as used in this section, includes any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, small loan company, sales finance company, or investment company.

(7) The term "everywhere," as used in the computation of apportionment factor denominators under this section, means "in all states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country, or any political subdivision of the foregoing."

Section 92. Paragraph (a) of subsection (8) of section 220.181, Florida Statutes, is amended to read:

220.181 Enterprise zone jobs credit.—

(8)(a) Any person who fraudulently claims this credit is liable for repayment of the credit, plus a mandatory penalty in the amount of 100 percent of the credit, plus interest at the rate provided in s. 220.807 ~~chapter 214~~, and is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 93. Paragraphs (b), (c), and (d) of subsection (2) of section 220.23, Florida Statutes, are amended to read:

220.23 Federal returns.—

(2) In the event the taxable income, any item of income or deduction, or the income tax liability reported in a federal income tax return of any taxpayer for any taxable year is adjusted by amendment of such return or as a result of any other recomputation or redetermination of federal taxable income or loss, if such adjustment would affect any item or items entering into the computation of such taxpayer's net income subject to tax for any taxable year under this code, the following special rules shall apply:

(b) If the amended return or other report filed with the department concedes the accuracy of a federal change or correction, any deficiency in tax under this code resulting therefrom shall be deemed assessed on the date of filing such amended return or report, and such assessment shall be timely, notwithstanding any other provision contained in *part VIII* of *this chapter 214*.

(c) In any case where notification of an adjustment is required under paragraph (a), then notwithstanding any other provision contained in s. 95.091(3) ~~part I of chapter 214~~:

1. A notice of deficiency may be issued at any time within 5 years after the date such notification is given; or

2. If a taxpayer either fails to notify the department or fails to report a change or correction which is treated in the same manner as if it were a deficiency for federal income tax purposes, a notice of deficiency may be issued at any time;

3. In either case, the amount of any proposed assessment set forth in such notice shall be limited to the amount of any deficiency resulting under this code from recomputation of the taxpayer's income for the taxable year after giving effect only to the item or items reflected in the adjustment.

(d) In any case when notification of an adjustment is required by paragraph (a), a claim for refund may be filed within 2 years after the date on which such notification was due, regardless of whether such notice was given, notwithstanding any other provision contained in s. 220.727 ~~part I of chapter 214~~. However, the amount recoverable pursuant to such a claim shall be limited to the amount of any overpayment resulting under this code from recomputation of the taxpayer's income for the taxable year after giving effect only to the item or items reflected in the adjustment required to be reported.

Section 94. Paragraph (b) of subsection (2) of section 220.31, Florida Statutes, is amended to read:

220.31 Payments; due date.—

(2) Except as to estimated tax payments under s. 220.33, the payment required under this section shall be the balance of tax remaining due after giving effect to the following:

(b) Any amount of a tax overpayment which is credited against the taxpayer's liability for the taxable year under s. 220.721 ~~s. 214.13~~ shall be deemed to have been paid on account of the tax imposed by this code for such taxable year.

Section 95. Section 220.32, Florida Statutes, is amended to read:

220.32 Payments of tentative tax.—

(1) In connection with any extension of the time for filing a return under s. 220.222(2), the taxpayer shall file a tentative tax return and pay, on or before the date prescribed by law for the filing of such return, determined without regard to any extensions of time for such filing, an amount estimated to be the balance of its proper tax for the taxable year after giving effect to any estimated tax payments under s. 220.33 and any tax credit under s. 220.721 ~~s. 214.13~~.

(2) The department shall by regulation prescribe the manner and form for filing tentative returns.

(3) Interest on any amount of tax due and unpaid during the period of any extension shall be payable as provided in s. 220.809 ~~s. 214.43~~. The taxpayer shall also be liable for a penalty in an amount determined at the rate of 12 percent per year upon the amount of any underpayment of the tax due.

Section 96. Subsection (3) of section 220.41, Florida Statutes, is amended to read:

220.41 Taxable year.—

(3) Notwithstanding the provisions of subsections (1) and (2), if the department terminates the taxable year of a taxpayer under the provisions of s. 220.719 ~~chapter 214~~ relating to jeopardy assessments, the tax shall be computed for the period determined by such action.

Section 97. Section 220.53, Florida Statutes, is amended to read:

220.53 Adoption of ~~chapter 214~~ and ss. 213.06 and 213.21.—~~The tax imposed by this chapter is hereby made subject to chapter 214, as that chapter is modified by s. 220.15 and by s. 220.23(2)(c) and (d). Sections 213.06 and 213.21 shall apply to this chapter except as provided in s. 213.21(2)(a) as to adjustments made pursuant to s. 220.23.~~

Section 98. Section 220.64, Florida Statutes, is amended to read:

220.64 Other provisions applicable to franchise tax.—To the extent that they are not manifestly incompatible with the provisions of this part, parts I, III, IV, V, and VI, *VIII, IX, and X* of this code and ss. 220.12, 220.13, *220.15*, and 220.16 apply to the franchise tax imposed by this part. Under rules prescribed in s. 220.131, a consolidated return may be filed by any affiliated group of corporations composed of one or more banks or savings associations, its or their Florida parent corporation, and any non-bank or nonsavings subsidiaries of such parent corporation.

Section 99. Subsection (1) of section 221.04, Florida Statutes, is amended to read:

221.04 Administration of tax.—

(1) To the extent that they are not manifestly incompatible with the provisions of this chapter, the same powers, duties, and privileges imposed by chapters 213–214, and 220 respecting the remission of tax, including the making of estimated tax payments; the making of returns;

the imposition of penalties and interest; the keeping of books, records, and accounts; rulemaking; and compliance with the rules of the Department of Revenue in the administration of chapters 213, 214, and 220 shall apply to the assessment, collection, and payment of the emergency excise tax and the credit provided for in this chapter.

Section 100. Subsection (2) of section 220.11, Florida Statutes, is amended to read:

220.11 Tax imposed.—

(2) The tax imposed by this section shall be an amount equal to 5½ percent of the taxpayer's net income for the taxable year. ~~The increase in the tax imposed by this section provided by this act shall be reviewed by the Legislature at the regular session of 1989 and may be reduced by a majority vote of the membership of each house of the Legislature.~~

Section 101. Subsection (2) of section 220.63, Florida Statutes, is amended to read:

220.63 Franchise tax imposed on banks and savings associations.—

(2) The tax imposed by this section shall be an amount equal to 5½ percent of the franchise tax base of the bank or savings association for the taxable year. ~~The increase in the tax imposed by this section provided by this act shall be reviewed by the Legislature at the regular session of 1989 and may be reduced by a majority vote of the membership of each house of the Legislature.~~

Section 102. Section 215.20, Florida Statutes, as amended by chapters 90-110 and 90-132, Laws of Florida, is amended to read:

*(Substantial rewording of section. See s. 215.20, F.S., as amended by ch. 90-110 and ch. 90-132, Laws of Florida, for present text.)*

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(1) A service charge of 7 percent, representing the estimated pro rata share of the cost of general government paid from the General Revenue Fund, shall be deducted from all income of a revenue nature deposited in all trust funds except those enumerated in s. 215.22. Income of a revenue nature shall include all earnings received or credited by such trust funds, including the interest or benefit received from the investment of the principal of such trust funds as may be permitted by law. This provision shall be construed in favor of the General Revenue Fund in each instance. All such deductions shall be deposited in the General Revenue Fund.

(2) Notwithstanding the provisions of subsection (1), funds collected for peanut, soybean, or tobacco marketing orders pursuant to chapter 570 and the Florida Citrus Advertising Trust Fund shall be subject to a 3-percent service charge, to be deposited in the General Revenue Fund.

(3) A service charge of 0.3 percent shall be deducted from income of a revenue nature deposited in the trust funds enumerated in subsection (4). Income of a revenue nature shall include all earnings received or credited by such trust funds, including the interest or benefit received from the investment of the principal of such trust funds as may be permitted by law. This provision shall be construed in favor of the General Revenue Fund in each instance. All such deductions shall be deposited in the General Revenue Fund.

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the deductions authorized by subsection (3) shall be made:

- (a) The Gas Tax Collection Trust Fund created by s. 206.45.
- (b) All income derived from outdoor advertising and overweight violations which is deposited in the State Transportation Trust Fund created by s. 206.46.
- (c) All taxes levied on motor fuels other than gasoline levied pursuant to the provisions of s. 206.87.
- (d) The State Alternative Fuel User Fee Clearing Trust Fund established pursuant to s. 206.879(1).
- (e) The Local Alternative Fuel User Fee Clearing Trust Fund established pursuant to s. 206.879(2).
- (f) The Cigarette Tax Collection Trust Fund created by s. 210.20.

(g) The Nonmandatory Land Reclamation Trust Fund established pursuant to s. 211.3103.

(h) The Phosphate Research Trust Fund established pursuant to s. 211.3103.

(i) The Land Reclamation Trust Fund established pursuant to s. 211.32(1)(f).

(j) The Educational Certification and Service Trust Fund created by s. 231.30.

(k) The trust funds administered by the Division of Historical Resources of the Department of State.

(l) The Motorboat Revolving Trust Fund created by s. 327.28.

(m) The Local Option Gas Tax Trust Fund created pursuant to s. 336.025.

(n) The Florida Public Service Regulatory Trust Fund established pursuant to s. 350.113.

(o) The State Game Trust Fund established by s. 372.09.

(p) All revenues deposited in the Port Trust Fund created pursuant to s. 376.22.

(q) The Health Care Cost Containment Trust Fund established pursuant to s. 407.04.

(r) The Special Disability Trust Fund created by s. 440.49.

(s) The Workers' Compensation Administration Trust Fund created by s. 440.50(1)(a).

(t) The Employment Security Administration Trust Fund created by s. 443.211(1).

(u) The Special Employment Security Administration Trust Fund created by s. 443.211(2).

(v) The Professional Regulation Trust Fund established pursuant to s. 455.219.

(w) The Speech-Language Pathology and Audiology Trust Fund.

(x) The Division of Licensing Trust Fund established pursuant to s. 493.6117.

(y) The Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund established pursuant to s. 498.019.

(z) The trust fund of the Division of Hotels and Restaurants, as defined in s. 509.072, with the exception of those fees collected for the purpose of funding of the hospitality education program as stated in s. 509.302.

(aa) The trust funds administered by the Division of Pari-mutuel Wagering and the Florida Quarter Horse Racing Promotion Trust Fund.

(bb) The General Inspection Trust Fund and subsidiary accounts thereof, unless a different percentage is authorized by s. 570.20.

(cc) The Florida Citrus Advertising Trust Fund created by s. 601.15(7), including transfers from any subsidiary accounts thereof, unless a different percentage is authorized in that section.

(dd) The Agents and Solicitors County Tax Trust Fund created by s. 624.506.

(ee) The Insurance Commissioner's Regulatory Trust Fund created by s. 624.523.

(ff) The Financial Institutions' Regulatory Trust Fund established pursuant to s. 655.049.

(gg) The Crimes Compensation Trust Fund established pursuant to s. 960.21.

(hh) The Records Management Trust Fund established pursuant to s. 257.375.

(ii) The Alcoholic Beverage and Tobacco Trust Fund established pursuant to s. 561.025.

(jj) The Motor Vehicle Inspection Trust Fund established pursuant to s. 325.214.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt all trust funds from its force and effect when, by the operation of this law, federal matching funds or contributions to any trust fund would be lost to the state.

(5) There is appropriated from the proper respective trust funds from time to time such sums as may be necessary to pay to the General Revenue Fund the service charges imposed by this section.

