



Journal of the Senate

Number 15

Thursday, April 18, 1991

CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—38:

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

Excused: Senator Brown; Senator Davis at 2:45 p.m.; Senator Jennings at 3:30 p.m.

PRAYER

The following prayer was offered by the Rev. David T. Solomon, Pastor, Immanuel Baptist Church, Tallahassee:

Our Father, you have instructed us that you've come that we might have life and have it more abundantly. But, Father, our tendency is always to view life in its diminishing returns rather than seeing true abundance that you have provided.

We thank you, Father, for David of Old has recorded for us in your word when you revealed to him that you were a shepherd and that we are the sheep of your pasture. For true we have interpersonal needs that demand the quietness and the reserves, Father, that can only be found as we retire, Father, to walk in that pasture and to contemplate, Father, those inner needs of each of our lives.

And yet you have taught us that there is even better than that for us. For as you pull the curtain back, we do not see, Father, the pastoral scene again, but we see a banquet scene and you are the host and we are the guests around your table. Truly we are keenly aware of the physical needs of life; for the table, Father, that supplies those needs. Yet, Father, you have blessed this world in a marvelous way and there is not a deficiency of thy blessing indeed that are upon the tables that are before this house. You have blessed, Father, and we look, Father, for that you shall do among us.

We ask, Father, is there anything better than the pastoral scene of our lives and the table scene, and yet you pull the curtain back and we see that God has become a Father and that we've become the children in your house.

And so we see, Father, that you began as a shepherd, you became a host and you became the Father. We became the sheep, Father, and we became the guest and we became the children and the pasture became the banquet table and that has become a home. And so you invited us today to consider the graciousness of yourself as truly you meet the inner needs that we have. As you meet the outer needs, God, bring us together and guide us, God, in the spiritual welfare of thy place and our purpose in life. For these things we pray, remembering your name today, Dear Jesus. Amen.

CONSIDERATION OF RESOLUTIONS AND MEMORIALS

On motion by Senator Forman, by two-thirds vote **SR 2398** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Forman—

SR 2398—A resolution supporting closer collaboration among the Legislature, state agencies, private industry, and service providers to implement joint funding of services enabling persons who have severe disabilities to maintain gainful employment and recognizing the Corporate Initiative's efforts to expand employment opportunities for persons who have disabilities.

WHEREAS, gainful employment is a desirable and normal activity, and

WHEREAS, supported employment was created to provide employment for persons traditionally considered too disabled to be employed, and

WHEREAS, supported employment exists primarily for persons who have severe disabilities and who need intensive training and support to remain employed, and

WHEREAS, supported employment provides employment opportunities for persons who have severe disabilities by providing assistance in locating appropriate jobs, on-the-job training, and ongoing support to help remain on the job, and

WHEREAS, community-based providers of services to persons who have severe disabilities provide supported employment services with state funding, and

WHEREAS, supported employment has proven to be an effective means of enabling persons who have severe disabilities to become productive members of the workforce, contributing to the economy of this state, and

WHEREAS, businesses in this state, realizing the benefits of hiring persons who have severe disabilities, have organized the Corporate Initiative to assist in expanding employment opportunities for these disabled persons, and

WHEREAS, the Legislature recognizes that interagency collaboration in funding programs and redirecting state agency budget items to the community are cost-effective, and

WHEREAS, state agencies that provide funding for supported employment services depend upon funding being provided for other agencies' budget items, without which the necessary supported employment services will not be available, cost-effective, or efficient, and

WHEREAS, state agency funding is primarily based on categorical eligibility requirements, and only secondarily based on the need for services, NOW, THEREFORE,

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

That closer collaboration among the Legislature, state agencies, private industry, and service providers is needed to develop joint funding strategies for supported employment to ensure cost-effective program operation and eligibility for services based on the needs of individuals.

BE IT FURTHER RESOLVED, that the Florida Senate commends private industry for the efforts of the Corporate Initiative to expand employment opportunities for persons in this state who have severe disabilities.

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

Senator Forman introduced representatives from the Florida Association of Rehabilitation Facilities, the Developmental Disabilities Planning Council and the Corporate Initiative, who were seated in the gallery.

On motion by Senator McKay, by two-thirds vote **SR 2426** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKay—

SR 2426—A resolution commending and welcoming the National Association of Women Business Owners.

WHEREAS, the National Association of Women Business Owners (NAWBO) is the only organization in this state that is exclusively devoted to the improvement of the woman business owner, and

WHEREAS, one-fourth of the businesses in this country are owned by women, and their businesses contribute an estimated \$100 billion to the national economy each year, and

WHEREAS, the National Association of Women Business Owners accomplishes its goals for women and small business owners at the municipal, state, and national levels, and

WHEREAS, the association helps its members grow increasingly strong and successful in business and supports the needs of emerging women business owners, and

WHEREAS, the National Association of Women Business Owners encourages women business owners to develop their leadership skills to assist them in moving into positions of influence, and

WHEREAS, association members influence public policy by actively participating in political and legislative processes, and

WHEREAS, the annual national convention of the National Association of Women Business Owners will be held in Florida for the first time during July 18-21, 1991, NOW, THEREFORE,

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

That the National Association of Women Business Owners is commended for its contributions to improving the status of the woman business owner.

BE IT FURTHER RESOLVED that the members of the National Association of Women Business Owners are hereby welcomed to this state when they attend the association's national convention in July of this year.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be transmitted to the President of the National Association of Women Business Owners as a tangible token of the respect of this body.

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

On motion by Senator Malchon, by two-thirds vote **SR 1354** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Malchon—

SR 1354—A resolution recognizing April 18, 1991, as Tampa Bay Day.

WHEREAS, the Tampa Bay Estuary is the largest open water estuary in the state, and

WHEREAS, the Tampa Bay Estuary contains a variety of mangrove, salt marsh, tidal flat, and seagrass bed ecosystems, and

WHEREAS, important economic resources such as recreational and commercial fishing, marine industries, shipping, and tourism are dependent on the quality of the Tampa Bay Estuary, and

WHEREAS, the Tampa Bay Regional Planning Council and its Agency on Bay Management have been instrumental in initiating the Surface Water Improvement and Management (SWIM) program, seagrass research funding, the Grizzle-Figg Bill requiring advanced wastewater treatment, and the designation of Tampa Bay for the National Estuary Program, and

WHEREAS, the Tampa Bay Estuary is of national significance due to its size, ecological diversity, and economic value, and

WHEREAS, it is appropriate that this body recognize the significance of an important natural resource of the state, NOW, THEREFORE,

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

That the Senate recognizes the importance of the Tampa Bay Estuary and designates April 18, 1991, Tampa Bay Day.

BE IT FURTHER RESOLVED that a copy of this resolution, affixed with the seal of the Senate, be presented to the Tampa Bay Regional Planning Council and the Agency on Bay Management as a tangible token of the sentiments of the Senate.

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

Senator Malchon introduced Dick Fletcher, Chair of the Agency on Bay Management; Peter Clark, Principal Planner; and Julia Greene, Executive Director, Tampa Bay Regional Planning Council, who were seated in the chamber.

On motion by Senator Plummer, by two-thirds vote **SR 2252** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Plummer—

SR 2252—A resolution declaring April 21, 1991, as Florida Earth Day.

WHEREAS, last year's celebration of the 20th anniversary of Earth Day was a resounding success in reawakening dormant global interest in the problems of the environment, and

WHEREAS, efforts to build on such success must continue to be made if problems such as global warming, ozone depletion, overpopulation, deforestation, desertification, and pollution from medical, toxic, and nuclear wastes and emissions are to be overcome, and

WHEREAS, Florida intends to do its part in 1991 by recognizing Florida Earth Day on April 21 and by emphasizing recycling as one of the many solutions presently available to begin to reduce the impact of negative effects on the environment, NOW, THEREFORE,

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

That April 21, 1991, is declared to be Florida Earth Day and that recycling be given special emphasis as an immediately available option for reducing many negative effects on the environment.

—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 1736** was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Gardner—

SR 1736—A resolution to the Congress of the United States, urging Congress, in the reauthorization of the Surface Transportation Assistance Act, to authorize an allocation formula that gives Florida and other states flexibility in spending the tax dollars that are returned to the states in the form of federal aid for highways and that provides a more equitable allocation of funds that reflects Florida's rapid growth.

WHEREAS, the reauthorization of the Surface Transportation Assistance Act is now underway in the United States Congress and must be completed by October 1, 1991, and

WHEREAS, it is critical that this legislation contain a funding formula that is more favorable to Florida than the formulas used in the past, and

WHEREAS, Florida's return on each dollar sent to the federal Highway Trust Fund has averaged only 82 cents since the interstate program began in 1956, and

WHEREAS, it is not in the public interest to continue to favor states with extensive lane miles of qualifying highways rather than states like Florida with greater intensity of highway usage, and

WHEREAS, it is imperative that the allocation formula be modified in order to recognize the needs of a high growth, urban state such as Florida, NOW, THEREFORE,

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

That the Congress of the United States is requested in the reauthorization of the Surface Transportation Assistance Act to give priority to Florida and those states which, because of statutory changes made by the Surface Transportation Assistance Act of 1982, have experienced substantial proportional reductions in apportionments and allocations.

BE IT FURTHER RESOLVED that copies of this resolution be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

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

On motion by Senator Jennings, by two-thirds vote **SR 1306** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Jennings—

SR 1306—A resolution honoring Seminole Community College on its 25th anniversary.

WHEREAS, Seminole Community College provides the first 2 years of a college education to students who plan to continue studies toward a baccalaureate degree, and

WHEREAS, the college offers courses, programs, and services that culturally stimulate members of the community and serve as a focal point for community cultural activities, and

WHEREAS, the college helps people in business, in industry, and in the professions advance in a current occupation or enter a new area of employment, and

WHEREAS, the college provides programs for basic and adult education that lead to a high school diploma or its equivalent, and

WHEREAS, the college addresses, through programs and activities, significant community problems in the area of environmental and governmental concerns, health, safety, child-rearing and education, consumer economics, and human relations, and

WHEREAS, the college provides self-supporting programs and classes that offer persons in the community opportunities to participate in vocational and leisure activities, and

WHEREAS, the college strengthens the business climate of central Florida by providing economic development programs and by forming business and industry educational partnerships, and

WHEREAS, the college has provided all the above services in an exemplary manner for 25 years, NOW, THEREFORE,

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

That the Senate honors and commends Seminole Community College on its 25th anniversary of providing exemplary services to the residents of Central Florida and recognizes this day as Seminole Community College Day.

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

Senator Jennings introduced the following guests from Seminole Community College who were seated in the chamber: Dr. Earl Weldon, founding and current President of Seminole Community College, and his wife, Gerry; Mr. Larry Dale, Chairman, Board of Trustees; Mrs. Mary Bell Streetman, Vice-Chairman, Board of Trustees; Ms. Connie Austin, Mr. Clarence Forbes and Ms. D. Lee Russell, members of the Board of Trustees.

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

By Senator Margolis—

SR 2478—A resolution commending the Dade County Public Schools Stay-In-School Program for its outstanding training program.

WHEREAS, on April 11, 1991, the Dade County Public Schools Stay-In-School Program was a recipient of the Fourth Annual Job Training Partnership Act Presidential Award, and

WHEREAS, Frank W. Krauser, as one of the original members of the Private Industry Council of South Florida and Vice Chairman of the State Job Training Coordinating Council and Chairman of the SJTCC Communications Committee was a recipient of an Outstanding Private Sector Volunteer Award, and

WHEREAS, the Stay-In-School Program, begun in 1986, as a collaborative effort by the Private Industry Council of South Florida and the South Florida Employment and Training Consortium serves up to 3,000 students and has had a cumulative success rate of 93 percent, and

WHEREAS, the Stay-In-School Program, as a recipient of state funding, is an example of a successful public-private partnership and provides counselors and school system personnel working as classroom teachers, tutors, and visiting teachers and provides academic support services including computerized remedial laboratories in reading and math, summer school remediation programs, and programs preparing students for the Scholastic Aptitude Test, and

WHEREAS, the Dade County Public Schools, Miami-Dade Community College, St. Thomas University, the Cities-In-Schools Program, the Job Service of Florida, and the United Way, along with more than two dozen other organizations have worked together to make the Stay-In-School Program a success, NOW, THEREFORE,

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

That the Florida Senate hereby commends the Stay-In-School Program for its recognition by President George Bush in receiving the Job Training Partnership Act Presidential Award and in its efforts in improving the lives of young people in South Florida, and commends Frank W. Krauser for his national recognition as an Outstanding Private Sector Volunteer.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the PIC/SFETC/Cities in Schools/Dade County Public Schools Stay-In-School Program and to Frank W. Krauser as a tangible token of the sentiments of the Florida Senate.

On motion by Senator Thomas, **SR 2478** was read by title and was read the second time in full and adopted.

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

By Senator Kirkpatrick—

SR 2476—A resolution commending the University of Florida and Dr. Lonnie Ingram.

WHEREAS, the U.S. Patent Office in March 1991 awarded the nation's five millionth patent to a University of Florida scientist, and

WHEREAS, University of Florida microbiologist Lonnie O. Ingram has developed a process to make ethanol, a clean, abundant substitute for gasoline, by combining the genetic traits of two bacteria to create a new organism that can convert a broad range of organic matter into ethanol, commonly known as grain alcohol, and

WHEREAS, the discovery has been heralded as among the most significant developments to come out of an American university, giving mankind its first economical, totally renewable, environmentally benign liquid fuel, and

WHEREAS, since Americans currently consume about one billion gallons of ethanol annually, primarily as an octane-increasing additive in 100 billion gallons of gasoline, Dr. Ingram's new technology could result in the high-octane fuel replacing gasoline in the nation's vehicles, and

WHEREAS, the University of Florida has become one of the top 25 research universities in the nation, assisting business and industry, and ranks fifth in the nation in total income from royalties and licenses, and

WHEREAS, the strength of the research work of the faculty of the University of Florida, including the work of Dr. Ingram, has gained national credibility for the University of Florida and the State University System of Florida, NOW, THEREFORE,

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

That the University of Florida and Dr. Lonnie Ingram, and his support faculty, staff, and students, are commended for the visionary research that led to the awarding of the five millionth U.S. patent and for outstanding leadership and creativity that has placed the University of Florida among the nation's very best public universities to the benefit of all Floridians.

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

On motion by Senator Kirkpatrick, **SR 2476** was read by title and was read the second time in full and adopted.

Senator Kirkpatrick introduced Dr. Ingram, Micro-Biologist, University of Florida, who was seated in the gallery.

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

By Senators Langley, Dantzer, Jennings, Myers, Beard, Gordon, Dudley, McKay, Wexler, Crotty, Souto, Kurth, Yancey, Thurman, Bruner, Childers, Walker and Plummer—

SM 2480—A memorial to the President and the Congress of the United States and the United States Trade Representative negotiating the proposed United States-Mexican Free Trade Agreement, urging them to exempt Florida's winter-grown agricultural commodities, and products made from them, from that agreement and to require, as part of that agreement, equivalent food, sanitary, phytosanitary, and pesticide regulation and inspection.

WHEREAS, eating fresh fruits and vegetables every day provides good nutrition and can reduce the risk of heart disease and cancer, and

WHEREAS, the Florida agricultural industry produces more than half of the nation's supply of winter fruits and vegetables and is the sole supplier of many fruits and vegetables for several months each year, and

WHEREAS, agriculture is Florida's premier industry, producing more than \$6.2 billion in annual sales and providing jobs for more than 100,000 Floridians, and

WHEREAS, the proposed United States-Mexican Free Trade Agreement threatens Florida agriculture by proposing the elimination of tariffs, which may shift control of the production of our food supply to a foreign nation, and

WHEREAS, Mexico does not have an equivalent regulatory program to ensure that pesticide use, food safety, and phytosanitary practices are strictly monitored and enforced, and

WHEREAS, differences in wage laws, farmworker safety and sanitation laws, workers' compensation laws, and environmental protection laws give Mexican growers an advantage to the detriment of Florida growers in what should be a fair trade agreement, NOW, THEREFORE,

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

That the President and the Congress of the United States and the United States Trade Representative are requested to exempt Florida's winter-grown agricultural commodities, citrus fruits, and products made from them, from the proposed United States-Mexican Trade Agreement.

BE IT FURTHER RESOLVED that the President of the United States, the Congress of the United States, and the United States Trade Representative insist, as part of that agreement, on equivalent food, sanitary, phytosanitary, and pesticide regulations, the enforcement of which will be verified by onsite inspections.

BE IT FURTHER RESOLVED that the President of the United States, the Congress of the United States, and the United States Trade Representative emphasize the importance of the nation's fruit and vegetable industry to our nation's security by preserving the domestic production of essential food.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the Florida delegation to the United States Congress, and to the United States Trade Representative negotiating the proposed United States-Mexican Free Trade Agreement.

—was read by title. On motion by Senator Langley, by two-thirds vote **SM 2480** was read the second time by title, adopted and certified to the House. The vote on adoption was:

Yeas—32 Nays—None

SPECIAL ORDER

SB 988—A bill to be entitled An act relating to driving under the influence; prohibiting the release of a person arrested for driving under the influence until he is no longer under the influence of alcoholic beverages, chemical substances, or controlled substances to the extent that his faculties are impaired or until his blood alcohol level is less than 0.05 percent; providing an effective date.

—was read the second time by title.

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

On motion by Senator Kurth, by two-thirds vote **SB 988** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

Consideration of **SB 606** was deferred.

On motions by Senator Childers, by two-thirds vote **HB 2423** was withdrawn from the Committees on Commerce; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Childers—

HB 2423—A bill to be entitled An act relating to the Florida Credit Union Guaranty Corporation Act; providing for the conversion to federal share insurance through the National Credit Union Administration or the liquidation or merger of all member credit unions and the dissolution of the Florida Credit Union Guaranty Corporation; amending s. 657.251, F.S.; providing a purpose; amending s. 657.253, F.S.; defining member credit union; amending s. 657.257, F.S.; providing for the conversion of member credit unions to federal share insurance and deleting certain procedural requirements for such conversion; amending s. 657.258, F.S.; providing standards in pledging or advancing funds or entering into agreements with the National Credit Union Administration or providing assistance to member credit unions to qualify for federal share insurance; providing for a determination date for liquidating distributions; amending s. 657.259, F.S.; providing that the plan of operation provide for dissolution of the corporation; amending s. 657.260, F.S.; providing authority to the department to require the corporation to take any required action; amending s. 657.262, F.S.; permitting the department to charge the corporation the actual cost of examination of certain member credit unions when examination is requested; amending s. 657.263, F.S.; permitting the department to charge the corporation the actual cost of its annual examination; providing for disposition of the records of the corporation; creating s. 657.269, F.S.; providing for the orderly dissolution of the Florida Credit Union Guaranty Corporation; providing for retroactive application; reviving and readopting various sections of ch. 657, F.S., notwithstanding their scheduled repeal; providing for future review and repeal of specified sections of ch. 657, F.S., pursuant to the Regulatory Sunset Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1892** and read the second time by title. On motion by Senator Childers, by two-thirds vote **HB 2423** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

On motion by Senator Childers, the rules were waived and **HB 2423** was ordered immediately certified to the House.

On motion by Senator Bruner, by two-thirds vote **HB 2275** was withdrawn from the Committee on Appropriations.

On motion by Senator Bruner—

HB 2275—A bill to be entitled An act relating to probation services; amending s. 948.01, F.S.; revising and reorganizing provisions relating to the supervision of misdemeanants; providing that adjudications withheld for forcible felonies preclude placement of an offender in community control; reenacting ss. 921.187(1)(a) and 944.28(1), F.S., relating to disposition and forfeiture of gain-time, to incorporate the amendment to s. 948.01, F.S., in references thereto; creating s. 948.015, F.S.; providing for presentence investigation reports; amending s. 948.03, F.S.; revising and reorganizing provisions relating to electronic monitoring and work programs; deleting provisions relating to private entities; amending s. 948.04, F.S.; deleting misdemeanor probation provisions and providing for early terminations of probation; amending and renumbering s. 944.025, F.S.,

relating to pretrial intervention program; amending and renumbering s. 945.30, F.S., relating to the cost of supervision and rehabilitation payment, and reenacting and amending ss. 946.40(5), 947.1405(2), and 948.06(4), F.S., relating to use of prisoners in public works, conditional release, and violation of probation, to incorporate the amendment to s. 945.30, F.S., in references thereto; creating s. 948.11, F.S.; providing for electronic monitoring devices; creating s. 948.15, F.S.; providing for misdemeanor probation services and requiring private misdemeanor probation services to contract with the county; amending s. 947.146, F.S.; revising and reorganizing provisions relating to control release, and authorizing a warrant to be issued for an ineligible control releasee; amending s. 947.22, F.S.; authorizing the department to arrest offenders who have violated their control release or conditional release; providing an effective date.

—a companion measure, was substituted for **CS for SB 908** and read the second time by title.

The Committee on Corrections, Probation and Parole recommended **Amendments 1, 2, 3, 4, 5, 6 and 7** which were moved by Senator Bruner and adopted.

Senators Bankhead and Dantzler offered **Amendments 8 and 9** which were moved by Senator Bankhead and adopted.

On motion by Senator Bruner, by two-thirds vote **HB 2275** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

On motions by Senator Plummer, by two-thirds vote **CS for HB 1945** was withdrawn from the Committees on Criminal Justice and Judiciary.

On motion by Senator Plummer—

CS for HB 1945—A bill to be entitled An act relating to witnesses in criminal proceedings; amending s. 905.17, F.S.; providing that a witness under examination by a grand jury may have an attorney present for advisement and consultation; prohibiting representation of multiple clients by an attorney before the grand jury; providing an effective date.

—a companion measure, was substituted for **CS for SB 1152** and read the second time by title. On motion by Senator Plummer, by two-thirds vote **CS for HB 1945** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31 Nays—6

On motion by Senator Plummer, the rules were waived and **CS for HB 1945** was ordered immediately certified to the House.

SB 1062—A bill to be entitled An act relating to oil and gas production; authorizing the Department of Natural Resources to accept grants and donations for deposit into the Research Account of the Petroleum Exploration and Production Bond Trust Fund; requiring the department to develop and implement a research program with respect to abandonment and plugging procedures for wells abandoned before 1974, to investigate possible economic and environmental risks from such wells, to recommend action with respect to such wells, and to undertake a pilot program of remedial action; providing for an advisory committee; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote **SB 1062** 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 642—A bill to be entitled An act relating to wildlife; amending s. 372.663, F.S.; prohibiting the intentional killing, possession, injuring, or capturing of alligators or other crocodilia, or the eggs of either, unless authorized by the rules of the Game and Fresh Water Fish Commission; providing penalties; providing for confiscation of equipment used; amending s. 372.711, F.S.; increasing the civil penalty imposed for certain noncriminal infractions relating to wildlife, imposing a civil penalty for other noncriminal infractions; increasing the period of time in which a person must pay the civil penalty; amending s. 372.83, F.S.; specifying penalties for certain noncriminal infractions and misdemeanor violations of ch. 372, F.S.; providing penalties for certain other violations and for subsequent violations; requiring the suspension or revocation of licenses or permits issued pursuant to ch. 372, F.S., under certain circum-

stances; prohibiting the killing or wounding of any species designated as endangered, threatened, or of special concern, or destroying the eggs or nest of any such species; providing criminal penalties; amending s. 372.911, F.S.; repealing a general penalty provision; repealing s. 372.68, F.S.; relating to requirements for monthly reports from freshwater fish dealers; repealing s. 372.71, F.S., as amended; relating to penalties for violation of ch. 372, F.S.; providing an effective date.

—was read the second time by title.

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

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

On motion by Senator Kirkpatrick, by two-thirds vote **CS for SB 642** 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

SENATOR CHILDERS PRESIDING

The Senate resumed consideration of—

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.

—which had been considered April 17. Pending **Amendment 2** was adopted.

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

On motion by Senator Kirkpatrick, the Senate reconsidered the vote by which **Amendment 3** was adopted.

Senator Kirkpatrick moved **Amendment 3A** which was adopted.

Amendment 3 as amended was adopted.

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

Senator Bankhead moved **Amendments 5, 6, 7 and 8** which were adopted.

On motion by Senator Bankhead, by two-thirds vote **SB 918** 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 Bankhead, the rules were waived and **SB 918** was ordered immediately certified to the House.

THE PRESIDENT PRESIDING

CS for SB 1586—A bill to be entitled An act relating to maternal and child health; creating s. 383.135, F.S.; providing for establishing prenatal and infant health care coalitions; providing for each coalition, in coordination with the Department of Health and Rehabilitative Services, to develop a plan; providing requirements for the plan; providing for departmental duties; providing for coalition membership, terms of office, funding, staffing, and incorporation; providing for rulemaking; requiring the department to develop and submit to the Legislature a plan for decategorizing certain resources which includes an alternative reimbursement methodology for providers of certain services; amending s. 383.14, F.S.; requiring the screening of infants and their families for specified environmental risk factors; requiring the department to ensure that the screening information registry is integrated with the department's automated data systems; providing for rulemaking; providing for developing a risk-assessment instrument; providing for supplying nutrition education and foods to certain individuals; requiring the coordination of s. 383.14(3), F.S., with certain other legal provisions; creating s. 383.142, F.S.; requiring the department to establish Healthy Start Care Coordination programs in the county public health units; providing for family outreach workers; requiring screening programs for families identified as being at risk; requiring the provision of services under this section to be

consistent with other specified legal provisions and plans; creating s. 383.143, F.S.; requiring the department annually to compile and analyze risk information and submit a report to the Legislature; providing requirements for the contents of the report; amending s. 409.266, F.S.; expanding the group of persons eligible for certain medical assistance; amending s. 427.012, F.S.; adding a representative of maternal and child health care providers to the Transportation Disadvantaged Commission; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended **Amendment 1** which was moved by Senator Weinstock and adopted.

Senator Langley moved **Amendment 2** which failed.

On motion by Senator Weinstock, by two-thirds vote **CS for SB 1586** 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—1

On motion by Senator Weinstock, the rules were waived and **CS for SB 1586** was ordered immediately certified to the House.

Consideration of **HB 2251** was deferred.

CS for HB 2343—A bill to be entitled An act relating to education; amending s. 229.591, F.S.; revising provisions relating to comprehensive revision of Florida's system of school improvement and responsibility; providing intent for a system of school improvement and education accountability; providing requirements and education goals; amending s. 229.592, F.S.; providing for implementation of the system of improvement and accountability; providing duties of the Legislature, Commissioner of Education, Department of Education, and State Board of Education; providing for exceptions to the law; amending ss. 229.593 and 229.594, F.S.; deleting the Commission to Improve Schools and Simplify Education Reports and providing for the Florida Commission on Education Reform and Accountability and duties thereof; amending s. 24.121, F.S.; revising provisions relating to use and distribution of revenues from the sale of lottery tickets; amending s. 120.68, F.S.; providing for judicial review of certain actions; amending s. 228.041, F.S.; providing for definition of the term performance standard; amending ss. 228.0617, 229.551, 229.575, 229.59, and 233.0615, F.S.; conforming language; amending s. 229.512, F.S.; providing an additional duty of the commissioner; amending s. 229.58, F.S.; changing district and school advisory committees to councils and revising certain requirements thereof; amending s. 230.03, F.S.; providing duties of school principals; amending s. 230.23, F.S.; providing duties of school boards for implementation of a system of school improvement and education accountability; providing contents of such system; amending s. 230.33, F.S.; providing related duties of superintendents; amending s. 230.2316, F.S.; revising certain requirements relating to educational alternatives programs; amending s. 231.085, F.S.; providing duties of principals; authorizing the reorganization of the Division of Public Schools; providing for consideration for appointment to the Florida Commission on Education Reform and Accountability; repealing ss. 229.861, 229.863, 229.865, 229.867, F.S.; relating to Board of Public Schools; providing for review and repeal; providing an effective date.

—was read the second time by title.

Senator Walker moved **Amendment 1**.

Senator Walker moved **Amendments 1A** and **1B** which were adopted.

Senators Johnson and Walker offered **Amendment 1C** which was moved by Senator Walker and adopted.

Amendment 1 as amended was adopted.

Senator Walker moved **Amendment 2**.

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

Amendment 2 as amended was adopted.

On motion by Senator Walker, by two-thirds vote **CS for HB 2343** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motion by Senator Walker, the rules were waived and **CS for HB 2343** was ordered immediately certified to the House.

On motions by Senator Jenne, by two-thirds vote **HB 1167** was withdrawn from the Committees on Commerce; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Jenne—

HB 1167—A bill to be entitled An act relating to cigarette permitting; reenacting and amending ss. 210.15, 210.16, and 210.161, F.S., which provide procedures and requirements for issuance of cigarette distributing agent, wholesale dealer, and exporter permits; including distributing agents within provisions relating to qualifications for issuance of permits and refusal of permits; requiring distributing agents to file a set of fingerprints prior to permit approval; revising language relating to the power of the Division of Alcoholic Beverages and Tobacco to revoke wholesale dealers' permits; providing a retroactive effective date.

—a companion measure, was substituted for **CS for CS for SB 280** and read the second time by title. On motion by Senator Jenne, by two-thirds vote **HB 1167** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

RECONSIDERATION

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

SB 988—A bill to be entitled An act relating to driving under the influence; prohibiting the release of a person arrested for driving under the influence until he is no longer under the influence of alcoholic beverages, chemical substances, or controlled substances to the extent that his faculties are impaired or until his blood alcohol level is less than 0.05 percent; providing an effective date.

—passed as amended this day.

On motion by Senator Myers, by two-thirds vote the Senate reconsidered the vote by which **SB 988** was read the third time.

On motions by Senator Myers, the Senate reconsidered the vote by which **Amendments 1, 2** and **3** were adopted. By permission, **Amendments 1, 2** and **3** were withdrawn.

On motion by Senator Myers, by two-thirds vote **SB 988** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

CS for SB 424—A bill to be entitled An act relating to cigarettes and other tobacco products; providing for a temporary initial permit; providing for a fee; providing for renewal of an expired permit; providing a fee for such renewal; providing for the disposition of fees; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **CS for SB 424** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32 Nays—None

On motion by Senator Forman, the rules were waived and **CS for SB 424** was ordered immediately certified to the House.

CS for SB's 388 and 394—A bill to be entitled An act relating to insurance; amending s. 627.4143, F.S.; requiring the outline of coverage for private passenger motor vehicle insurance to include information on coverage of collision damage to rental vehicles; requiring such information to be included on proof-of-insurance cards; amending s. 627.311, F.S.; prohibiting discounts; requiring submission of information upon request; providing an effective date.

—was read the second time by title.

Senators Crotty and Grant offered **Amendment 1** which was moved by Senator Grant.

Further consideration of **CS for SB's 388 and 394** with pending **Amendment 1** was deferred.

Consideration of **CS for SB 1784** was deferred.

On motions by Senator Jenne, by two-thirds vote **CS for HB 837** was withdrawn from the Committees on Commerce and Appropriations.

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

CS for HB 837—A bill to be entitled An act relating to loan brokers; providing definitions; prohibiting loan brokers from performing certain acts; providing for the responsibility of principals; providing for investigations, cease and desist orders, and hearing procedures with respect to loan brokers; providing for fines and disposition thereof; providing for examinations, subpoenas, hearings, and witnesses; providing for injunctions to restrain violations; providing criminal penalties; providing for actions for damages; providing for the powers and duties of the Department of Banking and Finance; providing an effective date.

—a companion measure, was substituted for **CS for SB 718** and by two-thirds vote read the second time by title. On motion by Senator Jenne, by two-thirds vote **CS for HB 837** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

SB 1640—A bill to be entitled An act relating to federal law enforcement officers; providing a definition; granting certain powers to such federal officers with respect to arrests without warrants, use of force, searches and seizures, and possession of firearms; providing an effective date.

—was read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote **SB 1640** 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 Diaz-Balart, the rules were waived and **SB 1640** was ordered immediately certified to the House.

CS for SB 1876—A bill to be entitled An act relating to state employment; prohibiting certain position upgrades and salary increases for positions in the Senior Management Service and the Selected Exempt Service at certain times; providing exceptions; providing a limitation on the payment of unused annual leave; providing an effective date.

—was read the second time by title.

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

On motion by Senator Girardeau, by two-thirds vote **CS for SB 1876** 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 1986—A bill to be entitled An act relating to convention development taxes; amending s. 212.0305, F.S.; increasing the rate of the special district convention development tax, the special convention development tax, and the subcounty convention development tax; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote **SB 1986** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32 Nays—None

CS for CS for SB 1976—A bill to be entitled An act relating to local occupational license taxes; creating s. 205.0315, F.S.; providing requirements for new occupational license tax ordinances adopted after October 1, 1992; amending ss. 205.032, 205.042, F.S.; revising the time for the publication of notice by a county or municipality prior to adoption of such taxes; amending ss. 205.033, 205.043, F.S.; revising fees for transfer of licenses; providing that provisions relating to distribution of county tax revenues are not applicable in certain circumstances; prohibiting adoption of an ordinance by certain counties levying an additional tax for economic development after January 1, 1993; specifying that revenues generated by the county tax may be used for economic development purposes; creating s. 205.045, F.S.; providing that a municipality may transfer to the county, and a county may transfer to a municipality, administrative duties relating to such taxes; amending s. 205.053, F.S.; revising the date for sale of licenses and the due date thereof; providing civil penalties for failure to obtain a required license; providing for costs and attorneys' fees; creating s. 205.0535, F.S.; authorizing counties and municipalities to reclassify occupations and establish new rate structures; providing

requirements and limitations; providing requirements for subsequent rate increases; creating s. 205.0536, F.S.; providing for the distribution of county tax revenues after October 1, 1992; creating s. 205.0537, F.S.; providing requirements with respect to licensing of vending and amusement machines; amending s. 1, ch. 90-184, Laws of Florida; providing additional duties of the Occupational License Tax Study Commission and extending the expiration date thereof; providing effective dates.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **CS for CS for SB 1976** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—2

On motions by Senator Weinstein, by two-thirds vote **CS for HB's 21 and 67** was withdrawn from the Committees on Commerce and Criminal Justice.

On motion by Senator Weinstein—

CS for HB's 21 and 67—A bill to be entitled An act relating to condominiums; amending s. 718.114, F.S.; revising language with respect to the authority to conduct bingo games by condominium associations; amending s. 849.093, F.S.; providing criteria for an authorized condominium association's right to conduct bingo games; providing an effective date.

—a companion measure, was substituted for **CS for SB 262** and read the second time by title. On motion by Senator Weinstein, by two-thirds vote **CS for HB's 21 and 67** 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 Thurman, by two-thirds vote **CS for HB 1065** was withdrawn from the Committee on Governmental Operations.

On motion by Senator Thurman—

CS for HB 1065—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for certain information required from prospective bidders by agencies in connection with roads or other public works projects; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for **CS for SB 692** and read the second time by title. On motion by Senator Thurman, by two-thirds vote **CS for HB 1065** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

RECESS

On motion by Senator Thomas, the Senate recessed at 12:00 noon 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 2:00 p.m. A quorum present—33:

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

SPECIAL ORDER, continued

CS for SB 536—A bill to be entitled An act relating to high-blood-pressure screening; providing legislative intent; authorizing screening of high-risk populations residing in public housing projects in three metropolitan counties; directing the Department of Health and Rehabilitative Services to incorporate pilot-project, screening-related activities into ongoing activities of comprehensive health improvement projects conducted by county public health units in those counties; providing for

periodic reports; directing the department to seek federal funding or matching funding; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **CS for SB 536** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—None

The Senate resumed consideration of—

CS for SB's 388 and 394—A bill to be entitled An act relating to insurance; amending s. 627.4143, F.S.; requiring the outline of coverage for private passenger motor vehicle insurance to include information on coverage of collision damage to rental vehicles; requiring such information to be included on proof-of-insurance cards; amending s. 627.311, F.S.; prohibiting discounts; requiring submission of information upon request; providing an effective date.

—with pending **Amendment 1**.

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

Amendment 1 as amended was adopted.

Senators Crotty and Grant offered **Amendment 2** which was moved by Senator Grant.

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

Amendment 2 as amended was adopted.

Senator Kiser moved that the Senate reconsider the vote by which **Amendment 1** as amended was adopted. The motion failed.

On motion by Senator Crotty by two-thirds vote **CS for SB's 388 and 394** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—24 Nays—3

CS for CS for SB 1044—A bill to be entitled An act relating to claims involving the state; creating s. 17.0415, F.S.; providing that the Comptroller may authorize the assignment of claims among the state, its agencies, and its subdivisions for setoff or collection purposes; amending s. 284.385, F.S.; providing for a system to coordinate the exchange of information about claims for and against the state; amending s. 768.28, F.S.; specifying prior unpaid claims information that must be disclosed; authorizing remedy and liquidated damages for unexcused failure to disclose; providing circumstances under which a court may excuse incomplete or inaccurate compliance; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote **CS for CS for SB 1044** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—None

On motion by Senator Scott, the rules were waived and **CS for CS for SB 1044** was ordered immediately certified to the House.

CS for SB 992—A bill to be entitled An act relating to public nuisances; amending s. 893.138, F.S.; including prostitution-related activities in a provision of law permitting local administrative action to abate a public nuisance; providing that orders issued by local administrative boards may be enforced pursuant to certain procedures in the Administrative Procedure Act; providing that such boards may seek temporary and permanent injunctive relief; providing an effective date.

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote **CS for SB 992** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31 Nays—None

CS for SB 1784—A bill to be entitled An act relating to minority business enterprises; amending s. 287.042, F.S.; establishing goals for state agencies in procuring services from minority businesses; requiring the Department of General Services to develop guidelines for agencies to determine certain base amounts to attain such goals; requiring state agencies to maintain records of minority business contracts; amending s. 287.0945, F.S.; providing legislative findings; locating the Minority Business Enterprise Assistance Office within the Division of Purchasing of the department; amending s. 288.703, F.S.; revising definitions for pur-

poses of the Florida Small and Minority Business Assistance Act of 1985; requiring the department to review and assess the use of minority business enterprises in state contracts; requiring a report; amending s. 24.113, F.S.; specifying that the Department of Lottery is to meet certain minority business enterprise participation goals; providing an effective date.

—was read the second time by title.

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

Senator Childers moved **Amendment 2** which was adopted.

On motion by Senator Malchon, by two-thirds vote **CS for SB 1784** 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—2

On motion by Senator Davis, by two-thirds vote **CS for HB 737** was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Davis—

CS for HB 737—A bill to be entitled An act relating to air ambulance services; amending s. 401.48, F.S.; requiring air ambulance services to provide written statements on services to be rendered and the cost for such services under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1302** and read the second time by title. On motion by Senator Davis, by two-thirds vote **CS for HB 737** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—None

CS for CS for SB 1316—A bill to be entitled An act relating to accountant client privilege; amending s. 473.316, F.S.; providing that proceedings, records, and workpapers of a review committee reviewing the professional work of a licensed accountant are privileged; providing exceptions; prohibiting members of a review committee from testifying; providing definitions; providing an effective date.

—was read the second time by title. On motion by Senator Dantzler, by two-thirds vote **CS for CS for SB 1316** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29 Nays—None

On motions by Senator Dudley, by two-thirds vote **HB 907** was withdrawn from the Committees on Professional Regulation; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Dudley—

HB 907—A bill to be entitled An act relating to real estate appraisers; amending s. 20.30, F.S.; creating the Florida Real Estate Appraisal Board; amending s. 475.01, F.S.; redefining the term "broker" and deleting reference to appraisers; redefining services provided by salespersons; amending s. 475.011, F.S.; providing exemptions to regulation by the Florida Real Estate Commission for persons who are, or are studying to become, real estate appraisers; amending ss. 475.04, 475.25, and 475.451, F.S., and repealing s. 475.42(1)(m), F.S.; deleting reference to real estate appraisers; repealing s. 475.501, F.S., relating to regulation of real estate appraisers; creating part II of chapter 475, F.S., consisting of ss. 475.610-475.630, F.S.; providing for the regulation of real estate appraisers; providing legislative purpose; providing definitions; providing for certification or licensure; creating the Florida Real Estate Appraisal Board; providing for rulemaking power; providing qualifications for registration, licensure, and certification; providing fees; providing examination requirements; providing education and experience requirements; providing for renewal and continuing education; providing for inactive status; providing that corporations and partnerships are ineligible for licensure or certification; providing for a registry of licensed and certified appraisers; providing for display and disclosure of licensure or certification; providing for registration of office locations; providing for discipline; providing for final orders; providing for violations and penalties; providing for real estate appraisal course instructors; providing professional standards; providing for retention of records; providing for temporary practice; directing that changes in terminology in the Florida Statutes be made; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for **CS for SB 968** and read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 907** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29 Nays—None

SB 950—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.20, F.S.; clarifying the procedures for issuance of alcoholic beverage licenses pursuant to the state population estimate; amending s. 562.13, F.S.; providing that it is unlawful for any vendor licensed under the beverage laws to employ persons convicted of certain felony violations as a manager or person in charge or as a bartender; amending s. 564.06, F.S.; deleting obsolete language relating to wine; consolidating existing fees; amending s. 565.12, F.S.; deleting obsolete language relating to liquor; consolidating existing fees; providing an effective date.

—was read the second time by title.

Senator Jennings moved **Amendment 1**.

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

Amendment 1 as amended was adopted.

Senator Jennings moved **Amendment 2**.

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

Amendment 2 as amended was adopted.

On motion by Senator Dantzler, by two-thirds vote **SB 950** 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

On motions by Senator Forman, by two-thirds vote **HB 967** was withdrawn from the Committees on Commerce and Professional Regulation.

On motion by Senator Forman, by unanimous consent—

HB 967—A bill to be entitled An act relating to “The Motor Vehicle Retail Sales Finance Act”; amending s. 520.085, F.S.; revising provisions relating to finance charges with respect to a retail installment contract representing the sale of a motor vehicle primarily for business or commercial purposes; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Forman, by two-thirds vote **HB 967** 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 840—A bill to be entitled An act relating to the Beverage Law; amending s. 561.01, F.S.; defining the term “exporter” for purposes of the Beverage Law; amending ss. 561.14, 561.17, F.S.; requiring persons exporting alcoholic beverages to register with the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation; amending s. 561.20, F.S.; authorizing the division to issue special 3-day licenses for conducting specified types of special sales; prescribing an application fee; amending s. 561.22, F.S.; prohibiting an exporter of alcoholic beverages from obtaining an alcoholic beverage vendor’s license; amending s. 561.24, F.S.; prohibiting certain manufacturers of alcoholic beverages from registering as exporters of alcoholic beverages; amending s. 561.32, F.S.; prohibiting the transfer of a license as a matter of right if certain administrative proceedings have been or will be brought against the license; amending s. 561.331, F.S.; providing for a temporary beverage license to be issued upon request for a change in the type or series of a license; providing a fee for application for such temporary license; amending ss. 561.37, 561.38, F.S.; deleting provisions requiring exporters of alcoholic beverages to secure payment of taxes by surety bonds filed with the division; amending s. 561.41, F.S.; requiring an exporter of alcoholic beverages to provide the division with certain records and allow the division access to its premises; providing rulemaking authority; amending s. 561.43, F.S.; prohibiting an exporter of alcoholic beverages from registering to operate in a dry county; amending s. 561.55, F.S.; providing recordkeeping requirements for exporters and vendors of alcoholic beverages; requiring exporters to supply to the division copies of certain reports prepared pursuant to federal regulations; amending s. 562.11, F.S.; providing an additional form of identification for use in proving legal age under the Beverage Law; amending s. 562.12, F.S.; prohibiting a person from operating as an exporter of alcoholic beverages without being registered as an exporter; providing a penalty; amending s. 562.45, F.S.; authorizing counties to enact ordinances regulating certain matters respecting the sale of alcoholic beverages; requiring a licensee to provide documentation of proper zoning prior to approval of a change in the series of a license or in the licensee’s location; prescribing authority of

counties and municipalities with respect to regulation of certain bottle clubs; amending s. 562.47, F.S.; revising the elements which constitute prima facie evidence that a beverage is an alcoholic beverage; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote **CS for SB 840** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

SB 1686—A bill to be entitled An act relating to health coverages; amending ss. 627.6415, 627.6578, 641.31, F.S.; providing that individual or group health insurance policies and health maintenance organizations may not exclude coverage on certain adopted children for preexisting conditions; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended **Amendment 1** which was moved by Senator Malchon and adopted.

The Committee on Commerce recommended **Amendments 2 and 3** which were moved by Senator Malchon and failed.

On motion by Senator Malchon, by two-thirds vote **SB 1686** 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

CS for SB 1428—A bill to be entitled An act relating to the collection of ad valorem taxes; amending s. 192.091, F.S.; increasing the commission the tax collector is entitled to receive for the collection of all real and tangible personal property taxes and assessments; amending s. 193.085, F.S.; providing for the certification of railroad property valuations by the Department of Revenue to the property appraiser; providing for notice of such valuations and an informal hearing if requested; amending ss. 197.182, 197.432, 197.443, F.S.; allowing tax refunds resulting from the correction of tax certificates; exempting such refunds from a statute of limitations; providing for retroactivity; repealing s. 197.364, F.S., relating to collection by the Department of Revenue, as the agent of county tax collectors, of ad valorem taxes assessed against the operating property of railroads and private railroad car lines; amending s. 194.171, F.S.; providing limitations with respect to actions to contest the denial of tax refunds; amending s. 194.181, F.S.; prescribing parties to actions contesting the denial of tax refunds; amending s. 197.182, F.S.; providing for denial of refund in writing; providing an effective date.

—was read the second time by title.

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

On motion by Senator Forman, by two-thirds vote **CS for SB 1428** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31 Nays—None

On motion by Senator Forman, the rules were waived and **CS for SB 1428** was ordered immediately certified to the House.

CS for SB 1888—A bill to be entitled An act relating to attorney’s fees; amending s. 73.092, F.S.; providing for the award of attorney’s fees in inverse condemnation proceedings; prohibiting the use of a contingency fee multiplier in determining attorney’s fees in eminent domain or inverse condemnation proceedings; 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 Grizzle, by two-thirds vote **CS for SB 1888** 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

CS for SB 1896—A bill to be entitled An act relating to medical negligence; amending ss. 458.331, 459.015, 461.013, 466.028, F.S., relating to physicians, osteopathic physicians, podiatrists, and dentists; deleting settlement of claims against the practitioner as indicative of “repeated malpractice” and requiring judgments rather than claims against the practitioner to mandate department investigation; specifying grounds for

disciplinary action; reenacting ss. 455.241(2), 455.245(3), 458.311(5), 458.313(7), 466.011, F.S., relating to patient records, suspension of practitioner licenses, licensure by examination, licensure by endorsement, and certification for licensure, to incorporate said amendments in references thereto; amending s. 766.106, F.S.; providing for sufficiency of notice to prospective defendants, and reenacting ss. 458.331(9), 459.015(9), F.S., relating to grounds for disciplinary actions against physicians and osteopathic physicians, to incorporate said amendment in references thereto; providing an effective date.

—was read the second time by title.

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

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

Senator Weinstein moved **Amendment 5** which was adopted.

On motion by Senator Kurth, by two-thirds vote **CS for SB 1896** 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

On motion by Senator Kurth, the rules were waived and **CS for SB 1896** was ordered immediately certified to the House.

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

CS for HB 743—A bill to be entitled An act relating to mental health; amending s. 394.459, F.S.; revising patient's right to express and informed consent; providing for consent to admission to a facility; revising procedures with respect to minors; creating s. 394.4784, F.S.; providing to certain minors access to outpatient crisis intervention services including diagnostic and evaluative services and therapy and counseling; providing limitations; providing for parental participation; providing limitations on parental financial liability; providing rights of professionals; amending s. 394.715, F.S.; modifying procedure for appointment of members to the district alcohol, drug abuse, and mental health planning councils; providing a residency requirement; specifying a five-member nominating committee; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2186** and by two-thirds vote read the second time by title. On motion by Senator Kiser, by two-thirds vote **CS for HB 743** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

Consideration of **CS for SB 1894** was deferred.

On motions by Senator Grant, by two-thirds vote **CS for HB 595** was withdrawn from the Committees on Professional Regulation and Appropriations.

On motion by Senator Grant—

CS for HB 595—A bill to be entitled An act relating to buying services; creating ss. 559.3901-559.3906, F.S.; creating the Buying Services Act of 1991; providing definitions; providing for right of cancellation, refunds, nonwaivable rights, requirements, notice and effect of noncompliance with respect to contracts of membership; providing for required disclosures and prohibited acts; providing penalties with respect to violations of the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 782** and read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for HB 595** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—1

CS for SB 1894—A bill to be entitled An act relating to professional regulation; amending s. 287.055, F.S.; providing that a design-build firm includes certain practitioners; amending s. 373.117, F.S.; providing for certification by professionals regulated by the Department of Professional Regulation; amending s. 455.242, F.S.; deleting requirement relating to disposition of records of deceased hearing aid specialists; amending s. 464.004, F.S.; revising the membership of the Board of Nursing; amending s. 466.006, F.S.; revising requirements applicable to applicants to practice dentistry who are graduates of certain colleges or schools not accredited or approved; amending s. 470.006, F.S.; requiring an internship in order to be granted a license as an embalmer; amending s. 470.008,

F.S.; revising fee for application to become an embalmer intern; amending s. 470.009, F.S.; requiring an internship in order to be granted a license as a funeral director; revising contents of examination for funeral directors; amending s. 470.012, F.S.; revising fee for application to become a funeral director intern; amending s. 470.024, F.S.; providing requirement for a change in ownership of a funeral establishment; amending s. 470.025, F.S.; providing requirement for change in ownership of a cinerator facility; amending s. 473.303, F.S.; providing requirements relating to the probable cause panel of the Board of Accountancy; amending s. 473.314, F.S.; revising application fee for temporary licenses for certified public accountants; amending s. 473.323, F.S.; increasing administrative fine for violations relating to certified public accountants; amending s. 481.217, F.S.; revising requirements for reactivating a registered interior designer license; amending s. 484.042, F.S.; providing requirements relating to the probable cause panel of the Board of Hearing Aid Specialists; amending s. 484.0447, F.S.; revising fees relating to hearing aid specialists; repealing s. 484.046, F.S., relating to licensure by endorsement to practice dispensing of hearing aids; amending s. 484.047, F.S.; revising requirements relating to renewal of hearing aid specialist licenses; repealing s. 484.048, F.S., relating to inactive status of such licenses; amending s. 484.054, F.S.; revising provisions relating to the unlawful sale or distribution of hearing aids through the mail; amending s. 484.056, F.S.; revising provisions relating to disciplinary proceedings relating to the dispensing of hearing aids; amending s. 489.103, F.S.; deleting an exemption from application of requirements relating to construction contracting; amending s. 489.105, F.S.; revising the definition of contracting; amending s. 489.107, F.S.; providing for meetings of the Construction Industry Licensing Board with the Electrical Contractors' Licensing Board; amending s. 489.119, F.S.; revising provisions relating to the use of fictitious names; amending s. 489.127, F.S.; adding prohibitions with respect to contractors; revising provisions relating to enforcement and issuance of citations; providing additional penalties; revising provisions relating to hearings and orders; amending s. 489.129, F.S.; revising provisions relating to acts for which disciplinary proceedings are taken; amending s. 489.131, F.S.; revising provisions with respect to applicability of provisions relating to contractors; amending s. 489.133, F.S.; revising definitions; providing for approval by the Department of Environmental Regulation of precision tank testers, tank lining applicators, procedures, and equipment; providing requirements for certain registrants; providing penalties; amending s. 489.503, F.S.; providing an exemption from application of requirements relating to electrical and alarm system contracting; providing a disclosure statement; amending s. 489.507, F.S.; providing for meetings of the Electrical Contractors' Licensing Board with Construction Industry Licensing Board; amending s. 489.515, F.S.; providing additional requirement for issuance of certificates or registrations; amending s. 489.521, F.S.; providing additional requirements with respect to business organizations and their qualifying agents; amending s. 489.531, F.S., adding prohibitions with respect to electrical contractors or alarm system contractors; providing for enforcement and issuance of citations; providing additional penalties; providing for hearings, orders, and appeals; providing for liens on property; providing for administration of citation programs and training of code enforcement officers; providing a penalty for refusal to sign and accept a citation; amending s. 489.533, F.S.; revising provisions relating to acts for which disciplinary proceedings are taken; creating s. 489.539, F.S.; providing for adoption of electrical standards; amending s. 492.104, F.S.; revising provisions relating to fees for licensure of professional geologists; amending s. 492.106, F.S.; revising provisions relating to provisional licensure of professional geologists; amending s. 492.108, F.S.; revising requirements for licensure by endorsement; amending s. 492.111, F.S.; revising requirements relating to practice of professional geology by a firm, corporation, or partnership; providing for review and repeal; providing an effective date.

—was read the second time by title.

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

On motion by Senator Kirkpatrick, by two-thirds vote **CS for SB 1894** 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 724—A bill to be entitled An act relating to regulation of professions and occupations; amending s. 455.213, F.S.; authorizing denial of license pending certain investigations; amending s. 455.217, F.S.; authorizing the Department of Professional Regulation to share licensing examinations with other state's licensing authorities under certain conditions; amending s. 455.2175, F.S.; prohibiting the theft of exam-

inations; providing penalties; amending s. 455.219, F.S.; providing for fees for duplicate licenses, research, certified copies, and duplication; amending s. 455.223, F.S.; authorizing the Department of Professional Regulation to make certain inspections and to serve subpoenas and other process; creating s. 455.224, F.S.; authorizing the department to issue citations; providing procedures; providing for penalties; amending s. 455.225, F.S.; authorizing the department to dismiss cases based upon determination of insufficient credible evidence to support prosecution; specifying circumstances in which a formal hearing is required; including all regulated professionals in summary order procedures; requiring the department to give the subject of an investigation a copy of the investigative file, upon request; providing for a written response; amending s. 455.227, F.S.; authorizing disciplinary action where a licensee has had certain action taken against his license in any jurisdiction, or where a civil judgment against the licensee relating to the practice of his profession has not been satisfied; increasing the maximum penalty for violations; amending s. 455.2275, F.S.; expanding applicability of prohibitions against giving false information to the department or a board; amending s. 455.229, F.S.; authorizing the department to require the payment of attorney's fees, costs, and court costs by a person who defaults on an examination hearing in certain circumstances; amending s. 455.241, F.S.; providing that the furnishing of reports or copies of patient records not be conditional upon payment of a fee; providing an effective date.

—was read the second time by title.

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

Senator Dudley moved **Amendment 3**.

POINT OF ORDER

Senator Jennings raised a point of order that pursuant to Rule 7.1, **Amendment 3** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

RULING ON POINT OF ORDER

Senator Thomas, Chairman of the Committee on Rules and Calendar, advised that the measures were not identical. The President ruled the point not well taken.

The question recurred on **Amendment 3** which was adopted.

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

On motion by Senator Kirkpatrick, by two-thirds vote **CS for SB 724** 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—3

On motion by Senator Kirkpatrick, the rules were waived and **CS for SB 724** was ordered immediately certified to the House.

CS for CS for SB 1024—A bill to be entitled An act relating to firearms; creating s. 790.054, F.S.; authorizing correctional probation officers to carry concealed firearms upon meeting certain requirements; exempting such officers from licensing and penal provisions; imposing a surcharge on the cost-of-supervision moneys collected under s. 945.30, F.S.; providing for the deposit of such surcharge and for the reversion of unexpended funds; providing an effective date.

—was read the second time by title.

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

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

On motion by Senator Yancey, by two-thirds vote **CS for CS for SB 1024** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31 Nays—3

On motion by Senator Yancey, the rules were waived and **CS for CS for SB 1024** was ordered immediately certified to the House.

SB 1226—A bill to be entitled An act relating to ad valorem tax exemptions; amending ss. 196.012, 196.195, 196.196, F.S.; revising criteria for exempting property for religious, literary, scientific, or charitable purposes; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote **SB 1226** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27 Nays—None

CS for SB's 404 and 638—A bill to be entitled An act relating to death sentence proceedings; amending s. 921.141, F.S.; adding as an aggravating circumstance that the victim was a minor under 12 years of age; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for SB's 404 and 638** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32 Nays—1

On motion by Senator Grant, the rules were waived and **CS for SB's 404 and 638** was ordered immediately certified to the House.

SB 678—A bill to be entitled An act relating to jurors; amending s. 40.01, F.S.; providing that jurors shall be selected from those possessing a driver's license or identification card or who have executed a prescribed affidavit, rather than from registered electors; creating s. 40.011, F.S.; requiring the Department of Highway Safety and Motor Vehicles to furnish a department data base list to clerks of the circuit court in each county; providing for affidavits for application for jury duty for persons whose names do not appear on the list; creating s. 40.022, F.S.; requiring the clerk of the circuit court to purge the jury lists once a month of persons convicted of a felony, adjudicated mentally incompetent, or deceased; amending s. 98.211, F.S.; deleting a provision that lists of electors be used for purposes of jury selection; amending s. 322.20, F.S.; providing that the Department of Highway Safety and Motor Vehicles may furnish to the courts, for jury selection purposes, lists of persons issued identification cards; restricting release of such information by the court; amending s. 905.37, F.S.; providing that statewide grand jurors be selected from the same juror pool as countywide jurors; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **SB 678** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23 Nays—10

LOCAL BILLS

SB 1936—A bill to be entitled An act relating to the City of Sebring, Highlands County; amending chapter 23535, Laws of Florida, 1945, as amended; authorizing the purchaser or lessee of all or a substantial portion of the electric utility system of the Sebring Utilities Commission to charge to and collect from certain electric customers a debt repayment surcharge; requiring that the purchaser or lessee pay the debt repayment surcharge collected from such electric customers to the Sebring Utilities Commission in monthly installments; providing that such debt repayment surcharge shall be held, invested, and the net amount thereof applied by or for the Sebring Utilities Commission to the payment of principal, interest and premium, if any, on revenue bonds of the Sebring Utilities Commission that are then outstanding; providing that the aforementioned debt repayment surcharge shall not be deemed to be a rate or charge under chapter 366, Florida Statutes, or a part of the rate structure of the Sebring Utilities Commission under such chapter; describing the electric customers who are to be charged the debt repayment surcharge; providing that in connection with the outstanding revenue bonds of the Sebring Utilities Commission, the rent payments from the lease of any of the assets of the Sebring Utilities Commission and the debt repayment surcharge shall be deemed to be revenues of the Sebring Utilities Commission; providing for a referendum.

—was read the second time by title. On motion by Senator Dantzler, by two-thirds vote **SB 1936** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—None

On motion by Senator Forman, the rules were waived and **SB 1936** was ordered immediately certified to the House.

SB 2422—A bill to be entitled An act relating to the Pasco-Hernando Community College District; authorizing the board of trustees of the district to expend district funds to acquire real property at or near Spring Hill as the site for the permanent location of the community college; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote **SB 2422** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—None

On motion by Senator Forman, the rules were waived and **SB 2422** was ordered immediately certified to the House.

SB 2456—A bill to be entitled An act relating to the Port Everglades District; amending s. 2, pt. 2, ch. 59-1157, Laws of Florida, as amended by ch. 89-427, Laws of Florida, removing certain territory from the Port Jurisdictional Area of that district; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **SB 2456** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—None

On motion by Senator Forman, the rules were waived and **SB 2456** was ordered immediately certified to the House.

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

SB 2462—A bill to be entitled An act relating to the Broward County Human Rights Act; amending ch. 83-380, Laws of Florida; prohibiting certain discriminatory practices with respect to employment, public accommodations, real estate transactions, financial practices, and other acts; prescribing duties of the Broward County Human Rights Board, the Broward County Human Relations Division, and other entities; providing remedies for aggrieved persons; prescribing procedures; providing exemptions; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **SB 2462** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—None

On motion by Senator Forman, the rules were waived and **SB 2462** was ordered immediately certified to the House.

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

SB 2464—A bill to be entitled An act relating to the City of Hollywood; replacing the Police Pension Fund of the City of Hollywood, Florida, with a comprehensive retirement plan for police officers employed by the city; providing additional and increased benefits; repealing ch. 69-1152, Laws of Florida, relating to the police pension fund; providing an effective date.

—was read the second time by title.

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

On motion by Senator Forman, by two-thirds vote **SB 2464** 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

On motion by Senator Forman, the rules were waived and **SB 2464** was ordered immediately certified to the House.

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

SB 2466—A bill to be entitled An act relating to Marion County; creating the Silver Springs Shores Incorporation Review Committee; providing membership; providing duties; providing for a ballot with respect to incorporation; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote **SB 2466** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—None

On motion by Senator Forman, the rules were waived and **SB 2466** was ordered immediately certified to the House.

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

SB 2468—A bill to be entitled An act relating to Sarasota County; creating the Sarasota County Comprehensive Health Services Study Advisory Commission; providing for membership and rules of conduct; providing for public hearings and taking of testimony; providing for a report to the Florida Legislature and Citizens of Sarasota County; providing for repeal of the act; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote **SB 2468** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—None

On motion by Senator Forman, the rules were waived and **SB 2468** was ordered immediately certified to the House.

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

SB 2474—A bill to be entitled An act relating to special districts in Charlotte County; abolishing the Central Charlotte County Drainage District, the East Charlotte Drainage District, and the Harbour Heights Fire Control District, each contingent upon the adoption, by the Board of County Commissioners of Charlotte County, of an ordinance establishing a municipal taxing or benefit unit to finance the facilities or services provided by, and providing for the assumption by the county of the liabilities and obligations of, the respective district; transferring the assets, liabilities, and obligations of the abolished districts to the county; abolishing the Burnt Store Isles Canal District and the Punta Gorda Isles Canal District, contingent upon the adoption, by the City Council of Punta Gorda, of an ordinance providing for the assumption by the city of the liabilities and obligations of the respective district; transferring the assets, liabilities, and obligations of the abolished districts to the city; repealing chs. 78-485 and 84-403, Laws of Florida, which authorize Charlotte County to create the special taxing districts for canal, waterway, and channel maintenance; abolishing existing districts created pursuant to that authority; transferring the assets, liabilities, and obligations of such abolished districts to the county; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote **SB 2474** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—None

On motion by Senator Forman, the rules were waived and **SB 2474** was ordered immediately certified to the House.

HB 1629—A bill to be entitled An act relating to the Greater Orlando Aviation Authority, Orange County; amending chapter 75-464, Laws of Florida, as amended, to require one member of the aviation authority be a resident and elector of Osceola County; providing an effective date.

—was read the second time by title.

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

On motion by Senator Crotty, by two-thirds vote **HB 1629** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29 Nays—None

On motion by Senator Forman, the rules were waived and **HB 1629** was ordered immediately certified to the House.

On motion by Senator Thomas, by two-thirds vote **CS for HB 1023** was withdrawn from the Committee on Transportation.

On motion by Senator Thomas, by unanimous consent—

CS for HB 1023—A bill to be entitled An act relating to road and building designations; designating a portion of State Road 40 in Marion County as the "Armand Keith Lovell Memorial Highway"; directing the Department of Transportation to erect suitable markers; designating a portion of U.S. Highway 441 in Marion County as the "Jane Yongue Wood Memorial Highway"; directing the Department of Transportation to erect suitable markers; designating a portion of roadway in Dade County as the "Carlos Arboleya Boulevard"; designating a portion of roadway in Dade County as the "Olga Guillot Way"; directing the Department of Transportation to erect suitable markers; designating U.S. Highway 1 from the City of Key West to the Georgia state line as the POW-MIA Blue Star Highway; amending sections 5 and 6 of chapter 90-368, Laws of Florida, designating the bridge over the Suwannee River on U.S. Highway 27 at Branford as the Frank R. Norris Bridge at Branford; designating the transportation complex on Marion Street in Lake City as the Jay W. Brown Transportation Complex; designating a portion of N.W. 54th Street in Miami as the Jefferson Reaves, Sr. Boulevard; directing the Department of Transportation to erect appropriate markers; providing an effective date.

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

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

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

On motion by Senator Thomas, by two-thirds vote **CS for HB 1023** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32 Nays—None

On motion by Senator Dudley, the rules were waived and **CS for HB 1023** was ordered immediately certified to the House.

SPECIAL ORDER, continued

On motion by Senator Crotty, by two-thirds vote **CS for HB 1015** was withdrawn from the Committee on Community Affairs.

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

CS for HB 1015—A bill to be entitled An act relating to handicapped persons; amending s. 413.08, F.S.; including the hard of hearing within a provision of law concerning discrimination in public employment or housing accommodations; providing a definition; providing that trainers of service dogs, while engaged in the training of such dogs, shall have the same rights and privileges with respect to access to public facilities and the same liability for damage as is provided for deaf, blind, hard of hearing, or mobility impaired persons accompanied by service dogs; providing an effective date.

—a companion measure, was substituted for **CS for SB 1668** and by two-thirds vote read the second time by title. On motion by Senator Crotty, by two-thirds vote **CS for HB 1015** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32 Nays—None

SB 1462—A bill to be entitled An act relating to port operations; amending s. 313.22, F.S.; providing that a vessel complying with an order to vacate or change position does so at its own expense and risk; providing that such orders may be made whether the facilities are public or private; prescribing additional reasons for which such orders may be given; providing penalties for failure to comply with such an order; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **SB 1462** 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 Grant, the rules were waived and **SB 1462** was ordered immediately certified to the House.

On motion by Senator Dudley, by two-thirds vote **HB 1381** was withdrawn from the Committee on Judiciary.

On motion by Senator Dudley—

HB 1381—A bill to be entitled An act relating to notice of commencement; amending ss. 713.13 and 713.135, F.S.; authorizing an owner or his authorized agent before actually commencing to improve real property to file a notarized statement that the notice of commencement has been filed for recording; requiring the authority issuing the building permit to verify that the notarized statement has been posted; providing an exception for certain improvements; amending s. 713.01, F.S.; redefining the term "owner"; providing an effective date.

—a companion measure, was substituted for **CS for SB 1692** and read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 1381** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

SB 1724—A bill to be entitled An act relating to elections; amending s. 97.071, F.S.; requiring registration identification cards to contain a statement that the card is to be used as identification solely for election purposes; amending s. 98.051, F.S.; authorizing registration on any day of the week at locations other than the main office; eliminating notice requirements for additional registration hours, days, and places; providing for voter registration outside the county of residence; amending s.

98.201, F.S.; eliminating hearings relating to removal of names of disqualified electors from the registration books and eliminating related notice and appeals; amending s. 99.092, F.S.; requiring qualifying fees to be paid by cashier's check purchased from campaign account funds; changing a date used for computing the filing fee, election assessment, and party assessment; amending s. 106.11, F.S., relating to expenditures from campaign accounts, to conform; amending s. 101.62, F.S.; restricting the number of absentee ballots that any one person may pick up; providing an exception; requiring persons designated to pick up such ballots for other electors to complete an authorizing affidavit; providing for the form and contents of such affidavit; requiring such ballots to be mailed or delivered directly to the supervisor of elections; amending s. 101.65, F.S., relating to instructions to absent electors, to conform; amending s. 101.715, F.S.; authorizing supervisors of elections to provide alternative means for elderly and handicapped persons to vote at polling places not meeting certain minimum criteria of accessibility; providing an effective date.

—was read the second time by title.

The Committee on Executive Business, Ethics and Elections recommended **Amendment 1** which was moved by Senator Weinstock and adopted.

The Committee on Executive Business, Ethics and Elections recommended **Amendment 2** which was moved by Senator Weinstock.

Further consideration of **SB 1724** with pending **Amendment 2** was deferred.

CS for CS for SB 1786—A bill to be entitled An act relating to displaying the American flag; prohibiting restrictions against the display of the American flag in certain circumstances; providing penalties; declaring certain contracts and other agreements void and unenforceable; providing for damages, punitive damages, attorney's fees, and costs; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote **CS for CS for SB 1786** 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 1932—A bill to be entitled An act relating to dissolution of marriage; amending s. 61.052, F.S.; providing that evidence establishing residency at a marriage dissolution hearing may be corroborated by an affidavit; amending s. 61.075, F.S.; revising language with respect to the equitable distribution of marital assets to include a reference to retaining the marital home; providing for vesting of awards made for equitable distribution; amending s. 61.08, F.S.; providing, with respect to dissolution actions, that the court shall include certain findings of fact; amending s. 61.13, F.S.; providing for equal consideration in determining the primary residence of a child; amending s. 61.30, F.S.; increasing the coverage of the child support guidelines; amending s. 742.031, F.S.; providing that child support payments ordered by a court must comply with the guidelines in s. 61.30, F.S.; creating s. 742.045, F.S.; providing for the award of attorney's fees and costs and providing that such award may be made directly to the attorney; amending s. 743.07, F.S.; revising rights and privileges of dependents over 18 years of age; providing effective dates.