Section 103. Section 215.22, Florida Statutes, as amended by chapters 90-110, 90-132, 90-363, and 90-364, Laws of Florida, is amended to read:

*(Substantial rewording of section. See s. 215.22, F.S., as amended by ch. 90-110, ch. 90-132, ch. 90-363, and ch. 90-364, Laws of Florida, for present text.)*

215.22 Certain income and certain trust funds exempt.—

(1) The following income of a revenue nature or the following trust funds shall be exempt from the deduction required by s. 215.20(1):

- (a) Student financial aid or prepaid tuition receipts.
- (b) Trust funds administered by the Department of the Lottery.
- (c) Departmental administrative assessments for administrative divisions.
- (d) Funds charged by a state agency for services provided to another state agency.
- (e) State, agency, or political subdivision investments by the Treasurer.
- (f) Retirement or employee benefit funds.
- (g) Self-insurance programs administered by the Treasurer.
- (h) Funds held for the payment of citrus canker eradication and compensation.
- (i) Medicaid, Medicare, or third-party receipts for client custodial care.
- (j) Bond proceeds or revenues dedicated for bond repayment, except for the Documentary Stamp Clearing Trust Fund administered by the Department of Revenue.
- (k) Trust funds administered by the Department of Education.
- (l) Trust funds administered by the Department of Transportation.
- (m) Trust funds administered by the Department of Agriculture and Consumer Services.
- (n) The Motor Vehicle License Clearing Trust Fund.
- (o) The Solid Waste Management Trust Fund.
- (p) The Coconut Grove Playhouse Trust Fund.

(2) Moneys and income of a revenue nature shared with political subdivisions or received from taxes or fees authorized to be levied by any political subdivision shall be exempt from the deduction required by s. 215.20(1).

(3) In addition to the exemptions enumerated in subsections (1) and (2), the Executive Office of the Governor is authorized to exempt any income or trust fund when, by the operation of this law and pursuant to s. 215.24, federal matching funds or contributions to any trust fund would be lost to the state.

(4) Notwithstanding the exemptions granted in subsections (1), (2), and (3), this section shall not exempt income of a revenue nature or any trust fund which was subject to the service charge pursuant to s. 215.20 on January 1, 1990.

Section 104. Section 215.23, Florida Statutes, is amended to read:

215.23 When contributions to be made.—~~The deductions deduction hereby required by s. 215.20 shall be paid into the appropriate fund General Revenue Fund by the Department of Banking and Finance or by the State Treasurer, as the case may be, for quarterly periods ending March 31, June 30, September 30, and December 31 of each year, and when so paid into the General Revenue Fund shall thereupon become a part of that said fund to be accounted for and disbursed as provided by law with respect to the General Revenue Fund.~~

Section 105. Subsection (2) of section 200.132, Florida Statutes, 1990 Supplement, is amended to read:

200.132 Municipal Financial Assistance Trust Fund; administration of grant program.—

(2) Amounts deposited in the Municipal Financial Assistance Trust Fund are hereby appropriated exclusively for grants to municipalities as provided in subsection (1). No deduction from these amounts shall be made for the service charges charge provided in s. 215.20.

Section 106. Paragraph (a) of subsection (2) of section 206.60, Florida Statutes, is amended to read:

206.60 County tax on motor fuel.—

(2) The proceeds of such tax are hereby appropriated for public transportation purposes in the manner following:

(a) The department, after deducting its expenses of collection, which shall include the administrative costs incurred by the department in the collection, administration, and distribution, back to the counties of the taxes levied pursuant to this section, and after ~~deducting transferring to the General Revenue Fund~~ the service charges charge provided for by s. 215.20, shall monthly divide the proceeds of such tax in the same manner as the constitutional gas tax pursuant to s. 206.47 and the formula contained in s. 9(c)(4), Art. XII of the revised State Constitution of 1968.

Section 107. Subsection (1) of section 206.875, Florida Statutes, is amended to read:

206.875 Allocation of tax.—

(1) All moneys derived from the taxes imposed by this part shall be paid into the State Treasury by the department for deposit in the Gas Tax Collection Trust Fund, which fund is created and from which the following transfers shall be made: After withholding \$10,000 from the proceeds of 4 cents of such tax, to be used as a revolving cash balance, all other moneys shall be transferred in the same manner and for the same purpose as provided by law for allocation of the taxes levied in part I, including ~~deduction transfer to the General Revenue Fund~~ of the service charges charge provided for in s. 215.20.

Section 108. Section 206.879, Florida Statutes, 1990 Supplement, is amended to read:

206.879 State and local alternative fuel user fee clearing trust funds; distribution.—

(1) Notwithstanding the provisions of s. 206.875, the revenues from the state alternative fuel fees imposed by s. 206.877 shall be deposited into the State Alternative Fuel User Fee Clearing Trust Fund, which is hereby created. After deducting the service charges charge provided in s. 215.20, the proceeds in this trust fund shall be distributed as follows: one-fifth of the proceeds in calendar year 1991, one-third of the proceeds in calendar year 1992, three-sevenths of the proceeds in calendar year 1993, and one-half of the proceeds in each calendar year thereafter shall be transferred to the State Transportation Trust Fund; the remainder shall be distributed as follows: 50 percent shall be transferred to the State Board of Administration for distribution according to the provisions of s. 16, Art. IX of the State Constitution of 1885, as amended; 25 percent shall be transferred to the Revenue Sharing Trust Fund for Municipalities; and the remaining 25 percent shall be distributed using the formula contained in s. 206.60(2).

(2) Notwithstanding the provisions of s. 206.875, the revenues from the local alternative fuel fees imposed in lieu of s. 336.021 or s. 336.025 shall be deposited into the Local Alternative Fuel User Fee Clearing Trust Fund, which is hereby created. After deducting the service charges charge provided in s. 215.20, the proceeds in this trust fund shall be returned monthly to the appropriate county.

Section 109. Section 206.9845, Florida Statutes, is amended to read:

206.9845 Distribution of proceeds.—Moneys collected pursuant to this part shall be deposited in the Gas Tax Collection Trust Fund created by s. 206.45. Such moneys, exclusive of the service charges charge imposed by s. 215.20 and exclusive of refunds granted pursuant to s. 206.9855, shall be distributed monthly to the State Transportation Trust Fund.

Section 110. Subsection (1) of section 206.9945, Florida Statutes, 1990 Supplement, is amended to read:

206.9945 Funds collected; disposition; department authority.—

(1) The department shall deposit all funds received and collected by it under this part into the Gas Tax Collection Trust Fund to be transferred, less the costs of administration and less the service charges charge to be deducted and deposited in the General Revenue Fund pursuant to s. 215.20, as follows:

(a) Moneys collected pursuant to s. 206.9935(1) shall be transferred to the Florida Coastal Protection Trust Fund as provided in s. 376.11;

(b) Moneys collected pursuant to s. 206.9935(2) shall be transferred to the Water Quality Assurance Trust Fund as provided in s. 376.307; and

(c) Moneys collected pursuant to s. 206.9935(3), less any refunds granted under s. 206.9942, shall be transferred to the Inland Protection Trust Fund as provided in s. 376.3071.

Section 111. Paragraph (a) of subsection (2) of section 210.20, Florida Statutes, 1990 Supplement, is amended to read:

210.20 Employees and assistants; distribution of funds.—

(2) As collections are received by the division from such cigarette taxes, it shall pay the same into a trust fund in the State Treasury designated "Cigarette Tax Collection Trust Fund" which shall be paid and distributed as follows:

(a) The division shall from month to month certify to the Comptroller the amount derived from the cigarette tax imposed by s. 210.02, less the service charges charge provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying the amounts to be transferred from the Cigarette Tax Collection Trust Fund and credited on the basis of 5.8 percent of the net collections to the Municipal Financial Assistance Trust Fund, 32.4 percent of the net collections to the Revenue Sharing Trust Fund for Municipalities, 2.9 percent of the net collections to the Revenue Sharing Trust Fund for Counties, and 29.3 percent of the net collections for the funding of indigent health care to the Public Medical Assistance Trust Fund.

Section 112. Paragraph (a) of subsection (5) of section 212.06, Florida Statutes, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(5)(a)1. Except as provided in subparagraph 2., it is not the intention of this chapter to levy a tax upon tangible personal property imported, produced, or manufactured in this state for export, provided that tangible personal property may not be considered as being imported, produced, or manufactured for export unless the importer, producer, or manufacturer delivers the same to a licensed exporter for exporting or to a common carrier for shipment outside the state or mails the same by United States mail to a destination outside the state; or, in the case of aircraft being exported under their own power to a destination outside the continental limits of the United States, by submission to the department of a duly signed and validated United States customs declaration, showing the departure of the aircraft from the continental United States; and further with respect to aircraft, the canceled United States registry of said aircraft; or in the case of parts and equipment installed on aircraft of foreign registry, by submission to the department of documentation, the extent of which shall be provided by rule, showing the departure of the aircraft from the continental United States; nor is it the intention of this chapter to levy a tax on any sale which the state is prohibited from taxing under the Constitution or laws of the United States. Every retail sale made to a person physically present at the time of sale shall be presumed to have been delivered in this state.

2.a. Notwithstanding subparagraph 1., a tax is levied on each sale of tangible personal property to be transported to a cooperating state as defined in sub-subparagraph c., at the rate specified in sub-subparagraph d. However, a Florida dealer will be relieved from the requirements of collecting taxes pursuant to this subparagraph if the Florida dealer obtains from the purchaser an affidavit setting forth the purchaser's name, address, state taxpayer identification number, and a statement that the purchaser is aware of his state's use tax laws, is a registered dealer in Florida or another state, or is purchasing the tangible personal property for resale or is otherwise not required to pay the tax on the transaction. The department may, by rule, provide a form to be used for the purposes set forth herein.

b. For purposes of this subparagraph, "a cooperating state" is one determined by the executive director of the department to cooperate satisfactorily with this state in collecting taxes on mail order sales. No state shall be so determined unless it meets all the following minimum requirements:

(I) It levies and collects taxes on mail order sales of property transported from that state to persons in this state, as described in s. 212.0596, upon request of the department.

(II) The tax so collected shall be at the rate specified in s. 212.05, not including any local option or tourist or convention development taxes collected pursuant to s. 125.0104 or this part.

(III) Such state agrees to remit to the department all taxes so collected no later than 30 days from the last day of the calendar quarter following their collection.

(IV) Such state authorizes the department to audit dealers within its jurisdiction who make mail order sales that are the subject of s. 212.0596, or makes arrangements deemed adequate by the department for auditing them with its own personnel.

(V) Such state agrees to provide to the department records obtained by it from retailers or dealers in such state showing delivery of tangible personal property into this state upon which no sales or use tax has been paid in a manner similar to that provided in sub-subparagraph g.

c. For purposes of this subparagraph, "sales of tangible personal property to be transported to a cooperating state" means mail order sales to a person who is in the cooperating state at the time the order is executed, from a dealer who receives that order in this state.

d. The tax levied by sub-subparagraph a. shall be at the rate at which such a sale would have been taxed pursuant to the cooperating state's tax laws if consummated in the cooperating state by a dealer and a purchaser, both of whom were physically present in that state at the time of the sale.

e. The tax levied by sub-subparagraph a., when collected, shall be held in the State Treasury in trust for the benefit of the cooperating state and shall be paid to it at a time agreed upon between the department, acting for this state, and the cooperating state or the department or agency designated by it to act for it; however, such payment shall in no event be made later than 30 days from the last day of the calendar quarter after the tax was collected. Funds held in trust for the benefit of a cooperating state shall not be subject to the service charges charge imposed by s. 215.20.

f. The department is authorized to perform such acts and to provide such cooperation to a cooperating state with reference to the tax levied by sub-subparagraph a. as is required of the cooperating state by sub-subparagraph b.

g. In furtherance of this act, dealers selling tangible personal property for delivery in another state shall make available to the department, upon request of the department, records of all tangible personal property so sold. Such records shall include a description of the property, the name and address of the purchaser, the name and address of the person to whom the property was sent, the purchase price of the property, information regarding whether sales tax was paid in this state on the purchase price, and such other information as the department may by rule prescribe.

Section 113. Subsection (1) of section 212.69, Florida Statutes, is amended to read:

212.69 Distribution of proceeds.—

(1) Moneys collected pursuant to this part shall be deposited in the Gas Tax Collection Trust Fund created by s. 206.45. Such moneys, exclusive of the service charges charge imposed by s. 215.20, and exclusive of refunds granted pursuant to s. 212.67, shall be distributed monthly to the State Transportation Trust Fund, except that \$3.8 million per year shall be transferred to the Department of Natural Resources in equal monthly amounts; \$1 million of this amount shall be spent solely for nonchemical control of aquatic weeds, research into nonchemical controls, and enforcement of aquatic weed control programs.