—was read the second time by title.

Senator Wexler moved **Amendment 1**.

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

Amendment 1 as amended was adopted.

Senator Wexler moved **Amendment 2** which was adopted.

On motion by Senator Wexler, by two-thirds vote **CS for SB 1932** 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

MOTION

On motion by Senator Thomas, the rules were waived and time of recess was extended until final action on **SB 1724**.

The Senate resumed consideration of—

SB 1724—A bill to be entitled An act relating to elections; amending s. 97.071, F.S.; requiring registration identification cards to contain a statement that the card is to be used as identification solely for election purposes; amending s. 98.051, F.S.; authorizing registration on any day of the week at locations other than the main office; eliminating notice requirements for additional registration hours, days, and places; providing for voter registration outside the county of residence; amending s. 98.201, F.S.; eliminating hearings relating to removal of names of disqualified electors from the registration books and eliminating related notice and appeals; amending s. 99.092, F.S.; requiring qualifying fees to be paid by cashier's check purchased from campaign account funds; changing a date used for computing the filing fee, election assessment, and party assessment; amending s. 106.11, F.S., relating to expenditures from campaign accounts, to conform; amending s. 101.62, F.S.; restricting the number of absentee ballots that any one person may pick up; providing an exception; requiring persons designated to pick up such ballots for other electors to complete an authorizing affidavit; providing for the form and contents of such affidavit; requiring such ballots to be mailed or delivered directly to the supervisor of elections; amending s. 101.65, F.S., relating to instructions to absent electors, to conform; amending s. 101.715, F.S.; authorizing supervisors of elections to provide alternative means for elderly and handicapped persons to vote at polling places not meeting certain minimum criteria of accessibility; providing an effective date.

—with pending **Amendment 2** which was adopted.

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

Senator Gordon moved **Amendment 4** which failed.

On motion by Senator Weinstock, by two-thirds vote **SB 1724** 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 **SB 1724** was ordered immediately certified to the House.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 18, 1991: SB 988, SB 606, CS for SB 1892, CS for SB 908, CS for SB 1152, SB 1062, CS for SB 642, SB 918, CS for SB 1586, HB 2251, CS for HB 2343, CS for CS for SB 280, CS for SB 424, CS for SB's 388 and 394, CS for SB 1784, CS for SB 718, SB 1640, CS for SB 1876, SB 1986, CS for CS for SB 1976, CS for SB 262, CS for SB 692, CS for SB 536, CS for CS for SB 1044, CS for SB 992, CS for SB 1302, CS for CS for SB 1316, CS for SB 968, SB 950, CS for SB 840, SB 1686, CS for SB 1428, CS for SB 1888, CS for SB 1896, CS for CS for SB 2186, CS for SB 1894, CS for SB 782, CS for SB 724, CS for CS for SB 1024, SB 1226, CS for SB's 404 and 638, SB 678, CS for SB 1668, SB 1462, CS for SB 1692, SB 1724, CS for CS for SB 1786, CS for SB 1932, CS for SB 1548, CS for SB 1342, SB 1682, CS for SB 296, CS for SB 596, CS for SB 1536, CS for SB 1026

Respectfully submitted,
Pat Thomas, Chairman

The Committee on Rules and Calendar withdraws the following bills and submits them for the Local Bill Calendar for April 18, 1991: SB 1936, SB 2422, SB 2456, SB 2462, SB 2464, SB 2466, SB 2468, SB 2474, HB 1629

Respectfully submitted,
Pat Thomas, Chairman

The Committee on Finance, Taxation and Claims recommends the following pass: SB 482 with 2 amendments, CS for CS for SB 806, SB 1014, CS for SB 1140, SB 1464 with 1 amendment, CS for SB 1760, SB 2168, CS for SB 2292 with 2 amendments

The bills were referred to the Committee on Appropriations under the original reference.

The Special Master on Claims recommends the following pass: CS for HB 375, HB 905, CS for HB 2327

The bills were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Finance, Taxation and Claims recommends the following pass: HB 2251 with 2 amendments, SB 302 with 3 amendments, SB 604, SB 770, SB 804 with 2 amendments, SB 1126 with 1 amendment, SB 1168, SB 1270, CS for SB 1330, SB 1518, SB 1824 with 2 amendments, SB 1832, SB 1938 with 1 amendment, SB 2368 with 1 amendment, SB 2380 with 2 amendments, SB 2388, SB 2454 with 3 amendments

The bills were placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

April 18, 1991

The Committee on Appropriations requests an extension of 15 days for consideration of the following: Senate Bills 20, 36, 102, 134, 178, 198, 206, 210, 214, 234, 240, 256, 268, 272, 298, 332, 350, 354, 384, 386, 426, 430, 442, 472, 488, 504, 516, 522, 530, 538, 550, 616, 620, 622, 624, 634, 656, 686, 720, 748, 754, 796, 810, 854, 864, 882, 912, 926, 964, 980, 1004, 1010, 1022, 1030, 1036, 1080, 1122, 1124, 1148, 1158, 1186, 1192, 1236, 1238, 1298, 1300, 1324, 1346, 1348, 1362, 1368, 1378, 1402, 1414, 1424, 1444, 1448, 1454, 1498, 1570, 1594, 1602, 1610, 1612, 1620, 1622, 1624, 1632, 1648, 1670, 1672, 1676, 1708, 1716, 1758, 1766, 1768, 1804, 1806, 1822, 1850, 1852, 1886, 1898, 1906, 1924, 1996, 2004, 2018, 2022, 2028, 2036, 2064, 2090, 2116, 2130, 2136, 2172, 2182, 2210, 2212, 2218, 2220, 2240, 2254, 2340, 2342, 2352; House Bills 2069, 2453, 2501, 2503

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Johnson—

SB 2458—A bill to be entitled An act relating to the Englewood Water District in Charlotte County and Sarasota County; amending s. 1, ch. 59-931, Laws of Florida, as amended, and repealing s. 1-A, ch. 59-931, Laws of Florida, as added by s. 2, ch. 69-710, Laws of Florida, s. 1-B, ch. 59-931, Laws of Florida, as added by s. 1, ch. 86-420, Laws of Florida, and s. 1-C, ch. 59-931, Laws of Florida, as added by s. 1, ch. 90-408, Laws of Florida; restating the boundaries of the district; amending s. 3, ch. 59-931, Laws of Florida, as amended, relating to the board of supervisors of the district; deleting obsolete provisions; providing for the conduct of elections for supervisors; revising provisions pertaining to the officers of the board; authorizing the board to delegate the authority to sign contracts to the administrator; making grammatical corrections; amending s. 4(d), (e), (n), ch. 59-931, Laws of Florida; reducing the district's power to assess ad valorem taxes; eliminating the district's power to assess ad valorem taxes, as of January 1, 1993, unless the voters continue such authority by referendum; eliminating the district's authority to regulate private utilities; revising other powers of the district; amending s. 7, ch. 59-931, Laws of Florida; prescribing additional procedures and requirements regarding the district's water and sewer rate-setting authority; providing for a special referendum on certain issues; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By Senator Johnson—

SB 2460—A bill to be entitled An act relating to the Sarasota-Manatee Airport Authority; revising, restating, and consolidating laws pertaining to the authority; omitting provisions that have had their effect and other obsolete provisions; omitting redundant provisions; revising cross-references; deleting the requirement that the treasurer of the authority be responsible directly to the authority; providing for the confidentiality of medical and dental insurance records and medical and dental insurance claims records of employees and former employees of the authority and their dependents; exempting such records from specified public record requirements; providing saving clauses; providing for severability; repealing ch. 31263, Laws of Florida, 1955, and chs. 57-1837, 57-1846, 59-1840, 59-1842, 65-2229, 65-2230, 67-2053, 69-1594, 71-918, 71-919, 77-651, 78-620, 86-411, 87-525, 90-407, and 90-414, Laws of Florida, relating to the authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Transportation; and Rules and Calendar.

By Senator Forman—

SB 2462—A bill to be entitled An act relating to the Broward County Human Rights Act; amending ch. 83-380, Laws of Florida; prohibiting certain discriminatory practices with respect to employment, public accommodations, real estate transactions, financial practices, and other acts; prescribing duties of the Broward County Human Rights Board, the Broward County Human Relations Division, and other entities; providing remedies for aggrieved persons; prescribing procedures; providing exemptions; providing penalties; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

SB 2464—A bill to be entitled An act relating to the City of Hollywood; replacing the Police Pension Fund of the City of Hollywood, Florida, with a comprehensive retirement plan for police officers employed by the city; providing additional and increased benefits; repealing ch. 69-1152, Laws of Florida, relating to the police pension fund; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Langley—

SB 2466—A bill to be entitled An act relating to Marion County; creating the Silver Springs Shores Incorporation Review Committee; providing membership; providing duties; providing for a ballot with respect to incorporation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Johnson—

SB 2468—A bill to be entitled An act relating to Sarasota County; creating the Sarasota County Comprehensive Health Services Study Advisory Commission; providing for membership and rules of conduct; providing for public hearings and taking of testimony; providing for a report to the Florida Legislature and Citizens of Sarasota County; providing for repeal of the act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2470 was introduced out of order and adopted April 17.

SR 2472 was introduced out of order and adopted April 17.

By Senator Johnson—

SB 2474—A bill to be entitled An act relating to special districts in Charlotte County; abolishing the Central Charlotte County Drainage District, the East Charlotte Drainage District, and the Harbour Heights Fire Control District, each contingent upon the adoption, by the Board of County Commissioners of Charlotte County, of an ordinance establishing a municipal taxing or benefit unit to finance the facilities or services provided by, and providing for the assumption by the county of the liabilities and obligations of, the respective district; transferring the assets, liabilities, and obligations of the abolished districts to the county; abolishing the Burnt Store Isles Canal District and the Punta Gorda Isles Canal District, contingent upon the adoption, by the City Council of Punta Gorda, of an ordinance providing for the assumption by the city of the liabilities and obligations of the respective district; transferring the assets, liabilities, and obligations of the abolished districts to the city; repealing chs. 78-485 and 84-403, Laws of Florida, which authorize Charlotte County to create the special taxing districts for canal, waterway, and channel maintenance; abolishing existing districts created pursuant to that authority; transferring the assets, liabilities, and obligations of such abolished districts to the county; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2476 was introduced out of order and adopted this day.

SR 2478 was introduced out of order and adopted this day.

SM 2480 was introduced out of order and adopted this day.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Health and Rehabilitative Services; and Senator Weinstock—

CS for SB 2064—A bill to be entitled An act relating to social and economic assistance; amending s. 228.072, F.S.; requiring school boards that operate adult education programs to provide testing for persons participating in employment and training programs of the Department of Health and Rehabilitative Services; amending ss. 230.645, 240.35, F.S.; providing conditions under which students enrolled in the department's employment and training programs are exempt from instructional fees; amending s. 409.029, F.S.; revising provisions relating to the Florida Employment Opportunity Act; revising legislative intent; deleting certain reporting requirements; providing for application of the Workers' Compensation Act to program participants; deleting obsolete provisions; providing that applicants for public assistance are exempt from program participation requirements until eligibility is determined; providing circumstances under which eligible participants may be deferred from participation; revising participation requirements; revising requirements for assessment of applicants for public assistance for program eligibility; amending s. 409.185, F.S.; revising standards for determining eligibility for and amount of economic assistance; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Thomas, by two-thirds vote **CS for HB 2343** was withdrawn from the Committees on Education; Rules and Calendar; and Appropriations.

On motion by Senator Thomas, by two-thirds vote **CS for SB 1972** was withdrawn from the Committee on International Trade, Economic Development and Tourism.

On motions by Senator Gardner, by two-thirds vote **Senate Bills 134, 214, CS for CS for SB 864, CS for SB 882, CS for SB 1148, CS for SB 1192, CS for SB 1298, SB 1610, CS for SB 1624, SB 1716, CS for SB 1898, CS for SB 1996, CS for SB 2172, SB 2254 and SB 2342** were withdrawn from the Committee on Appropriations.

On motions by Senator Gardner, by two-thirds vote **CS for SB's 1216 and 1224** was withdrawn from the Committees on Judiciary and Appropriations.

On motions by Senator Jenne, by two-thirds vote **CS for HB 2497, SB 124, CS for SB 772 and CS for SB 1446** were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Grizzle, by two-thirds vote **CS for SB 130** was withdrawn from the Committee on Community Affairs.

On motions by Senator Wexler, by two-thirds vote **SB 1756** was withdrawn from the Committees on Commerce and Criminal Justice.

On motions by Senator Thomas, by two-thirds vote **CS for HB 1587** was withdrawn from the Committees on Education; Commerce; Finance, Taxation and Claims; and Appropriations; **CS for SB 658** was withdrawn from the Committee on Judiciary; **CS for SB 1732** was withdrawn from the Committees on Judiciary; and Finance, Taxation and Claims; and **SB 1626** was withdrawn from Governmental Operations; and Rules and Calendar.

On motion by Senator Gardner, by two-thirds vote **SB 1626** was withdrawn from the Committee on Appropriations.

On motion by Senator Thomas, by two-thirds vote **CS for SB 1246** was withdrawn from the Committee on International Trade, Economic Development and Tourism.

MOTIONS

On motion by Senator Jenne, the rules were waived and **CS for HB 2523** which passed on April 17 was ordered immediately certified to the House.

On motions by Senator Grant, the rules were waived and **CS for SB 180 and SB 182** which passed on April 17 were ordered immediately certified to the House.

On motions by Senator Thomas, by two-thirds vote the following bills were placed on the special order calendar for April 19: **Senate Bills 302, 482, 2454, 604, 770, 1126, 1168, 1270, 1518, 1824, 1938, 2368, 2380, 2388, CS for SB 60, SB 552, CS for CS for SB 1264, CS for SB 1440, SB 2228, CS for CS for SB 2084, Senate Bills 1838, 1654, CS for SB 1662, CS for SB 1116, CS for SB 938, CS for CS for SB 1680 and CS for CS for SB 498.**

On motion by Senator Gardner, the rules were waived and the Committee on Appropriations was granted permission to consider **SB 350** on April 19.

On motion by Senator Jenne, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to consider **CS for SB 1408** on April 19.

On motions by Senator Jenne, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to consider **SB 1756** and **CS for SB 1652** on April 19.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State Senate Bills 232, 462 and CS for SB 828, which he approved on April 18, 1991.

EXECUTIVE BUSINESS

The Honorable Gwen Margolis
President of the Senate

April 10, 1991

RE: Suspension of:

JAMES P. RYAN
Member, Seventeenth Circuit
Judicial Nominating Commission

Dear Madam President:

The Committee on Executive Business, Ethics and Elections submits this final report on the matter of the suspension of James P. Ryan.

By Executive Order Number 88-258 filed with the Secretary of State on December 5, 1988, the Honorable Bob Martinez, as Governor, suspended James P. Ryan as a Member from the Seventeenth Circuit Judicial Nominating Commission of Florida. The term of office for Mr. Ryan as a Member of the Seventeenth Circuit Judicial Nominating Commission was from July 2, 1988 to July 1, 1992.

Executive Order Number 88-258, with information attached, charged that James P. Ryan, while holding the aforesaid office, committed criminal violations of the laws of the United States, viz: (1) one count of knowingly and intentionally importing a controlled substance in violation of Title 21, United States Code, Sections 952(a) and 960(a)(2) and conspiring to import a controlled substance in violation of Title 21, United States Code, Section 963; (2) one count of knowingly and intentionally possessing a controlled substance with intent to distribute in violation of Title 21, United States Code, Section 841(a)(1) and conspiring to import a controlled substance in violation of Title 21, United States Code, Section 846; and (3) one count of conspiring to defraud an agency of the United States in violation of Title 18, United States Code, Section 371. The Executive Order further stated that the facts alleged constituted the commission of a felony which is grounds for suspension under Article IV, Section 7, Florida Constitution.

On December 1, 1988, criminal prosecution of James P. Ryan was commenced in the United States District Court of the Southern District of Florida, Ft. Lauderdale Division, where he was indicted on the charges described above. A plea of not guilty was entered by the defendant on December 2, 1988.

On January 9, 1989, pursuant to Local Rule of Court Number 5.4, Case No. 88-6178-CR-WJZ was reassigned from Judge Gonzalez to Judge Zloch. On January 25, 1989, a status conference was held. On February 14, 1989, jurors were chosen and the trial began. On March 16, 1989, an order setting the cause for trial on April 3, 1989, was issued. On April 5, 1989, an order granting a continuance until April 24, 1989, was issued. On April 28, 1989, an order granting a continuance until May 22, 1989, was issued. Finally, on May 30, 1989, an order was issued granting a motion for continuance until July 3, 1989. The trial was held from July 5 through July 15, 1989. A verdict of guilty on counts (1) and (3) was entered on

July 17, 1989 and sentencing was set for September 19, 1989. On July 19, 1989, an order was issued granting the defendant 15 days, until August 1, 1989, to file a renewed motion for judgment of acquittal, a motion for a new trial, and a motion for arrest of the judgment. On July 26, 1989, a motion for a time extension in order to file an acquittal motion was granted and the extension date was set for September 15, 1989. On September 22, 1989, counsel submitted motions for a new trial, for judgment of acquittal, and in arrest of judgment. On October 10, 1989, the three motions were denied. On October 26, 1989, James P. Ryan was sentenced to 5-years imprisonment, 5-years probation and fined \$10,000. On October 26, 1989, a notice of appeal from the sentence was filed.

Case No. 89-6135 was commenced in the United States Court of Appeals for the Eleventh Circuit on November 3, 1989. The appellant's brief was due February 16, 1990, and was filed on February 12, 1990. The appellee's brief was due on March 14, 1990. The appellee was granted an extension to file until March 28, 1990. An oral argument was granted, after review, for July 30, 1990. On August 10, 1990, a per curiam opinion was issued affirming the District Court opinion with Circuit Judges Anderson and Edmondson and Senior Circuit Judge Morgan presiding. On August 22, 1990, a petition for rehearing was filed which was denied on November 7, 1990. On November 19, 1990, a mandate was issued officially closing the case.

The Senate assumed jurisdiction of this matter on January 3, 1989, and this matter was referred to the Senate Committee on Executive Business on January 5, 1989. Proceedings by this committee were stayed, pursuant to Senate Rule 12.7(b), during pendency of criminal prosecution in the trial court and the exhaustion of all appellate remedies.

Based upon the investigation of this Committee, it is the finding of this Committee that:

- (1) James P. Ryan was suspended from serving as a Member of the Seventeenth Circuit Judicial Nominating Commission of Florida on December 5, 1988;
- (2) James P. Ryan was found guilty by a jury of one count of knowingly and intentionally importing a controlled substance in violation of Title 21, United States Code, Sections 952(a) and 960(a)(2) and conspiring to import a controlled substance in violation of Title 21, United States Code, Section 963, and one count of conspiring to defraud an agency of the United States in violation of Title 18, United States Code, Section 371, and that such acts constituted commission of a felony under the laws of the United States; and
- (3) with the finding of guilt on July 17, 1989, on the felony counts described above, pursuant to Article VI, Section 4, Florida Constitution, James P. Ryan became legally ineligible to hold public office;
- (4) the Senate is authorized to remove from office any suspended official for the commission of a felony, pursuant to Article IV, Section 7, Florida Constitution;
- (5) James P. Ryan is deemed to have vacated his office upon conviction of a felony as defined in Article X, Section 10, Florida Constitution, pursuant to s. 114.01(1)(j), Florida Statutes; and
- (6) James P. Ryan has not contested his suspension on his own behalf, nor shown any cause why the Senate should not take further action to remove him from office.

In view of the foregoing, it is the recommendation of this Committee that James P. Ryan be removed from the office of Member of the Seventeenth Circuit Judicial Nominating Commission of the State of Florida effective December 5, 1988.

Respectfully submitted,

Arnett E. Girardeau, Chairman
Robert Wexler, Vice Chairman
Richard T. Crotty
Fred R. Dudley

Mary R. Grizzle
Lawrence H. Plummer
Eleanor Weinstock

The Honorable Gwen Margolis
President of the Senate

April 10, 1991

RE: Suspension of:

HAROLD T. PHILLIPS
County Commissioner
Bay County, Florida

Dear Madam President:

The Committee on Executive Business, Ethics and Elections submits this final report on the matter of the suspension of Harold T. Phillips.

By Executive Order 89-54 filed with the Secretary of State on March 22, 1989, the Honorable Bob Martinez, as Governor, suspended Harold T. Phillips as a member of the Board of County Commissioners of Bay County, Florida. The term of office for Mr. Phillips as a member of the Board of County Commissioners of Bay County, Florida, was from November 18, 1986 to November 19, 1990.

Executive Order Number 89-54, with information attached charged that Harold T. Phillips, while holding the aforesaid office, committed criminal violations of the laws of the United States, viz: (1) two counts of unlawfully, knowingly and willfully making false, fictitious and fraudulent representations to the Air Force in violation of Title 18, United States Code, Section 1001; and (2) one count of unlawfully and corruptly endeavoring to obstruct and impede the due and proper administration of the Fair Labor Standards Act, Title 29, United States Code, Section 201 et seq., in violation of Title 18, United States Code, Section 1505. The Executive Order further stated that the facts alleged constituted the offenses of malfeasance, misfeasance, and commission of a felony which are grounds for suspension under Article IV, Section 7, Florida Constitution.

On March 16, 1989, criminal prosecution of Harold T. Phillips was commenced in the United States District Court for the Northern District of Florida, Panama City Division, where he was indicted on the charges described above. A plea of not guilty was entered as to all counts on April 6, 1989.

Case Number 89-05008-RV dealt with the two counts of unlawfully, knowingly and willfully making false, fictitious and fraudulent representations to the Air Force. On April 6, 1989, Harold T. Phillips was arraigned and a plea of not guilty was entered. Trial was set for May 30, 1989. On May 11, 1989, a motion for continuance which had been requested on May 1, 1989, was granted, setting the trial for July 10, 1989. The trial commenced on July 19, 1989. On July 21, 1989, Harold T. Phillips was found not guilty on both counts.

Case Number 89-05007-RV dealt with one count of unlawfully and corruptly endeavoring to obstruct and impede the due and proper administration of the Fair Labor Standards Act, Title 29, United States Code, Section 201 et seq., in violation of Title 18, United States Code, Section 1505. On April 6, 1989, Harold T. Phillips was arraigned and a plea of not guilty was entered. Trial was set for May 30, 1989. On May 11, 1989, a motion for continuance which had been requested on May 1, 1989, was granted, setting the trial for July 10, 1989. The trial commenced on July 18, 1989. On July 18, 1989, Harold T. Phillips was found guilty as charged. On July 27, 1989, motions for a judgment of acquittal notwithstanding the verdict and for a new trial were filed on behalf of the defendant. While resolution of an appeal was pending, Harold T. Phillips died on August 12, 1990.

The United States Court of Appeals, Eleventh Circuit, on October 11, 1990, dismissed the appeal and directed the United States District Court to vacate the judgment of guilt and to dismiss the indictment, based solely on the intervening death of Mr. Phillips. Mrs. Phillips, the decedent's widow, lodged a "formal objection" to the committee's proposed handling of her late husband's case. However, upon further investigation, it appears that Mrs. Phillips is no longer contesting commission of the acts on which her deceased husband's conviction was based, notwithstanding the subsequent vacation of the judgment and dismissal of the indictment by action of the courts, because of his intervening death.

The Senate assumed jurisdiction of this matter on March 24, 1989, and this matter was referred to the Senate Committee on Executive Business on April 3, 1989. Proceedings by this Committee were stayed, pursuant to Rule 12.7(b), during pendency of criminal prosecution in the trial court and the exhaustion of all appellate remedies.

Based upon the investigation of this Committee, it is the finding of this Committee that:

- (1) Harold T. Phillips was suspended from the office of member of the Board of County Commissioners, Bay County, Florida, on March 22, 1989;

- (2) Harold T. Phillips was found guilty by a jury of the offense of unlawfully and corruptly endeavoring to obstruct and impede the due and proper administration of the Fair Labor Standards Act, Title 29, United States Code, Section 201 et seq., in violation of Title 18, United States Code, Section 1505, and that such acts constitute the offenses of malfeasance, misfeasance, and commission of a felony under the laws of the United States, as such terms are used in Article IV, Section 7, Florida Constitution;
- (3) the Senate is authorized to remove from office any suspended official for malfeasance, misfeasance, or the commission of a felony, pursuant to Article IV, Section 7, Florida Constitution;
- (4) Mr. Phillips died on August 12, 1990;
- (5) The federal appeals court, on October 11, 1990, directed the trial court to vacate the judgment of guilt and to dismiss the underlying indictment, based on the fact of Mr. Phillips' intervening death; however, the survivors no longer desire to contest commission of the acts upon which their decedent's conviction was based.

In view of the foregoing, it is the recommendation of this Committee that Harold T. Phillips be removed from the office of member of the Board of County Commissioners, Bay County, Florida, effective March 22, 1989.

Respectfully submitted,

Arnett E. Girardeau, Chairman
Robert Wealer, Vice Chairman
Richard T. Crotty
Fred R. Dudley

Mary R. Grizzle
Laurence H. Plummer
Eleanor Weinstock

On motions by Senator Girardeau, the foregoing reports on the suspension of James P. Ryan, Member of the 17th Circuit Judicial Nominating Commission; and Harold T. Phillips, County Commissioner, Bay County, Florida; were adopted and the Senate removed James P. Ryan from said office effective December 5, 1988; and Harold T. Phillips from said office effective March 22, 1989. The vote was:

Yeas—34 Nays—1

Without objection, the President withdrew the Executive Suspension Case of Travis W. Pitts, Clerk of the Circuit and County Courts, Washington County, from the Committee on Executive Business, Ethics and Elections; and will refer it to a Special Master for hearing and recommendation to the Senate.

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 HB 189, CS for HB 337, CS for HB 367, CS for HB 375, HB 795, CS for HB 837, HB 885, HB 905, CS for HB 979, CS for HB 981, HB 1009, CS for HB 1015, CS for CS for HB 1111, HB 1211, HB 1419, HB 1963, CS for HB 2327, HB 2415, HB 2511; has passed by the required constitutional three-fifths vote of the membership HJR 1025; has passed as amended CS for HB 247, HB 369, CS for HB 671, CS for HB 743, CS for HB 1039, HB 1221, HB 1809 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative De Grandy—

HB 189—A bill to be entitled An act relating to the relief of Yolanda Amara Torres, individually, and as mother and natural guardian of Oscar Rosa, a minor, for injuries sustained by Oscar Rosa through the negligence of Metropolitan Dade County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By the Committee on Employee and Management Relations; and Representative Long and others—

CS for HB 337—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; authorizing the reemploy-

ment of certain retired district school board employees under certain circumstances; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; Education; and Appropriations.

By the Committee on Claims and Representative Glickman and others—

CS for HB 367—A bill to be entitled An act relating to Hillsborough County; providing for the relief of Alfreeda K. Mobley; authorizing and directing Hillsborough County to compensate her for severe personal injuries sustained as a result of the negligence of Hillsborough County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By the Committee on Claims and Representative Peeples—

CS for HB 375—A bill to be entitled An act relating to the District School Board of DeSoto County; providing relief for Stephen Franklin McAllister for damages resulting from an accident which occurred while he was a student attending Arcadia High School; providing for payment of compensation by the district school board in installments; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By Representative Boyd—

HB 795—A bill to be entitled An act relating to judicial circuits; amending s. 26.021, F.S.; providing residency requirements with respect to circuit judges in the second and eighth circuits; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Commerce and Representative Ritchie—

CS for HB 837—A bill to be entitled An act relating to loan brokers; providing definitions; prohibiting loan brokers from performing certain acts; providing for the responsibility of principals; providing for investigations, cease and desist orders, and hearing procedures with respect to loan brokers; providing for fines and disposition thereof; providing for examinations, subpoenas, hearings, and witnesses; providing for injunctions to restrain violations; providing criminal penalties; providing for actions for damages; providing for the powers and duties of the Department of Banking and Finance; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By Representative Young—

HB 885—A bill to be entitled An act relating to Broward County; providing for the relief of Diana Martinez mother of Christina Martinez, a minor; authorizing and directing the South Broward Hospital District to compensate her for injuries suffered by Christina Martinez as a result of the negligence of the South Broward Hospital District doing business as Memorial Hospital; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By Representative Logan—

HB 905—A bill to be entitled An act relating to Dade County; providing for the relief of Zona and Milton Mingo, to compensate Zona Mingo for her personal injuries and Milton Mingo, her husband, for the loss of consortium as a result of an accident by a county bus; providing for payment by the county; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By the Committee on Claims and Representative Langton—

CS for HB 979—A bill to be entitled An act relating to the City of Jacksonville, Duval County; providing for the relief of Donald D. Moulton, to compensate him for injuries sustained as a result of the negligent maintenance of a traffic control device by the city; providing for payment by the city; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By the Committee on Claims and Representative Arnall—

CS for HB 981—A bill to be entitled An act relating to the City of Neptune Beach, Duval County; providing for the relief of Richard Goree, to compensate him for injuries suffered as a result of being struck by a city police car; providing for payment by the city to Barbara Hayden, mother and guardian of Richard Goree; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By Representatives Garcia and Mortham—

HB 1009—A bill to be entitled An act relating to postsecondary education; amending s. 240.2097, F.S.; providing for information relating to the sale, possession, or use of controlled substances and alcoholic beverages to be included in university student handbooks; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Judiciary and Representative Starks and others—

CS for HB 1015—A bill to be entitled An act relating to handicapped persons; amending s. 413.08, F.S.; including the hard of hearing within a provision of law concerning discrimination in public employment or housing accommodations; providing a definition; providing that trainers of service dogs, while engaged in the training of such dogs, shall have the same rights and privileges with respect to access to public facilities and the same liability for damage as is provided for deaf, blind, hard of hearing, or mobility impaired persons accompanied by service dogs; providing an effective date.

—was referred to the Committee on Community Affairs.

By the Committees on Appropriations and Health Care and Representative Hafner and others—

CS for CS for HB 1111—A bill to be entitled An act relating to postsecondary education; amending s. 240.4075, F.S.; providing that funds in the Nursing Student Loan Forgiveness Trust Fund shall be available for use in the nursing scholarship loan program; creating s. 240.4076, F.S.; establishing the nursing scholarship loan program within the Department of Health and Rehabilitative Services; providing for eligibility, amount of awards, repayment of loans, default allowances, and default penalties; providing for rules; providing for funding; providing an appropriation; providing an effective date.

—was referred to the Committees on Education; Health and Rehabilitative Services; and Appropriations.

By Representative Reddick—

HB 1211—A bill to be entitled An act relating to public employees; amending s. 876.05, F.S.; revising language with respect to the loyalty oath required of public employees; providing an effective date.

—was referred to the Committee on Personnel, Retirement and Collective Bargaining.

By Representatives Diaz-Balart and De Grandy—

HB 1419—A bill to be entitled An act relating to the School District of Dade County, Florida; providing for the relief of Alberto Sosa, a minor, by and through his parents and next friends, Magaly and Alberto Sosa, Sr., and Magaly and Alberto Sosa, Sr., individually; directing the district school board to compensate them for serious physical injury suffered by Alberto Sosa while a student at Rockway Junior High School; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By Representative Diaz-Balart—

HB 1963—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Michelle Ruiz; directing Metropolitan Dade County to compensate Michelle Ruiz, individually, for catastrophic personal injuries and for the death of her mother, Milan Yi Ruiz, in an automobile accident resulting from negligence on the part of the county; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By the Committee on Claims and Representative Rayson—

CS for HB 2327—A bill to be entitled An act relating to Broward County; providing for the relief of Gerald Clearwater and Denise Clearwater, as personal representatives of the estate of Ryan Patrick Clearwater, deceased, and for the relief of Gerald Clearwater, individually, and Denise Clearwater, individually; directing the North Broward Hospital District to compensate them for the death of Ryan Patrick Clearwater as a result of the negligence of the North Broward Hospital District doing business as Broward General Medical Center; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By the Committee on Regulatory Reform and Representative Tobin—

HB 2415—A bill to be entitled An act relating to the Advisory Board for the Service Network for the Severely Emotionally Disturbed; amending s. 230.2317, F.S.; revising the name of the advisory board and duties thereof; revising provisions relating to member terms; establishing reporting requirements; saving s. 230.2317(2), F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Governmental Operations and Representatives Figg and Holzendorf—

HB 2511—A bill to be entitled An act relating to public printing; repealing s. 283.57, F.S., which requires specific legislative approval for an agency's purchase of printing equipment; providing an effective date.

—was referred to the Committees on Governmental Operations; and Rules and Calendar.

By Representative Brennan—

HJR 1025—A joint resolution proposing the creation of Section 7 of Article XI of the State Constitution relating to records and meetings of advisory commissions created by the constitution.

—was referred to the Committees on Governmental Operations; and Rules and Calendar.

By the Committee on Ethics and Elections; and Representative Hawkins and others—

CS for HB 247—A bill to be entitled An act relating to public officers and employees; amending s. 112.3185, F.S.; providing definitions; revising language with respect to contractual services; amending s. 112.313, F.S.; prohibiting local elective officers or designated policymaking or managerial employees from representing another person or entity for compensation on matters before the governing body of which the individual was an officer or employee for a certain time period following vacation of office or termination of employment; providing for waiver under certain circumstances; providing exemptions; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Community Affairs.

By Representative Arnold—

HB 369—A bill to be entitled An act relating to Lee County; providing for the relief of Suzanne Alexander; providing for attorney's fees;

compensating her for personal injuries sustained as a result of an automobile accident occurring on May 1, 1985, in Fort Myers, Florida; providing for payment by Lee County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By the Committee on Veterans and Military Affairs and Emergency Preparedness; and Representative Bronson and others—

CS for HB 671—A bill to be entitled An act relating to the Florida National Guard; amending s. 250.31, F.S.; providing that Florida National Guard personnel serving in any drug interdiction program under the authority of the Governor shall be considered in active service of the state; creating s. 250.531, F.S.; providing for the drug interdiction responsibilities of the Florida National Guard; providing an effective date.

—was referred to the Committees on Governmental Operations; Personnel, Retirement and Collective Bargaining; and Appropriations.

By the Committee on Health and Rehabilitative Services; and Representatives Foley and Bloom—

CS for HB 743—A bill to be entitled An act relating to mental health; amending s. 394.459, F.S.; revising patient's right to express and informed consent; providing for consent to admission to a facility; revising procedures with respect to minors; creating s. 394.4784, F.S.; providing to certain minors access to outpatient crisis intervention services including diagnostic and evaluative services and therapy and counseling; providing limitations; providing for parental participation; providing limitations on parental financial liability; providing rights of professionals; amending s. 394.715, F.S.; modifying procedure for appointment of members to the district alcohol, drug abuse, and mental health planning councils; providing a residency requirement; specifying a five-member nominating committee; providing an effective date.

(Substituted for CS for CS for SB 2186 on the special order calendar this day.)

By the Committee on Health Care and Representative Guber and others—

CS for HB 1039—A bill to be entitled An act relating to health care; creating s. 745.40, F.S.; designating ss. 745.40-745.53, F.S., the Health Care Surrogate Act of Florida; amending s. 745.41, F.S.; defining terms for purposes of ss. 745.40-745.53, F.S.; amending s. 745.42, F.S.; revising provisions relating to the designation of a health care surrogate; authorizing the designation of certain employees of the treating health care provider or health care facility as a health care surrogate, if the employee is related to the principal; amending s. 745.44, F.S.; revising provisions relating to persons who may serve as a health care surrogate of a patient who has not designated a surrogate and who does not have the capacity to make medical decisions for himself; amending s. 745.45, F.S.; clarifying responsibilities of a health care surrogate; amending s. 745.46, F.S.; clarifying the type of experimental treatments or therapies a health care surrogate may consent to; authorizing a health care surrogate to consent to withholding or withdrawing life-prolonging procedures from the principal, if expressly authorized to do so by the principal; amending s. 745.47, F.S.; clarifying a condition under which a surrogate's decision may be reviewed by a court; authorizing a court order to have a surrogate's decision honored; amending s. 745.48, F.S.; providing that the designation of a health care surrogate is not revoked if the principal regains the capacity to make health care decisions or provide informed consent; amending s. 745.50, F.S.; revising a provision that prohibits health care providers and facilities to require such a designation; amending s. 745.51, F.S.; revising a provision that restricts the liability of a health care surrogate; creating s. 745.53, F.S.; providing for the preservation of existing legal rights; amending s. 765.01, F.S.; clarifying a short title; amending s. 765.02, F.S.; clarifying legislative intent with respect to the decision of a person to forego life-prolonging medical procedures; amending s. 765.03, F.S.; defining terms for purposes of ss. 765.01-765.17, F.S., relating to life-prolonging procedures; amending s. 765.04, F.S.; deleting a reference to oral declarations; providing a standard of proof for oral conditions or limitations placed on a declaration; amending s. 765.05, F.S.; specifying a suggested written form to make such a declaration; amending s. 765.07, F.S.; revising procedure for designating a person to decide whether to withhold or withdraw life-prolonging procedures from a terminally ill

adult; deleting a requirement for witnesses to certain treatment consultations; amending s. 765.09, F.S.; revising language with respect to the transfer of a qualified patient; amending s. 765.10, F.S.; providing emergency medical services personnel with immunity from liability, under certain circumstances; amending ss. 765.11, 765.12, 765.14, and 765.15, F.S.; correcting cross references; amending s. 765.13, F.S.; providing penalties for giving specified health care providers certain oral instructions that are contrary to the patient's expressed decisions; repealing s. 745.49, F.S., relating to the period of time a designation is valid; repealing s. 765.075, F.S., relating to withdrawing or withholding of food and water; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Judiciary; and Appropriations.

By Representative Daryl Jones and others—

HB 1221—A bill to be entitled An act relating to adoption; amending s. 63.022, F.S.; providing legislative intent to maintain sibling groups, whenever possible; amending s. 63.082, F.S.; revising requirements with respect to execution of consent; amending s. 63.165, F.S.; providing duty to inform adoptive parents of the state registry of adoption information; amending s. 63.185, F.S.; providing an exception to residence requirements for stepparent adoptions; amending s. 409.166, F.S.; authorizing the Department of Health and Rehabilitative Services to reimburse certain adoptive parents for nonrecurring adoption expenses; providing an effective date.

—was referred to the Committees on Judiciary; Health and Rehabilitative Services; and Appropriations.

By Representative Arnold—

HB 1809—A bill to be entitled An act relating to elections; amending s. 100.371, F.S.; requiring the sponsor to certify that no per-signature fee has been paid to any person for signing an initiative petition; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

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 and requests the Senate to concur, and in the event the Senate refuses to concur has acceded to the request of the Senate for the appointment of a conference committee for CS for HB 2523.

The Speaker has appointed the following Representatives to the conference committee: Representatives Abrams, Saunders, Bo Johnson, Logan, Hill, King and Hawkins.

John B. Phelps, Clerk

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.

House Amendment 1 to Senate Amendment 1—On page 1, line 12, through page 116, line 13, strike all of said lines, 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. (1) 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.

(2) This section applies to refund denials issued on or after July 1, 1991.

Section 3. (1) 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.

(2) This section applies to refund denials issued on or after July 1, 1991.

Section 4. 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 5. 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 6. 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 7. Subsection (5) is added to section 193.114, Florida Statutes, to read:

193.114 Preparation of assessment rolls.—

(5) For proprietary purposes, including furnishing or sale of copies of the tax roll pursuant to s. 119.07(1), the property appraiser shall be deemed the custodian of the tax roll and the copies of it which may be maintained by any state agency. The department or any state or local agency may use copies of the tax roll received by it for official purposes and shall permit inspection and examination thereof pursuant to s. 119.07(1), but shall not be required to furnish copies of such records.

Section 8. Section 194.015, Florida Statutes, is amended to read:

194.015 Property value appraisal adjustment board.—There is hereby created a property value appraisal adjustment board for each county, which shall consist of three members of the governing body of the county as elected from the membership of the board of said governing body, one of whom shall be elected chairman, and two members of the school board as elected from the membership of the school board. The members of the board may be temporarily replaced by other members of the respective boards on appointment by their respective chairpersons. Any three members shall constitute a quorum of the board, except that each quorum must include at least one member of said governing board

and at least one member of the school board, and no meeting of the board shall take place unless a quorum is present. Members of the board may receive such per diem compensation as is allowed by law for state employees if both bodies elect to allow such compensation. The clerk of the governing body of the county shall be the clerk of the property value appraisal adjustment board. The office of the county attorney may be counsel to the board unless the county attorney represents the property appraiser, in which instance the board shall appoint private counsel who has practiced law for over 5 years and who shall receive such compensation as may be established by the board. No meeting of the board shall take place unless counsel to the board is present. However, counsel for the property appraiser shall not be required when the county attorney represents only the board at the board hearings, even though the county attorney may represent the property appraiser in other matters or at a different time. Two-fifths of the expenses of the board shall be borne by the district school board and three-fifths by the district county commission.

Section 9. In editing manuscript for the next edition of the official Florida Statutes, the Statutory Revision Division of the Joint Legislative Management Committee shall change "property appraisal adjustment board" to "property value adjustment board" wherever the same appears.

Section 10. Subsection (3) of section 195.027, Florida Statutes, 1990 Supplement, is amended to read:

195.027 Rules and regulations.—

(3) The rules and regulations shall provide procedures whereby the property appraiser, the Department of Revenue, and the Auditor General shall be able to obtain access, where necessary, to financial records relating to nonhomestead property which records are required to make a determination of the proper assessment as to the particular property in question. Access to a taxpayer's records shall be provided only in those instances in which:

(a) it is determined that such records are necessary to determine either the classification or the value of taxable nonhomestead property pursuant to part II of chapter 193, or

(b) The property appraiser requests income and expense information for taxable nonhomestead property, and the taxpayer agrees to provide such information. The property appraiser, in his written request for such income and expense information, shall state, in layman's language, the vacancy and collection rate, expense rate, and capitalization rate used for the previous year's income approach to valuation of the taxpayer's type of taxable nonhomestead property.

Access shall be provided only to those records which pertain to the property physically located in the taxing county as of January 1 of each year and to the income from such property generated in the taxing county for the year in which a proper assessment is made. All records produced by the taxpayer under this subsection shall be deemed to be confidential in the hands of the property appraiser, the department, the tax collector, and the Auditor General and shall not be divulged to any person, firm, or corporation, except upon court order or order of an administrative body having quasi-judicial powers in ad valorem tax matters, and such records are 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.

Section 11. Subsection (10) of section 196.011, Florida Statutes, 1990 Supplement, is amended to read:

196.011 Annual application required for exemption.—

(10) At the option of the property appraiser and notwithstanding any other provision of this section, initial or original applications for homestead exemption for the succeeding year may be accepted and granted after March 1. Reapplication on a short form as authorized by subsection (5) shall be required if the county has not waived the requirement of an annual application of the applicant to affirm that the use of the property and his status as a permanent resident have not changed since the initial application filed after March 1 of the previous year. Once the initial or original application and reapplication have been granted, the property may qualify for the exemption in each succeeding year pursuant to the provisions of subsection subsections (6) or subsection and (9).

Section 12. Section 197.364, Florida Statutes, as amended by chapter 89-356, Laws of Florida, is hereby repealed.

Section 13. (1) 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 timely paid on the due date or on 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.*

(2) This section applies to taxes due on or after July 1, 1991.

Section 14. (1) Subsections (1) and (2) of section 199.052, Florida Statutes, are amended, subsections (3) through (12) are renumbered as subsections (4) through (13), respectively, and a new subsection (3) is added to said section, 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.*

(2) This section shall first apply to intangible taxes assessed January 1, 1992, and due and payable by June 30, 1992.

Section 15. 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 s. 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) ~~(f)~~ Such additional information as may be necessary or appropriate to enable the Department of State to carry out the provisions of this act.

Section 16. (1) *Subsection (13) of section 200.069, Florida Statutes, 1990 Supplement, as created by chapter 90-343, Laws of Florida, is hereby repealed.*

(2) This section shall apply retroactively to January 1, 1991.

Section 17. (1) Subsections (5) and (7) of section 203.01, Florida Statutes, 1990 Supplement, are amended, and subsections (8) and (9) are added to said 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.*

(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.*

(9) *Notwithstanding the provisions of paragraph (1)(b), the rate applicable to revenues collected on-site from the provision of local pay telephone service shall be 1.5 percent.*

(2) It is the intent of the Legislature that subsection (8) of section 203.01, Florida Statutes, as created by this section, is remedial legislation intended to clarify the application of the tax both under current law and under the law as it existed prior to 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 which have not previously been subjected to tax.

Section 18. 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 to, either temporarily or permanently, 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 stolen 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 stolen 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 stolen 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 stolen is less than \$300, the offense is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Upon a second conviction involving less than \$300, the offender commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Upon a third or subsequent conviction involving less than \$300, the offender commits 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 19. For the purpose of incorporating the amendment to section 206.56, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are 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.

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, 206.19, 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, 206.86, 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.

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.

336.026 State Comprehensive Enhanced Transportation System Tax.—

(2)(a) The tax shall be collected and remitted by any person engaged in selling at retail motor fuel or using or selling at retail special fuel within a county in which the tax is imposed. The tax remitted to the Department of Revenue pursuant to this section shall be transferred to the Gas Tax Collection Trust Fund and after deducting the service charge imposed in chapter 215 shall be distributed monthly to the State Transportation Trust Fund. The department has the authority to prescribe and publish all forms upon which reports shall be made to it and

other forms and records deemed to be necessary for proper administration and collection of the tax and shall promulgate such rules as may be necessary for the enforcement of this section. The provisions of ss. 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, 206.41(2), 206.425, 206.426, 206.44, 206.445, 206.48, 206.49, 206.56, 206.59, 206.626, 206.87(2)-(8), 206.94, 206.945, 212.61, 212.62(1) and (2), and 212.637 shall, as far as practicable, be applicable to the levy and collection of the tax imposed pursuant to this section as if fully set out in this section.

Section 20. Paragraph (d) of subsection (2) of section 206.9825, Florida Statutes, 1990 Supplement, is amended to read:

206.9825 Aviation fuel tax.—

(2)(a) Notwithstanding the tax rate established in subsection (1), any air carrier making the election pursuant to s. 212.0598 shall be subject to a tax rate of 8 percent of the retail sales price of its purchases of each gallon of aviation fuel. However, in no event shall the tax on aviation fuel pursuant to this subsection be lower than 4.4 cents per gallon. The tax levied pursuant to this subsection shall qualify for the special apportionment formula for air carriers as provided in s. 212.0598.

(b) Any air carrier making the election pursuant to s. 212.0598 shall not be entitled to the refund provided in s. 206.9855.

(c) Any person who is licensed by the department as an aviation fuel dealer and who has an inventory of aviation fuel on which the tax provided in subsection (1) has been paid and upon which he has collected the tax imposed under this subsection may apply to the department for a refund of the tax imposed under subsection (1) pursuant to s. 212.67.

(d) This subsection shall expire and be void on July 1, 2000 ~~1992~~. This repeal shall not be construed to relieve any person from the obligation to remit the tax imposed by this subsection or to report as required under s. 206.9865.

Section 21. Paragraph (b)4. 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.—

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-paragraph 2.a. or sub-paragraph 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 the municipality in which the authority is located may invest surplus funds.

Section 22. 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 department or the executive director or his designee 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 department or executive director or

his designee 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 23. 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. *Additionally, the ratio shall be applied each month to the carrier's total systemwide payments for the lease or rental of, or license in, real property used by the carrier substantially for aircraft maintenance if that carrier employed, on average, during the previous calendar quarter in excess of 3,000 full-time equivalent maintenance or repair employees at one maintenance base which it leases, rents, or has a license in, in this state. In all other instances, the tax on real property leased, rented, or licensed by the carrier shall be as provided in s. 212.031.*

Section 24. Subsection (8) 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.—

(8)(a) Use tax will apply and be due on tangible personal property imported or caused to be imported into this state for use, consumption, distribution, or storage to be used or consumed in this state; provided, however, that, *except as provided in paragraph (b)*, it shall be presumed that tangible personal property used in another state, territory of the United States, or the District of Columbia for 6 months or longer before being imported into this state was not purchased for use in this state. The rental or lease of tangible personal property which is used or stored in this state shall be taxable without regard to its prior use or tax paid on purchase outside this state.

(b) *The presumption that tangible personal property used in another state, territory of the United States, or the District of Columbia for 6 months or longer before being imported into this state was not purchased for use in this state shall not apply to any boat wherein a saltwater fishing license fee is required to be paid pursuant to s. 370.0605(2)(b)1., 2., or 3., either directly or indirectly, for the purpose of taking, attempting to take, or possessing any marine fish for noncommercial purposes. Use tax shall apply and be due on such a boat as provided in this paragraph, and proof of payment of such tax must be presented prior to the first such licensure of the boat, registration of the boat pursuant to chapter 327, and titling of the boat pursuant to chapter 328, after the effective date of this section. A boat which is first licensed within 1 year of purchase shall be subject to use tax on the full amount of the purchase price; a boat which is first licensed in the second year after purchase shall be subject to use tax on 90 percent of the purchase price; a boat which is first licensed in the third year after purchase shall be subject to use tax on 80 percent of the purchase price; a boat which is first licensed in the fourth year after purchase shall be subject to use tax on 70 percent of the purchase price; a boat which is first licensed in the fifth year after purchase shall be subject to use tax on 60 percent of the purchase price; and a boat which is first licensed in the sixth year after purchase, or later, shall be subject to use tax on 50 percent of the purchase price. If the purchaser fails to provide the purchase invoice on such boat, the fair market value of the boat at the time of importation into this state shall be used to compute the tax.*

Section 25. Paragraph (d) of subsection (3) of section 212.054, Florida Statutes, 1990 Supplement, is amended 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:

(d) The user of any aircraft or boat of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government imported into the county for use, consumption, distribution, or storage to be used or consumed in the county is located in the county; however, it shall be presumed that such items used outside the county for 6 months or longer before being imported into the county were not purchased for use in the county, *except as provided in s. 212.06(8)(b)*. The provisions of this paragraph shall not apply to the use or consumption of such items upon which a like tax of equal or greater amount has been lawfully imposed and paid outside the county;

Section 26. 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, 1991, the 66 percent rate provided in subsection (1) and subparagraph 1. shall be reduced to 55 percent.~~

Section 27. (1) Effective January 1, 1992, paragraph (a) of subsection (6) of section 212.11, Florida Statutes, 1990 Supplement, as amended by this act, and paragraph (c) of said subsection, are amended to read:

212.11 Tax returns and regulations.—

(6)(a) 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.

(c) Any dealer who is eligible to file a consolidated return and who paid the tax imposed by this part for the immediately preceding state fiscal year in an amount greater than or equal to \$100,000 ~~\$200,000~~ or would have paid the tax in such amount if he had filed a consolidated return shall be subject to the provisions of this subsection notwithstanding an election by him in any month to file a separate return.

(2) This section shall first apply to sales tax returns remitted in January 1992. Notwithstanding the provisions of s. 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 s. 212.11, Florida Statutes, as amended by this section, shall be deposited into the General Revenue Fund. The remainder shall be allocated as provided in ss. 212.20 and 212.235, Florida Statutes.

Section 28. (1) *Sections 26 and 27 of chapter 90-132, Laws of Florida, are hereby repealed.*

(2) If at the legislative session at which this section is enacted there is also enacted an amendment to s. 212.04(5) or s. 212.12(1), Florida Statutes, with an effective date subsequent to December 31, 1991, which reproduces the text of either of said subsections as amended by section 26 or section 27 of chapter 90-132, Laws of Florida, it is the intent of the Legislature that such other enactment shall not operate to revive the amendment to s. 212.04(5) or s. 212.12(1), Florida Statutes, by section 26 or section 27 of chapter 90-132, Laws of Florida.

Section 29. Subsections (1), (2), and (7) of section 213.053, Florida Statutes, 1990 Supplement, are amended, and subsections (12) and (13) are added to said 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 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.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. 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 investigations 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 30. Section 213.225, Florida Statutes, is created to read:

213.225 Publications by the department.—The department, through the Division of Administration, is authorized, from time to time in its discretion, to 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 is authorized to make charges for technical and educational publications and mimeographed material of use for educational or reference purposes. Such charges shall be made at the discretion of the Division of Administration. Such charges may be sufficient to cover costs 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 is further authorized to enter into agreements with persons, firms, corporations, governmental agencies, and other institutions whereby publications may be exchanged reciprocally in lieu of payment for said publications.

Section 31. Section 213.30, Florida Statutes, is amended to read:

213.30 Compensation for information relating to a violation of the tax laws or underpayment or nonpayment of taxes.—

(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. 72.011(1). 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 or underpayment or nonpayment of taxes while an employee of such agency may provide information to the department of the type described in subsection (1), but such 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 or underpayment or nonpayment of taxes while an employee of such agency may provide information to the department of the type described in subsection (1), but such 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 such persons are confidential as provided in s. 213.053 in the same manner as other confidential taxpayer information.

Section 32. 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 33. Section 213.37, Florida Statutes, is created to read:

213.37 Authority to require sworn statements.—

(1) *The Department of Revenue shall have the general authority to require verification of exemption applications, refund applications, and tax returns relevant to administration of the revenue laws of this state.*

(2) *Verification shall be accomplished as provided in s. 92.525(1)(b) and subject to the provisions of s. 92.525(3).*

Section 34. *Section 214.01, Florida Statutes, is hereby repealed.*

Section 35. *Section 214.02, Florida Statutes, is 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 36. *Section 214.03, Florida Statutes, is renumbered as section 220.703, Florida Statutes, and subsection (2) 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. 220.713 214.08 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 37. *Section 214.04, Florida Statutes, is renumbered as section 220.705, Florida Statutes.*

Section 38. *Section 214.05, Florida Statutes, is renumbered as section 220.707, Florida Statutes, and subsection (1) 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. 220.703 214.03 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 39. *Section 214.06, Florida Statutes, is renumbered as section 220.709, Florida Statutes, and subsection (3) 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. 220.703 214.03 and 220.707 214.05.*

Section 40. *Section 214.07, Florida Statutes, is renumbered as section 220.711, Florida Statutes.*

Section 41. *Section 214.08, Florida Statutes, is 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. 220.717 214.11.

Section 42. *Sections 214.10 and 214.11, Florida Statutes, are renumbered as sections 220.715 and 220.717, Florida Statutes, respectively.*

Section 43. *Section 214.12, Florida Statutes, is renumbered as section 220.719, Florida Statutes, and subsection (1) 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 44. *Section 214.13, Florida Statutes, is renumbered as section 220.721, Florida Statutes.*

Section 45. *Section 214.14, Florida Statutes, is renumbered as section 220.723, Florida Statutes, and subsection (1) is amended to read:*

220.723 214.14 Overpayments; interest.—

(1) *Interest shall be allowed and paid in accordance with the provisions of s. 220.807 214.435 upon any overpayment of a tax under 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 46. *Sections 214.15 and 214.16, Florida Statutes, are renumbered as sections 220.725 and 220.727, Florida Statutes, respectively.*

Section 47. *Section 214.17, Florida Statutes, is 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 that 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 48. *Section 214.18, Florida Statutes, is 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 49. *Section 214.19, Florida Statutes, is 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 50. *Section 214.20, Florida Statutes, is renumbered as section 220.735, Florida Statutes.*

Section 51. *Section 214.22, Florida Statutes, is renumbered as section 220.737, Florida Statutes, and subsection (2) 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 docu-*

ment 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 52. *Section 214.23, Florida Statutes, 1990 Supplement, is renumbered as section 220.739, Florida Statutes.*

Section 53. *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 54. Section 214.40, Florida Statutes, is renumbered as section 220.801, Florida Statutes, and subsections (1) and (2) 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 55. Section 214.41, Florida Statutes, is renumbered as section 220.803, Florida Statutes, and subsection (1) 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 56. Section 214.42, Florida Statutes, is 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 57. Section 214.425, Florida Statutes, is renumbered as section 220.807, Florida Statutes, and subsection (1) 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 58. Section 214.43, Florida Statutes, is 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. ~~220.807 214.425~~ 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 of~~ this chapter which has been erroneously refunded and which is recoverable by the department shall bear interest computed as provided in s. ~~220.807 214.425~~ from the date of payment of such refund.

(7) The department may settle or compromise interest imposed herein pursuant to s. 213.21.

Section 59. *Section 214.434, Florida Statutes, is renumbered as section 220.811, Florida Statutes.*

Section 60. Section 214.44, Florida Statutes, is renumbered as section 220.813, Florida Statutes, and subsection (1) 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 of~~ this chapter.

Section 61. Section 214.45, Florida Statutes, is renumbered as section 220.815, Florida Statutes, and subsection (2) 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 62. *Section 214.46, Florida Statutes, is hereby repealed.*

Section 63. *Section 214.47, Florida Statutes, is renumbered as section 220.819, Florida Statutes.*

Section 64. Section 214.48, Florida Statutes, is renumbered as section 220.821, Florida Statutes, and paragraph (e) of subsection (1) 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. ~~220.819 214.47~~.

Section 65. *Section 214.49, Florida Statutes, is renumbered as section 220.823, Florida Statutes.*

Section 66. Section 214.50, Florida Statutes, is 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. ~~220.815 214.45~~.

Section 67. Section 214.51, Florida Statutes, is 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 68. Section 214.52, Florida Statutes, is renumbered as section 220.829, Florida Statutes.

Section 69. Sections 220.801 through 220.829, Florida Statutes, are designated as part IX of chapter 220, Florida Statutes, entitled "Penalties, Interest, and Enforcement."

Section 70. Section 214.60, Florida Statutes, is 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 71. Section 214.61, Florida Statutes, is renumbered as section 220.903, Florida Statutes.

Section 72. Section 214.62, Florida Statutes, is 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 ~~214.60~~ or s. 220.903 ~~214.61~~ shall be subject to fine or imprisonment to the same extent as the perpetrator of such act.

Section 73. Sections 220.901 through 220.905, Florida Statutes, are designated as part X of chapter 220, Florida Statutes, entitled "Tax Crimes."

Section 74. (1) 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 taxpayers doing business within and without this state by multiplying it by an apportionment fraction composed of a sales factor representing 50 percent of the fraction, a property factor representing 25 percent of the fraction, and a payroll factor representing 25 percent of the fraction. In the event any of the factors described in subsection (2), subsection (4), or subsection (5) has a denominator which 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 insignificant, the weighted percentage for the remaining factor shall be 100 percent.

(b) If the denominator for the sales factor is zero or 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 insignificant, the weighted percentage for the other shall be 33 1/3 percent and the weighted percentage for the sales factor shall be 66 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 and 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 where the office which 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 which generate business income where 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 which 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 or trust funds deposited with the taxpayer where the office at which secured deposit is maintained is in this state;

(h) Leases of tangible personal property to another where 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) *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) *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; except that:*

1. *Rental income is included in the term "sales" whenever 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 "sales" whenever 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 are 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 except where 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 such 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 will not be deemed 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, shall be 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, 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, and 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; and*

7. *Any other gross income, including other interest, resulting from the operation as a financial organization within this state.*

In computing the amounts referred to in 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" 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," which is used in the computation of apportionment factor denominators, 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."*

(2) *This section applies to taxable years beginning on or after January 1, 1991.*

Section 75. Section 214.72, Florida Statutes, is renumbered as section 220.151, Florida Statutes, and paragraph (d) is added to subsection (2) 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 76. Section 214.73, Florida Statutes, is 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 ~~214.71~~ and 220.151 ~~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 77. (1) *Sections 214.70 and 214.71, Florida Statutes, are hereby repealed.*

(2) *This section applies to taxable years beginning on or after January 1, 1991.*

Section 78. 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 79. 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) ~~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) ~~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 80. 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; ss. 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 81. 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 ~~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 ~~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 ~~214.72~~ in the manner prescribed by the department by rule.

Section 82. 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 83. 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 ~~1~~ 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 84. 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 ~~214.13~~ shall be deemed to have been paid on account of the tax imposed by this code for such taxable year.

Section 85. 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 ~~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 ~~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 86. 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 87. 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)(e) 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 88. 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 89. 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 90. (1) Paragraph (n) of subsection (1) and paragraph (c) of subsection (2) of section 220.03, Florida Statutes, 1990 Supplement, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(n) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended and in effect on January 1, 1991 ~~1990~~, except as provided in subsection (3).

(2) DEFINITIONAL RULES.—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(c) Any term used in this code shall have the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on January 1, 1991 ~~1990~~. However, if subsection (3) is implemented, the meaning of any term shall be taken at the time the term is applied under this code.

(2) This section shall operate retroactively to January 1, 1991.

Section 91. 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 5 1/2 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 92. 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 5 1/2 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 93. (1) *In addition to the tax imposed by s. 220.63, Florida Statutes, on banks and savings associations as defined in s. 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 s. 220.68, Florida Statutes, for the preceding taxable year exceeded 40 percent of the sum of the tax which was due pursuant to part VII of chapter 220, Florida Statutes, before the credit and the tax due pursuant to chapter 221, Florida Statutes.*

(2) *In addition to the tax imposed by subsection (1), banks and savings associations shall pay an amount equal to 12 percent of the tax due pursuant to 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 only apply to taxable years beginning after December 31, 1990. It is intended that no bank or savings association be allowed a credit pursuant to s. 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 94. (1) Section 220.12, Florida Statutes, 1990 Supplement, is amended to read:

220.12 "Net income" defined.—For purposes of this code, a taxpayer's net income for a taxable year ~~which commences on or after January 1, 1972,~~ shall be its adjusted federal income, or that share of its adjusted federal income for such year which is apportioned to this state under s. 220.15, plus nonbusiness income allocated to this state pursuant to s. 220.16, less child care facility startup costs as defined by s. 220.03(1)(ee), less the exemption allowed by s. 220.14.

(2) This section applies to tax years beginning on or after January 1, 1991.

Section 95. 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. 220.131(1) ~~220.183(1)~~ may be allowed the credit on a consolidated return basis.

(g) *A taxpayer eligible to receive the credit provided for in s. 624.5105 is not eligible to receive the credit provided by this section.*

Section 96. 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 97. 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 state fiscal year following the date the tax was due.

Section 98. 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.

The provisions of this section do not apply to any license, permit, or certificate issued by the Department of Revenue.

Section 99. Effective July 1, 1991, section 395.101, Florida Statutes, is amended to read:

395.101 Annual assessments on net operating revenues to fund public medical assistance; administrative fines for failure to pay assessments when due.—

(1) For the purposes of this section, the term:

(a) "Department" means the Department of Health and Rehabilitative Services.

(b) "Gross operating revenue" or "gross revenue" means the sum of daily hospital service charges, ambulatory service charges, ancillary service charges, and other operating revenue.

(c) "Hospital" means a health care institution *licensed as a hospital pursuant to chapter 395 as defined in s. 395.002(6)*, but does not include ~~ambulatory surgical centers any hospital operated by the Department of Health and Rehabilitative Services or the Department of Corrections.~~

(d) "Health Care Cost Containment Board" or "board" means the Health Care Cost Containment Board created by s. 407.01.

(e) "Net operating revenue" or "net revenue" means gross revenue less deductions from revenue.

(f) "Total deductions from gross revenue" or "deductions from revenue" means reductions from gross revenue resulting from inability to collect payment of charges. Such reductions include bad debts; contractual adjustments; uncompensated care; administrative, courtesy, and policy discounts and adjustments; and other such revenue deductions, but also includes the offset of restricted donations and grants for indigent care.

(2) ~~There is hereby imposed upon each hospital an assessment on the annual net operating revenues of the hospital in an amount that is inversely related to the hospital's most recently calculated disproportionate share rate calculated pursuant to s. 409.266(19). Each hospital's assessment percentage shall not exceed 2.00 percent nor be less than 1.25 percent.~~

(3)(a) ~~If a hospital's disproportionate share rate is equal to 2 percent or less, the hospital's assessment percentage shall be equal to 2.00 percent of its current net operating revenues.~~

(b) ~~If a hospital's disproportionate share rate is equal to 40 percent or more, the hospital's assessment percentage shall be equal to 1.25 percent of its current net operating revenues.~~

(c) ~~If a hospital's disproportionate share rate is greater than or equal to 18 percent but less than 40 percent, the hospital's assessment percentage shall be equal to 1.5 percent of its current net operating revenues.~~

(d) ~~If a hospital is a rural hospital as defined in s. 395.102(2)(a) and the hospital's disproportionate share rate is less than 40 percent, the hospital's assessment percentage shall be equal to 1.5 percent of its current net operating revenues.~~

(e) ~~All hospitals, other than rural hospitals, which have disproportionate share rates that are between 2 percent and 18 percent shall be assessed based on the following formula:~~

$$HAP = 2.00 - ((DSR - 2.0) \times (.50/16))$$

Where:

HAP = hospital assessment percentage.

DSR = disproportionate share rate.

(4)(a) ~~Effective July 1, 1991, the board shall certify to the department the amount of the assessment due from each hospital on July 1, 1991. Any assessment previously calculated for calendar quarters beginning July 1, 1991, shall be recalculated based on the formula described in this section.~~

(b) ~~For state fiscal year 1991-1992, the board shall use actual disproportionate share rates calculated by the department using audited data for hospital fiscal years ending in 1988.~~

(c) ~~Each hospital's assessment percentage shall be applied to the most current net operating revenue reported to the board.~~

(d) ~~By January 1, 1992, the department shall send to each hospital a form indicating the information required to calculate the disproportionate share rates to be returned by January 31, 1992. By March 1, 1993, the department shall complete the audits of all data required to calculate the disproportionate share rates using hospital fiscal years ending in 1991 for the assessments and disproportionate share program in 1992-93.~~

(e) ~~Beginning on July 1, 1992, the department shall base the actual disproportionate share rates and assessments on the data submitted by hospitals for their fiscal years ending in the previous calendar year.~~

(f) ~~By June 1, 1992, and quarterly thereafter, the board shall certify to the department the most current net operating revenue for each hospital.~~

~~(2) There is hereby imposed upon each hospital an assessment in an amount equal to 1 percent of the annual net operating revenue of the hospital for its first fiscal year ending subsequent to May 18, 1984, and in an amount equal to 1.5 percent of such revenue for each hospital fiscal year thereafter, such revenue to be determined by the board, based on the actual experience of the hospital as reported to the board.~~

~~(5) Within 6 months after the end of each hospital fiscal year, the board shall certify to the department the amount of the assessment for each hospital. The assessment shall be payable to and collected by the department in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter that occurs after the board certifies to the department determines the amount of the assessment for each hospital. All moneys collected pursuant to this section subsection shall be deposited into the Public Medical Assistance Trust Fund.~~

(6)(3) ~~The department shall impose an administrative fine, not to exceed \$500 per day, for failure of any hospital to timely submit the information report required in paragraph (4)(b), or pay its assessment by the first day of the calendar quarter on which it is due. The failure of a hospital to timely submit the information report required in paragraph (4)(b), or to pay its assessment within 30 days after the assessment is due is ground for the department to impose an administrative fine not to exceed \$5,000 per day.~~

Section 100. Effective July 1, 1991, section 395.1015, Florida Statutes, is created to read:

395.1015 Annual assessment on health care entities.—

(1) For purposes of this section, the term:

(a) "Board" means the Health Care Cost Containment Board.

(b)1. "Net operating revenue" means gross revenue less deductions from revenue.

2. "Gross revenue" means the sum of daily service charges, ambulatory service charges, ancillary service charges, and other operating revenue.

3. "Deductions from revenue" means reductions from gross revenue resulting from inability to collect payment of charges. Such reductions include bad debts; contractual adjustments; uncompensated care; administrative, courtesy, and policy discounts and adjustments; and other such revenue deductions; and also include the offset of restricted donations and grants for indigent care.

(2) There is hereby imposed an annual assessment against certain health care entities as described in this section:

(a) The assessment shall be equal to 2.00 percent of the annual net operating revenues of health care entities.