Section 114. Subsection (4) of section 319.32, Florida Statutes, 1990 Supplement, is amended to read:

319.32 Fees; service charges; disposition.—

(4) All fees collected pursuant to subsection (3) shall be paid into the Nongame Wildlife Trust Fund. Twenty-one dollars of each fee for each applicable original certificate of title and each applicable duplicate copy of a certificate of title, after deducting the service charges charge imposed by s. 215.20, shall be deposited into the State Transportation Trust Fund. All other fees collected by the department under this chapter shall be paid into the General Revenue Fund.

Section 115. Subsection (1) of section 325.214, Florida Statutes, is amended to read:

325.214 Motor Vehicle Inspection Trust Fund; creation; fees; disposition of fees.—

(1) All moneys received by the department pursuant to this act, less the deductions deduction required by s. 215.20, shall be deposited into the Motor Vehicle Inspection Trust Fund which is hereby created.

Section 116. Subsection (1) of section 624.506, Florida Statutes, 1990 Supplement, is amended to read:

624.506 County tax; deposit and remittance.—

(1) The Insurance Commissioner and Treasurer shall deposit in the Agents and Solicitors County Tax Trust Fund all moneys accepted as county tax under this part. He shall keep a separate account for all moneys so collected for each county and, after deducting therefrom the service charges charge provided for in s. 215.20, shall remit the balance to the counties.

Section 117. Section 6 of chapter 90-110, Laws of Florida, is repealed. All moneys in or designated for deposit into the Agency Budget Sunset Trust Fund on June 30, 1991, are transferred to the General Revenue Fund.

Section 118. Effective October 1, 1991, paragraph (h) of subsection (1) of section 403.717, Florida Statutes, 1990 Supplement, is amended to read:

403.717 Waste tire and lead-acid battery requirements.—

(1) For purposes of this section and ss. 403.718, 403.7185, and 403.719:

(h) "Lead-acid battery" means a storage or secondary battery containing lead plates that will function as a battery when the electrolyte is added, and that is ~~those lead-acid batteries~~ designed for use in a motor vehicle, vessel, or aircraft ~~motor vehicles, vessels, and aircraft~~, and includes such battery batteries when sold as a component part of a motor vehicle, vessel, or aircraft, but not when sold to recycle components to make another battery or other object.

Section 119. Effective October 1, 1991, subsection (1) of section 403.718, Florida Statutes, 1990 Supplement, is amended to read:

403.718 Waste tire fees.—

(1) For the privilege of engaging in business, a fee for each new motor vehicle tire sold at retail is imposed on any person engaging in the business of making retail sales of new motor vehicle tires within this state. For the period January 1, 1989, through December 31, 1989, such fee shall be imposed at the rate of 50 cents for each new tire sold. The fee imposed under this section shall be stated separately on the invoice to the purchaser. Beginning January 1, 1990, and thereafter, such fee shall be imposed at the rate of \$1 for each new tire sold. The fee imposed shall be paid to the Department of Revenue on or before the 20th day of the month following the ~~month calendar quarter~~ in which the sale occurs. For purposes of this section, a motor vehicle tire sold at retail includes such

tires when sold as a component part of a motor vehicle. The terms "sold at retail" and "retail sales" do not include the sale of new motor vehicle tires to a person solely for the purpose of resale provided the subsequent retail sale in this state is subject to the fee. This fee does not apply to recapped tires. Such fee shall be subject to all applicable taxes imposed in part I of chapter 212.

Section 120. Effective October 1, 1991, subsection (1) of section 403.7185, Florida Statutes, 1990 Supplement, is amended to read:

403.7185 Lead-acid battery fees.—

(1) For the privilege of engaging in business, a fee for each ~~new or remanufactured~~ lead-acid battery sold at retail is imposed on any person engaging in the business of making retail sales of lead-acid batteries within this state. Beginning October 1, 1989, and thereafter, such fee shall be imposed at the rate of \$1.50 for each ~~new or remanufactured~~ lead-acid battery sold. However, the fee shall not be imposed on any battery which has previously been taxed pursuant to s. 206.9935(2), provided the person claiming exemption from the tax can document payment of such tax. The fee imposed shall be paid to the Department of Revenue on or before the 20th day of the month following the calendar month in which the sale occurs. The department may authorize a quarterly return under the conditions described in s. 212.11(1)(c). A dealer selling motor vehicles, vessels, or aircraft at retail can purchase lead-acid batteries exempt as a sale for resale by presenting a sales tax resale certificate. However, if a dealer thereafter withdraws any such battery from inventory to put into a new or used motor vehicle, vessel, or aircraft for sale, to use on his own motor vehicle, vessel, or aircraft, to give away, or any purpose other than for resale, the dealer will owe the fee at the time the battery is withdrawn from inventory. If the dealer sells the battery at retail, that sale will be subject to the fee. If the dealer sells it to a purchaser who presents him a sales tax resale certificate, the dealer will owe no fee. The terms "sold at retail" and "retail sales" do not include the sale of ~~new or remanufactured~~ lead-acid batteries to a person solely for the purpose of resale; however, a subsequent retail sale in this state is subject to the fee. Such fee shall be subject to all applicable taxes imposed in part I of chapter 212. The provisions of s. 212.07(4) shall not apply to the provisions of this section. When a sale of a lead-acid battery, upon which the fee has been paid, is canceled or the battery is returned to the seller, and the sale price, taxes, and fees are refunded in full to the purchaser, the seller may take credit for the fee previously paid. If, instead of refunding the purchase price of the battery, the customer is given a new battery in exchange for the returned battery, the dealer cannot take credit for the fee on the returned battery, but no fee is due on the new battery that is given in exchange. However, no credit shall be taken by the dealer for returns resulting in partial refunds or partial credits on purchase of replacement batteries.

Section 121. Subsection (3) of section 220.183, Florida Statutes, 1990 Supplement, is amended to read:

220.183 Community contribution tax credit.—

(3) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

(a) There shall be allowed a credit of 50 percent of a community contribution against any tax due for a taxable year under this chapter.

(b) No business firm shall receive more than \$200,000 in annual tax credits for all approved community contributions made in any one year.

(c) The total amount of tax credit which may be granted for all programs approved under this section and s. 624.5105 is \$3,000,000 annually.

(d) All proposals for the granting of the tax credit shall require the prior approval of the secretary.

(e) If the credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the business firm, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(10).

(f) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.183(1) may be allowed the credit on a consolidated return basis.

(g) A taxpayer who is eligible to receive the credit provided for in s. 624.5105 is not eligible to receive the credit provided by this section.

Section 122. Subsection (3) of section 624.5105, Florida Statutes, is amended to read:

624.5105 Community contribution tax credit; legislative findings; policy and purpose; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(3) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

(a) There shall be allowed a credit of 50 percent of a community contribution against any tax due for a calendar year under s. 624.509 or s. 624.510.

(b) No insurer shall receive more than \$200,000 in annual tax credits for all approved community contributions made in any one year.

(c) The total amount of tax credit which may be granted for all programs approved under this section and s. 220.183 is \$3 million annually.

(d) Each proposal for the granting of such tax credit requires the prior approval of the secretary.

(e) If the credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the insurer, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by s. 624.509 or s. 624.510 for such year exceeds the credit under this section for such year.

Section 123. Subsection (2) of section 624.511, Florida Statutes, is amended to read:

624.511 Tax statement; overpayments.—

(2) Notwithstanding the provisions of s. 215.26(1), if any insurer makes an overpayment on account of taxes due under ss. 624.509 and 624.510, a refund of the overpayment of taxes shall may be made out of the General Revenue Fund. Overpayment of taxes due under ss. 624.509 and 624.510 shall be refunded no sooner than the first day of the following fiscal year.

Section 124. Section 893.11, Florida Statutes, 1990 Supplement, is amended to read:

893.11 Suspension, revocation, and reinstatement of business and professional licenses.—Upon the conviction in any court of competent jurisdiction of any person holding a license, permit, or certificate issued by a state agency, for sale of, or trafficking in, a controlled substance or for conspiracy to sell, or traffic in, a controlled substance, if such offense is a felony, the clerk of said court shall send a certified copy of the judgment of conviction with the person's license number, permit number, or certificate number on the face of such certified copy to the agency head by whom the convicted defendant has received his license, permit, or certificate to practice his profession or to carry on his business. Such agency head shall suspend or revoke the license, permit, or certificate of the convicted defendant to practice his profession or to carry on his business. Upon a showing by any such convicted defendant whose license, permit, or certificate has been suspended or revoked pursuant to this section that his civil rights have been restored or upon a showing that the convicted defendant meets the following criteria, the agency head may reinstate or reactivate such license, permit, or certificate when:

(1) The person has complied with the conditions of paragraphs (a) and (b) which shall be monitored by the Department of Corrections while the person is under any supervisory sanction. If the person fails to comply with provisions of these paragraphs by either failing to maintain treatment or by testing positive for drug use, the department shall notify the licensing, permitting, or certifying agency, which shall revoke the license, permit, or certification. The person under supervision may:

(a) Seek evaluation and enrollment in, and once enrolled maintain enrollment in until completion, a drug treatment and rehabilitation program which is approved or regulated by the Department of Health and Rehabilitative Services. The treatment and rehabilitation program shall be specified by:

1. The court, in the case of court-ordered supervisory sanctions;

2. The Parole Commission, in the case of parole, control release, or conditional release; or

3. The Department of Corrections, in the case of imprisonment or any other supervision required by law.

(b) Submit to periodic urine drug testing pursuant to procedures prescribed by the Department of Corrections. If the person is indigent, the costs shall be paid by the Department of Corrections; or

(2) The person has completed a Correctional Education School Authority program.

*This section does not apply to any of the taxes, fees, or permits regulated, controlled, or administered by the Department of Revenue in accordance with s. 213.05.*

Section 125. (1) In addition to the tax imposed by section 220.63, Florida Statutes, on banks and savings associations as defined in section 220.62, Florida Statutes, such banks and savings associations shall pay the additional tax provided in this section. For taxable years beginning on or after July 1, 1990, but beginning not later than June 30, 1991, the additional tax shall equal the amount by which the credit taken pursuant to section 220.68, Florida Statutes, for the preceding taxable year exceeded 40 percent of the tax which was due under chapter 220, Florida Statutes, before the credit.

(2) In addition to the tax imposed in subsection (1), banks and savings associations shall pay an amount equal to 12 percent of the tax due under subsection (1).

(3) It is the intent of the Legislature in enacting section 6 of chapter 90-132, Laws of Florida, that the provisions of such section apply only to taxable years beginning after December 31, 1990. No bank or savings association shall be allowed a credit pursuant to section 220.68, Florida Statutes, exceeding 40 percent of the sum of the tax due pursuant to part VII of chapter 220, Florida Statutes, before the credit and the tax due pursuant to chapter 221, Florida Statutes, for taxable years ending before January 1, 1991.

Section 126. Section 212.0515, Florida Statutes, is created to read:

212.0515 Sales from vending machines; sales to vending machine operators; special provisions; registration; quarterly reports; penalties.—

(1) As used in this section:

(a) "Vending machine" means a machine, operated by coin, currency, credit card, slug, token, coupon, or similar device, which dispenses food or beverage items.

(b) "Operator" means any person who possesses a vending machine for the purpose of generating sales through that machine and who maintains the inventory in and removes the receipts from that vending machine.

(2) The amount of the tax to be paid on food and beverage items that are sold in vending machines shall be levied at the rate of 6 percent plus any applicable local option tax, plus the applicable tax bracket as provided in s. 212.12.

(3)(a) An operator of a vending machine may not operate or cause to be operated in this state any vending machine until the operator has registered with the department and has affixed a notice to each vending machine which states the operator's name, address, and Federal Employer Identification (FEI) number. If the operator is not required to have an FEI number, the notice shall include his social security number. The notice must be conspicuously displayed on the vending machine when it is being operated in this state and shall contain the following language in conspicuous type: NOTICE TO CUSTOMER: FLORIDA LAW REQUIRES THIS NOTICE TO BE POSTED ON ALL FOOD AND BEVERAGE VENDING MACHINES. REPORT ALL VIOLATIONS TO (TOLL FREE NUMBER). YOU MAY BE ELIGIBLE FOR A CASH REWARD.