1. The first assessment shall be due on April 30, 1992, and the second on April 30, 1993, and each shall be based on the appropriate reports filed with the board no later than March 31 of the year the assessment is due. By January 1, 1992, the health care entity shall make a one-time election to base the assessments on net operating revenue received in the health care entity's latest fiscal year ending on or before December 31, 1991, or December 31, 1992, respectively, or the 12-month period ending March 31 of the year the assessment is due. The assessment shall be payable to and collected by the board.

2. Beginning July 1, 1993, assessments shall be based on annual net operating revenues for the entity's most recently completed fiscal year as provided in subsection (3).

(b) For the purpose of this section, "health care entities" includes the following:

1. Ambulatory surgical centers licensed under s. 395.003.

2. Clinical laboratories licensed under s. 483.091, excluding any hospital laboratory defined under s. 483.041(7), any clinical laboratory operated by the state or a political subdivision of the state, and any blood or tissue bank where the majority of revenues are received from the sale of blood or tissue and where blood, plasma, or tissue is procured from volunteer donors and donated, processed, stored, or distributed on a nonprofit basis.

3. Freestanding radiation therapy centers providing treatment through the use of radiation therapy machines that are registered under s. 404.22, and sections 10D-99.902, .903, and .904 of the Florida Administrative Code.

4. Diagnostic imaging centers which are freestanding outpatient facilities that provide specialized services for the identification or determination of a disease through examination and also provide sophisti-

cated radiological services such as computed tomography scans and magnetic resonance imaging, and in which services are rendered by a physician licensed by the Board of Medicine under s. 458.311, s. 458.313, or s. 458.317, or by an osteopathic physician licensed by the Board of Osteopathic Medical Examiners under s. 459.006, s. 459.007, or s. 459.0075.

(3)(a) Beginning July 1, 1993, the assessment shall be on the actual experience of the entity as reported to the board within 120 days after the end of its fiscal year in the preceding calendar year based upon reports developed by the board in a rule after consultation with appropriate professional and governmental advisory bodies.

(b) Within 6 months after the end of each entity's fiscal year, the board shall certify the amount of the assessment to each entity. The assessment shall be payable to and collected by the board in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter.

(4) All moneys collected pursuant to this section shall be deposited into the Public Medical Assistance Trust Fund.

(5) The board may utilize its authority under ss. 407.02, 407.06, and 407.07 in administering this section.

Section 101. Effective July 1, 1991, subsection (19) is added to section 409.266, Florida Statutes, 1990 Supplement, to read:

409.266 Medical assistance.—

(19) **DISPROPORTIONATE SHARE PROGRAM.**—The department shall distribute, pursuant to this subsection, moneys appropriated from the Public Medical Assistance Trust Fund to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. Notwithstanding the provisions of s. 409.267, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(a) **Definitions.**—As used in this subsection:

1. "Adjusted patient days" means the sum of acute care patient days and intensive care patient days as reported to the Department of Health and Rehabilitative Services, divided by the ratio of inpatient revenues generated from acute, intensive, ambulatory, and ancillary patient services to gross revenues.

2. "Actual audited data" or "actual audited experience" means data reported to the Department of Health and Rehabilitative Services which has been audited in accordance with generally accepted auditing standards by the department or representatives under contract with the department.

3. "Base Medicaid per diem" means the hospital's Medicaid per diem rate initially established by the Department of Health and Rehabilitative Services on July 1 of each state fiscal year. The base Medicaid per diem rate shall not include any additional per diem increases received as a result of the disproportionate share distribution.

4. "Charity care" or "uncompensated charity care" means that portion of hospital charges reported to the Department of Health and Rehabilitative Services for which there is no compensation for care provided to a patient whose family income for the 12 months preceding the determination is less than or equal to 150 percent of the federal poverty level, unless the amount of hospital charges due from the patient exceeds 25 percent of the annual family income. However, in no case shall the hospital charges for a patient whose family income exceeds four times the federal poverty level for a family of four be considered charity.

5. "Charity care days," means the sum of the deductions from revenues for charity care minus 50 percent of restricted and unrestricted revenues provided to a hospital by local governments or tax districts, divided by gross revenues per adjusted patient day.

6. "Disproportionate share percentage" means a rate of increase in the Medicaid per diem rate as calculated under this section.

7. "Hospital" means a health care institution licensed as a hospital pursuant to chapter 395, but does not include ambulatory surgical centers.

8. "Medicaid days" means the number of actual days attributable to Medicaid patients as determined by the Department of Health and Rehabilitative Services.

(b) The Department of Health and Rehabilitative Services shall utilize the following criteria to determine if a hospital qualifies for a disproportionate share payment:

1. A hospital's total Medicaid days when combined with its total charity care days must equal or exceed 7 percent of its total adjusted patient days.

2. A hospital's total charity care days weighted by a factor of 4.5 plus its total Medicaid days weighted by a factor of 1 shall be equal to or greater than 10 percent of its total adjusted patient days.

3. Additionally, in accordance with the Seventh Federal Omnibus Budget Reconciliation Act, a hospital with a Medicaid inpatient utilization rate greater than one standard deviation above the statewide mean or a hospital with a low-income utilization rate of 25 percent or greater shall qualify for reimbursement.

(c) In computing the disproportionate share rate:

1. Per diem increases earned from disproportionate share shall be applied to each hospital's base Medicaid per diem rate and shall be capped at 100 percent.

2. The department shall use the most recent calendar year audited data for the calculation of disproportionate share payments under this subsection.

3. If the total amount earned by all hospitals under this subsection exceeds the amount appropriated, each hospital's share shall be reduced on a pro rata basis so that the total dollars distributed from the trust fund do not exceed the total amount appropriated.

4. The total amount calculated to be distributed under this subsection shall be made in quarterly payments subsequent to each quarter during the fiscal year.

(d) Hospitals that qualify for a disproportionate share payment solely under subparagraph (b)3. shall have their payment calculated in accordance with the following formula:

$$TAA = TA \times (1/5.5) DSHP = (HMD/TSMD) \times TAA$$

Where:

TAA = total amount available.

TA = total appropriation.

DSHP = disproportionate share hospital payment.

HMD = hospital Medicaid days.

TSMD = total state Medicaid days.

(e) The following formula shall be utilized by the department to determine the maximum disproportionate share rate to be used to increase the Medicaid per diem rate for hospitals that qualify pursuant to subparagraphs (b)1. and 2.:

$$DSR = \left(\frac{CCD}{APD} \times 4.5 \right) + \left(\frac{MD}{APD} \right)$$

Where:

APD = adjusted patient days.

CCD = charity care days.

DSR = disproportionate share rate.

MD = Medicaid days.

(f) The following criteria shall be used in determining the disproportionate share percentage:

1. If the disproportionate share rate is less than 10 percent, the disproportionate share percentage is zero and there is no additional payment.

2. If the disproportionate share rate is greater than or equal to 10.00 percent, but less than 20.00 percent, then the disproportionate share percentage is 2.1544347.

3. If the disproportionate share rate is greater than or equal to 20.00 percent, but less than 30.00 percent, then the disproportionate share percentage is 4.641588766.

4. If the disproportionate share rate is greater than or equal to 30.00 percent, but less than 40.00 percent, then the disproportionate share percentage is 10.0000001388.

5. If the disproportionate share rate is greater than or equal to 40.00 percent, but less than 50.00 percent, then the disproportionate share percentage is 21.544347299.

6. If the disproportionate share rate is greater than or equal to 50.00 percent, but less than 60.00 percent, then the disproportionate share percentage is 46.41588941.

7. If the disproportionate share rate is greater than or equal to 60 percent, then the disproportionate share percentage is 100.

(g) The following formula shall be used by the department to calculate the total amount earned by all hospitals under this subsection:

$$TAE = BMPD \times MD \times DSP$$

Where:

TAE = total amount earned.

BMPD = base Medicaid per diem.

MD = Medicaid days.

DSP = disproportionate share percentage.

Section 102. Effective July 1, 1991, subsection (2) of section 320.08, Florida Statutes, 1990 Supplement, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(2) AUTOMOBILES FOR PRIVATE USE.—

(a) An antique automobile or street rod as defined in s. 320.0863: \$7.50 flat. An "antique automobile" is any passenger automobile manufactured more than 20 years prior to the current date and equipped with an engine manufactured more than 20 years prior to the current date or an engine manufactured to the specifications of the original engine.

(b) All other automobiles for private use: \$32.50 flat. ~~Net weight of less than 2,500 pounds: \$14.50 flat.~~

~~(c) Net weight of 2,500 pounds or more, but less than 3,500 pounds: \$22.50 flat.~~

~~(d) Net weight of 3,500 pounds or more: \$32.50 flat.~~

Section 103. Effective July 1, 1991, subsection (2) of section 335.035, Florida Statutes, is amended to read:

335.035 Completion of interstate highway system.—

(2) The department shall repay to the General Revenue Fund any funds which are appropriated from that fund for interstate highway purposes less the amount subsequently reappropriated by the Legislature for the 1979 Special Appropriation Program, *except that \$73.9 million of the required repayment to the General Revenue Fund shall instead be paid to the Public Medical Assistance Trust Fund during the 1991-92 fiscal year.* No general revenue funds appropriated for interstate highway purposes may be expended until an agreement has been signed with the Federal Government, providing for reimbursement of such funds on a 90-10 matching basis. Full repayment of the general revenue funds shall be made upon completion of the interstate highway system in this state.

Section 104. Effective July 1, 1991, paragraph (b) of subsection (2) of section 320.0609, Florida Statutes, 1990 Supplement, is amended to read:

320.0609 Transfer and exchange of registration license plates; transfer fee.—

(2)

(b) The requirement to pay a transfer fee does not apply when the replacement vehicle is classified under s. 320.08(2)(b), ~~(e), or (d)~~ or (3)(a), (b), or (c) and the original vehicle to be replaced is also classified under s. 320.08(2)(b), ~~(e), or (d)~~ or (3)(a), (b), or (c).

Section 105. Effective July 1, 1991, subsection (2) of section 320.14, Florida Statutes, 1990 Supplement, is amended to read:

320.14 Fractional license tax.—

(2) Except for vehicles covered by subsection (3) and except for vehicles taxed under s. 320.08(2)(b), ~~(e), or (d)~~, (3)(a), (b), or (c), (5)(a), (7)(a), or (9), the license tax charged to a person for the registration of a vehicle which was not previously subject to registration in this state by that person and which is being registered:

(a) During the seventh, eighth, or ninth month of the registration period shall be one-half of the annual license tax amount prescribed in s. 320.08.

(b) During the 10th or subsequent month of the registration period shall be one-fourth of the annual license tax amount prescribed in s. 320.08.

Section 106. Effective July 1, 1991, paragraph (c) of subsection (1) of section 320.27, Florida Statutes, 1990 Supplement, is amended to read:

320.27 Motor vehicle dealers.—

(1) DEFINITIONS.—The following words, terms, and phrases when used in this section have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(c) "Motor vehicle dealer" means any person engaged in the business of buying, selling, or dealing in motor vehicles or offering or displaying motor vehicles for sale at wholesale or retail. Any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period shall be prima facie presumed to be engaged in such business. The terms "selling" and "sale" include lease-purchase transactions. A motor vehicle dealer may apply for a certificate of title to a motor vehicle required to be registered under s. 320.08(2)(b), ~~(e), and (d)~~, using a manufacturer's statement of origin as permitted by s. 319.23(1), only if such dealer is authorized by a franchised agreement as defined in s. 320.60(1), to buy, sell, or deal in such vehicle and is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on the motor vehicle; provided this limitation shall not apply to recreational vehicles, van conversions, or any other motor vehicle manufactured on a truck chassis. The transfer of a motor vehicle by a dealer not meeting these qualifications shall be titled as a used vehicle. The classifications of motor vehicle dealers are defined as follows:

1. "Franchised motor vehicle dealer" means any person who engages in the business of buying, selling, or dealing in motor vehicles pursuant to an agreement as defined in s. 320.60(1).

2. "Independent motor vehicle dealer" means any person other than a franchised or wholesale motor vehicle dealer who engages in the business of buying, selling, or dealing in motor vehicles.

3. "Wholesale motor vehicle dealer" means any person who engages exclusively in the business of buying, selling, or dealing in motor vehicles at wholesale or with motor vehicle auctions. Such person shall be licensed to do business in this state, shall not sell or auction a vehicle to any person who is not a licensed dealer, and shall not have the privilege of the use of dealer license plates. Any person who buys, sells, or deals in motor vehicles at wholesale or with motor vehicle auctions on behalf of a licensed motor vehicle dealer and as a bona fide employee of such licensed motor vehicle dealer is not required to be licensed as a wholesale motor vehicle dealer. In such cases it shall be prima facie presumed that a bona fide employer-employee relationship exists. A wholesale motor vehicle dealer shall be exempt from the display provisions of this section but shall maintain an office wherein records are kept in order that those records may be inspected.

4. "Motor vehicle auction" means any person offering motor vehicles for sale to the highest bidder where both sellers and buyers are licensed motor vehicle dealers. Such person shall not sell a vehicle to anyone other than a licensed motor vehicle dealer.

5. "Salvage motor vehicle dealer" means any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts.

The term "motor vehicle dealer" does not include persons not engaged in the purchase or sale of motor vehicles as a business who are disposing of vehicles acquired for their own use or for use in their business or acquired by foreclosure or by operation of law, provided such vehicles are acquired and sold in good faith and not for the purpose of avoiding the provisions of this law; persons engaged in the business of manufacturing, selling, or offering or displaying for sale at wholesale or retail no more than 25 trailers in a 12-month period; public officers while performing their official duties; receivers; trustees, administrators, executors, guardians, or other persons appointed by, or acting under the judgment or order of, any court; banks, finance companies, or other loan agencies that acquire motor vehicles as an incident to their regular business; motor vehicle brokers; and motor vehicle rental and leasing companies that sell motor vehicles to motor vehicle dealers licensed under this section. Vehicles owned under circumstances described in this paragraph may be disposed of at retail, wholesale, or auction, unless otherwise restricted.

Section 107. (1) *There is hereby appropriated from the Health Care Cost Containment Trust Fund to the Health Care Cost Containment Board 6 positions and \$167,079 to fund the implementation of the assessments on health care facilities created in this act.*

(2) This section shall take effect July 1, 1991.

Section 108. Effective July 1, 1991, subsection (5) is added to section 193.114, Florida Statutes, to read:

193.114 Preparation of assessment rolls.—

(5) *For every change made to the assessed or taxable value of a parcel on an assessment roll subsequent to the mailing of the trim notice provided for in s. 200.069 the property appraiser shall document the reason for such change in the public records of the office of the property appraiser in a manner acceptable to the executive director or his designee. For every change which decreases the assessed or taxable value of a parcel on an assessment roll, between the time of complete submission of the tax roll pursuant to s. 193.1142(3), and mailing of the trim notice provided for in s. 200.069, the property appraiser shall document the reason for such change in the public records of the office of the property appraiser in a manner acceptable to the executive director or his designee. Changes made by the property appraisal adjustment board are not subject to the requirements of this subsection.*

Section 109. Effective July 1, 1991, paragraph (b) of subsection (4) of section 193.1142, Florida Statutes, is amended to read:

193.1142 Approval of assessment rolls.—

(4) The department is authorized to issue a review notice to a county property appraiser within 30 days of a complete submission of the assessment rolls of that county. Such review notice shall be in writing; shall set forth with specificity all reasons relied on by the department as a basis for issuing the review notice; shall specify all supporting data, surveys, and statistical compilations for review; and shall set forth with particularity remedial steps which the department requires the property appraiser to take in order to obtain approval of the tax roll. In the event that such notice is issued:

(b) The notice required pursuant to s. 200.069 shall not be issued prior to approval of an assessment roll for the county or prior to institution of interim roll procedures under s. 193.1145. ~~If, as a result of the provisions of this paragraph, the notice of proposed property taxes is issued later than the deadline otherwise applicable pursuant to s. 200.065, all subsequent deadlines provided in that section shall be extended a like number of days.~~

Section 110. Effective January 1, 1992, subsection (5) of section 193.461, Florida Statutes, 1990 Supplement, is amended to read:

193.461 Agricultural lands; classification and assessment.—

(5) For the purpose of this section, "agricultural purposes" includes horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry;

bee; pisciculture, when the land is used principally for the production of tropical fish; *aquaculture*; *sod farming*; and all forms of farm products and farm production.

Section 111. Effective July 1, 1991, subsections (1) and (2) of section 195.095, Florida Statutes, are amended to read:

195.095 Approved bidder list; standard contracts.—

(1) ~~The executive director or his designee department~~ shall accept applications from all persons and firms who desire to contract with property appraisers, tax collectors, or county commissions for assessment or collection services or systems or for the sale of electronic data processing programs or equipment. No application shall be approved unless the assessment procedures on the electronic data-processing programs fully meet the regulations of the department relating to uniformity of assessment. The regulations shall ensure that the person or firm has sufficient and modern equipment as well as the necessary technology to fulfill the type of contract on which the person or firm proposes to bid. The firm or person shall be approved to bid only on the type of contract for which it is qualified. Chapter 475 shall not apply to persons contracting under the provisions of this section. ~~The executive director or his designee department~~ shall establish a list of approved bidders for such contracts based upon an evaluation of each person's or firm's ability to comply satisfactorily with such contracts and the person's or firm's past performance on similar contracts. Any person or firm that has not fully complied with the terms of a contract with a Florida property appraiser, tax collector, or county commission shall be removed from the approved list for future contracts until there is full compliance. No property appraiser, tax collector, or county commission may contract for assessment services or purchase of data-processing programs or equipment for use by the property appraiser or tax collector unless the vendor is on the approved state bidder list.

(2) ~~The executive director or his designee department~~ shall promulgate a standard contract containing the minimum standards that must be included in all contracts entered into with approved bidders. All contracts shall contain a requirement that the contractor shall post a performance bond and that the bond shall remain in effect at least 1 year after the completion of the contract. All contractors and bonding companies shall disclose all sureties, endorsers, and guarantors of performance. Any provision of the standard contract may be deleted or added to only with written approval of the executive director or his designee ~~department~~. ~~The executive director or his designee may waive, in writing, the application of this section to any contract for purchase of services or systems, upon written certification by the property appraiser, tax collector, or county commission that failure of such services or systems will not delay or otherwise impair the timely production of a lawful tax roll or the collection of tax.~~ The executive director or his designee ~~department~~ shall, at the minimum, promulgate standard contracts for mass data reappraisals and computer service programs and equipment.

Section 112. Effective July 1, 1991, paragraph (e) of subsection (2) of section 195.096, Florida Statutes, is amended to read:

195.096 Review of assessment rolls.—

(2) Beginning with the 1982 assessment rolls, the Division of Ad Valorem Tax shall conduct, no less frequently than once every 2 years, an in-depth review of the assessment rolls of each county. Such reviews need not include personal property tax rolls until 1983; however, such reviews shall include the 1982 personal property tax rolls if positions are provided therefor in the 1982-1983 budget. The Division of Ad Valorem Tax need not individually study every use-class of property set forth in s. 195.073, but shall at a minimum study the level of assessment in relation to just value of each classification specified in subsection (3). Such in-depth review may include proceedings of the property appraisal adjustment board.

(e) The Division of Ad Valorem Tax and each property appraiser shall cooperate in the conduct of these reviews, and each shall make available to the other all matters and records bearing on the preparation and computation of the reviews. The property appraisers shall provide any and all data requested by the Division of Ad Valorem Tax in the conduct of the studies, including electronic data processing tapes. *Any and all data and samples developed or obtained by the Division of Ad Valorem Tax in the conduct of the studies shall be confidential and exempt from the provisions of s. 119.07(1) until a presentation of the findings of the study is made to the property appraiser. This exemption is subject to the Open Government Sunset Review Act in accordance*

with s. 119.14. After the presentation of the findings, the Division of Ad Valorem Tax shall provide any and all data requested by a property appraiser developed or obtained in the conduct of the studies, including tapes. Direct reimbursable costs of providing the data shall be borne by the party who requested it. Copies of existing data or records, whether maintained or required pursuant to law or rule, or data or records otherwise maintained, shall be submitted within 30 days from the date requested, in the case of written or printed information, and within 14 days from the date requested, in the case of computerized information.

Section 113. Effective July 1, 1991, paragraph (b) of subsection (2) and subsection (10) of section 200.065, Florida Statutes, 1990 Supplement, are amended to read:

200.065 Method of fixing millage.—

(2) No millage shall be levied until a resolution or ordinance has been approved by the governing board of the taxing authority which resolution or ordinance must be approved by the taxing authority according to the following procedure:

(b) Within 35 days of certification of value pursuant to subsection (1), each taxing authority shall advise the property appraiser of its proposed millage rate, of its rolled-back rate computed pursuant to subsection (1), and of the date, time, and place at which a public hearing will be held to consider the proposed millage rate and the tentative budget. The property appraiser shall utilize this information in preparing the notice of proposed property taxes pursuant to s. 200.069. *The deadline for mailing the notice shall be the later of mailed not later than 55 days after certification of value pursuant to subsection (1); or 10 days after either the date the tax roll is approved or the interim roll procedures under s. 193.1145 are instituted. If the deadline for mailing the notice of proposed property taxes is 10 days after the date the tax roll is approved or the interim roll procedures are instituted, all subsequent deadlines provided in this section shall be extended. The number of days by which the deadlines shall be extended shall equal the number of days by which the deadline for mailing the notice of proposed taxes is extended beyond 55 days after certification.* If any taxing authority fails to provide the information required in this paragraph to the property appraiser in a timely fashion, the taxing authority shall be prohibited from levying a millage rate greater than the rolled-back rate computed pursuant to subsection (1) for the upcoming fiscal year, which rate shall be computed by the property appraiser and used in preparing the notice of proposed property taxes.

(10) Notwithstanding the provisions of paragraph (2)(b) and s. 200.069(4)(c) to the contrary, the proposed millage rates provided to the property appraiser by the taxing authority, except for millage rates adopted by referendum, for rates authorized by s. 236.25, and for rates required by law to be in a specified millage amount, shall be adjusted in the event that a review notice is issued pursuant to s. 193.1142(4) and the taxable value on the approved roll is at variance with the taxable value certified pursuant to subsection (1). The adjustment shall be made by the property appraiser, who shall notify the taxing authorities affected by the adjustment within 5 days of the date the roll is approved pursuant to s. 193.1142(4). The adjustment and shall be such as to provide for no change in the dollar amount of taxes levied from that initially proposed by the taxing authority.

Section 114. Effective January 1, 1992, subsection (1) of section 201.022, Florida Statutes, 1990 Supplement, is amended, subsection (2) is renumbered as subsection (3), and a new subsection (2) is added to said section, to read:

201.022 Consideration for realty; filing of return condition precedent to recordation; penalty; failure to file does not impair validity.—

(1) As a condition precedent to the recordation of any deed transferring an interest in real property, the grantor or the grantee or agent for grantee shall execute and file a return with the clerk of the circuit court. The return shall state the actual consideration paid for the interest in real property. *The return shall state the parcel identification number maintained by the county property appraiser. If the parcel is a split or cutout parcel, the return shall state the parent parcel identification number if the parcel identification number has not been assigned.* The return shall not be recorded or otherwise become a public record and shall be confidential as provided by s. 193.074, and shall be exempt from the provisions of s. 119.07(1), except that the Department of Natural Resources or, through the Department of Natural Resources, its contract appraiser, shall have access to the return to verify the consideration paid

in any transfer of an interest in real property, when such transfer is considered as part of an appraisal for a proposed land acquisition project conducted pursuant to any Department of Natural Resources land acquisition program. The Department of Natural Resources or its contract appraiser shall not disclose the contents of the return to any other public or private entity. The original return shall be forwarded to the Department of Revenue, and a copy shall be forwarded to the property appraiser. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14(1).

(2) *If the return required by this section is not executed and filed, any person required by this section to execute and file a return with the clerk of the circuit court who fails to do so shall be liable for a penalty of \$100. The penalty imposed by this subsection shall be in addition to any other penalty imposed by the revenue laws of this state. The penalty may be compromised as provided in s. 213.21.*

Section 115. Effective July 1, 1991, 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 does not include natural gasoline.

Section 116. Effective July 1, 1991, subsection (13) of section 206.86, Florida Statutes, is amended, and subsection (14) is added to said 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" means a liquid hydrocarbon produced by natural gas as it flows through a pipeline, which may be blended with other liquid petroleum products, such as butane, to produce motor fuel.

Section 117. Effective July 1, 1991, 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 final retail consumer, who has purchased a pollutant for sale, use, consumption, or distribution in this state must be able to document that the taxes imposed by this part have been paid. Without such documentation, the person* ~~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 118. Effective July 1, 1991, 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 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.

Section 119. Effective July 1, 1991, subsection (1) of section 212.04, Florida Statutes, 1990 Supplement, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(1)(a) It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who sells or receives anything of value by way of admissions.

(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 shall show on its face the actual sales price of admission or each dealer selling the admission shall 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 part ~~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). *The provisions of this part authorizing a tax-free sale for resale shall 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 selling price and may take credit for the amount of tax previously paid. If the purchaser of an 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.*

Section 120. Effective July 1, 1991, paragraph (b) of 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 any 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 practices or industry standards or usage, are normally sold in bulk or are items which, when assembled, comprise a working unit or part of a working unit, such items shall be considered a single transaction 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 121. Effective July 1, 1991, 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 shall take effect on the first day of any month which is at least 60 days after written notification to the department of that change.

Section 122. Effective upon this act becoming a law, subsection (7) is added to section 212.0596, Florida Statutes, 1990 Supplement, to read:

212.0596 Taxation of mail order sales.—

(7) *For purposes of simplifying administration and collection of use tax from mail order purchasers and enhancing voluntary compliance, the department is authorized to establish by rule alternative procedures for collection of 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. Such alternative procedures may include waiver of registration and registration fees, provisions for remittance of tax on less than a regular basis, elimination of the collection allowance, and nonapplication of local option surtaxes.*

Section 123. Effective July 1, 1991, 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 which have adopted a the discretionary sales surtax at the rate of 1 percent ~~1-percent tax~~, the following brackets 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 is authorized to provide by rule the tax amounts and brackets applicable to all taxable transactions that occur in counties which have adopted a 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 is authorized to shall 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 124. Effective July 1, 1991, 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) *The Solid Waste Management Clearing Trust Fund, to be used by the department, is hereby created. 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 125. Effective upon this act becoming a law, 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 shall become funds of the State of Florida from the moment of collection and shall not be subject to refund absent proof that they have been refunded previously to the purchaser.*

Section 126. (1) Paragraph (n) of subsection (1) and paragraph (c) of subsection (2) of section 220.03, Florida Statutes, 1990 Supplement, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(n) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended and in effect on January 1, 1991 1990, except as provided in subsection (3).

(2) DEFINITIONAL RULES.—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(c) Any term used in this code shall have the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on January 1, 1991 1990. However, if subsection (3) is implemented, the meaning of any term shall be taken at the time the term is applied under this code.

(2) This section shall take effect upon this act becoming a law and operate retroactively to January 1, 1991.

Section 127. Effective July 1, 1991, paragraphs (b) and (h) of subsection (1) of section 403.717, Florida Statutes, 1990 Supplement, are 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:

(b) "Motor vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated ~~in on the roads~~ of this state, used to transport persons or property and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, mopeds, or farm tractors and trailers.

(h) "Lead-acid battery" means those lead-acid batteries designed for use in motor vehicles, vessels, and aircraft, and includes such batteries when sold as a component part of a motor vehicle, vessel or aircraft, *but not when sold to recycle components.*

Section 128. Effective January 1, 1992, 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 129. Effective July 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 130. Except as otherwise provided herein, this act shall take effect upon becoming a law.

House Amendment 1 to Senate Amendment 2—On page 1, line 13, through page 11, line 12, strike all of said lines, and insert: 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; amending s. 193.114, F.S.; requiring property appraisers to document reasons for certain changes made to assessment rolls; amending ss. 193.1142 and 200.065, F.S.; specifying the date for mailing notices of proposed property taxes in conjunction with tax roll approval or institution of interim roll procedures; providing for the extension of deadlines under s. 200.065 under certain conditions; requiring the property appraiser to notify affected taxing authorities of adjustments made to millage rates in response to a review notice issued by the Department of Revenue; amending s. 193.461, F.S.; revising the definition of "agricultural purposes" for purposes of classification and assessment of agricultural land; amending s. 195.095, F.S.; revising provisions which regulate the process of contracting with property appraisers, tax collectors, and county commissions for assessment or collection services or systems; specifying duties of the executive director of the department or his designee; provid-

ing for waiver of such provisions under certain circumstances; amending s. 195.096, F.S.; providing for the confidentiality of data and samples developed or obtained by the Division of Ad Valorem Tax in conjunction with review of assessment rolls; providing for review and repeal; amending s. 201.022, F.S.; requiring that the return which is required to be filed as a condition precedent to recording of a deed transferring an interest in real property state the parcel identification number; providing a penalty; amending s. 206.01, F.S.; providing that, for purposes of part I of chapter 206, relating to taxation of motor fuel, "motor fuel" does not include natural gasoline; amending s. 206.86, F.S.; defining "natural gasoline" and including it within the meaning of "alternative fuel," which is subject to a decal fee rather than special fuel tax; amending s. 206.9931, F.S.; revising provisions relating to responsibility for payment of the taxes on fuels and other pollutants; amending s. 212.02, F.S.; revising the definition of "admissions" for purposes of sales tax to include fees paid to private clubs and membership clubs providing recreational or physical fitness facilities; amending s. 212.04, F.S.; providing that dealers selling admissions may display the admission price at the place where the admission charge is made; providing for computation of the tax; providing for subsequent resales; amending s. 212.054, F.S., which provides for administration of discretionary sales surtaxes; providing criteria for application of the exemption of amounts above \$5,000 on any item of tangible personal property; amending s. 212.055, F.S.; providing requirements with respect to changes in distribution formulas applicable to the local government infrastructure surtax; amending s. 212.0596, F.S.; authorizing the department to establish alternative procedures for collecting use tax from certain mail order purchasers; amending s. 212.12, F.S.; revising the tax brackets for discretionary sales surtaxes, the application thereof, and the authority of the department to promulgate such brackets; amending s. 212.20, F.S.; providing that the additional annual sales tax dealers registration fee shall be initially deposited in a newly created Solid Waste Management Clearing Trust Fund; creating s. 213.756, F.S.; providing that certain funds collected under state revenue laws are state funds from the moment of collection; limiting refund of such moneys; 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 s. 403.717, F.S.; revising the definitions of "motor vehicle" and "lead-acid battery" for purposes of the waste tire and lead-acid battery fees; amending s. 403.718, F.S.; providing that the waste tire fee shall be paid to the department monthly; amending s. 403.7185, F.S.; revising the description of the types of batteries to which the lead-acid battery fee applies; amending s. 395.101, F.S.; imposing an assessment on hospital annual net operating revenues inversely proportionate to the hospital's disproportionate share rate; providing for reports; providing for administrative fines; creating s. 395.1015, F.S.; providing definitions; imposing an assessment on annual net operating revenues on certain health care entities; providing for an administrative fine; amending s. 409.266, F.S.; providing a disproportionate share program for hospitals; amending s. 320.08, F.S.; revising the rate of license tax imposed on automobiles for private use to generate funding for the purposes of the act; amending s. 335.035, F.S.; requiring the Department of Transportation to repay General Revenue funds advanced for interstate highway purposes to the Public Medical Assistance Trust Fund; amending ss. 320.0609, 320.14, and 320.27, F.S.; conforming cross references; providing an appropriation; providing effective dates.

On motions by Senator Jenne, the Senate refused to concur in the House amendments to the Senate amendments and acceded to the request for a conference committee.

CONFEREES ON CS FOR HB 2523 APPOINTED

The President appointed Senators Jenne, Kiser, Jennings, Wexler and Gardner; and alternate, Senator Dantzler.

The action of the Senate was certified to the House.

RETURNING MESSAGES—FINAL ACTION

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed SB 358, CS for SB 458, SB 1092 and CS for SB 1492.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

AMENDMENTS TO SENATE BILLS

CS for SB's 388 and 394

Senators Crotty and Grant offered the following amendment which was moved by Senator Grant:

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

Section 1. Paragraph (f) is added to subsection (2) of section 627.4143, Florida Statutes, to read:

627.4143 Outline of coverage.—

(2) The outline of coverage shall contain:

(f) *For a private passenger motor vehicle insurance policy, the extent of coverage provided to the insured in the event of collision damage to a rental vehicle rented by the insured. Additionally, the insurer shall specify, on the proof of security required by s. 316.646, whether or not collision coverage for rental vehicles is included in the insured's coverage.*

Section 2. Paragraph (g) is added to subsection (3) of section 627.311, Florida Statutes, to read:

627.311 Joint underwriters and joint reinsurers.—

(3) The department may, after consultation with insurers licensed to write automobile insurance in this state, approve a joint underwriting plan for purposes of equitable apportionment or sharing among insurers of automobile liability insurance and other motor vehicle insurance, as an alternate to the plan required in s. 627.351(1). All insurers authorized to write automobile insurance in this state shall subscribe to the plan and participate therein. The plan shall be subject to continuous review by the department which may at any time disapprove the entire plan or any part thereof if it determines that conditions have changed since prior approval and that in view of the purposes of the plan changes are warranted. Any disapproval by the department shall be subject to the provisions of chapter 120. If adopted, the plan:

(g) *Shall provide that private passenger insurance written pursuant to this section shall provide for the furnishing of a list of insureds together with policy expiration dates upon request of a member of the association after payment of a charge reflecting the actual and reasonable cost of preparing and furnishing such information. The plan shall further provide that the association may not provide renewal discounts or any other inducements designed to retain risks other than good driver discounts, but shall adopt measures to expedite placing the risks within the competitive market.*

Section 3. Paragraphs (d) and (e) are added to subsection (1) of section 627.679, Florida Statutes, to read:

627.679 Amount of insurance; disclosure.—

(1)

(d) *Notwithstanding the provisions of this section, credit life insurance written under one or more policies in connection with an automobile loan shall not exceed by more than \$5 the total of the payments of the specific contracts of indebtedness in connection with which it is written.*

(e) *A creditor agent shall provide the following written notice to affected policyholders or certificate holders not less than 60 days prior to the effective date of coverage replacing any group credit life or disability policy or certificate issued or delivered in this state and providing coverage for the creditor agent's borrowers for an open-end credit plan:*

1. *A full and complete description of both present coverage and proposed coverage including disclosure of any conditions in the proposed coverage by which such coverage may be excluded, denied, or terminated;*
2. *Disclosure of any change in premium;*
3. *Disclosure of whether the premium rates under the new coverage are guaranteed;*
4. *Identification of a toll-free telephone number for obtaining additional information regarding the change in coverage; and*

5. *Disclosure that the borrower's specific affirmative written acceptance of the replacement is required before replacement may be effectuated for that borrower.*

Section 4. Section 627.744, Florida Statutes, 1990 Supplement, is hereby repealed.

Section 5. Section 36 of chapter 90-119, Laws of Florida, is hereby repealed.

Section 6. This act shall take effect October 1, 1991.

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

Amendment 1A—On page 4, line 10, insert:

Section 4. Paragraph (d) of subsection (7) of section 324.021, Florida Statutes, is amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(7) **PROOF OF FINANCIAL RESPONSIBILITY.**—That proof of ability to respond in damages for liability on account of accidents arising out of the use of a motor vehicle:

(d) With respect to commercial motor vehicles, ~~and~~ nonpublic-sector buses, *taxicabs, limousines, and any other for-hire passenger transportation vehicle*, in the amounts specified in ss. 627.7415 and 627.742, respectively.

Section 5. Section 324.031, Florida Statutes, is amended to read:

324.031 Manner of proving financial responsibility.—*The owner or operator of nonpublic-sector buses, taxicabs, limousines, and any other for-hire passenger transportation vehicle may prove financial responsibility by furnishing satisfactory evidence of holding a motor vehicle liability policy as defined in ss. 324.021(8) and 324.151, which is issued by an insurance carrier which is a member of the Florida Insurance Guaranty Association; provided that, in the case of the owner of a commercial motor vehicle, up to \$25,000 combined single limits may be self-insured as provided in either s. 324.171 or s. 624.462 if the excess limits required are provided by an insurance carrier which is a member of the Florida Insurance Guaranty Association. The operator or owner of a private passenger motor vehicle as defined in s. 627.732(1)(a) vehicle may prove his financial responsibility by:*

(1) Furnishing satisfactory evidence of holding a motor vehicle liability policy as defined in ss. ~~s.~~ 324.021(8) and ~~s.~~ 324.151;

(2) Posting with the department a satisfactory bond of a surety company authorized to do business in this state, conditioned for payment of the amount specified in s. 324.021(7);

(3) Furnishing a certificate of the department showing a deposit of cash or securities in accordance with s. 324.161; or

(4) Furnishing a certificate of self-insurance issued by the department in accordance with s. 324.171.

Notwithstanding the amounts specified in s. 324.021(7) or s. 324.161, any person, including any firm, partnership, association, corporation, or other person, other than a natural person, electing to use the method of proof specified in subsection (2) or subsection (3) shall post a bond or deposit equal to the number of vehicles owned times \$25,000, to a maximum of \$300,000 ~~\$100,000~~; in addition, any such person, other than a natural person, shall maintain insurance providing coverage in excess of limits of \$10,000/20,000/10,000 ~~\$10,000/20,000/5,000~~ or \$25,000 combined single limits, and such excess insurance shall provide minimum limits of \$100,000/200,000/25,000 ~~\$50,000/100,000/25,000~~ or \$200,000 ~~\$100,000~~ combined single limits.

Section 6. Subsection (1) of section 324.171, Florida Statutes, is amended to read:

324.171 Self-insurer.—

(1) Any operator or owner of a private passenger motor vehicle as defined in s. 627.732(1)(a), of nonpublic-sector buses, taxicabs, limou-

sines, and any other for-hire passenger transportation vehicle person may qualify as a self-insurer by obtaining a certificate of self-insurance from the department which may, in its discretion and upon application of such a person, issue said certificate of self-insurance when such person has satisfied the requirements of this section to qualify as a self-insurer under this section:

(a) A private individual with private passenger vehicles shall possess a net unencumbered worth of at least \$40,000.

(b) A person, including any firm, partnership, association, corporation, or other person, other than a natural person, shall:

1. Possess a net unencumbered worth of at least \$40,000 for the first motor vehicle and \$20,000 for each additional motor vehicle; or

2. Maintain sufficient net worth, as determined annually by the department, pursuant to rules promulgated by the department, with the assistance of the Department of Insurance, to be financially responsible for potential losses. The rules shall take into consideration excess insurance carried by the applicant. The department's determination shall be based upon reasonable actuarial principles considering the frequency, severity, and loss development of claims incurred by casualty insurers writing coverage on the type of motor vehicles for which a certificate of self-insurance is desired.

(c) The owner of a commercial motor vehicle, as defined in s. 207.002(2) or s. 320.01, may qualify as a self-insurer subject to the standards provided for in subparagraph (b)2.

Section 7. Section 324.221, Florida Statutes, is amended to read:

324.221 Penalties.—

(1) Any person who makes any misstatement in or commits any forgery upon notice required to be filed hereunder or who makes any false affidavit in connection with the transfer or proposed transfer of the registration of a motor vehicle *has committed is guilty of* a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who violates any other provision of this chapter for which no penalty is otherwise provided *has committed is guilty of* a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any person who operates a motor vehicle with an attached license plate which is not registered under the name of the owner of the vehicle and whose driver's license or vehicle registration is currently under suspension pursuant to a violation of this chapter *has committed is guilty of* a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, ~~or s. 775.084.~~

(4) Any person who, acting alone or in concert with others, causes or attempts to cause any commercial motor vehicle not owned by a self-insurer to be covered under or to be represented to be covered under a self-insurance certificate issued under s. 324.171 commits a felony of the third degree for each nonowned vehicle covered, attempted to be covered, or represented to be covered under the certificate, punishable as provided in s. 775.082 or s. 775.083.

(Renumber subsequent sections.)

Amendment 1 as amended was adopted.

Senators Crotty and Grant offered the following amendment which was moved by Senator Grant:

Amendment 2—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to insurance; amending s. 627.4143, F.S.; requiring the outline of coverage for private passenger motor vehicle insurance to include information on coverage of collision damage to rental vehicles; requiring such information to be included on proof-of-insurance cards; amending s. 627.311, F.S.; prohibiting discounts; requiring submission of information upon request; amending s. 627.679, F.S.; limiting the amount of certain credit life insurance; requiring notice to policyholders or certificateholders of the replacement of certain group credit life or disability policies or certificates; repealing s. 627.744, F.S., relating to required preinsurance inspection of private passenger motor vehicles; repealing s. 36 of ch. 90-119, Laws of Florida, relating to a pilot program to be developed by the Department of Insurance; providing an effective date.

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

Amendment 2A—In title, on page 1, line 20, before “repealing” insert: amending s. 324.021, F.S.; redefining “proof of financial responsibility” to specify the types of vehicles which require proof; amending s. 324.031, F.S.; amending the manner in which financial responsibility can be proved; increasing the bond limits to prove financial responsibility; amending s. 324.171, F.S.; adding certain persons who may qualify as a self-insurer; amending s. 324.221, F.S.; providing a penalty for a person who misrepresents a vehicle as eligible for self-insurance or as covered by self-insurance;

Amendment 2 as amended was adopted.

CS for SB 642

Senator Dantzer moved the following amendment which was adopted:

Amendment 1—On page 3, lines 12 and 15, strike “\$100” and insert: \$50

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 2—On page 6, strike all of lines 22-25 and insert: 775.084,

Amendment 3—On page 7, between lines 6 and 7, insert:

Section 6. Section 372.58, Florida Statutes, is amended to read:

372.58 False statement in application for license or stamp.—Any person who shall swear or affirm to any false statement in any application for license or stamp provided by this chapter, shall be guilty of violating this chapter, and upon conviction thereof, shall be subject to the penalty provided in s. 372.83 ~~s. 372.71~~, and any false statement contained in any application for such license or stamp shall render the license or stamp null and void.

Section 7. Section 372.581, Florida Statutes, is amended to read:

372.581 Entering false information on licenses or stamps.—Whoever knowingly and willfully enters false information on, or allows or causes false information to be entered on or shown upon any license or stamp issued under the provisions of this chapter in order to avoid prosecution or to assist another to avoid prosecution, or for any other wrongful purpose shall be punished as provided in s. 372.83 ~~s. 372.71~~.

Section 8. Subsection (7) of section 372.921, Florida Statutes, is amended to read:

372.921 Exhibition of wildlife.—

(7) A violation of this section is punishable as provided by s. 372.83 ~~s. 372.71~~.

Section 9. Subsection (5) of section 372.922, Florida Statutes, is amended to read:

372.922 Personal possession of wildlife.—

(5) Persons in violation of this section shall be punishable as provided in s. 372.83 ~~s. 372.71~~.

(Renumber subsequent sections.)

Amendment 4—In title, on page 2, line 1, after the semicolon (;) insert: amending ss. 372.58, 372.581, 372.921, and 372.922, F.S.; correcting cross references;

CS for SB 724

Senator Thurman moved the following amendments which were adopted:

Amendment 1—On page 11, between lines 12 and 13, insert:

Section 12. Subsection (2) of section 464.004, Florida Statutes, is amended to read:

464.004 Board of Nursing; membership; appointment; terms.—

(2) Five members of the board must be registered nurses who are residents of this state and who have been engaged in the practice of professional nursing for at least 4 years, including at least one advanced regis-

tered nurse practitioner and one nurse executive. These five board members should be representative of the diverse areas of practice within the nursing profession. In addition, two members of the board must be licensed practical nurses who are residents of this state and who have been actively engaged in the practice of practical nursing for at least 4 years prior to their appointment. The remaining two members must be residents of the state who have never been licensed as nurses and who are in no way connected with the practice of nursing. No person may be appointed as a lay member who is in any way connected with, or has any financial interest in, any health care facility, agency, or insurer. At least one member of the board must be 60 years of age or older.

(Renumber subsequent section.)

Amendment 2—In title, on page 2, line 16, following the semicolon (;) insert: amending s. 464.004, F.S.; revising the membership of the Board of Nursing;

Senator Dudley moved the following amendments which were adopted:

Amendment 3—On page 11, between lines 12 and 13, insert:

Section 12. Paragraphs (a) and (b) of subsection (4) of section 463.0055, Florida Statutes, are amended to read:

463.0055 Administration and prescription of topical ocular pharmaceutical agents; certification; fees; committee.—

(4)(a) There is hereby created a committee composed of two optometrists licensed pursuant to this chapter, two ~~board-certified ophthalmologists~~ ~~physicians or osteopathic physicians~~ licensed pursuant to chapter 458 or chapter 459, and one additional person with a doctorate degree in pharmacology who is not licensed pursuant to chapter 458, chapter 459, or this chapter. The members of the committee shall be appointed by the ~~board secretary~~. The committee shall ~~review requests for additions to, deletions from, or modifications of submit to the secretary~~ a formulary of topical ocular pharmaceutical agents for administration and prescription by certified optometrists and shall provide to the board advisory opinions and recommendations on such requests. The formulary shall consist of those topical ocular pharmaceutical agents which the certified optometrist is qualified pursuant to this section to use in the practice of optometry. The ~~board department~~ shall establish, add to, delete from, or modify the formulary by rule. Notwithstanding any provision of chapter 120 to the contrary, the formulary rule shall become effective 60 days from the date it is filed with the Secretary of State, ~~unless the Board of Pharmacy, pursuant to notice as provided for in s. 120.54, holds a hearing within 30 days from its receipt of the rule, at which hearing the Board of Pharmacy rejects the rule in whole or in part. If the Board of Pharmacy rejects the rule in whole or in part, the secretary shall transmit notice to the Secretary of State of the withdrawal of that portion of the rule rejected.~~

(b) The formulary may be added to, ~~or~~ deleted from, or modified according to the procedure described in paragraph (a). Any person who requests an addition, deletion, or modification of an authorized topical ocular pharmaceutical agent shall have the burden of proof to show cause why such addition, deletion, or modification should be made.

(Renumber subsequent section.)

Amendment 4—In title, on page 2, line 16, following the semicolon (;) insert: amending s. 463.0055, F.S.; revising membership and appointment provisions of the committee responsible for reviewing requests for changes to the formulary of topical ocular pharmaceutical agents that certified optometrists may administer and prescribe; revising provisions governing establishment of and changes to the formulary;

SB 918

Senator Kirkpatrick moved the following amendment:

Amendment 3—On page 9, between lines 20 and 21, insert:

Section 13. Subsection (1) of section 250.31, Florida Statutes, is amended to read:

250.31 Liability of members of the Organized Militia; defense of actions or proceedings.—

(1) Members of the Organized Militia ordered into the active service of the state or ordered into federal training or duty shall not be liable, civilly or criminally, for any lawful act or acts done by them in the per-

formance of their duty, while acting in good faith and while acting in the scope of either state or federal duty. For purposes of this section, Florida National Guard personnel serving in any drug interdiction program under the authority of the Governor shall be considered to be in the active service of the state.

Section 14. Section 250.531, Florida Statutes, is created to read:

250.531 Drug interdiction responsibilities.—When authorized or directed by the Governor, the Florida National Guard may assist federal law enforcement agencies in interdicting the importation of controlled substances into this state. When so authorized or directed, the Florida National Guard shall be deemed to be a state investigative law enforcement agency and shall be authorized to receive property and revenues pursuant to 19 U.S.C. s. 1613(a)(3)(f).

(Renumber subsequent section.)

Senator Kirkpatrick moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A—On page 2, line 3, strike “s. 1613(a)(3)(f)” and insert: s. 1613b(a)(3)(f)

Amendment 3 as amended was adopted.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 4—In title, on page 1, line 15, after the semicolon (;) insert: amending s. 250.31, F.S.; providing that Florida National Guard personnel serving in any drug interdiction program under the authority of the Governor shall be considered in active service of the state and action taken with that service shall be deemed lawful; creating s. 250.531, F.S.; providing for the drug interdiction responsibilities of the Florida National Guard;

Senator Bankhead moved the following amendments which were adopted:

Amendment 5—On page 3, line 3, through page 4, line 16, strike all of said lines and insert:

Section 3. Subsections (1), (2), and (4) of section 250.22, Florida Statutes, are amended to read:

250.22 Retirement.—

(1) Any person who is at least 62 years of age and who has completed not less than 30 years of service as an officer or enlisted ~~person man~~ in the ~~Florida National Guard Organized Militia of Florida~~ (exclusive of time served on the inactive or retired lists) on, before, or subsequent to the passage of this section is eligible upon ~~his own~~ application, whether on the active or retired list of the ~~Florida National Guard said Organized Militia~~, to be retired under the provisions of this section at the ~~highest rank attained while serving in the Florida National Guard or the federal military forces, with the rank or rating held by him at the time of such retirement~~ and shall receive pay in an amount equal to one-half of the base pay as is now or hereafter may be prescribed in the applicable pay tables for similar grades and periods of service of personnel in the United States Army or Air Force; provided that, in computing service in the ~~Florida National Guard Organized Militia of Florida~~, service in federal military forces during a period of war or upon order of the President of the United States, in any military duty, where the applicant has been inducted from the ~~Florida National Guard Organized Militia of Florida~~ shall be included; and provided further that, in computing such service performed after July 1, 1955, only federally recognized service shall be included. Eligibility for retirement under this section is in addition to any other retirement that such person is eligible to receive; provided, however, that retirement pay under this section shall be reduced by any amount of retirement pay, pension, or compensation which such person is eligible to receive from the Federal Government for military service.

(2) Any person who is at least 60 years of age (but less than 62 years of age) and is otherwise qualified to receive the retirement pay provided in subsection (1) may elect to retire and thereafter receive a reduced benefit which would be the actuarial equivalent of the ~~person's his~~ benefit under subsection (1).

(4) In computing time of service of an officer or enlisted ~~person man~~ in the ~~Florida National Guard Organized Militia of the state~~ for purposes of retirement under this section, service in federal military forces

during the period from August 27, 1940, to December 31, 1946, ~~from June 29, 1950, to January 31, 1955, from August 5, 1964, to May 7, 1975, and from August 1, 1990, to July 7, 1991, all both~~ dates inclusive, when inducted into such federal service from the ~~Florida National Guard Organized Militia of Florida~~, shall be included at double the time of actual service.

Amendment 6—In title, on page 1, line 7, after the semicolon (;) insert: providing for retirement with the highest rank or rating held at the time of retirement; specifying additional periods for which service may be claimed at double the time of actual service;

Amendment 7—On page 9, strike all of lines 6-10 and insert:

(o) All military personnel of the Department of Military Affairs. *With the exception of military police chiefs, Florida National Guard; military police officers, Florida National Guard; firefighter trainers, Florida National Guard; firefighter-rescuers, Florida National Guard; and electronic security system technicians; and unless otherwise fixed by law, the salary and benefits for such military personnel of the department shall be set by the Department of Military Affairs in accordance with the appropriate military pay schedule. Military police chiefs, Florida National Guard; military police officers, Florida National Guard; firefighter trainers, Florida National Guard; firefighter-rescuers, Florida National Guard; and electronic security system technicians shall have salary and benefits the same as career service employees.*

Amendment 8—In title, on page 1, line 13, after “schedule;” insert: providing that specified persons are to have salary and benefits the same as career service employees;

SB 950

Senator Jennings moved the following amendment:

Amendment 1—On page 10, between lines 26 and 27, insert:

Section 5. Subsection (16) is added to section 561.01, Florida Statutes, 1990 Supplement, to read:

561.01 Definitions.—As used in the Beverage Law:

(16) “*Exporter*” means any person that sells alcoholic beverages to persons for use outside the state and includes a ship’s chandler and a duty-free shop.

Section 6. Section 561.14, Florida Statutes, 1990 Supplement, is amended to read:

561.14 License and registration classification.—Licenses and registrations referred to in the Beverage Law shall be classified as follows:

(1) Manufacturers licensed to manufacture alcoholic beverages and distribute the same at wholesale to licensed distributors and licensed vendors and to no one else within the state. Persons engaged in the business of distilling, rectifying, or blending spirituous liquors licensed under s. 565.03(1)(a)1. and (b) shall sell and distribute such beverages at wholesale only to other manufacturers and to licensed distributors and to no one else within this state.

(2) Distributors licensed to sell and distribute alcoholic beverages at wholesale to persons who are licensed to sell alcoholic beverages.

(3) Vendors licensed to sell alcoholic beverages at retail only. No vendor shall purchase or acquire in any manner for the purpose of resale any alcoholic beverages from any person not licensed as a vendor, manufacturer, bottler, or distributor under the Beverage Law. Purchases of alcoholic beverages by vendors from vendors shall be strictly limited to purchases between members of a pool buying group for which the initial purchase of the alcoholic beverages was ordered by a pool buying agent as a single transaction. No vendor shall be a member of more than one cooperative or pool buying group at any time. No vendor shall import, or engage in the importation of, any alcoholic beverages from places beyond the limits of the state.

(4) Brokers or sales agents, whether resident or nonresident, licensed to sell, or to cause to be sold, shipped, and invoiced, alcoholic beverages to licensed manufacturers or licensed distributors, and to no one else, in this state. Such licensed brokers or sales agents, except as relates to malt beverages, only shall represent one or more primary American sources of supply, registered as such with the division, and may be compensated on a commission or remuneration basis and shall have no direct or indirect

affiliation with any vendor licensed in this state. This license classification does not include manufacturers' representatives who are registered with the division under the provisions of ss. 564.045(1) and (2) and 565.095(1) and (2).

(5) Importers, whether resident or nonresident, licensed to sell, or to cause to be sold, shipped, and invoiced, alcoholic beverages to licensed manufacturers or licensed distributors, and to no one else, in this state; provided that the provisions of ss. 564.045 and 565.095 are in no way violated by such imports. Such licensed importers shall have no direct or indirect affiliation with any vendor licensed in this state. The holder of an importer's license shall be considered as having complied with the licensing requirements of a broker or sales agent. This license classification does not include manufacturers' representatives who are registered with the division under the provisions of ss. 564.045(1) and (2) and 565.095(1) and (2).

(6) Bottle clubs. It is the finding of the Legislature that bottle clubs are susceptible to a distinct and separate classification under the Beverage Law for purposes of regulating establishments permitting the consumption of alcoholic beverages. Any person operating a bottle club must be licensed pursuant to this chapter and may not hold any other alcoholic beverage license for such premises while licensed as a bottle club. Nothing in this subsection shall be construed to permit the purchase at wholesale or retail of alcoholic beverages for supplying or reselling to the patrons pursuant to a license issued under this chapter. Any such business shall be subject to all general, special, and local laws regulating vendors of alcoholic beverages. Bottle club licenses shall be issued at a fee of \$500 annually and shall be renewed in accordance with the schedule set out in ss. 561.26 and 561.27. This subsection shall include bottle clubs in existence on January 1, 1991. The Division of Alcoholic Beverages and Tobacco is hereby authorized to adopt rules to carry out the purposes of this section.

(7) *Exporters registered to sell alcoholic beverages.*

Section 7. Section 561.17, Florida Statutes, 1990 Supplement, is amended to read:

561.17 License and registration applications; approved person.—

(1) Any person, before engaging in the business of manufacturing, bottling, distributing, selling, or in any way dealing in alcoholic beverages, shall file, with the district supervisor of the district of the division in which the place of business for which a license is sought is located, a sworn application in duplicate on forms provided to the district supervisor by the division. Prior to any application being approved, the division may require the applicant to file a set of fingerprints on regular United States Department of Justice forms for himself and for any person or persons interested directly or indirectly with the applicant in the business for which the license is being sought, when so required by the division. If the applicant or any person who is interested with the applicant either directly or indirectly in the business or who has a security interest in the license being sought or has a right to a percentage payment from the proceeds of the business, either by lease or otherwise, is not qualified, the application shall be denied by the division. However, any company regularly traded on a national securities exchange and not over the counter; any insurer, as defined in the Florida Insurance Code; or any bank or savings and loan association chartered by this state, another state, or the United States which has an interest, directly or indirectly, in an alcoholic beverage license shall not be required to obtain division approval of its officers, directors, or stockholders or any change of such positions or interests. A shopping center with five or more stores, one or more of which has an alcoholic beverage license and is required under a lease common to all shopping center tenants to pay no more than 10 percent of the gross proceeds of the business holding the license to the shopping center, shall not be considered as having an interest, directly or indirectly, in the license.

(2) All applications for alcoholic beverage licenses for consumption on the premises shall be accompanied by a certificate of the Division of Hotels and Restaurants of the Department of Business Regulation or the Department of Health and Rehabilitative Services or the county health department that the place of business wherein the business is to be conducted meets all of the sanitary requirements of the state.

(3) A transfer of 10 percent of any financial interest, a change of executive officers or directors, or a divestiture or resignation of such interest or position, in a business holding a vendor's license permitting the sale of any alcoholic beverages regardless of alcoholic content shall be contingent

upon the express approval by the division of the persons holding or acquiring such interest or position except for persons exempted in subsection (1).

(4) *Any person, before engaging in the business of exporting alcoholic beverages, must file with the district supervisor of the district of the division in which the exporter's business is located, a registration on forms provided to the district supervisor by the division. An exporter may not register unless he has complied with all appropriate federal regulations, including federal permitting regulations.*

Section 8. Present subsection (12) of section 561.20, Florida Statutes, 1990 Supplement, is redesignated as subsection (13), and a new subsection (12) is added to that section, to read:

561.20 Limitation upon number of licenses issued.—

(12)(a) *In addition to any other licenses issued under the provisions of this chapter, the division is authorized to issue a special license to a person or to an organization for the purpose of authorizing:*

1. *A bulk transfer as described in chapter 676;*
2. *A sale pursuant to a levy and execution;*
3. *A sale by an insurance company in possession of alcoholic beverages;*
4. *A bankruptcy sale;*
5. *A sale resulting from a license suspension or revocation;*
6. *A sale of damaged goods by a common carrier;*
7. *A sale by a bona fide wine collector; or*
8. *A sale of packaged alcoholic beverages pursuant to part V of chapter 679.*

(b) *A special license shall be issued under this subsection upon filing an application at the district office and paying a \$25 fee. Such fee shall be deposited in the Alcoholic Beverages and Tobacco Trust Fund.*

(c) *A special license is valid for 3 days after the time of its effective date and time as set by the division. A license issued pursuant to this subsection does not permit the licensee to sell alcoholic beverages for consumption on the premises.*

(d) *A distributor may purchase packaged alcoholic beverages at any sale specified in paragraph (a).*

Section 9. Section 561.22, Florida Statutes, is amended to read:

561.22 Licensing manufacturers, distributors, and registered exporters as vendors prohibited.—

(1) Except as hereinafter provided in this section, any applicant may receive a license as a manufacturer or, distributor, or may be registered as an exporter, but a no license or registration may not shall be issued to a manufacturer, distributor, or exporter as a vendor, and a no shall any license or registration may not be issued to a vendor as a manufacturer, distributor, or exporter.

(2)(a) If any applicant for a vendor's license or renewal thereof is shall be an individual, such individual is shall be deemed within the provisions of subsection (1) if he in the event the individual is interested or connected, directly or indirectly, with any corporation which is engaged, directly or indirectly, or through any subsidiary or affiliate corporation, including any stock ownership exceeding 0.5 percent owned individually, including a 0.5 percent interest in a blind or revocable trust, as set forth in subsection (3), in manufacturing, distributing, or exporting alcoholic beverages under a license or registration of this state or any state of the United States.

(b) If any applicant for a vendor's license or renewal thereof is shall be a copartnership, such copartnership is shall be deemed within the provisions of subsection (1) if in the event any member of the copartnership is interested or connected, directly or indirectly, with any corporation which is engaged, directly or indirectly, or through any subsidiary or affiliate corporation, including any stock ownership as set forth in subsection (3), in manufacturing, distributing, or exporting alcoholic beverages under a license or registration of this state or any state of the United States.

(3) If any applicant for a vendor's license or the renewal thereof is a corporation, such corporation ~~is shall be deemed~~ within the provisions of subsection (1) ~~if when~~ such corporation is affiliated with, directly or indirectly, any other corporation which is engaged in manufacturing, distributing, or exporting alcoholic beverages under a license or registration of this state or any other state of the United States, or ~~if when~~ such applicant corporation is controlled by or the majority stock therein owned by another corporation, which latter corporation owns or controls in any way the majority stock or controlling interest in any other corporation that is engaged, directly or indirectly, in manufacturing, distributing, or exporting alcoholic beverages under a license or registration in this state or any other state in the United States.

(4) If any applicant for a manufacturer's ~~or, distributor's or exporter's~~ license or an exporter's registration, or renewal thereof, ~~is shall be~~ an individual or copartnership, such individual or copartnership ~~is shall be deemed~~ within the provisions of subsection (1) ~~if in the event~~ the individual or any member of the copartnership is interested or connected, directly or indirectly, with any corporation which is engaged, directly or indirectly, or through any subsidiary or affiliate corporation, including any stock ownership as set forth in subsection (5) in selling alcoholic beverages as a vendor under a license of this state.

(5) If any applicant for a manufacturer's ~~or, distributor's or exporter's~~ license or an exporter's registration, or the renewal thereof, ~~is be a~~ corporation, such corporation ~~is shall be deemed~~ within the provisions of subsection (1) ~~if when~~ such corporation is affiliated with, directly or indirectly, any other corporation which is engaged in selling alcoholic beverages as vendor under a license of this state or when such applicant corporation is controlled by, or the majority stock therein owned by another corporation, which latter corporation owns or controls in any way the majority stock or controlling interest in any other corporation that is engaged, directly or indirectly, in selling alcoholic beverages as vendor under a license of this state.

Section 10. Section 561.24, Florida Statutes, is amended to read:

561.24 Licensing manufacturers as distributors or registered exporters prohibited; procedure for issuance and renewal of distributors' or exporters' licenses and exporters' registrations.—

(1) A ~~No~~ manufacturer, rectifier, or distiller that manufactures, rectifies, or distills, ~~manufacturing, rectifying, or distilling~~ spirituous liquors may not ~~shall hereafter~~ be granted a license as a distributor and may not register as an ~~or~~ exporter.

(2) A ~~No~~ manufacturer, rectifier, or distiller that manufactures, rectifies, or distills, ~~manufacturing, rectifying, or distilling~~ spirituous liquors may not ~~shall~~ be granted a renewal of a license or registration previously ~~therefore~~ held as a distributor or exporter.

(3) If the applicant for a distributor's ~~or exporter's~~ license or exporter's registration, or renewal thereof, is an individual or copartnership, such individual or copartnership ~~is shall be deemed~~ within the provisions of subsection (1) or subsection (2), as the case may be, ~~if in the event~~ the individual or any member of the copartnership is interested or connected, directly or indirectly, with any corporation which is engaged directly or indirectly or through any subsidiary or affiliate corporation, including any stock ownership as set forth in subsection (4), in manufacturing, rectifying, or distilling spirituous liquors. ~~It is the intent of this subsection that~~ If any individual or any member of such copartnership within 6 months next preceding the making of an application hereunder has been interested or connected as provided by this subsection, ~~then~~ such individual or such member of the copartnership shall be prima facie presumed to be so interested or connected with such corporation at the time of the making of the application, and such prima facie presumption shall continue until overcome by the applicant.

(4) If the applicant for a distributor's ~~or exporter's~~ license or exporter's registration, or for the renewal thereof, is a corporation, such corporation ~~is shall be deemed~~ within the provisions of subsections (1) and (2), as the case may be, ~~if when~~ such corporation is affiliated with, directly or indirectly, any other corporation which is engaged in manufacturing, rectifying, or distilling spirituous liquors or ~~if when~~ such applicant corporation is controlled by, or the majority of stock therein is owned by, another corporation, which latter corporation is engaged, directly or indirectly, in manufacturing, rectifying, or distilling spirituous liquors.

(5) Notwithstanding any of the provisions of the foregoing subsections, any corporation which holds a license as a distributor on June 3,

1947, shall be entitled to a renewal thereof, provided such corporation complies with all of the provisions of the Beverage Law of Florida, as amended, and of this section and establishes by satisfactory evidence to the board of county commissioners of the county wherein the original license was issued that, during the 6-month period next preceding its application for such renewal, of the total volume of its sales of spirituous liquors, in either dollars or quantity, not more than 40 percent of such spirituous liquors sold by it, in either dollars or quantity, were manufactured, rectified, or distilled by any corporation with which the applicant is affiliated, directly or indirectly, including any corporation which owns or controls in any way any stock in the applicant corporation or any corporation which is a subsidiary or affiliate of the corporation so owning stock in the applicant corporation.

(6) Any person, copartnership, or corporation applying for a distributor's license under the provisions of this section shall file a written or printed application therefor with the division. Such application shall be sworn to by the applicant or a member of the copartnership or an officer of the corporation, depending upon whether the applicant is an individual, copartnership, or corporation. Forms for such applications shall be provided by the division. Every such application shall set forth clear and detailed information necessary and sufficient to establish the right of the applicant under the provisions of this section to receive a license. The information herein required to be set forth shall be in addition to any information required to be set forth by any other provision of applicable law. Any application failing to comply fully with the provisions of this section shall be denied.

(7) No license of any distributor shall be renewed if the license of such distributor and continuations thereof have been revoked or if the qualifications of such distributor have been impaired.

(8) Any maneuver, shift, or device by any applicant whereby any provision of this section, in any manner, is sought to be avoided or evaded ~~constitutes shall constitute~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 11. Subsection (2) of section 561.32, Florida Statutes, is amended to read:

561.32 Transfer of licenses; change of officers or directors; transfer of interest.—

(2)(a) No person ~~is one shall be~~ entitled as a matter of right to a transfer of a license or interest in a license to a relative or to any other person or to a change of executive officers or directors:

1. ~~If when~~ the division has notified the licensee in writing that a revocation, ~~or~~ suspension, or administrative proceeding or a proceeding under s. 561.42 has ~~proceedings have~~ been or will be brought against the license; or;

2.(b) ~~If When~~ a licensee, executive officer, director, or person holding an interest in the license or business has been arrested, charged, indicted, or convicted, or has appealed the conviction, of a crime which is disqualifying under the alcoholic beverage laws. Any licensee, executive officer, director, or person holding an interest in a license or business who is arrested, charged, indicted, or convicted, or has appealed the conviction, of a crime which is disqualifying under the alcoholic beverage laws is required to immediately notify the division in writing of such action.

It ~~is shall be~~ unlawful to transfer or attempt to transfer any license or interest in a license or business or change executive officers or directors contrary to the provisions of this section.

(b)(e) The term "relative" with respect to this ~~subsection section~~ means an individual who is related to the licensee, executive officer, director, or person holding an interest 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, stepsister, stepbrother, half brother, or half sister.

(c)(d) The transfer of such license or financial interest in such license or the change of executive officers or directors in any such case shall be within the discretion of the division.

Section 12. Section 561.331, Florida Statutes, 1990 Supplement, is amended to read:

561.331 Temporary license upon application for transfer, ~~or~~ change of location, ~~or change of type or series.~~—

(1) Upon the filing of a properly completed application for transfer pursuant to s. 561.32, which *application* does not on its face disclose any reason for denying an alcoholic beverage license, by any purchaser of a business which possesses a beverage license of any type or series, the purchaser of such business and the applicant for transfer are entitled as a matter of right to receive a temporary beverage license, of the same type and series as that held by the seller of such business, which temporary license will be valid for all purposes under the Beverage Law for a period not to exceed 90 days. The temporary license may be extended in the discretion of the division for up to an additional 90 days upon a finding by the division that such extended period is necessary to complete the license investigation process. The division shall have until the end of any such 90-day period authorized by this section to approve or disapprove the license being applied for, anything to the contrary in s. 120.60 notwithstanding. However, the temporary license will expire on the date the division disapproves the application for the transfer of the license. After the denial of such application, the temporary license may not be continued or extended. Such temporary beverage license shall be issued by the district supervisor of the district in which the application for transfer is made upon the payment of a fee of \$100. A purchaser operating under the provisions of this subsection is subject to the same rights, privileges, duties, and limitations of a beverage licensee as are provided by law, except that purchases of alcoholic beverages during the term of such temporary license shall be for cash only. However, such cash-only restriction does not apply if the entity holding a temporary license pursuant to this section purchases alcoholic beverages as part of a single-transaction cooperative purchase placed by a pool buying agent or if such entity is also the holder of a state beverage license authorizing the purchase of the same type of alcoholic beverages as authorized under the temporary license.