(b) The department shall establish a toll-free number to report any violations of this section. Upon a determination that a violation has occurred, the department shall pay the informant a reward of up to 10 percent of previously unpaid taxes recovered as a result of the information provided.

(4)(a) Each operator shall submit to the department on or before the 20th day of the month following the close of each calendar quarter a report in a format prescribed by the department which provides: the number of vending machines being operated by that operator in this state, which number is coded to indicate whether the machines are food or beverage machines; separate statements for food machines and for beverage machines which indicate the gross receipts from the operation of the machines during the quarterly period; and the amount of tax remitted pursuant to this part with respect to such receipts. All information shall be broken down by county. The report shall first be filed for the quarter ending December 31, 1991.

(b) A penalty of \$250 per machine is imposed on the operator for failing to properly obtain and display the required notice on any machine. A penalty of \$250 is imposed on the operator for failing to timely file a quarterly report. Such penalties shall accrue interest as provided for delinquent taxes under this part and shall apply in addition to all other applicable taxes, interest, and penalties.

(c) The department is authorized to adopt rules regarding the form in which the quarterly report required by this subsection is to be submitted, which form may include magnetic tape or other means of electronic transmission.

(5)(a) Any person who sells food or beverages for resale shall submit to the department on or before the 20th day of the month following the close of each calendar quarter a report which identifies by dealer registration number each operator who has purchased such items from said person and states the gross dollar amount of purchases made by each operator from said person. The report shall first be filed for the quarter ending December 31, 1991. In addition, the report shall also include the purchaser's name, dealer registration number, and sales price for any tax-free sale for resale of canned soft drinks of 50 cases or more.

(b) Each dealer or operator purchasing food or beverages for resale shall annually provide to the dealer from whom the items are purchased a certificate on a form prescribed by the department. The certificate must affirmatively state whether or not the purchaser is a vending machine operator. The certificate shall initially be provided by November 1, 1991, or upon the first transaction between the parties, whichever is later, and by November 1 of each year thereafter.

(c) A penalty of \$250 is imposed on any person who is required to file the quarterly report required by this subsection who fails to do so. A penalty of \$5,000 is imposed on any operator who fails to comply with the requirements of this subsection. A penalty of \$250 for such failure shall apply to other dealers. Such penalties shall accrue interest as provided for delinquent taxes under this part and shall apply in addition to all other applicable taxes, interest, and penalties.

(d) The department is authorized to adopt rules regarding the form in which the quarterly report required by this subsection is to be submitted, which form may include magnetic tape or other means of electronic transmission.

(6) The provisions of this section do not apply to vending machines owned and operated by churches or synagogues.

(7) In addition to any other penalties imposed by this part, a person who knowingly and willfully violates any provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) The department may adopt rules necessary to administer the provisions of this section.

Section 127. Effective February 1, 1992, subsection (1) of section 212.12, Florida Statutes, 1990 Supplement, as amended by chapter 90-132, Laws of Florida, is amended to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(1) Notwithstanding any other provision of law and for the purpose of compensating persons granting licenses for and the lessors of real and personal property taxed hereunder, for the purpose of compensating dealers in tangible personal property, for the purpose of compensating dealers providing communication services and taxable services, for the purpose of compensating owners of places where admissions are collected, and for the purpose of compensating remitters of any taxes or fees

reported on the same documents utilized for the sales and use tax, as compensation for the keeping of prescribed records and the proper accounting and remitting of taxes by them, such seller, person, lessor, dealer, owner and remitter (except dealers who make mail order sales) shall be allowed 2.5 percent of the amount of the tax due and accounted for and remitted to the department, in the form of a deduction in submitting his report and paying the amount due by him; the department shall allow such deduction of 2.5 percent of the amount of the tax to the person paying the same for remitting the tax in the manner herein provided, for paying the amount due to be paid by him, and as further compensation to dealers in tangible personal property for the keeping of prescribed records and for collection of taxes and remitting the same. However, if the amount of the tax due and remitted to the department for the reporting period exceeds \$1,200, the 2.5-percent allowance shall be reduced to 0.83 1/2 percent for all amounts in excess of \$1,200. The executive director of the department is authorized to negotiate a collection allowance, pursuant to rules promulgated by the department, with a dealer who makes mail order sales. The rules of the department shall provide guidelines for establishing the collection allowance based upon the dealer's estimated costs of collecting the tax, the volume and value of the dealer's mail order sales to purchasers in this state, and the administrative and legal costs and likelihood of achieving collection of the tax absent the cooperation of the dealer. However, in no event shall the collection allowance negotiated by the executive director exceed 10 percent of the tax remitted for a reporting period.

(a) The collection allowance may not be granted, nor may any deduction be permitted, if the tax is delinquent at the time of payment.

(b) The Department of Revenue may reduce the collection allowance by 10 percent or \$50, whichever is less, if a taxpayer files an incomplete return.

1. An "incomplete return" is, for purposes of this chapter, a return which is lacking such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return may not be readily accomplished.

2. The department shall adopt rules requiring such information as it may deem necessary to ensure that the tax levied hereunder is properly collected, reviewed, compiled, and enforced, including, but not limited to: the amount of gross sales; the amount of taxable sales; the amount of tax collected or due; the amount of lawful refunds, deductions, or credits claimed; the amount claimed as the dealer's collection allowance; the amount of penalty and interest; the amount due with the return; and such other information as the Department of Revenue may specify. The department shall require that transient rentals, *sales made through vending machines as defined in s. 212.0515*, and agricultural equipment transactions be separately shown.

(c) The collection allowance and other credits or deductions provided in this part shall be applied proportionally to any taxes or fees reported on the same documents used for the sales and use tax.

Section 128. Section 27 of chapter 90-132, Laws of Florida, is amended to read:

Section 27. (1) Effective January 1, 1993 ~~1992~~, subsection (1) of section 212.12, Florida Statutes, is amended to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(1) Notwithstanding any other provision of law and for the purpose of compensating persons granting licenses for and the lessors of real and personal property taxed hereunder, for the purpose of compensating dealers in tangible personal property, for the purpose of compensating dealers providing communication services and taxable services, for the purpose of compensating owners of places where admissions are collected, and for the purpose of compensating remitters of any taxes or fees reported on the same documents utilized for the sales and use tax, as compensation for the keeping of prescribed records and the proper accounting and remitting of taxes by them, such seller, person, lessor, dealer, owner and remitter (except dealers who make mail order sales) shall be allowed 2.5 percent of the amount of the tax due and accounted for and remitted to the department, in the form of a deduction in submitting his report and paying the amount due by him; the department shall allow such deduction of 2.5 percent of the amount of the tax to the person paying the same for remitting the tax in the manner herein provided, for

paying the amount due to be paid by him, and as further compensation to dealers in tangible personal property for the keeping of prescribed records and for collection of taxes and remitting the same. However, if the amount of the tax due and remitted to the department for the reporting period exceeds \$1,200, the 2.5-percent allowance shall be reduced to 1.0-83 percent for all amounts in excess of \$1,200. The executive director of the department is authorized to negotiate a collection allowance, pursuant to rules promulgated by the department, with a dealer who makes mail order sales. The rules of the department shall provide guidelines for establishing the collection allowance based upon the dealer's estimated costs of collecting the tax, the volume and value of the dealer's mail order sales to purchasers in this state, and the administrative and legal costs and likelihood of achieving collection of the tax absent the cooperation of the dealer. However, in no event shall the collection allowance negotiated by the executive director exceed 10 percent of the tax remitted for a reporting period.

(a) The collection allowance may not be granted, nor may any deduction be permitted, if the tax is delinquent at the time of payment.

(b) The Department of Revenue may reduce the collection allowance by 10 percent or \$50, whichever is less, if a taxpayer files an incomplete return.

1. An "incomplete return" is, for purposes of this chapter, a return which is lacking such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return may not be readily accomplished.

2. The department shall adopt rules requiring such information as it may deem necessary to ensure that the tax levied hereunder is properly collected, reviewed, compiled, and enforced, including, but not limited to: the amount of gross sales; the amount of taxable sales; the amount of tax collected or due; the amount of lawful refunds, deductions, or credits claimed; the amount claimed as the dealer's collection allowance; the amount of penalty and interest; the amount due with the return; and such other information as the Department of Revenue may specify. The department shall require that transient rentals, sales made through vending machines as defined in s. 212.0515, and agricultural equipment transactions be separately shown.

(c) The collection allowance and other credits or deductions provided in this part shall be applied proportionally to any taxes or fees reported on the same documents used for the sales and use tax.

(2) The amendment to s. 212.12, Florida Statutes, contained in this section shall first apply to sales tax returns remitted in January 1993 1992.

Section 129. Subsection (25) is added to section 212.02, Florida Statutes, 1990 Supplement, to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(25) "Coin-operated amusement machine" means any machine operated by coin, slug, token, coupon, or similar device for the purposes of entertainment or amusement. The term includes, but is not limited to, coin-operated pinball machines, music machines, juke boxes, mechanical games, video games, arcade games, billiard tables, moving picture viewers, shooting galleries, and all other similar amusement devices.

Section 130. Paragraph (j) is added to subsection (1) of section 212.05, Florida Statutes, 1990 Supplement, to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(j)1. Effective January 1, 1992, a tax is imposed upon the gross receipts derived from coin-operated amusement machines. When a machine is activated by a slug, token, coupon, or any similar device which has been purchased, the gross receipts derived from the machine shall include the price paid by the user of the device for such device.

2. The taxable receipts from such a machine is the gross amount received without deduction for commissions paid, rental cost for the equipment, or other expenses.

3. The amount of tax paid on coin-operated amusement machine receipts shall be levied at the rate of 6 percent plus any applicable local option tax, plus the applicable tax bracket as provided in s. 212.12.

4. As used in this paragraph, "operator" means any person who possesses a coin-operated amusement machine for the purpose of generating sales through that machine and who is responsible for removing the receipts from the machine.

a. In the event that the owner of the machine is also the operator of it, he shall be liable for payment of the tax without any deduction for rent paid by the operator to the lessor or licensor of the real property where the machine is located.

b. In the event that the owner or lessee of the machine is also its operator, he shall be liable for payment of the tax on the purchase or lease of the machine, as well as the tax on the receipts derived from such machine.

5.a. An operator of a coin-operated amusement machine may not operate or cause to be operated in this state any such machine until the operator has registered with the department and has affixed a notice to each machine which states the operator's name, address, and Federal Employer Identification (FEI) number. If the operator is not required to have an FEI number, the notice shall include his social security number. The notice must be conspicuously displayed on the machine when it is being operated in this state and shall contain the following language in conspicuous type: NOTICE TO CUSTOMER: FLORIDA LAW REQUIRES THIS NOTICE TO BE POSTED ON ALL AMUSEMENT MACHINES. REPORT ALL VIOLATIONS TO (TOLL FREE NUMBER). YOU MAY BE ELIGIBLE FOR A CASH REWARD.

b. The department shall establish a toll-free number to report any violations of this paragraph. Upon a determination that a violation has occurred, the department shall pay the informant up to 10 percent of previously unpaid taxes recovered as a result of the information provided.

c. A penalty of \$250 per machine is imposed on the operator for failing to properly obtain and display the required notice on any machine. Such penalty shall accrue interest as provided for delinquent taxes under this part and shall apply in addition to all other applicable taxes, interest, and penalties.

d. Operators of coin-operated amusement machines must obtain a separate sales and use tax certificate of registration for each county in which such machines are located. One sales and use tax certificate of registration is sufficient for all of the operator's machines within a single county.

6. The provisions of this paragraph do not apply to coin-operated amusement machines owned and operated by churches or synagogues.