(2) Upon the filing of an application for change of location pursuant to s. 561.33 by any qualified licensee who possesses a beverage license of any type or series, the licensee is entitled as a matter of right to receive a temporary beverage license of the same series as that license held by the licensee to be valid for all purposes under the Beverage Law for a period not to exceed 90 days. However, the temporary license will expire on the date the division disapproves the application for the change of location. After the denial of such application, the temporary license may not be continued or extended. Such temporary license shall be issued by the district supervisor of the district in which the application for change of location is made without the payment of any further fee or tax. A licensee operating under the provisions of this subsection is subject to the same rights, privileges, duties, and limitations of a beverage licensee as are provided by law.

(3) *Upon the filing of a properly completed application to change the type or series of a beverage license by any qualified licensee having a beverage license of any type or series, which application does not on its face disclose any reason for denying an alcoholic beverage license, the licensee is entitled as a matter of right to receive a temporary beverage license of the type or series applied for, which temporary license is valid for all purposes under the Beverage Law for a period not exceeding 90 days. If the division disapproves the application for the change of type or series, the temporary license expires on the date of disapproval, and such temporary license may not be continued or extended. Such temporary license shall be issued by the district supervisor of the district in which the application for change of type or series is made. If the fee for the type or series or license applied for is greater than the fee for the license then held by the applicant, the applicant for such temporary license must pay a fee in the amount of \$100 or one-fourth of the difference between the fees, whichever amount is greater. A fee is not required for an application for a temporary license of a type or series for which the fee is the same as or less than the fee for the license then held by the applicant. The holder of a temporary license under this subsection is subject to the same rights, privileges, duties, and limitations of a beverage licensee as are provided by law.*

(4)(3) Nothing in this section shall be construed to permit the transfer or issuance of temporary licenses contrary to the county-by-county limitation on the number of such licenses based on population as provided in s. 561.20(1).

Section 13. Section 561.37, Florida Statutes, is amended to read:

561.37 Bond for payment of taxes.—Each manufacturer ~~and each, distributor, or exporter~~ shall file with the division a surety bond accept-

able to the division in the sum of \$25,000 as surety for the payment of all taxes, provided, however, that when in the discretion of the division the amount of business done by the manufacturer or distributor is of such volume that a bond of less than \$25,000 will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law, the division may accept a bond in a lesser sum than \$25,000, but in no event shall it accept bond of less than \$10,000, and it may at any time in its discretion require any bond in an amount less than \$25,000 to be increased so as not to exceed \$25,000; provided, however, that the amount of bond required for a brewer shall be \$20,000, except that where, in the discretion of the division, the amount of business done by the brewer is of such volume that a bond of less than \$20,000 will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law, the division may accept a bond in a lesser sum than \$20,000, but in no event shall it accept bond of less than \$10,000, and it may at any time in its discretion require any bond in an amount less than \$20,000 to be increased so as not to exceed \$20,000; provided further that the amount of the bond required for a wine or wine and cordial manufacturer shall be \$5,000, except that, in the case of a manufacturer engaged solely in the experimental manufacture of wines and cordials from Florida products, where in the discretion of the division the amount of business done by such manufacturer is of such volume that a bond of less than \$5,000 will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law, the division may accept a bond in a lesser sum than \$5,000, but in no event shall it accept a bond of less than \$1,000 and it may at any time in its discretion require a bond in an amount less than \$5,000 to be increased so as not to exceed \$5,000; provided, further, that the amount of bond required for a distributor who sells only beverages containing not more than 4.007 percent of alcohol by volume, in counties where the sale of intoxicating liquors, wines, and beers is prohibited, and to distributors who sell only beverages containing not more than 17.259 percent of alcohol by volume and wines regardless of alcoholic content, in counties where the sale of intoxicating liquors, wines, and beers is permitted, shall file with the division a surety bond acceptable to the division in the sum of \$25,000, as surety for the payment of all taxes; provided, however, that where in the discretion of the division the amount of business done by such distributor is of such volume that bond of less than \$25,000 will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law the division may accept a bond in a less sum than \$25,000 but in no event shall it accept a bond less than \$1,000 and it may at any time in its discretion require any bond in an amount less than \$25,000 to be increased so as not to exceed \$25,000; provided, further, that the amount of bond required for a distributor in a county having a population of 15,000 or less who procures a license by which his sales are restricted to distributors and vendors who have obtained licenses in the same county, shall be \$5,000. ~~Each exporter shall file with the division a surety bond acceptable to the division in the sum of \$5,000 as surety for the payment of all taxes; provided, however, that where in the discretion of the division the amount of business done by the exporter is of such volume that a bond of less than \$5,000 will be adequate to secure the payment of all taxes assessed or authorized by the Beverage Law, the division may accept a bond in a lesser sum than \$5,000 but in no event shall it accept bond of less than \$1,000.~~

Section 14. Section 561.38, Florida Statutes, is amended to read:

561.38 Issuance of license prohibited until bond approved; cancellation or expiration of bond.—A No license ~~may not~~ shall be issued to a manufacturer ~~or, distributor, or exporter~~ until the bond herein provided for has been approved by the division. If at any time the bond is canceled or expires, the licensee is enjoined from making any further purchases, sales, distribution, or exportation of alcoholic beverages until a new bond is secured and approved by the division.

Section 15. Section 561.41, Florida Statutes, is amended to read:

561.41 Maintenance and designation of principal office by manufacturers, distributors, importers, and exporters.—Each licensed manufacturer, distributor, and importer ~~and each registered exporter must exporter licensed shall~~ have within this state an office designated as its principal office within this state and may maintain branch offices within or without this state. The principal and branch offices of ~~each manufacturer, distributor, and importer~~ within this state ~~must, shall~~ during regular defined business hours, be kept open for the inspection of authorized employees of the division. ~~Each registered exporter must provide access to authorized employees of the division to all business premises, inventories, and records, including all records of transporters, warehouses, and exporters required by the Federal Government, for the purpose of conducting semiannual audits and inventories. The division may adopt rules to carry out the purposes of this section.~~

Section 16. Subsection (1) of section 561.43, Florida Statutes, is amended to read:

561.43 Dry counties; manufacturers' or distributors' licenses; exemptions.—

(1) A No license may not shall be issued to a manufacturer or; distributor, and a registration may not be issued to an; or exporter, for the operation of a manufacturing or distributing plant or exporting establishment in any county where the sale of intoxicating liquors, wines, and beers is prohibited, except:

- (a) To manufacturers of wines or wines and cordials;
- (b) To distillers of alcoholic or spirituous liquors made exclusively from citrus fruits, citrus fruit products or citrus fruit byproducts, agricultural products and byproducts;
- (c) To manufacturers of beer whose plants are licensed at the time the county in which such plants are located votes to prohibit the sale of intoxicating beverages therein under the local option provisions of the Constitution of Florida.
- (d) To rectifiers and blenders of alcoholic or spirituous liquors mixed exclusively with citrus fruit products or citrus fruit byproducts, agricultural products, or agricultural byproducts.

Section 17. Subsection (3) of section 561.501, Florida Statutes, is amended to read:

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

(1) Notwithstanding s. 561.50 or any other provision of the Beverage Law, a surcharge of 10 cents is imposed upon each ounce of liquor and each 4 ounces of wine, and a surcharge of 4 cents is imposed on each 12 ounces of beer sold at retail for consumption on premises licensed by the division as an alcoholic beverage vendor.

(2) The vendor shall report and remit payments to the division each month by the 15th of the month following the month in which the surcharges are imposed. For purposes of compensating the retailer for the keeping of prescribed records and the proper accounting and remitting of surcharges imposed under this section, the retailer shall be allowed to deduct from the payment due the state 1 percent of the amount of the surcharge due. Retail records shall be kept on the quantities of all liquor, wine, and beer purchased, inventories, and sales. However, a collection allowance is not allowed on any collections that are not timely remitted. If by the 20th of the month following the month in which the surcharges are imposed, reports and remittances are not made, the division shall assess a late penalty of up to \$10 per day or 1 percent of the amount due per day for each day after the 20th of the month, whichever is greater. The division shall establish, by rule, the required reporting, collection, and accounting procedures. Records must be maintained for 3 years. Failure to accurately and timely remit surcharges imposed under this section is a violation of the Beverage Law.

(3) The division shall deposit 2 percent of the surcharge collected under this section into the Alcoholic Beverage and Tobacco Trust Fund to provide for audits, administration, and enforcement by the division. The remaining proceeds shall be deposited in the General Revenue Fund remainder shall be distributed as follows:

(a) For fiscal year 1990-1991, the remaining proceeds of the surcharge shall be deposited in the General Revenue Fund.

(b) Effective July 1, 1991:

- 1. Ninety percent shall be deposited in the General Revenue Fund.
- 2. Ten percent shall be deposited in the Children and Adolescents Substance Abuse Trust Fund which shall remain with the Department of Health and Rehabilitative Services for the purpose of funding programs directed at reducing and eliminating substance abuse problems among children and adolescents.

Section 18. Section 561.55, Florida Statutes, is amended to read:

561.55 Manufacturers', distributors', brokers', sales agents', and importers', vendors', and exporters' records and reports.—

(1) Each manufacturer, distributor, broker, sales agent, and importer, and exporter shall keep a complete and accurate record and make reports showing the amount of:

(a) Beverages manufactured or sold within the state and to whom sold; also, of all

(b) Beverages imported from beyond the limits of the state and to whom sold; also, all

(c) Beverages exported beyond the limits of the state, to whom sold, the place where sold, and the address of the person to whom sold.

(2) Each manufacturer, distributor, broker, sales agent, and importer shall make a full and complete report by the 10th day of each month for the previous calendar month. The report shall be made out in triplicate; two copies shall be sent to the division, and the third copy shall be retained for the manufacturer's, distributor's, broker's, sales agent's, or importer's record. Reports shall be made on forms prepared and furnished by the division.

(3)(a)(2) Each manufacturer, distributor, broker, sales agent agents, and importer licensed under the Beverage Law shall maintain and keep for a period of 3 years at the licensed place of business such records of alcoholic beverages received, sold, or delivered within or without this state as may be required by the division.

(b) Each vendor shall keep records of all purchases and other acquisitions of alcoholic beverages for a period of 3 years.

(4) Each registered exporter shall supply to the division copies of all certified reports pertaining to transporting, warehousing, and exporting alcoholic beverages prepared for the Federal Government with all supporting documents.

Section 19. Subsection (2) of section 561.703, Florida Statutes, is amended to read:

561.703 Definitions.—As used in this act, the term:

(2) "Vendor" means a person who is licensed pursuant to chapter 561, chapter 563, chapter 564, or chapter 565, to sell or serve alcoholic beverages. However, vendors at grocery or drug stores licensed under the provisions of s. 563.02(1)(a) or s. 564.02(1)(a), whose premises are in excess of 5,000 square feet of floor space, shall be exempt from the provisions of this act, including s. 561.704(2).

Section 20. Section 561.705, Florida Statutes, is amended to read:

561.705 Responsible vendor certification; qualification; renewal; suspension; revocation.—

(1)(a) A vendor who seeks to qualify as a responsible vendor must provide to the division, pursuant to procedures adopted by the division, evidence of compliance with the requirements of this section. Upon satisfactory proof that the vendor has complied with the requirements, the division shall certify the vendor as a responsible vendor. Certification as a responsible vendor must be renewed annually.

(b) The division shall adopt rules for monitoring compliance by certified vendors and for revoking or suspending a vendor's certification for noncompliance with this section. A certified vendor whose certification is revoked shall not be eligible for recertification until 3 years after a final order of decertification. Nothing contained herein shall prohibit the division from simultaneously revoking or suspending a certification for noncompliance and proceeding under s. 561.29 for a violation of the beverage law arising out of violations which occurred during such period of noncompliance with the Florida Responsible Vendor Act provided that the noncompliance in such case be substantial. Non law enforcement personnel of the division shall monitor and enforce compliance with this section.

(2) To qualify as a responsible vendor for certification, the vendor must:

(1)(a) Provide a course of instruction for its employees that must be approved by the division and must include subjects dealing with alcoholic beverages and may also include subjects dealing with controlled substances as follows:

(a)1. Laws covering the service of alcoholic beverages and the operation of establishments serving alcoholic beverages.

(b)2. Alcohol or controlled substances or both as a drug and its effects on the body and behavior, including its effects on a person operating a motor vehicle.

(c)3. Effects of alcohol in combination with commonly used drugs, both legal and illegal.

(d)4. Methods of recognizing and dealing with underaged customers.

(e)5. Methods for dealing with customers, and for dealing with employees, who use or traffic in illegal drugs.

(2)(b) Provide an alcohol server management course that must be approved by the division for managers of establishments that sell alcoholic beverages. The course and that must include subjects on alcoholic beverages and may include subjects on controlled substances as follows:

(a)1. Laws governing the service of alcoholic beverages and the operation of establishments serving alcoholic beverages.

(b)2. Development of standard operating procedures for dealing with underaged customers.

(c)3. Development of standard operating procedures for dealing with customers, and for dealing with employees, who use or traffic in illegal drugs.

(d)4. Methods of assisting employees in dealing with underaged customers and in maintaining records that relate to such incidents.

(3)(e) Require each nonmanagerial employee who is employed to serve alcoholic beverages to complete the employee training course specified in subsection (1) paragraph (a) within 30 days after commencing employment. The vendor must provide for the supervision of such an employee in the service of alcoholic beverages until the employee has received such training.

(4)(d) Require each managerial employee to complete the managerial training course specified in subsection (2) paragraph (b) within 15 days after commencing employment.

(5)(e) Require all employees to attend meetings at least triannually. These quarterly or such other schedule of meetings as approved by the division, which meetings must include the dissemination of information covering the applicable subjects specified in this section subsection and an explanation of explaining the vendor's policies and procedures relating to those subjects.

(6)(f) Require each employee, as a condition of his initial employment, to complete a written questionnaire providing the vendor the same information as is required by the division from persons who apply for alcoholic beverage licenses and to determine therefrom whether the employee is precluded by law from serving or selling alcoholic beverages; however, employees of vendors licensed under s. 563.02(1)(a) or s. 564.02(1)(a) shall not be subject to the requirements of this subsection paragraph.

(7)(g) Establish a written policy under which any employee who engages in the illegal use of controlled substances on the licensed premises will be immediately dismissed from employment and require each employee to acknowledge his knowledge of the policy in writing.

(8)(h) Maintain employment records of the applications, acknowledgments, and training of its employees required by this section and records of the vendor's enforcement of the policies requiring dismissal specified in subsection (7) paragraph (g).

(9)(i) Post signs on the vendor's premises informing customers of the vendor's policy against serving alcoholic beverages to underaged persons and informing customers that the purchase of alcoholic beverages by an underaged person or the illegal use of or trafficking in controlled substances will result in ejection from the premises and prosecution.

Section 21. Section 561.706, Florida Statutes, is amended to read:

561.706 Exemption from license suspension or revocation; mitigation for certain beverage law violations.—

(1) The license of a vendor qualified certified as a responsible vendor under this act may not be suspended or revoked for an employee's illegal sale or service of an alcoholic beverage to a person who is not of lawful drinking age or for an employee's engaging in or permitting others to engage in the illegal sale, use of, or trafficking in controlled substances, if the employee had completed the applicable training prescribed by this act prior to committing such violation, unless the vendor had knowledge of the violation, should have known about such violation, or participated in or committed such violation. No vendor may use as a defense to decer-

tification the fact that he was absent from the licensed premises at the time of noncompliance with this section. No vendor may use as a defense to suspension or revocation the fact that he was absent from the licensed premises at the time a violation of the Beverage Law occurred if the violations are flagrant, persistent, repeated, or recurring.

(2) The division shall consider qualification as a responsible vendor certification by a vendor in the responsible vendors program in mitigation of administrative penalties for an employee's illegal sale or service of an alcoholic beverage to a person who is not of lawful drinking age and or if the vendor has administered certification includes the applicable courses for controlled substances, substance for an employee's engaging in the illegal sale, use of, or trafficking in controlled substances.

Section 22. Section 561.704, Florida Statutes, as created by chapter 89-107, Laws of Florida, is hereby repealed.

Section 23. Paragraph (b) of subsection (1) of section 562.11, Florida Statutes, 1990 Supplement, is amended to read:

562.11 Selling, giving, or serving alcoholic beverages to person under age 21; misrepresenting or misstating age or age of another to induce licensee to serve alcoholic beverages to person under 21; penalties.—

(1)

(b) A licensee who violates paragraph (a) shall have a complete defense to any civil action therefor, except for any administrative action by the division under the Beverage Law, if, at the time the alcoholic beverage was sold, given, served, or permitted to be served, the person falsely evidenced that he was of legal age to purchase or consume the alcoholic beverage and the appearance of the person was such that an ordinarily prudent person would believe him to be of legal age to purchase or consume the alcoholic beverage and if the licensee carefully checked one of the following forms of identification with respect to the person: a the person's driver's license, an identification card issued under the provisions of s. 322.051, a or the person's passport, or a United States Uniformed Services identification card, and acted in good faith and in reliance upon the representation and appearance of the person in the belief that he was of legal age to purchase or consume the alcoholic beverage. Nothing herein shall negate any cause of action which arose prior to June 2, 1978.

Section 24. Section 562.12, Florida Statutes, is amended to read:

562.12 Beverages sold with improper license, or without license or registration, or held with intent to sell prohibited.—

(1) It is unlawful for any person to sell alcoholic beverages without a license, and it is unlawful for any licensee to sell alcoholic beverages except as permitted by his license, or to sell such beverages in any manner except that permitted by his license; and any licensee or other person who keeps or possesses alcoholic beverages not permitted to be sold by his license, or not permitted to be sold without a license, with intent to sell or dispose of same unlawfully, or who keeps and maintains a place where alcoholic beverages are sold unlawfully, is shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) It is unlawful for any person to operate as an exporter of alcoholic beverages within the state without registering as an exporter pursuant to s. 561.17. Any person who violates this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(2) Upon the arrest of any licensee or other person charged with a violation of this section, the arresting officer shall take into his custody all alcoholic beverages found in the possession, custody, or control of the person arrested or, in the case of a licensee, all alcoholic beverages not within the purview of his license, and safely keep and preserve the same and have it forthcoming at any investigation, prosecution, or other proceeding for the violation of this section and for the destruction of the same as provided herein. Upon the conviction of the person arrested for a the violation of this section, the judge of the court trying the case, after notice to the person convicted and any other person whom the judge may be of the opinion is entitled to notice, as the judge may deem reasonable, shall issue to the sheriff of the county, the division, or the authorized municipality a written order adjudging and declaring the alcoholic beverages forfeited and directing the sheriff, the division, or the authorized municipality to dispose of the alcoholic beverages as provided in s. 562.44 or s. 568.10.

Section 25. Subsection (2) of section 562.45, Florida Statutes, is amended to read:

562.45 Penalties for violating Beverage Law; local ordinances.—

(2)(a) Nothing contained in the Beverage Law shall be construed to affect or impair the power or right of any county or incorporated municipality of the state to enact ordinances regulating the hours of business and location of place of business, and prescribing sanitary regulations therefor, of any licensee under the Beverage Law within the county or corporate limits of such municipality. *The division may not issue a change in the series of a license or approve a change of a licensee's location unless the licensee provides documentation of proper zoning from the appropriate county or municipal zoning authorities.*

(b) Nothing in the Beverage Law shall be construed to affect or impair the power or right of any county or incorporated municipality of the state to enact ordinances regulating the type of entertainment and conduct permitted in any establishment licensed under the Beverage Law to sell alcoholic beverages for consumption on the premises or any bottle club licensed under s. 561.14, Florida Statutes, which is located within such county or municipality.

Section 26. Subsection (2) of section 562.47, Florida Statutes, is amended to read:

562.47 Rules of evidence; Beverage Law.—In all prosecutions for violations of the Beverage Law:

(2) Proof that the beverage in question was contained in a container ~~an unopened bottle or can, labeled as "beer," "ale," "malt liquor," or "malt beverage," "wine," or "distilled spirits" or with other similar name; which has printed or lithographed on the crown of the bottle or lid of the can the word "Florida"; and which bears the manufacturer's insignia, name, or trademark is shall be~~ prima facie evidence that such beverage is an alcoholic beverage as defined in s. 561.01.

(Renumber the subsequent section.)

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

Amendment 1A—On page 20, line 10, through page 21, line 26, strike all of said lines and renumber subsequent sections.

Amendment 1 as amended was adopted.

Senator Jennings moved the following amendment:

Amendment 2—In title, on page 1, line 15, after the semicolon (;) insert: amending s. 561.01, F.S.; defining the term "exporter" for purposes of the Beverage Law; amending ss. 561.14, 561.17, F.S.; requiring persons exporting alcoholic beverages to register with the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation; amending s. 561.20, F.S.; authorizing the division to issue special 3-day licenses for conducting specified types of special sales; prescribing an application fee; amending s. 561.22, F.S.; prohibiting an exporter of alcoholic beverages from obtaining an alcoholic beverage vendor's license; amending s. 561.24, F.S.; prohibiting certain manufacturers of alcoholic beverages from registering as exporters of alcoholic beverages; amending s. 561.32, F.S.; prohibiting the transfer of a license as a matter of right if certain administrative proceedings have been or will be brought against the license; amending s. 561.331, F.S.; providing for a temporary beverage license to be issued upon request for a change in the type or series of a license; providing a fee for application for such temporary license; amending ss. 561.37, 561.38, F.S.; deleting provisions requiring exporters of alcoholic beverages to secure payment of taxes by surety bonds filed with the division; amending s. 561.41, F.S.; requiring an exporter of alcoholic beverages to provide the division with certain records and allow the division access to its premises; providing rulemaking authority; amending s. 561.43, F.S.; prohibiting an exporter of alcoholic beverages from registering to operate in a dry county; amending s. 561.501, F.S.; deleting the requirement that funds be deposited into the Children and Adolescents Substance Abuse Trust Fund; amending s. 561.55, F.S.; providing record-keeping requirements for exporters and vendors of alcoholic beverages; requiring exporters to supply to the division copies of certain reports prepared pursuant to federal regulations; amending s. 561.703, F.S.; redefining the term "vendor"; amending s. 561.705, F.S.; providing for qualification as a responsible vendor; deleting language with respect to certification, renewal, suspension, and revocation; amending s. 561.706, F.S.; revising language with respect to exemption from license suspension

or revocation and mitigation for certain beverage law violations; repealing s. 561.704, F.S., relating to the responsible vendors program and the beverage license surcharge; amending s. 562.11, F.S.; providing an additional form of identification for use in proving legal age under the Beverage Law; amending s. 562.12, F.S.; prohibiting a person from operating as an exporter of alcoholic beverages without being registered as an exporter; providing a penalty; amending s. 562.45, F.S.; authorizing counties to enact ordinances regulating certain matters respecting the sale of alcoholic beverages; requiring a licensee to provide documentation of proper zoning prior to approval of a change in the series of a license or in the licensee's location; amending s. 562.47, F.S.; revising the elements which constitute prima facie evidence that a beverage is an alcoholic beverage;

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

Amendment 2A—In title, on page 2, strike all of lines 17-20 and insert: amending s. 561.55, F.S.; providing

Amendment 2 as amended was adopted.

SB 988

Senator Myers moved the following amendments which were adopted:

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

Section 2. Subsection (6) of section 316.1936, Florida Statutes, is amended to read:

316.1936 Possession of open containers of alcoholic beverages in vehicles prohibited; penalties.—

(6) Any operator of a vehicle who violates this section is guilty of a ~~misdemeanor of the second degree noncriminal moving traffic violation,~~ punishable by a fine as provided in s. 775.083 ~~chapter 318.~~ A passenger of a vehicle who violates this section is guilty of a nonmoving traffic violation, punishable as provided in chapter 318.

Section 3. Subsection (4) of section 316.655, Florida Statutes, is amended to read:

316.655 Penalties.—

(4) Any person convicted of a violation of s. 316.027, s. 316.061, s. 316.067, s. 316.072, s. 316.192, s. 316.193, s. 316.1935, s. 316.1936, s. 316.2045(2), or s. 316.545(1) shall be punished as specifically provided in that section. If the court finds that a minor committed any violation of any of the provisions of this chapter, the court may also impose one or more of the following sanctions:

(a) The court may reprimand or counsel the minor and his parents or guardian.

(b) The court may require the minor to attend, for a reasonable period, a traffic school conducted by a public authority.

(c) The court may order the minor to remit to the general fund of the local governmental body a sum not exceeding the maximum fine applicable to an adult for a like offense.

(d) The court may order the minor to participate in public service or a community work project for a minimum number of hours. A minor who participates in such a work program shall be considered an employee of the state for the purposes of chapter 440.

(e) The court may impose a curfew or other restriction on the liberty of the minor for a period not to exceed 6 months.

However, except for a conviction of a violation of s. 316.027, a minor shall not be imprisoned in an adult detention facility. If a minor is imprisoned for a violation of s. 316.027, under no circumstances shall a minor be placed in the same cell as an adult. The receiving facility shall have adequate staff to supervise and monitor the minor's activities at all times. Nothing in this paragraph prohibits the placing of two or more minors in the same cell.

Section 4. Section 318.17, Florida Statutes, is amended to read:

318.17 Offenses excepted.—No provision of this chapter shall be available to persons charged with the following offenses:

(1) Fleeing or attempting to elude a police officer, in violation of s. 316.1935;

(2) Leaving the scene of an accident, in violation of ss. 316.027 and 316.061;

(3) 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 driving with an unlawful blood alcohol level;

(4) Reckless driving, in violation of s. 316.192;

(5) Making false accident reports, in violation of s. 316.067;

(6) Willfully failing or refusing to comply with any lawful order or direction of any police officer or member of the fire department, in violation of s. 316.072(3); or

(7) Obstructing an officer, in violation of s. 316.545(1); or

(8) Possession of an open container of alcoholic beverages by the operator of a motor vehicle, in violation of s. 316.1936.

Section 5. This act, except for this section and section 1, which shall take effect July 1, 1991, shall take effect October 1, 1991.

Amendment 2—In title, on page 1, strike line 2 and insert: An act relating to traffic control;

Amendment 3—In title, on page 1, line 9, following the semicolon (;) insert: amending s. 316.1936, F.S.; increasing the penalty for an operator who is in possession of an open container of alcoholic beverages in a motor vehicle; amending ss. 316.655, 318.17, F.S., to conform;

Amendments 1, 2 and 3 were reconsidered and withdrawn.

CS for CS for SB 1024

Senator Yancey moved the following amendments which were adopted:

Amendment 1—On page 1, line 28, after “s. 790.06” insert: , as provided for law enforcement and correctional officers in s. 790.06(5)(b)

Amendment 2—On page 3, line 6, strike “October 1, 1991” and insert: upon becoming a law

Senator Grant moved the following amendments which were adopted:

Amendment 3—On page 2, between lines 23 and 24, insert:

Section 2. Section 790.061, Florida Statutes, 1990 Supplement, is amended to read:

790.061 Judges and justices; exceptions from licensure provisions.—A No county court judge, circuit court judge, district court of appeal judge, or justice of the supreme court, either while in office or retired, is not shall be required to comply with the provisions of s. 790.06 in order to receive a license to carry a concealed weapon or firearm, except that any such justice or judge must shall be required to comply with the provisions of s. 790.06(2)(h). The Department of State shall issue a license to carry a concealed weapon or firearm to any such justice or judge upon demonstration of competence of the justice or judge pursuant to s. 790.06(2)(h).

(Renumber subsequent sections.)

Amendment 4—In title, on page 1, line 7, after the semicolon (;) insert: amending s. 790.061, F.S.; exempting judges and justices who are no longer in office or retired from certain licensure requirements for carrying concealed weapons or firearms;

CS for SB 1428

Senator Myers moved the following amendment which was adopted:

Amendment 1—On page 8, between lines 10 and 11, insert:

Section 10. Subsection (13) is added to section 200.065, Florida Statutes, 1990 Supplement, to read:

200.065 Method of fixing millage.—

(13) The provisions of this section shall apply to all taxing authorities in this state which levy ad valorem taxes, and shall control over any special law which is inconsistent or in conflict with this section, except to the extent the special law expressly exempts a taxing authority from the provisions of this section.

CS for SB 1586

The Committee on Appropriations recommended the following amendment which was moved by Senator Weinstock and adopted:

Amendment 1—On page 16, line 14, strike “185” and insert: 170

Senator Langley moved the following amendment which failed:

Amendment 2—On page 16, line 15, strike “not”

SB 1686

The Committee on Commerce recommended the following amendment which was moved by Senator Malchon and adopted:

Amendment 1—On page 1, line 20, after “63,” insert: prior to the child’s eighteenth birthday,

The Committee on Commerce recommended the following amendments which were moved by Senator Malchon and failed:

Amendment 2—On page 3, between lines 7 and 8, insert:

Section 4. Section 11.402, Florida Statutes, is created to read:

11.402 Legislative intent.—It is the intent of the Legislature that the Public Counsel be a unit of the legislative branch of state government pursuant to s. 216.011(1)(t), and to reflect this fact by transferring statutory provisions relating to the Public Counsel to chapter 11, Florida Statutes.

Section 5. Florida Statutes, is renumbered as section 11.403, Florida Statutes, and amended to read:

11.403 350.061 Public Counsel; appointment; oath; restrictions on Public Counsel and his employees.—

(1) The Joint Legislative Auditing Committee shall appoint a Public Counsel by majority vote of the members of the committee to represent the general public of Florida before the Florida Public Service Commission and the Department of Insurance. The Public Counsel shall be an attorney admitted to The Florida Bar practice before the Florida Supreme Court and shall serve at the pleasure of the Joint Legislative Auditing Committee, subject to annual reconfirmation by the committee. Vacancies in the office shall be filled in the same manner as the original appointment.

(2) The Public Counsel shall take and subscribe to the oath of office required of state officers by the State Constitution.

(3) No officer or full-time employee of the Public Counsel shall actively engage in any other business or profession; serve as the representative of any political party or on any executive committee or other governing body thereof; serve as an executive, officer, or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; or engage on behalf of any candidate for public office in the solicitation of votes or other activities in behalf of such candidacy. Neither the Public Counsel nor any employee of the Public Counsel shall become a candidate for election to public office unless he shall first resign from his office or employment.

Section 6. Section 350.0611, Florida Statutes, is renumbered as section 11.404, Florida Statutes, and amended to read:

11.404 350.0611 Public Counsel; duties and powers.—It shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the Florida Public Service Commission, proceedings before the Department of Insurance, and proceedings pertaining to schedules of reimbursement determined by the three-member panel pursuant to s. 440.13. The Public Counsel shall have such powers as are necessary to carry out the duties of his office, including, but not limited to, the following specific powers:

(1) To recommend to the commission, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission.

(2) To recommend to the department, by petition, the commencement of, and to appear in the name of the state or its citizens in, any proceeding or action before the department relating to;

(a) Rules governing workers’ compensation insurance, health insurance or motor vehicle insurance; or

(b) Rate filings for workers’ compensation insurance, health insurance or motor vehicle insurance which request rate increases of 10 percent or greater or rate decreases of 5 percent or greater within a 12-month period.

(c) *The Public Counsel must initiate or intervene in any rate proceeding or action within 60 days after the date the rate filing is made. To do so, the Public Counsel must file notice with the Insurance Commissioner stating that based upon a preliminary review the Public Counsel believes that the rates filed are excessive, inadequate, or unfairly discriminatory.*

For purposes of this subsection, Department of Insurance approval of or retraction of objections to a rate filing shall constitute final agency action, which may be appealed only to the District Court of Appeal and which may not be stayed.

(3) *To, and urge in any proceeding or action to which he is a party therein any position which he deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission or department, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission or department which shall be reviewable by summary procedure in the circuit courts of this state.;*

(4) *(2) To have access to and use of all files, records, and data of the commission or department available to any other attorney representing parties in a proceeding before the commission or department.;*

(5) *(3) In any proceeding in which he has participated as a party, to seek review of any determination, finding, or order of the commission or department, or of any hearing examiner designated by the commission or department, in the name of the state or its citizens.;*

(6) *(4) To prepare and issue reports, recommendations, and proposed orders to the commission, the department, the Governor, and the Legislature on any matter or subject within the jurisdiction of the commission or department, and to make such recommendations as he deems appropriate for legislation relative to commission or department procedures, rules, jurisdiction, personnel, and functions.;*

(7) *(5) To appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the commission or department, in the name of the state or its citizens.*

(8) *To appear before the three-member panel as created in s. 440.13 in any manner pertaining to the adoption of schedules of maximum reimbursement allowances.*

Section 7. Section 350.0612, Florida Statutes, is renumbered as section 11.406, Florida Statutes, and amended to read:

11.406 350.0612 Public Counsel; location.—The Public Counsel shall maintain his office in Leon County on the premises of the commission or, if suitable space there cannot be provided, at such other place convenient to the offices of the Florida Public Services Commission and Department of Insurance commissioners as will enable him to carry out expeditiously the duties and functions of his office.

Section 8. Section 350.0613, Florida Statutes, is renumbered as section 11.407, Florida Statutes, and amended to read:

11.407 350.0613 Public Counsel; employees; receipt of pleadings — The Legislative Auditing Committee may authorize the Public Counsel to employ clerical and technical assistants whose qualifications, duties, and responsibilities the committee shall from time to time prescribe. The committee may from time to time authorize retention of the services of additional attorneys, actuaries, economists, or experts to the extent that the best interests of the people of the state will be better served thereby, including the retention of expert witnesses and other technical personnel for participation in contested proceedings before the Florida Public Service Commission or the Department of Insurance. The commission or department shall furnish the Public Counsel with copies of the initial pleadings in all proceedings before the commission or department, and if the Public Counsel intervenes as a party in any proceeding he shall be served with copies of all subsequent pleadings, exhibits, and prepared testimony, if used. Such pleadings include, but are not limited to, all rate filings for any form of workers' compensation insurance, health insurance or motor vehicle insurance filed pursuant to chapter 627. Upon filing notice of intervention, the Public Counsel shall serve all interested parties with copies of such notice and all of his subsequent pleadings and exhibits.