7. In addition to any other penalties imposed by this part, a person who knowingly and willfully violates any provision of this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

8. The department may adopt rules necessary to administer the provisions of this paragraph.

Section 131. Paragraph (m) is added to subsection (3) of section 212.054, Florida Statutes, 1990 Supplement, to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.—

(3) For the purpose of this section, a transaction shall be deemed to have occurred in a county imposing the surtax when:

(m) The coin-operated amusement or vending machine is located in the county.

Section 132. Effective upon this act becoming a law, paragraph (a) of subsection (6) of section 212.11, Florida Statutes, 1990 Supplement, is amended to read:

212.11 Tax returns and regulations.—

(6)(a)1. Notwithstanding the provisions of subsections (4) and (5), each dealer who is subject to the tax imposed by this part and who paid such tax for the preceding state fiscal year in an amount greater than or equal to \$200,000 shall calculate the amount of estimated tax due pursuant to this section for any month as provided in subparagraph (1)(a)1.

2. Beginning July 1, 1992 1991, the 66 percent rate provided in subsection (1) and subparagraph 1. shall be reduced to 55 percent.

Section 133. Effective January 1, 1992, paragraph (a) of subsection (6) of section 212.11, Florida Statutes, 1990 Supplement, is amended to read:

212.11 Tax returns and regulations.—

(6)(a)1. Notwithstanding the provisions of subsections (4) and (5), each dealer who is subject to the tax imposed by this part and who paid such tax for the preceding state fiscal year in an amount greater than or equal to \$100,000 \$200,000 shall calculate the amount of estimated tax due pursuant to this section for any month as provided in subparagraph (1)(a)1.

2. Beginning July 1, 1992 1991, the 66 percent rate provided in subsection (1) and subparagraph 1. shall be reduced to 55 percent.

Section 134. (1) The amendment to section 212.11, Florida Statutes, 1990 Supplement, contained in section 8 of this act shall first apply to sales tax returns remitted in January 1992.

(2) Notwithstanding the provisions of section 212.20, Florida Statutes, 11.15 percent of the estimated sales taxes collected in January 1992 from any dealer who remits such taxes pursuant to section 212.11, Florida Statutes, as amended by section 5 of this act, shall be deposited into the General Revenue Fund. The remainder shall be allocated as provided in sections 212.20 and 212.235, Florida Statutes.

Section 135. Subsection (9) of section 318.14, Florida Statutes, as amended by section 53 of chapter 89-282, Laws of Florida, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(9)(a) Any person cited for an infraction under this section other than a violation of s. 320.0605(1), s. 320.07(3)(a), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a payment of a civil penalty or court appearance, elect to attend in the location of his choice a driver improvement course approved by the Department of Highway Safety and Motor Vehicles state. In such case, adjudication shall be withheld, and points, as provided by s. 322.27, shall not be assessed, and the civil penalty that is imposed by s. 318.18(3) shall be reduced by 18 percent; however, no election shall be made under this subsection if such person has made an election under this subsection in the 12 months preceding election hereunder. No person may make more than three elections under this subsection.

(b) ~~Any person making an election under this subsection shall be assessed court costs of \$37 notwithstanding waiver of civil penalty. Costs collected under this paragraph shall be distributed as provided in s. 318.21.~~

Section 136. Subsection (9) of section 318.18, Florida Statutes, 1990 Supplement, is amended, subsection (10) is renumbered as subsection (11), and a new subsection (10) is added to said section, to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to ss. 316.2935(6) and 318.14(1), (2), and (4) are as follows:

(9) One dollar and seventy-five cents ~~Two dollars~~ for every mile per hour over the lawful speed limit for violations for unlawful speed shall be assessed in addition to the penalties set forth in subsection (3). Funds collected pursuant hereto shall be deposited in the Impaired Drivers and Speeders Trust Fund for the purposes set forth in s. 413.613, after 5 percent is deducted by the clerk of the court for administrative costs.

(10) Twenty-five cents for each mile per hour in excess of the lawful speed limit for violations for unlawful speed shall be assessed in addition to the penalties set forth in subsections (3) and (9), and such additional assessment shall be deposited in the Nongame Wildlife Trust Fund, less 5 percent which shall be distributed to the clerk of the court to cover administrative costs.

(11)(19) In addition to the civil penalties imposed in subsections (2) and (4) for the violation of child restraint requirements provided in s. 316.613 and safety belt requirements as provided in s. 316.614, there is hereby imposed an additional \$5 surcharge. This surcharge shall be deposited in the Epilepsy Services Trust Fund established pursuant to s. 385.207.

Section 137. Section 318.1451, Florida Statutes, is created to read:

318.1451 Driver improvement schools.—

(1) The Department of Highway Safety and Motor Vehicles shall oversee all driver improvement schools and approve the courses of all such schools, as the courses relate to ss. 318.14(9) and 322.291. The department shall, with the advice and consent of the chief judge of the applicable judicial circuit, establish requirements regarding the number of providers and the minimum number and location of courses to be offered by a driver improvement school within a judicial circuit. No person may engage in the business of operating a driver improvement school which offers these courses without first obtaining approval by the department.

(2) In determining whether to approve the courses referenced in this section, the department shall consider course content designed to promote safety, driver awareness, accident avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint.

(3) The Department of Highway Safety and Motor Vehicles shall suspend accepting proof of attendance of courses from persons who attend those schools that do not maintain the approved course guidelines. In those circumstances, a person who has elected to take courses from a school whose approval has been suspended shall receive a refund from the school, and the person shall have the opportunity to take the course at another school.

(4) In addition to a regular course fee, \$2.50 shall be collected by the school from each person who elects to attend a course, as it relates to s. 318.14(9) or s. 322.291, which shall be remitted to the Department of Highway Safety and Motor Vehicles to administer this program.

Section 138. Section 318.21, Florida Statutes, 1990 Supplement, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(1) Two dollars from every civil penalty shall be paid to the Department of Health and Rehabilitative Services for deposit, in equal amounts, into the Child Welfare Training Trust Fund for child welfare training purposes pursuant to s. 402.40 and into the Juvenile Justice Training Trust Fund for juvenile justice training purposes pursuant to s. 39.024.

(2) Seventy-five percent of the revenues collected pursuant to s. 318.14(9), shall be paid to the General Revenue Fund of the state.

(3)(2) Of the remainder:

(a) If the violation occurred within a municipality or a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe:

1. Twenty-five percent shall be paid to the General Revenue Fund of the state; and

2. Seventy-five percent shall be paid to that municipality or special improvement district.

(b) If the violation occurred within the unincorporated area of a county that is not within a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe:

1. Twenty-five percent shall be paid to the General Revenue Fund of the state; and

2. Seventy-five percent shall be paid to that county.

(4)(3)(a) Moneys paid to the General Revenue Fund of the state under subsection (2) shall be distributed as follows:

1. Forty percent shall be deposited in the Emergency Medical Services Trust Fund for the purposes set forth in s. 401.113;

2. Twenty-five percent shall be deposited in the Additional Court Cost Clearing Trust Fund established pursuant to s. 943.25 for criminal justice purposes; and

3. The remainder may be used for any lawful purpose.

(b) Moneys paid to a municipality or special improvement district under subsection (2) must be used to fund local criminal justice training as provided in s. 943.25(13) when such a program is established by ordinance; to fund a municipal school crossing guard program when such a program is established by ordinance; and for any other lawful purpose.

(c) Moneys paid to a county under subsection (2) shall be used to fund local criminal justice training as provided in s. 943.25(13) when such a program is established by ordinance, to fund a county school crossing guard program when such a program is established by ordinance, and for any other lawful purpose.

Section 139. Sections 318.14(9), 318.1451, and 322.291, Florida Statutes, are repealed October 1, 1992, and shall be reviewed by the Legislature prior to that date pursuant to section 11.61, Florida Statutes.

Section 140. Paragraph (b) of subsection (1) of section 320.06, Florida Statutes, 1990 Supplement, is amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)

(b) Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 5-year period. At the end of said 5-year period, upon renewal, the plate shall be replaced and the department shall determine the replacement date for plates issued prior to October 1, 1985. The fee for such replacement shall be \$10, \$2 of which shall be paid each year before the plate is replaced, to be credited towards the next \$10 replacement fee. The fees which shall be deposited into the Motor Vehicle License Plate Replacement Trust Fund. A credit or refund shall not be given for any prior years' payments of such prorated replacement fee when the plate is replaced or surrendered before the end of the 5-year period. With each license plate, there shall be issued a validation sticker showing the owner's birth month or the appropriate renewal period if the owner is not a natural person. This validation sticker shall be placed on the upper left corner of the license plate and shall be issued one time during the life of the license plate, or upon request when it has been damaged or destroyed. There shall also be issued with each license plate a serially numbered validation sticker showing the year of expiration, which sticker shall be placed on the upper right corner of the license plate. Such license plate and validation stickers shall be issued based on the applicant's appropriate renewal period. The registration period shall be a period of 12 months, and all expirations shall occur based on the applicant's appropriate registration period. A vehicle with an apportioned registration shall be issued an annual license plate which denotes its declared gross vehicle weight where applicable.

Section 141. Effective upon this act becoming a law, subsection (1) and paragraph (d) of subsection (2) of section 320.072, Florida Statutes, 1990 Supplement, are amended to read:

320.072 Additional fees imposed on certain motor vehicle registration transactions.—

(1)(a) A fee of \$100 is imposed upon the initial application for registration pursuant to s. 320.06 of every motor vehicle classified in s. 320.08(2), (3), and (9)(c) and (d).

(b) In addition to the fee imposed by paragraph (a), there is imposed an additional \$295 impact fee upon the initial application for registration pursuant to s. 320.06 of every motor vehicle classified in s. 320.08(2), (3), and (9)(c) and (d).

(2) The fees imposed by subsection (1) shall not apply to:

(d) The registration of any motor vehicle owned by and operated exclusively for the personal use of:

1. Any member of the United States Armed Forces who is not a resident of this state and who is stationed in this state while in compliance with military orders;

2. Any former member of the United States Armed Forces who was stationed outside of Florida at the time of his separation from the

armed forces, who was not dishonorably discharged or discharged for bad conduct, who was a resident of this state at the time of discharge, and who applies for registration of such motor vehicle within 60 days after discharge;

3. Any member of the United States Armed Forces who is a resident of this state and who has been stationed outside this state and is reassigned by military order to this state; or

4. Any spouse or next-of-kin of a member of the United States Armed Forces who loses his life while on active duty or who is listed by the armed forces as "missing in action." Such spouse or next-of-kin must be a resident of this state and must apply for registration of such motor vehicle within 1 year after the notification of the serviceman's death or after his status is listed as "missing-in-action."

Section 142. Except as otherwise expressly provided in this act, this act shall take effect July 1, 1991.

**Amendment 2**—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to taxation; amending s. 20.21, F.S.; changing the name of the Division of Technical Assistance of the Department of Revenue; amending ss. 72.011, 215.26, F.S.; providing that taxpayers may contest the legality of any denial of refund of specified taxes, interest, or penalties in circuit court or under ch. 120, F.S.; providing time limitations; amending ss. 26.012, 57.111, 72.031, 120.575, F.S., to conform; amending s. 198.15, F.S.; providing for a delinquency penalty for late payment of estate taxes; amending s. 199.052, F.S.; requiring certain corporations to file intangible tax returns; amending s. 607.1622, F.S.; requiring a statement relating to intangible tax liability on the annual report for the Department of State; amending s. 203.01, F.S.; relating to the option of separately stating the tax on gross receipts for utility service as a component of the charge for providing such taxable services; substituting "utility business" for "telecommunication business" in specifying the type of business to which the tax applies; deleting obsolete language about penalties; amending s. 203.012, F.S., relating to separately stated gross receipts tax for telecommunications services; amending s. 206.01, F.S.; excluding alternative fuel from the definition of the term "motor fuel"; amending s. 206.56, F.S.; deleting provisions concerning embezzlement of state funds; providing elements of the crime of theft of state funds; providing penalties; amending ss. 206.97, 206.9915, 212.66, F.S.; incorporating the amendment to s. 206.56, F.S., in references thereto; amending s. 206.86, F.S.; including natural gasoline in the definition of the term "alternative fuel"; defining the term "natural gasoline"; amending s. 206.9931, F.S.; requiring any person who purchases a pollutant for sale, use, consumption, or distribution either to document the payment of, or to pay, certain taxes; amending s. 212.02, F.S.; amending the definition of the term "admissions"; amending s. 212.0305, F.S.; allowing an authority to invest and reinvest tax proceeds in the same manner that the municipality in which the authority is located may invest surplus funds; amending s. 212.04, F.S.; stating that provisions authorizing a tax-exempt sale for resale do not apply to admission sales; providing for collecting tax on resales of admissions; exempting from tax certain sales of admissions; amending s. 212.0505, F.S.; allowing a designee of the department's executive director to settle or compromise certain taxes, penalties, or interest, as specified; amending s. 212.054, F.S.; providing for the administration of the discretionary sales surtax on certain items of tangible personal property; amending s. 212.055, F.S.; providing restrictions on the effective date of any change in the distribution formula for proceeds of the local government infrastructure surtax; amending s. 212.0596, F.S.; providing for alternative procedures for collecting the use tax from mail-order purchasers; amending s. 212.10, F.S.; providing that an audit is required to secure protection from transferee liability under this section; authorizing the department to contract with private auditors to perform the audit; amending s. 212.12, F.S.; providing tax brackets applicable to all counties, not merely charter counties, that have adopted the discretionary sales surtax at a specified rate; allowing the department to specify, by rule, tax brackets for counties that adopt a different tax rate; amending s. 212.20, F.S.; exempting funds collected pursuant to s. 212.18(5), F.S., from a requirement that all funds collected by the department be credited to the General Revenue Fund; amending s. 213.051, F.S.; authorizing the department to issue subpoenas for the purposes of collection of taxes, penalties, and interest or enforcement of state revenue laws; amending s. 213.053, F.S.; allowing the department to provide certain state tax information to certain governmental and nongovernmental agencies for use in the conduct of their official duties; providing for confidentiality of that information; providing penalties for breach of confidentiality; providing that certain information is a public record; allowing the

Department of Banking and Finance and the Department of Law Enforcement access to certain information during specified types of joint investigations with the Department of Revenue; allowing use of that information in certain investigations and legal proceedings; amending s. 213.06, F.S.; providing rulemaking authority; creating s. 213.2201, F.S.; allowing the department to produce publications containing the laws under its jurisdiction; authorizing charges for the publications, at the discretion of the Department of Administration; providing for the deposit of moneys received; providing for reciprocal exchange of publications; amending s. 213.27, F.S.; requiring a debt collection agency to have a bond if the agency does not actually collect and remit delinquent funds; amending s. 213.28, F.S.; authorizing the department to contract with a private firm to facilitate the securing of certified public accountants, licensed outside this state; giving the executive director of the department discretion in determining the manner in which compensation will be paid; authorizing the department to establish standards by rule; amending s. 213.30, F.S.; providing for compensating certain persons who provide the department with information that leads to collecting certain taxes, penalties, or interest; prohibiting certain employees or former employees of government agencies from receiving such compensation; providing confidentiality for information that could lead to the identification of persons who supply information to the department under that section; amending s. 213.34, F.S.; providing additional auditing authority to the department; creating s. 213.37, F.S.; allowing the department to require sworn, verified affidavits in connection with certain documents; providing that making a false written declaration under s. 92.525(3), F.S., is a third-degree felony; providing penalties; creating s. 213.756, F.S.; providing that certain funds collected are state funds from the moment of collection; restricting the refund of such funds; amending and transferring parts I, II, and III of ch. 214, F.S., which consist of ss. 214.02, 214.03, 214.04, 214.05, 214.06, 214.07, 214.08, 214.10, 214.11, 214.12, 214.13, 214.14, 214.15, 214.16, 214.17, 214.18, 214.19, 214.20, 214.22, 214.23, 214.40, 214.41, 214.42, 214.425, 214.43, 214.434, 214.44, 214.45, 214.47, 214.48, 214.49, 214.50, 214.51, 214.52, 214.60, 214.61, 214.62, F.S., and relate to administration of designated nonproperty taxes, to parts VIII, IX, and X of ch. 220, F.S., the Florida Income Tax Code, and renumbering those sections, respectively, as ss. 220.701, 220.703, 220.705, 220.707, 220.709, 220.711, 220.713, 220.715, 220.717, 220.719, 220.721, 220.723, 220.725, 220.727, 220.729, 220.731, 220.733, 220.735, 220.737, 220.739, 220.801, 220.803, 220.805, 220.807, 220.809, 220.811, 220.813, 220.815, 220.819, 220.821, 220.823, 220.825, 220.827, 220.829, 220.901, 220.903, 220.905, F.S.; correcting cross-references; conforming language to the transferral and renumbering of those sections; repealing s. 214.01, F.S., which specifies the application of ch. 214; conforming language and correcting references; repealing s. 214.46, F.S., providing for the duration of liens arising under ch. 220, F.S., and other applicable laws; amending ss. 220.11, 220.63, F.S.; deleting obsolete language that mandated legislative review and allowed subsequent legislative action during the 1989 legislative session; amending s. 220.15, F.S.; consolidating in that section provisions for apportionment of adjusted federal income; repealing ss. 214.70, 214.71, F.S., which define "tax base" and provide a general method for apportionment; amending and renumbering s. 214.72, F.S., relating to apportionment methods for special industries, as s. 220.151, F.S.; amending and renumbering s. 214.73, F.S., relating to other methods of apportionment, as s. 220.152, F.S.; amending ss. 72.011, 72.041, 196.012, 212.0598, 213.05, 213.053, 220.131, 220.181, 220.23, 220.31, 220.32, 220.41, 220.53, 220.64, and 221.04, F.S.; conforming and correcting references; amending ss. 220.183, 624.5105, F.S., relating to the community contribution tax credits against the corporate income tax and insurance premium tax; revising provisions relating to limitations on credits and carryover of credits; specifying that a taxpayer eligible for the insurance premium tax credit is not eligible for the corporate income tax credit; amending s. 215.20, F.S.; specifying trust funds from which a deduction for the cost of general government shall be made, for deposit in the General Revenue Fund; amending s. 215.22, F.S.; specifying the income and trust funds exempt from the deduction for the General Revenue Fund; amending s. 215.23, F.S., to conform; amending ss. 200.132, 206.60, 206.875, 206.879, 206.9845, 206.9945, 210.20, 212.06, 212.69, 319.32, 325.214, 624.506, F.S.; conforming language relating to various revenues and trust funds to the amendments made in s. 215.20, F.S.; repealing s. 6, ch. 90-110, Laws of Florida, relating to the Agency Budget Trust Fund; providing for deposit of moneys into the General Revenue Fund; amending s. 403.717, F.S.; redefining the term "lead-acid battery"; amending s. 403.718, F.S.; amending the deadline for paying waste tire fees to the department; amending s. 403.7185, F.S.; deleting the phrase "new or remanufactured" in reference to lead-acid batteries; amending s. 624.511, F.S.; placing restrictions upon the refund of certain overpayments of taxes; providing

that those refunds be made out of the General Revenue Fund; amending s. 893.11, F.S.; providing that this section, which concerns suspension, revocation, and reinstatement of business and professional licenses, does not apply to taxes, fees, or permits that the department regulates, controls, or administers in accordance with s. 213.05, F.S.; providing for an additional tax to be paid by banks and savings associations; providing for a credit to be taken; providing for taxable years; creating s. 212.0515, F.S.; imposing a tax on food and beverages sold in vending machines; requiring registration of vending machine operators and display of notice on machines; authorizing payment of rewards for reports of violations; requiring quarterly reports by operators; requiring quarterly reports by persons selling food and beverages to vending machine operators; requiring dealers and operators purchasing food or beverages for resale to provide the dealer with a certificate stating whether the purchaser is a vending machine operator; providing penalties; amending s. 212.12, F.S.; requiring that sales made through such vending machines be separately shown on returns; amending s. 27, ch. 90-132, Laws of Florida, delaying the effective date of a revision in the dealer's credit provided under s. 212.12, F.S., for collecting sales taxes; amending s. 212.02, F.S.; defining "coin-operated amusement machine"; amending s. 212.05, F.S.; imposing a tax on receipts from such machines; requiring registration of operators of such machines and display of notice on machines; authorizing payment of rewards for reports of violations; providing requirements with respect to certificates of registration for operators of such machines; providing penalties; amending s. 212.054, F.S.; revising provisions which specify conditions under which a transaction is deemed to occur in a county imposing a discretionary sales surtax, to include coin-operated vending and amusement machines; amending s. 212.11, F.S.; delaying the effective date of a reduction in estimated tax rates; revising the threshold amount under which certain taxpayers are required to pay estimated sales taxes; providing for application; providing for distribution of certain estimated sales tax revenues; amending s. 318.14, F.S.; deleting a provision allowing for the election of a driver improvement course in lieu of a civil penalty; requiring the Department of Highway Safety and Motor Vehicles to approve a driver improvement course; providing for a reduction in fines; deleting a provision requiring an assessment of court costs; creating s. 318.1451, F.S., relating to driver improvement schools; requiring oversight and licensing of such schools by the department; requiring the department, with the advice and consent of the chief judge of the applicable judicial circuit, to establish requirements regarding the number of providers and minimum number and location of courses offered by such schools within a judicial circuit; requiring the department to consider course content for certain specified criteria; providing for suspension of proof of attendance of persons attending such schools; providing for refunds; providing for fees; amending s. 318.21, F.S.; providing for distribution of funds; providing for review and repeal of ss. 318.14(9), 318.1451, 322.291, F.S., pursuant to the Regulatory Sunset Act; amending s. 320.06, F.S.; providing for advance payment of license plate replacement fees; amending s. 320.072, F.S.; extending to certain military personnel and former military personnel the exemption from certain fees imposed on initial applications for motor vehicle registration; extending such exemption to certain relatives of members of the United States Armed Forces who lose their lives while on active duty or who are listed as "missing-in-action"; providing effective dates.

#### ROLL CALLS ON SENATE BILLS

##### SB 64

Yeas—34

Madam President	Davis	Jennings	Scott
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kiser	Thurman
Brown	Forman	Kurth	Weinstein
Bruner	Gardner	Langley	Weinstock
Casas	Gordon	Malchon	Wexler
Crenshaw	Grant	McKay	Yancey
Crotty	Grizzle	Myers	
Dantzler	Jenne	Plummer	

Nays—None

Vote after roll call:

Yea—Childers, Girardeau, Kirkpatrick

SB 70—Amendment 5

Yeas—24

Madam President	Dantzler	Grant	Myers
Bankhead	Davis	Jennings	Plummer
Brown	Diaz-Balart	Johnson	Souto
Casas	Forman	Kurth	Walker
Childers	Girardeau	Langley	Weinstein
Crenshaw	Gordon	Malchon	Weinstock

Nays—12

Beard	Dudley	Kiser	Thomas
Bruner	Grizzle	McKay	Thurman
Crotty	Kirkpatrick	Scott	Yancey

SB 70

Yeas—32

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kirkpatrick	Thomas
Brown	Forman	Kurth	Walker
Casas	Girardeau	Langley	Weinstein
Crenshaw	Gordon	Malchon	Weinstock
Crotty	Grant	McKay	Wexler
Dantzler	Grizzle	Myers	Yancey

Nays—4

Bruner	Kiser	Scott	Thurman
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Vote after roll call:

Yea—Meek

CS for SB 104

Yeas—34

Madam President	Davis	Johnson	Souto
Bankhead	Diaz-Balart	Kiser	Thomas
Beard	Dudley	Kurth	Thurman
Brown	Forman	Langley	Walker
Bruner	Gardner	Malchon	Weinstein
Casas	Girardeau	McKay	Weinstock
Crenshaw	Gordon	Meek	Yancey
Crotty	Grant	Myers	
Dantzler	Grizzle	Plummer	

Nays—None

Vote after roll call:

Yea—Childers, Kirkpatrick, Scott

CS for SB 180

Yeas—29

Madam President	Davis	Jenne	Walker
Bankhead	Diaz-Balart	Jennings	Weinstein
Beard	Dudley	Johnson	Weinstock
Brown	Forman	Kurth	Wexler
Bruner	Girardeau	Langley	Yancey
Casas	Gordon	McKay	
Childers	Grant	Myers	
Dantzler	Grizzle	Thurman	

Nays—None

Vote after roll call:

Yea—Gardner, Kirkpatrick, Meek

SB 182

Yeas—33

Madam President	Brown	Childers	Dantzler
Bankhead	Bruner	Crenshaw	Diaz-Balart
Beard	Casas	Crotty	Dudley

Forman	Jennings	Plummer	Weinstock
Girardeau	Johnson	Souto	Wexler
Gordon	Kurth	Thomas	Yancey
Grant	Langley	Thurman	
Grizzle	McKay	Walker	
Jenne	Myers	Weinstein	

Nays—None

Vote after roll call:

Yea—Gardner, Kirkpatrick, Meek, Scott

CS for SB 204

Yeas—35

Madam President	Dantzler	Grizzle	Myers
Bankhead	Davis	Jennings	Scott
Beard	Diaz-Balart	Kirkpatrick	Souto
Brown	Dudley	Kiser	Thomas
Bruner	Forman	Kurth	Thurman
Casas	Gardner	Langley	Weinstock
Childers	Girardeau	Malchon	Wexler
Crenshaw	Gordon	McKay	Yancey
Crotty	Grant	Meek	

Nays—None

Vote after roll call:

Yea—Johnson, Plummer, Weinstein

CS for SB 284

Yeas—33

Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Kurth	Thurman
Brown	Gardner	Langley	Weinstein
Casas	Gordon	Malchon	Weinstock
Crenshaw	Grant	McKay	Wexler
Crotty	Jenne	Meek	Yancey
Dantzler	Jennings	Myers	
Davis	Johnson	Plummer	
Diaz-Balart	Kirkpatrick	Souto	

Nays—1

Grizzle

Vote after roll call:

Yea—Bruner, Childers, Girardeau

CS for SB 310

Yeas—33

Madam President	Dudley	Kiser	Thurman
Bankhead	Gardner	Kurth	Walker
Beard	Girardeau	Langley	Weinstein
Brown	Gordon	Malchon	Weinstock
Bruner	Grant	McKay	Wexler
Casas	Grizzle	Myers	Yancey
Crotty	Jenne	Plummer	
Dantzler	Jennings	Scott	
Davis	Johnson	Souto	

Nays—None

Vote after roll call:

Yea—Childers, Kirkpatrick

SB 318

Yeas—34

Bankhead	Crenshaw	Dudley	Grizzle
Beard	Crotty	Forman	Jenne
Brown	Dantzler	Gardner	Jennings
Bruner	Davis	Gordon	Johnson
Casas	Diaz-Balart	Grant	Kirkpatrick

Kiser	McKay	Souto	Wexler
Kurth	Myers	Thurman	Yancey
Langley	Plummer	Weinstein	
Malchon	Scott	Weinstock	

Nays—None

Vote after roll call:

Yea—Childers, Girardeau

**CS for SB 406**

Yeas—28

Madam President	Davis	Jennings	Souto
Beard	Diaz-Balart	Johnson	Thurman
Brown	Dudley	Kurth	Walker
Bruner	Forman	Langley	Weinstein
Casas	Gordon	Malchon	Weinstock
Crotty	Grant	Myers	Wexler
Dantzler	Grizzle	Plummer	Yancey

Nays—None

Vote after roll call:

Yea—Childers, Gardner, Kirkpatrick, Meek, Scott

**CS for SB's 508 and 514**

Yeas—39

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kirkpatrick	Thomas
Brown	Forman	Kiser	Thurman
Bruner	Gardner	Kurth	Walker
Casas	Girardeau	Langley	Weinstein
Childers	Gordon	Malchon	Weinstock
Crenshaw	Grant	McKay	Wexler
Crotty	Grizzle	Meek	Yancey
Dantzler	Jenne	Myers	

Nays—None

Vote after roll call:

Yea—Scott

**CS for SB 518**

Yeas—35

Madam President	Dantzler	Jenne	Scott
Bankhead	Davis	Jennings	Souto
Beard	Diaz-Balart	Johnson	Thurman
Brown	Dudley	Kiser	Walker
Bruner	Forman	Langley	Weinstein
Casas	Girardeau	Malchon	Weinstock
Childers	Gordon	McKay	Wexler
Crenshaw	Grant	Myers	Yancey
Crotty	Grizzle	Plummer	

Nays—None

Vote after roll call:

Yea—Gardner, Kirkpatrick, Meek

**SB 570**

Yeas—35

Madam President	Dantzler	Jenne	Plummer
Bankhead	Davis	Jennings	Thomas
Beard	Diaz-Balart	Johnson	Thurman
Brown	Dudley	Kiser	Walker
Bruner	Forman	Kurth	Weinstein
Casas	Girardeau	Langley	Weinstock
Childers	Gordon	Malchon	Wexler
Crenshaw	Grant	McKay	Yancey
Crotty	Grizzle	Myers	

Nays—None

Vote after roll call:

Yea—Gardner, Kirkpatrick, Meek, Scott, Souto

**CS for SB 584**

Yeas—36

Madam President	Dantzler	Jenne	Plummer
Bankhead	Davis	Jennings	Souto
Beard	Diaz-Balart	Johnson	Thomas
Brown	Dudley	Kirkpatrick	Thurman
Bruner	Forman	Kiser	Walker
Casas	Girardeau	Kurth	Weinstein
Childers	Gordon	Langley	Weinstock
Crenshaw	Grant	McKay	Wexler
Crotty	Grizzle	Myers	Yancey

Nays—None

Vote after roll call:

Yea—Gardner, Meek, Scott

**CS for SB 608**

Yeas—36

Bankhead	Dudley	Johnson	Plummer
Beard	Forman	Kirkpatrick	Souto
Brown	Gardner	Kiser	Thomas
Bruner	Girardeau	Kurth	Thurman
Casas	Gordon	Langley	Walker
Crenshaw	Grant	Malchon	Weinstein
Crotty	Grizzle	McKay	Weinstock
Davis	Jenne	Meek	Wexler
Diaz-Balart	Jennings	Myers	Yancey

Nays—None

Vote after roll call:

Yea—Childers, Scott

**CS for SB 626**

Yeas—32

Madam President	Dantzler	Jennings	Souto
Beard	Davis	Johnson	Thomas
Brown	Dudley	Kirkpatrick	Thurman
Bruner	Girardeau	Kiser	Walker
Casas	Gordon	Kurth	Weinstein
Childers	Grant	Malchon	Weinstock
Crenshaw	Grizzle	Myers	Wexler
Crotty	Jenne	Plummer	Yancey

Nays—None

Vote after roll call:

Yea—Meek, Scott

**SB 644**

Yeas—38

Madam President	Davis	Johnson	Souto
Bankhead	Diaz-Balart	Kirkpatrick	Thomas
Beard	Dudley	Kiser	Thurman
Brown	Forman	Kurth	Walker
Bruner	Gardner	Langley	Weinstein
Casas	Girardeau	Malchon	Weinstock
Childers	Grant	McKay	Wexler
Crenshaw	Grizzle	Meek	Yancey
Crotty	Jenne	Myers	
Dantzler	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Scott

SB 646

Yeas—32

Madam President	Davis	Johnson	Plummer
Brown	Dudley	Kirkpatrick	Souto
Bruner	Gardner	Kiser	Thomas
Casas	Girardeau	Kurth	Thurman
Childers	Gordon	Malchon	Walker
Crenshaw	Grizzle	McKay	Weinstein
Crotty	Jenne	Meek	Weinstock
Dantzler	Jennings	Myers	Yancey

Nays—None

Vote after roll call:

Yea—Scott

CS for CS for SB 704

Yeas—35

Madam President	Dantzler	Jennings	Myers
Bankhead	Davis	Johnson	Plummer
Beard	Diaz-Balart	Kirkpatrick	Souto
Brown	Dudley	Kiser	Thomas
Bruner	Forman	Kurth	Thurman
Casas	Girardeau	Langley	Weinstein
Childers	Gordon	Malchon	Weinstock
Crenshaw	Grant	McKay	Yancey
Crotty	Jenne	Meek	

Nays—None

Vote after roll call:

Yea—Gardner, Scott

CS for CS for SB 740

Yeas—38

Madam President	Diaz-Balart	Johnson	Scott
Bankhead	Dudley	Kirkpatrick	Souto
Beard	Forman	Kiser	Thomas
Brown	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Yancey
Dantzler	Jenne	Myers	
Davis	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Bruner

SB 860

Yeas—35

Madam President	Davis	Johnson	Scott
Bankhead	Diaz-Balart	Kirkpatrick	Thomas
Beard	Forman	Kiser	Thurman
Brown	Gardner	Kurth	Walker
Bruner	Gordon	Langley	Weinstein
Casas	Grant	Malchon	Weinstock
Childers	Grizzle	McKay	Wexler
Crotty	Jenne	Myers	Yancey
Dantzler	Jennings	Plummer	

Nays—None

SB 960

Yeas—27

Madam President	Bruner	Davis	Forman
Beard	Casas	Diaz-Balart	Girardeau
Brown	Childers	Dudley	Gordon

Grant	Kirkpatrick	Thomas	Weinstock
Grizzle	Kurth	Thurman	Wexler
Jenne	Malchon	Walker	Yancey
Jennings	Souto	Weinstein	

Nays—8

Bankhead	Dantzler	Kiser	McKay
Crotty	Johnson	Langley	Myers

Vote after roll call:

Yea—Gardner, Meek

Yea to Nay—Bruner

CS for SB 962

Yeas—35

Madam President	Diaz-Balart	Jennings	Plummer
Bankhead	Dudley	Johnson	Souto
Beard	Forman	Kirkpatrick	Thurman
Brown	Gardner	Kurth	Walker
Casas	Girardeau	Langley	Weinstein
Childers	Gordon	Malchon	Weinstock
Crenshaw	Grant	McKay	Wexler
Dantzler	Grizzle	Meek	Yancey
Davis	Jenne	Myers	

Nays—3

Bruner	Crotty	Kiser
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Vote after roll call:

Yea—Thomas

CS for CS for CS for SB's 1042, 142, 366 and 1070—Amendment 1B

Yeas—13

Casas	Forman	Jenne	Thurman
Dantzler	Girardeau	Malchon	
Davis	Gordon	Meek	
Diaz-Balart	Grant	Souto	

Nays—23

Madam President	Crotty	Kurth	Walker
Beard	Dudley	Langley	Weinstein
Brown	Grizzle	McKay	Weinstock
Bruner	Jennings	Myers	Wexler
Childers	Johnson	Plummer	Yancey
Crenshaw	Kiser	Thomas	

CS for CS for CS for SB's 1042, 142, 366 and 1070—Amendment 1 as amended

Yeas—37

Madam President	Diaz-Balart	Kiser	Thomas
Bankhead	Dudley	Kurth	Thurman
Beard	Forman	Langley	Walker
Brown	Girardeau	Malchon	Weinstein
Casas	Gordon	McKay	Weinstock
Childers	Grant	Meek	Wexler
Crenshaw	Grizzle	Myers	Yancey
Crotty	Jenne	Plummer	
Dantzler	Jennings	Scott	
Davis	Johnson	Souto	

Nays—2

Bruner	Gardner
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Vote after roll call:

Yea—Kirkpatrick

**CS for CS for CS for SB's 1042, 142, 366 and 1070**

Yeas—37

Madam President	Diaz-Balart	Kiser	Thomas
Bankhead	Dudley	Kurth	Thurman
Beard	Forman	Langley	Walker
Brown	Girardeau	Malchon	Weinstein
Casas	Grant	McKay	Weinstock
Childers	Grizzle	Meek	Wexler
Crenshaw	Jenne	Myers	Yancey
Crotty	Jennings	Plummer	
Dantzler	Johnson	Scott	
Davis	Kirkpatrick	Souto	

Nays—2

Bruner Gardner

Vote after roll call:

Nay—Gordon

**EXPLANATIONS OF VOTE**

I voted no on CS for CS for CS for SB's 1042, 142, 366 and 1070 because I supported Senator Beard's "no gifts" amendment.

*Vince Bruner, 3rd District*

I voted no on CS for CS for CS for SB's 1042, 142, 366 and 1070 because I preferred Senator Beard's amendment to eliminate all gifts.

*Jack D. Gordon, 35th District*

**SB 1196**

Yeas—36

Madam President	Dantzler	Jennings	Plummer
Bankhead	Davis	Johnson	Souto
Beard	Diaz-Balart	Kirkpatrick	Thomas
Brown	Dudley	Kiser	Thurman
Bruner	Forman	Kurth	Walker
Casas	Girardeau	Langley	Weinstein
Childers	Gordon	Malchon	Weinstock
Crenshaw	Grant	McKay	Wexler
Crotty	Grizzle	Myers	Yancey

Nays—None

Vote after roll call:

Yea—Gardner, Meek, Scott

**CS for SB 1286**

Yeas—34

Madam President	Diaz-Balart	Jennings	Souto
Beard	Dudley	Johnson	Thomas
Brown	Forman	Kirkpatrick	Thurman
Bruner	Gardner	Kiser	Walker
Casas	Girardeau	Kurth	Weinstein
Childers	Gordon	Malchon	Weinstock
Crotty	Grant	McKay	Wexler
Dantzler	Grizzle	Myers	
Davis	Jenne	Plummer	

Nays—None

Vote after roll call:

Yea—Bankhead, Langley, Scott, Yancey

**SB 1304**

Yeas—34

Madam President	Casas	Davis	Gardner
Beard	Crenshaw	Diaz-Balart	Gordon
Brown	Crotty	Dudley	Grant
Bruner	Dantzler	Forman	Grizzle

Jenne	Kurth	Myers	Weinstock
Jennings	Langley	Plummer	Wexler
Johnson	Malchon	Souto	Yancey
Kirkpatrick	McKay	Thurman	
Kiser	Meek	Weinstein	

Nays—None

Vote after roll call:

Yea—Childers, Girardeau, Scott

**CS for SB 1312**

Yeas—40

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Scott
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey

Nays—None

**SB 1376**

Yeas—34

Madam President	Dantzler	Kirkpatrick	Thomas
Bankhead	Diaz-Balart	Kiser	Thurman
Beard	Dudley	Kurth	Walker
Brown	Forman	Langley	Weinstein
Bruner	Girardeau	Malchon	Weinstock
Casas	Grant	McKay	Wexler
Childers	Grizzle	Myers	Yancey
Crenshaw	Jennings	Plummer	
Crotty	Johnson	Souto	

Nays—None

Vote after roll call:

Yea—Gardner, Meek, Scott

**CS for SB 1384**

Yeas—35

Madam President	Dantzler	Jennings	Souto
Bankhead	Davis	Johnson	Thomas
Beard	Dudley	Kirkpatrick	Thurman
Brown	Gardner	Kiser	Walker
Bruner	Girardeau	Malchon	Weinstein
Casas	Gordon	McKay	Weinstock
Childers	Grant	Meek	Wexler
Crenshaw	Grizzle	Myers	Yancey
Crotty	Jenne	Plummer	

Nays—None

Vote after roll call:

Yea—Scott

**SB 1396**

Yeas—38

Madam President	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kirkpatrick	Thomas
Brown	Forman	Kiser	Thurman
Bruner	Gardner	Kurth	Walker
Casas	Girardeau	Langley	Weinstein
Childers	Gordon	Malchon	Weinstock
Crenshaw	Grant	McKay	Wexler
Crotty	Grizzle	Meek	Yancey
Dantzler	Jenne	Myers	
Davis	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Scott

CS for SB 1554

Yeas—35

Madam President	Davis	Jennings	Myers
Bankhead	Diaz-Balart	Johnson	Plummer
Beard	Dudley	Kirkpatrick	Thurman
Brown	Forman	Kiser	Walker
Bruner	Gardner	Kurth	Weinstein
Casas	Gordon	Langley	Weinstock
Crenshaw	Grant	Malchon	Wexler
Crotty	Grizzle	McKay	Yancey
Dantzler	Jenne	Meek	

Nays—None

Vote after roll call:

Yea—Childers, Scott

CS for SB 1618

Yeas—38

Madam President	Diaz-Balart	Johnson	Souto
Bankhead	Dudley	Kirkpatrick	Thomas
Beard	Forman	Kiser	Thurman
Bruner	Gardner	Kurth	Walker
Casas	Girardeau	Langley	Weinstein
Childers	Gordon	Malchon	Weinstock
Crenshaw	Grant	McKay	Wexler
Crotty	Grizzle	Meek	Yancey
Dantzler	Jenne	Myers	
Davis	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Scott

CS for SB 1694

Yeas—30

Madam President	Davis	Johnson	Thurman
Beard	Diaz-Balart	Kirkpatrick	Walker
Brown	Dudley	Kurth	Weinstein
Bruner	Forman	Langley	Weinstock
Casas	Girardeau	McKay	Wexler
Childers	Gordon	Myers	Yancey
Crenshaw	Grant	Plummer	
Crotty	Grizzle	Souto	

Nays—None

Vote after roll call:

Yea—Gardner, Meek, Scott, Thomas

CS for SB 2144

Yeas—37

Madam President	Davis	Johnson	Souto
Bankhead	Diaz-Balart	Kirkpatrick	Thomas
Beard	Dudley	Kiser	Walker
Brown	Forman	Kurth	Weinstein
Bruner	Girardeau	Langley	Weinstock
Casas	Gordon	Malchon	Wexler
Childers	Grant	McKay	Yancey
Crenshaw	Grizzle	Meek	
Crotty	Jenne	Myers	
Dantzler	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Gardner, Scott, Thurman

SB 2234

Yeas—35

Madam President	Dantzler	Grizzle	Myers
Bankhead	Davis	Jenne	Plummer
Beard	Diaz-Balart	Jennings	Scott
Brown	Dudley	Johnson	Thomas
Bruner	Forman	Kiser	Thurman
Casas	Gardner	Kurth	Weinstein
Childers	Girardeau	Langley	Weinstock
Crenshaw	Gordon	Malchon	Wexler
Crotty	Grant	McKay	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Souto

ROLL CALLS ON HOUSE BILLS

CS for HB 93

Yeas—33

Madam President	Dantzler	Kirkpatrick	Thurman
Bankhead	Davis	Kiser	Walker
Beard	Girardeau	Kurth	Weinstein
Brown	Gordon	Langley	Weinstock
Bruner	Grant	Malchon	Wexler
Casas	Grizzle	Myers	Yancey
Childers	Jenne	Plummer	
Crenshaw	Jennings	Souto	
Crotty	Johnson	Thomas	

Nays—None

Vote after roll call:

Yea—Meek, Scott

CS for HB 211

Yeas—34

Madam President	Davis	Jennings	Souto
Bankhead	Diaz-Balart	Kirkpatrick	Thomas
Beard	Dudley	Kiser	Thurman
Brown	Forman	Kurth	Walker
Casas	Gardner	Langley	Weinstein
Childers	Gordon	Malchon	Weinstock
Crenshaw	Grant	McKay	Wexler
Crotty	Grizzle	Meek	
Dantzler	Jenne	Plummer	

Nays—None

Vote after roll call:

Yea—Bruner, Johnson, Scott

CS for HB 291

Yeas—34

Madam President	Dantzler	Grizzle	Souto
Bankhead	Davis	Jennings	Thomas
Beard	Diaz-Balart	Kirkpatrick	Thurman
Brown	Dudley	Kiser	Walker
Bruner	Forman	Kurth	Weinstock
Casas	Gardner	Langley	Wexler
Childers	Girardeau	Malchon	Yancey
Crenshaw	Gordon	McKay	
Crotty	Grant	Meek	

Nays—None

Vote after roll call:

Yea—Johnson, Plummer, Scott, Weinstein

## HB 605

Yeas—30

Madam President	Davis	Jenne	Souto
Bankhead	Diaz-Balart	Jennings	Thurman
Brown	Dudley	Johnson	Walker
Bruner	Forman	Kurth	Weinstein
Casas	Girardeau	Langley	Weinstock
Childers	Gordon	Malchon	Yancey
Crotty	Grant	Myers	
Dantzler	Grizzle	Plummer	

Nays—None

Vote after roll call:

Yea—Gardner, Kirkpatrick, Meek, Scott, Wexler

## CS for HB 655

Yeas—35

Madam President	Diaz-Balart	Johnson	Plummer
Bankhead	Dudley	Kirkpatrick	Souto
Beard	Forman	Kiser	Thomas
Bruner	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Yancey
Davis	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Scott

## HB 749

Yeas—37

Madam President	Davis	Johnson	Souto
Bankhead	Diaz-Balart	Kirkpatrick	Thomas
Beard	Dudley	Kiser	Thurman
Brown	Forman	Kurth	Weinstein
Bruner	Gardner	Langley	Weinstock
Casas	Gordon	Malchon	Wexler
Childers	Grant	McKay	Yancey
Crenshaw	Grizzle	Meek	
Crotty	Jenne	Myers	
Dantzler	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Scott

## CS for HB 777

Yeas—36

Madam President	Davis	Jenne	Myers
Bankhead	Diaz-Balart	Jennings	Plummer
Beard	Dudley	Johnson	Souto
Brown	Forman	Kirkpatrick	Thomas
Bruner	Gardner	Kiser	Thurman
Casas	Girardeau	Kurth	Walker
Crenshaw	Gordon	Langley	Weinstein
Crotty	Grant	Malchon	Weinstock
Dantzler	Grizzle	McKay	Yancey

Nays—None

Vote after roll call:

Yea—Childers, Scott

## CS for HB 1243

Yeas—39

Madam President	Diaz-Balart	Johnson	Scott
Bankhead	Dudley	Kirkpatrick	Souto
Beard	Forman	Kiser	Thomas
Brown	Gardner	Kurth	Thurman
Casas	Girardeau	Langley	Walker
Childers	Gordon	Malchon	Weinstein
Crenshaw	Grant	McKay	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey
Davis	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Bruner

## CS for HB 1411

Yeas—36

Madam President	Davis	Jenne	Myers
Bankhead	Diaz-Balart	Jennings	Plummer
Beard	Dudley	Johnson	Souto
Brown	Forman	Kirkpatrick	Thomas
Bruner	Gardner	Kiser	Thurman
Childers	Girardeau	Kurth	Walker
Crenshaw	Gordon	Langley	Weinstein
Crotty	Grant	Malchon	Wexler
Dantzler	Grizzle	McKay	Yancey

Nays—None

Vote after roll call:

Yea—Scott

## HB 2277

Yeas—37

Bankhead	Diaz-Balart	Johnson	Thomas
Beard	Dudley	Kiser	Thurman
Brown	Forman	Kurth	Walker
Bruner	Gardner	Langley	Weinstein
Casas	Girardeau	Malchon	Weinstock
Childers	Gordon	McKay	Wexler
Crenshaw	Grant	Myers	Yancey
Crotty	Grizzle	Plummer	
Dantzler	Jenne	Scott	
Davis	Jennings	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

## CS for HB 2523

Yeas—33

Madam President	Dudley	Kirkpatrick	Thurman
Beard	Forman	Kiser	Walker
Brown	Gardner	Kurth	Weinstein
Bruner	Girardeau	Malchon	Weinstock
Casas	Gordon	McKay	Wexler
Childers	Grizzle	Meek	Yancey
Crenshaw	Jenne	Plummer	
Dantzler	Jennings	Souto	
Diaz-Balart	Johnson	Thomas	

Nays—2

Langley Myers

Vote after roll call:

Nay—Bankhead

Yea to Nay—Bruner, Dudley, Jennings, Kiser

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 16 was corrected and approved.

**CO-SPONSORS**

Senators Margolis, Langley, Thomas and Crenshaw—CS for CS for CS for SB's 1042, 142, 366 and 1070; Senator Thurman—SB 396

**RECESS**

On motion by Senator Thomas, the Senate recessed at 5:08 p.m. to reconvene at 9:30 a.m., Thursday, April 18, or upon call of the President.