Section 9. Section 350.0614, Florida Statutes, is renumbered as section 11.408, Florida Statutes, and amended to read:

11.408 350.0614 Public Counsel; trust fund; compensation and expenses.—

(1) *There is created a Public Counsel Trust Fund in the Legislative Auditing Committee to fund the operation of the Public Counsel for matters pertaining to insurance.*

(2) *(1) The salaries and expenses of the Public Counsel and his employees shall be allocated by the committee only from moneys appropriated to the Public Counsel by the Legislature.*

(3) *(2) The Legislature hereby declares and determines that the Public Counsel is under the legislative branch of government within the intention of the legislation as expressed in chapter 216, and no power shall be in the Executive Office of the Governor or its successor to release or withhold funds appropriated to it, but the same shall be available for expenditure as provided by law and the rules or decisions of the Legislative Joint Auditing Committee.*

(4) *(3) Neither the Executive Office of the Governor nor the Department of Administration or its successor shall have power to determine the number, or fix the compensation, of the employees of the Public Counsel or to exercise any manner of control over them.*

Section 10. Subsection (3) is added to section 624.523, Florida Statutes, to read:

624.523 Insurance Commissioner's Regulatory Trust Fund.—

(3) *An amount as determined by the General Appropriations Act shall be transferred annually from the Insurance Commissioner's Regulatory Trust Fund to the Public Counsel Trust Fund for the purpose of funding the Office of the Public Counsel for matters pertaining to insurance.*

Section 11. Paragraph (a) of subsection (3) of section 624.319, Florida Statutes, is amended to read:

624.319 Examination and investigation reports.—

(3)(a) *The department may withhold from public inspection any examination report until filed and may withhold any investigation report for so long as the department deems reasonably necessary to protect the person investigated from unwarranted injury or deems to be in the public interest. However, the Public Counsel shall have access to the examination and investigation files and reports pertaining to workers' compensation, health and motor vehicle insurance at any time. The Public Counsel shall withhold from public inspection any information received while the department's examination or investigation is still in progress.*

This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 12. *The Public Counsel shall provide to the President of the Senate and the Speaker of the House of Representatives by January 1, 1992, a report and recommendations:*

(1) *With respect to staffing and support services necessary for the operation of the Public Counsel for matters pertaining to insurance; and*

(2) *With respect to the feasibility of creating a Citizens' Advocate to represent the citizens of Florida before other state departments and commissions in matters substantially affecting the public interest that have a broad impact on large numbers of consumers and to monitor citizen recommendations and complaints.*

Section 13. Paragraph (b) of subsection (1) of section 112.3145, Florida Statutes, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term: district school superintendent; community college president; district

(b) "Specified state employee" means:

1. Public counsel created by chapter 11 350, an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency, a judge of compensation claims, or a hearing officer.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field or the superintendent or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding \$1,000, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

6. Any person employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions.

7. Each employee of the Commission on Ethics.

Section 14. Section 407.54, Florida Statutes, is amended to read:

407.54 Budget review proceedings; duty of Public Counsel.—Notwithstanding any other provisions of this chapter, it shall be the duty of the Public Counsel to represent the general public of the state in any proceeding before the board or its advisory panels in any administrative hearing conducted pursuant to the provisions of s. 120.57 or before any other state and federal agencies and courts in any issue related to budget review. With respect to any such proceeding, the Public Counsel is subject to the provisions of and may utilize the powers granted to him by ss. 11.402-11.408 350.061-350.0614.

Section 15. Subsection (11) of section 417.503, Florida Statutes, is amended to read:

427.503 Definitions.—The following terms and phrases when used in this part shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(11) "Public Counsel" means the individual appointed pursuant to s. 11.403 350.061.

(Renumber subsequent sections.)

Amendment 3—In title, on page 1, line 7, after the semicolon (;) insert: creating s. 11.402, F.S.; providing legislative intent; renumbering and amending ss. 350.061, 350.0611, 350.0612, 350.0613, and 350.0614, F.S.; expanding the jurisdiction of the Public Counsel to include representation of the general public before the Department of Insurance; providing powers and duties; providing that the Legislative Auditing Committee may authorize the Public Counsel to employ actuaries and economists; providing for the location of the Office of the Public Counsel; creating a Public Counsel Trust Fund; amending s. 624.523, F.S.; providing for funding of the Office of the Public Counsel through the Insurance Commissioner's Regulatory Trust Fund; amending s. 624.319, F.S.; granting the Public Counsel access to examination and investigation reports pertaining to health and motor vehicle insurance; providing an exemption from public records requirements with respect to such reports; requiring the Public Counsel to submit a report and recommendations to the Legislature; amending ss. 112.3145, 407.54, and 427.503, F.S., to conform;

SB 1724

The Committee on Executive Business, Ethics and Elections recommended the following amendments which were moved by Senator Weinstock and adopted:

Amendment 1—On page 3, line 23, after "at" insert: *specified*

Amendment 2—On page 3, line 31, and on page 4, line 1, strike "the main office or any branch office of a supervisor of"

Senator Gordon moved the following amendment which was adopted:

Amendment 3—On page 4, line 21, after the comma (,) insert: *or that any registrant is a noncitizen and is therefore unqualified to vote,*

Senator Gordon moved the following amendment which failed:

Amendment 4—On page 5, line 22, insert:

(2) The supervisor may, whenever he has reason to believe that an elector has become disqualified or that a registrant was never qualified, process and forward to such elector or registrant a post or renewal card to verify the qualifications of such elector or registrant and, on the non-return of such card within the prescribed time set by law, shall proceed as otherwise provided in s. 98.081, for nonreturns.

(3) Upon a sufficient showing to the supervisor of elections that there are 50 or more noncitizens registered to vote in the county, the supervisor shall conduct and publish a complete analysis of the citizenship status of the registrants, using information available through the U.S. Immigration and Naturalization Service. The analysis shall identify all registrants who are noncitizens and shall be published within 6 months after the showing is proffered. The supervisor shall strike from the voting rolls the names of all noncitizens, in accordance with the procedures set forth in subsections (1) and (2), and shall give a list of those names to the state attorney. Thereafter, the supervisor shall analyze the citizenship status of all new registrants at 3-month intervals. If those analyses fail to identify any noncitizen registrants for any 1-year period, the supervisor shall discontinue conduction analyses of citizenship until a further showing is proffered pursuant to this subsection. If the supervisor finds that a showing is insufficient, any candidate or elector in the supervisor's county may protest that decision by presenting to any circuit judge of the circuit that has jurisdiction over the supervisor a sworn, written protest within 30 days after the date the supervisor notifies the person who proffers the showing of its insufficiency. Any candidate or elector who presents such a protest to a circuit judge is entitled to an immediate hearing thereon and to any relief the judge considers appropriate.

(Renumber subsequent sections.)

CS for SB 1784

Senator Malchon moved the following amendment which was adopted:

Amendment 1—On page 11, strike all of lines 14-16 and insert: programs to minority businesses; and

(Renumber subsequent paragraph.)

Senator Childers moved the following amendment which was adopted:

Amendment 2—On page 10, strike all of lines 8-18 and insert:

(d) A native American, a person who has origins in any of the Indian Tribes of North America prior to 1835, upon presentation of proper documentation thereof as established by rule of the Department of General Services who is a member of, or is eligible to be a member of, a federally recognized Indian tribe. A "federally recognized Indian tribe" means an Indian tribe, band, nation, rancheria, pueblo, colony, or other organized group or community, including any Alaska native village, which is recognized by the Secretary of the Interior on October 1, 1985, as having special rights and is recognized as eligible for the services provided by the United States to Indians because of their status as Indians, and any tribe that has a pending application for federal recognition on October 1, 1985.

CS for SB 1876

Senator Girardeau moved the following amendment which was adopted:

Amendment 1—On page 1, line 24, strike "of" and insert: above

CS for SB 1888

Senator Dudley moved the following amendments which were adopted:

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

Section 1. Section 73.165, Florida Statutes, is created to read:

73.165 Attorney's fees; inverse condemnation.—

(1) In assessing attorney's fees in inverse condemnation proceedings, the court shall give greatest weight to the benefits resulting to the plaintiff from the services rendered.

(a) As used in this section, the term "benefits" means the difference between the final judgment or settlement and the last written offer made by the governmental agency or entity or the condemning authority before the plaintiff hires an attorney. If no written offer is made by the govern-

mental agency or entity or the condemning authority before the plaintiff hires an attorney, benefits must be measured from the first written offer after the attorney is hired.

1. In determining attorney's fees in prelitigation negotiations, benefits do not include amounts awarded for business damages unless the business owner provided financial records to the governmental agency or entity or the condemning authority, upon written request, prior to litigation.

2. In determining attorney's fees subsequent to the filing of litigation, if financial records are not provided to the governmental agency or entity or the condemning authority prior to litigation, benefits for amounts awarded for business damages must be based on the first written offer made by the governmental agency or entity or the condemning authority within 120 days after the filing of the inverse condemnation action. If the governmental agency or entity or the condemning authority makes no written offer to the plaintiff for business damages within 120 days after filing the inverse condemnation action, benefits for amounts awarded for business damages must be based on the difference between the final judgment or settlement and the last written offer made by the governmental agency or entity or the condemning authority before the plaintiff hired an attorney.

(b) The court may also consider nonmonetary benefits which the attorney obtains for the plaintiff.

(2) In assessing attorney's fees in inverse condemnation proceedings, the court shall give secondary consideration to:

- (a) The novelty, difficulty, and importance of the questions involved.
- (b) The skill employed by the attorney in conducting the cause.
- (c) The amount of money involved.
- (d) The responsibility incurred and fulfilled by the attorney.

(e) The attorney's time and labor reasonably required adequately to represent the plaintiff in relation to the benefits resulting to him.

(3) At least 30 days prior to a hearing to assess attorney's fees under this section, the plaintiff's attorney shall submit to the governmental agency or entity or the condemning authority and to the court complete time records and a detailed statement of services rendered by date, nature of services performed, time spent performing such services, and costs incurred.

(4) In determining the amount of attorney's fees to be paid by the governmental agency or entity or the condemning authority, the court shall be guided by the fees the plaintiff would ordinarily be expected to pay if the governmental agency or entity or the condemning authority were not responsible for the payment of fees and costs.

(5) Notwithstanding any other provision of law, if an offer of judgment made by the governmental agency or entity or the condemning authority, pursuant to s. 73.032, is rejected and the verdict or judgment is less than or equal to the offer of judgment, no attorney's fees or costs shall be awarded for time spent by the attorney or cost incurred after the time of rejection of the offer, except for apportionment or other supplemental proceedings.

(6) In assessing attorney's fees in inverse condemnation proceedings, the court shall follow the criteria set forth in this section. A contingent risk multiplier may not be applied in determining the portion of the attorney's fees to be assessed after the order of taking or similar order or finding has been entered by the court.

Section 2. This act shall take effect October 1, 1991.

Amendment 2—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to attorney's fees in inverse condemnation proceedings; creating s. 73.165, F.S.; providing requirements for the court in assessing attorney's fees in such proceedings; requiring that the greatest weight be given to benefits resulting to the plaintiff; providing requirements for submitting records to the court; providing circumstances for limiting attorney's fees after rejection of an offer of judgment; prohibiting the use of a contingent risk multiplier; providing an effective date.

CS for SB 1894

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1—On page 19, line 28, after "used" insert: , *the provisions of s. 865.09(7) notwithstanding*

CS for SB 1896

Senator Langley moved the following amendments which were adopted:

Amendment 1—On page 15, line 1, before "Section" insert:

Section 11. Paragraph (b) of subsection (4) of section 95.11, Florida Statutes, 1990 Supplement, is amended to read:

95.11 Limitations other than for the recovery of real property.— Actions other than for recovery of real property shall be commenced as follows:

(4) WITHIN TWO YEARS.—

(b) An action for medical malpractice shall be commenced within 2 years from the time the ~~malpractice incident giving rise to the action occurred or within 2 years from the time the incident is discovered~~, or should have been discovered with the exercise of due diligence; however, in no event shall the action be commenced later than 4 years from the date of the ~~malpractice occurred incident or occurrence out of which the cause of action accrued~~. *Discovery of a physical or mental injury without knowledge that the injury resulted from malpractice does not constitute knowledge of the malpractice.* An "action for medical malpractice" is defined as a claim in tort or in contract for damages because of the death, injury, or monetary loss to any person arising out of any medical, dental, or surgical diagnosis, treatment, or care by any provider of health care. The limitation of actions within this subsection shall be limited to the health care provider and persons in privity with the provider of health care. In those actions covered by this paragraph in which it can be shown that fraud, concealment, or intentional misrepresentation of fact prevented the discovery of the ~~malpractice injury within the 4-year period~~, the period of limitations is extended forward 2 years from the time that the ~~malpractice injury~~ is discovered or should have been discovered with the exercise of due diligence, but in no event to exceed 7 years from the date the ~~malpractice incident giving rise to the injury~~ occurred.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 24, after the semicolon (;) insert: amending s. 95.11, F.S.; prescribing time limitations for medical malpractice actions;

Senator Grant moved the following amendments which were adopted:

Amendment 3—On page 15, before line 1, insert:

Section 11. Section 766.205, Florida Statutes, is amended to read:

766.205 Presuit discovery of medical negligence claims and defenses.—

(1) Upon the completion of presuit investigation pursuant to s. 766.203, which investigation has resulted in the mailing of a notice of intent to initiate litigation in accordance with s. 766.106, corroborated by medical expert opinion that there exist reasonable grounds for a claim of negligent injury, each party shall provide to the other party reasonable access to information within its possession or control in order to facilitate evaluation of the claim.

(2) Such access shall be provided without formal discovery, pursuant to s. 766.106, and failure to so provide shall be grounds for dismissal of any applicable claim or defense ultimately asserted.

(3) *As an exception to s. 455.241, any health care provider noticed pursuant to s. 766.106 (hereinafter referred to as prospective defendant), or the prospective defendant's legal representative or insurer, may request and obtain during the presuit period, or any time thereafter prior to verdict, medical information and records about the patient from any former or current treating health care provider of the patient, and such health care provider may furnish such medical information and records if such health care provider is willing to furnish such information and records voluntarily. Nothing in this subsection shall be interpreted to require that a former or current treating health care provider*

furnish such medical information or records. Written notice of the furnishing of any such information or records must be provided to the patient or the patient's legal representative by the requestor within three business days after any such information or records are obtained. Nothing in this subsection shall affect other rights or obligations of the parties or any former or current treating health care providers except as provided in this subsection.

(4)(3) Failure of any party to comply with this section shall constitute evidence of failure of that party to comply with good-faith discovery requirements and shall waive the requirement of written medical corroboration by the party seeking production.

(5)(4) No statement, discussion, written document, report, or other work product generated solely by the presuit investigation process is discoverable or admissible in any civil action for any purpose by the opposing party. All participants, including, but not limited to, hospitals and other medical facilities, and the officers, directors, trustees, employees, and agents thereof, physicians, investigators, witnesses, and employees or associates of the defendant, are immune from civil liability arising from participation in the presuit investigation process. Such immunity from civil liability includes immunity for any acts by a medical facility in connection with providing medical records pursuant to s. 766.204(1) regardless of whether the medical facility is or is not a defendant.

(Renumber subsequent section.)

Amendment 4—In title, on page 1, line 24, following the semicolon (;) insert: amending s. 766.205, F.S.; providing for medical records of patients to be furnished to prospective defendants in medical malpractice actions under specified circumstances;

Senator Weinstein moved the following amendment which was adopted:

Amendment 5—On page 15, line 1, insert:

Section 11. Each applicant who qualified to take, and before 1989 successfully completed a course of study approved by the Department of Professional Regulation pursuant to chapter 86-90, Laws of Florida, relating to the subject matter within the jurisdiction of the board provided for in section 466.004, Florida Statutes may apply for licensure as provided for under section 455.218, Florida Statutes without having to meet the requirement under section 455.218(1)(f), Florida Statutes, if the applicant meets all other eligibility requirements for licensure under section 455.218, Florida Statutes.

(Renumber subsequent section.)

CS for SB 1932

Senator Wexler moved the following amendment:

Amendment 1—On page 4, line 13, after the period (.) insert: *Any distribution of marital assets or marital liabilities shall be supported by factual findings in the judgment or order based on competent substantial evidence with reference to the factors enumerated in subsection (1). The distribution of all marital assets and marital liabilities, whether equal or unequal, shall include specific written findings of fact as to the following:*

- (a) *Clear identification of nonmarital assets and ownership interests;*
- (b) *Identification of marital assets, including the individual valuation of significant assets, and designation of which spouse shall be entitled to each asset;*
- (c) *Identification of the marital liabilities and designation of which spouse shall be responsible for each liability;*
- (d) *Any other findings necessary to advise the parties or the reviewing court of the trial court's rationale for the distribution of marital assets and allocation of liabilities.*

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

Amendment 1A—On page 1, line 11, insert: *In any contested dissolution action wherein a stipulation and agreement has been entered and filed,*

Amendment 1 as amended was adopted.

Senator Wexler moved the following amendment which was adopted:

Amendment 2—In title, on page 1, line 11, after the semicolon (;) insert: providing for specific findings of fact with respect to the judgment distributing assets;

SB 2464

Senator Forman moved the following amendment which was adopted:

Amendment 1—On page 7, strike all of lines 3-12 and insert: retirement benefits.

AMENDMENTS TO HOUSE BILLS

CS for HB 1023

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 6, between lines 9 and 10, insert:

Section 14. The Marco Island Bridge on State Road 951, located 6 miles south of United States Highway 41, over the Marco River in Collier County, is hereby designated as the Judge S. S. Jolley Bridge. The Department of Transportation is directed to erect suitable markers designating the Judge S. S. Jolley Bridge.

(Renumber subsequent section.)

Amendment 2—On page 1, line 28, after the semicolon (;) insert: designating a bridge in Collier County as the Judge S. S. Jolley Bridge and directing the Department of Transportation to erect suitable markers;

Senator Meek moved the following amendments which were adopted:

Amendment 3—On page 6, between lines 9 and 10, insert:

Section 14. Chapter 83-220, Laws of Florida, as amended, may be cited as "The Marty Fine Housing Development Act."

(Renumber subsequent section.)

Amendment 4—In title, on page 1, line 28, after the semicolon (;) insert: designating chapter 83-220, Laws of Florida, as amended, as the "Marty Fine Housing Development Act";

HB 1629

Senator Gardner moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 11 and 12 and insert:

Section 1. Subsection (1) of section 3 of chapter 57-1658, Laws of Florida, as created by chapter 88-474, Laws of Florida, is amended to read:

Amendment 2—In title, on page 1, lines 3 and 4, strike "chapter 75-464" and insert: chapter 57-1658

HB 2275

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

Amendment 1—On page 24, strike line 31 and insert: staff in accordance with essential standards established by the American Correctional Association as of January 1, 1991.

Amendment 2—On page 25, line 6, after "offenders" insert: which ensure placement irrespective of ability to pay

Amendment 3—On page 25, line 24, through page 26, line 14, strike all of said lines and insert:

Section 11. Paragraphs (h) and (i) of subsection (4) of section 947.146, Florida Statutes, 1990 Supplement, are amended, subsection (6) is renumbered as subsection (7), and amended, subsections (7), (8), (9), and (10), are renumbered as subsections (8), (9), (10), and (11), respectively, and new subsections (6) and (12) are added to said section, to read:

947.146 Control Release Authority.—

(4) A panel of no fewer than two members of the authority shall establish a control release date for each parole ineligible inmate committed to the department within 90 days following notification by the department of receipt of the inmate, except an inmate who:

(h) Is convicted, or has been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, aggravated battery, kidnapping, manslaughter, or murder against an officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); against a state attorney or assistant state attorney; or against a justice or judge of a court described in Article V of the State Constitution; or against an officer, judge, or state attorney employed in a comparable position by any other jurisdiction; or

(i) Is convicted, or has been previously convicted, of committing or attempting to commit murder in the first, second, or third degree under s. 782.04(1), (2), (3), or (4), or has ever been convicted of any degree of murder in another jurisdiction.

Amendment 4—On page 28, between lines 23 and 24, insert:

Section 13. Paragraph (i) is added to subsection (5) of section 944.17, Florida Statutes, to read:

944.17 Commitments and classification; transfers.—

(5) The department shall also refuse to accept a person into the state correctional system unless the following documents are presented in a completed form by the sheriff or his designated representative to the officer in charge of the reception process:

(i) Any available health assessments including medical, mental health and dental, including laboratory or test findings; custody classification; disciplinary and adjustment; and substance abuse assessment and treatment information which may have been developed during the period of incarceration prior to the transfer of the person to the department's custody. Available information shall be transmitted on standard forms developed by the department.

In addition, the sheriff or other officer having such person in charge shall also deliver with the foregoing documents any available presentence investigation reports as described in s. 921.231 and any attached documents.

(Renumber subsequent section.)

Amendment 5—In title, on page 2, between lines 10 and 11, insert: amending section 944.17, F.S.; requiring available health assessments to be presented to the department upon reception;

Amendment 6—On page 28, between lines 23 and 24, insert:

Section 13. Paragraphs (h) and (i) of subsection (1) of section 944.277, Florida Statutes, are amended to read:

944.277 Provisional credits.—

(1) Whenever the inmate population of the correctional system reaches 98 percent of lawful capacity, the Secretary of Corrections shall certify to the Governor that such condition exists. When the Governor acknowledges such condition in writing, the secretary may grant up to 60 days of provisional credits equally to each inmate who is earning incentive gain-time, except to an inmate who:

(h) Is convicted, or has been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, aggravated battery, kidnapping, manslaughter, or murder against an officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); or against a state attorney or assistant state attorney; or against a justice or judge of a court described in Article V of the State Constitution; or against an officer, judge, or state attorney employed in a comparable position by any other jurisdiction; or

(i) Is convicted, or has been previously convicted, of committing or attempting to commit murder in the first, second, or third degree under s. 782.04(1), (2), (3), or (4); or has ever been convicted of any degree of murder in another jurisdiction; or

Amendment 7—In title, on page 2, between lines 10 and 11, insert: amending section 944.277, F.S.; excluding certain offenders convicted in other jurisdictions from receiving provisional release credits;

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

Amendment 8—On page 28, between lines 23 and 24, insert:

Section 13. Paragraph (c) is added to subsection (4) of section 948.01, Florida Statutes, 1990 Supplement, to read:

948.01 When court may place defendant on probation or into community control.—

(4) If, after considering the provisions of subsection (3) and the offender's prior record or the seriousness of the offense, it appears to the court in the case of a felony disposition that probation is an unsuitable dispositional alternative to imprisonment, the court may place the offender in a community control program. Or, in a case of prior disposition of a felony commitment, upon motion of the offender or the department or upon its own motion, the court may, within the period of its retained jurisdiction following commitment, suspend the further execution of the disposition and place the offender in a community control program upon such terms as the court may require. The court may consult with a local offender advisory council pursuant to s. 948.90 with respect to the placement of an offender into community control. Not later than 3 working days before the hearing on the motion, the department shall forward to the court all relevant material on the offender's progress while in custody. If this sentencing alternative to incarceration is utilized, the court shall:

(c) Require the department to provide notifications pursuant to s. 948.10(6).

Section 14. Subsection (6) is added to section 948.10, Florida Statutes, 1990 Supplement, to read:

948.10 Community control programs.—

(6) Upon written request, when an offender is placed on community control, the department shall notify the original arresting law enforcement agency, the sheriff or chief law enforcement officer of the county in which the offender is to be placed, and the chief officer of any local law enforcement agency within whose jurisdiction the offender is to be placed. Such notification shall include the name and street address of the offender, the length of supervision, and the nature of the offense. Update notification must be provided with respect to violation of the terms or conditions of the placement.

(Renumber subsequent sections.)

Amendment 9—In title, on page 2, between lines 10 and 11, insert: amending ss. 948.01 and 948.10, F.S.; requiring certain notifications of offender placements and update notifications of offender violations;

CS for HB 2343

Senator Walker moved the following amendment:

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

Section 1. Section 229.591, Florida Statutes, 1990 Supplement, is amended to read:

229.591 Comprehensive revision of Florida's system of school improvement and education accountability ~~educational responsibility~~.—

(1) **SHORT TITLE**.—This act may be cited as "Blueprint 2000."

(2)(4) **INTENT**.—The Legislature recognizes that the children and youth of the state are its future and its most precious resource. To provide these developing citizens with the sound education needed to grow to a satisfying and productive adulthood, the Legislature intends that, by the year 2000, Florida establish a system of school improvement and education accountability ~~responsibility~~ based on the performance of students and educational programs. The intent of the Legislature is to provide clear guidelines, or a "Blueprint 2000," for achieving this purpose and for returning the responsibility for education to those closest to the students, that is the schools, teachers, and parents. The Legislature recognizes its constitutional responsibility and that of the Governor, the Commissioner of Education, and the State Board of Education, in collaboration with other statewide policymaking bodies, to make adequate provision for a uniform system of free public schools as required by s. 1, Art. IX of the State Constitution. It is further the intent of the Legislature to build upon the foundation established by the Educational Accountability Act of 1976 and to implement a program of education accountability and school improvement based upon the achievement of state education goals, recognizing the State Board of Education as the

body corporate responsible for the supervision of the system of public education, the district school board as responsible for school and student performance, and the individual school and student as the units for measuring education accountability. It is further the intent of the Legislature that this state's program of education accountability and school improvement should enable each student to achieve the goal established in the State Comprehensive Plan of developing his full potential, embracing the highest ideas and accomplishments, making a positive contribution to society, and promoting the advancement of knowledge and human dignity. ~~The school improvement and responsibility system shall use procedures and programs established locally to improve public schools and increase their responsibility for students' attaining identified outcomes.~~

(3)(2) **REQUIREMENTS.**—Florida's system for school improvement and education accountability ~~educational responsibility~~ shall:

- (a) Establish state and local educational goals.
- (b) Increase the use of educational outcomes over educational processes in assessing educational programs.
- (c) Redirect state fiscal and human resources to assist school districts and schools to meet state and local goals for student success in school and in later life.
- (d) Provide methods for measuring, and public reporting of, state, school district, and individual school and student progress toward the education goals.
- (e) Recognize successful schools.

(4)(3) **EDUCATION GOALS.**—~~The state shall work toward the following goals: In developing the state system of public education, the State Board of Education shall establish statewide goals for educational achievements. Goals shall be established for at least the following educational issues:~~

- (a) Readiness to start school.;
- (b) Graduation rate.;
- (c) Readiness for postsecondary education or employment.;
- (d) Student performance.;
- (e) Learning environment.
- (f)(e) School safety and environment.
- (g) Teachers and staff.

Section 2. Section 229.592, Florida Statutes, 1990 Supplement, is amended to read:

229.592 Implementation of state system of school improvement and education accountability ~~educational responsibility.~~—

(1)(a) Each school shall conduct a needs assessment including separately each school-within-a-school, magnet school, self contained educational alternative, center, or satellite center, and the results of the assessments shall be submitted to the Florida Commission on Education Reform and Accountability by October 1, 1991. The commissioner must provide a format for the needs assessments to the school board by June 1, 1991, and the local school board shall coordinate each needs assessment. The assessments shall be based on data from the 1990-1991 school year and shall address at least the following:

1. The status of the school in relation to the general goals for education contained in s. 229.591;
2. The academic status of students attending the school as reflected by test scores, dropout and same grade retention rates, the availability of upper level courses in mathematics and science, the percentage of the school's enrollment by race and gender in upper level mathematics and science courses, and the number of students entering postsecondary institutions;
3. Student school participation characteristics including: attendance rates, the number of expulsions and suspensions, and the number of instances of corporal punishment.
4. The economic status of the student body and area served by the school;

5. The demographic characteristics of the student body and the faculty and staff of the school;

6. The financial status of the school as reflected by per-student expenditures for instruction and administration, and other appropriate measures; and

7. Such other needs assessment indicators as may be recommended by the Florida Commission on Education Reform and Accountability, the State Board of Education, or the Commissioner of Education.

(b) The Florida Commission on Education Reform and Accountability shall review and analyze the needs assessment information received from the school boards and shall submit a summary report on the information to the Legislature by December 1, 1991, and shall provide, upon request, the needs assessment on any individual school. The commission shall identify and use a core of performance standards addressing the state's most pressing educational problems in the analysis of the needs assessment information.

(c) The Commissioner of Education shall provide the school boards with the technical assistance necessary to conduct the school needs assessments.

(2)(1) Based on the recommendations of the Florida Commission on Education Reform and Accountability ~~Commission to Improve Schools and Simplify Education Reports~~, the commissioner shall develop and implement plans for the following programs and procedures:

(a) A system of data collection and analysis that will improve information about the educational success of individual students and schools. The information and analyses must be capable of identifying educational programs or activities in need of improvement.

(b) A program of school improvement that will analyze information to identify schools, educational programs, or educational activities in need of improvement.

(c) A method of delivering services to assist school districts and schools to improve.

(d) A method of coordinating with the state educational goals and school improvement plans any other state program that creates incentives for school improvement.

(3)(2)(a) The Department of Education shall implement a training program to develop among state and district educators a cadre of facilitators of school improvement. These facilitators shall assist schools and districts to conduct needs assessments and implement school improvement programs to meet state goals.

Section 3. Section 229.593, Florida Statutes, 1990 Supplement, is amended to read:

(Substantial rewording of section. See s. 229.593, F.S., 1990 Supp., for present text.)

229.593 Florida Commission on Education Reform and Accountability.—

(1) The Florida Commission on Education Reform and Accountability is created to provide a means by which the state may oversee the establishment and implementation of a new system of school improvement and education accountability from preschool through grade 12. The commission is assigned to the Office of the Commissioner of Education for administrative and fiscal accountability purposes, but it shall otherwise function independently.

(2) The commission shall consist of the following members:

(a) The Commissioner of Education, who shall serve as a voting ex officio member and as cochairman.

(b) The Lieutenant Governor, who shall serve as a voting ex officio member and as cochairman.

(c) Four members appointed by the Governor. Such members shall include three representatives of the business community and a teacher.

(d) Seven members appointed by the President of the Senate. Such members shall include three members of the Senate, an active member of the Florida Education Association/United, a parent of a child enrolled in a Florida public school, a private citizen, and a faculty member from a public or an accredited private postsecondary institution in this state.

(e) Seven members appointed by the Speaker of the House of Representatives. Such members shall include three members of the House of Representatives, an active member of the Florida Teaching Profession-National Education Association, a parent of a child enrolled in a Florida public school, a private citizen, and a school board member.

(f) Five members appointed by the Commissioner of Education. Such members shall include a school superintendent, a school principal, a teacher, an expert in testing and measurement, and a parent of a child enrolled in a Florida public school.

(3) The commission shall be appointed no later than 30 days after the effective date of this act. Recognized statewide organizations representing each interest enumerated in this section shall submit no fewer than two nor more than three nominees to the appropriate public official. The public officials shall appoint members representative of the ethnic, racial, gender, and economic population of the state. In the absence of nominees, the designated appointing authority shall appoint persons who otherwise meet the qualifications for appointment to the commission. The term of each appointed private citizen member shall be for 4 years; however, initially, the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education shall each appoint at least one member for a 4-year term, one member for a 3-year term, and two members for 2-year terms. A vacancy shall be filled for the remainder of the unexpired term by the person who had appointment jurisdiction of the vacant position. Provisions of s. 11.611(8)(b) to the contrary notwithstanding, private citizen members shall be appointed as provided in this section and shall be subject to confirmation by the Senate. Members of the commission may be removed for cause by the appointing authority. Any member who, without cause, fails to attend three consecutive meetings may be removed by the appointing authority.

(4) As soon as practicable after all members are appointed, the Commissioner of Education shall call an organizational meeting of the commission. Subsequently, the commission shall meet as often as it deems necessary.

(5) The commission shall adopt internal organizational procedures or bylaws necessary for its efficient operation. The commission shall elect a vice chairman annually, who shall chair the commission in the absence of both cochairmen. The commission may appoint committees from its membership or may create ad hoc advisory committees as it deems necessary. The duties of each committee must be consistent with the statutory duties of the commission. At least one such committee shall be created to address the development of performance standards consistent with the state education goals. Any committee shall serve the commission in a strictly advisory capacity and shall have a commission member as chairman.

(6) Members of the commission shall serve without compensation but shall be entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in s. 112.061. Legislators shall be entitled to receive travel and per diem expenses as provided by the Joint Legislative Management Committee for meetings of legislative committees. When appropriate, commission members who are parents shall receive a stipend for child care costs incurred while attending commission meetings.

Section 4. Section 229.594, Florida Statutes, 1990 Supplement, is amended to read:

(Substantial rewording of section. See s. 229.594, F.S., 1990 Supp., for present text.)

229.594 Powers and duties of the commission.—

(1) The commission shall:

(a) Appoint an executive director, who shall serve under the direction of the commission. The executive director is the chief administrative officer of the commission and is responsible for appointing all employees and staff members of the commission, who shall serve under his direction and control. All employees of the commission are exempt from the Career Service System.

(b) Keep records as required by chapter 119.

(c) By October 1 of each year, prepare and submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Commissioner of Education, and each member of the State Board of Education, a report and recommendations.

(d) Review and recommend procedures for a new system of school improvement and education accountability and recommend the repeal or modification of statutes, fiscal policies, and rules that stand in the way of school improvement.

(e) Oversee the development, establishment, implementation, and maintenance of a program of school improvement and education accountability based upon the achievement of state education goals.

(f) Prior to November 1, 1991, hold public hearings in each of the 28 community college districts, and each year thereafter in varied parts of the state to receive public comment on the status of education and recommendations about the establishment and implementation of the system of school improvement and education accountability. At least two members of the commission shall attend each public hearing.

(g) Review and analyze results of school needs assessments submitted by each school board and, by December 1, 1991, submit a report of its findings to the Legislature. If the commission's review of the needs assessment finds that changes in law or rule would benefit the system of school accountability, the report must recommend such changes.

(h) By October 1, 1992, recommend to the Legislature and State Board of Education the components of a system of school improvement and accountability. The commission must review the initial recommendations annually and may revise them at any time. The components must include:

1. Performance standards for indicating state, school district, and school progress toward the state education goals. These standards must include a definition of "adequate progress" toward meeting each performance standard.

2. Methods for measuring state, school district, and school progress toward the goals. These assessment methods must include both the most effective of current practices and new practices.

3. Methods for public reporting on the progress toward the goals by the state, school districts, and schools. The commission shall emphasize reports of individual school improvement and minimize comparisons between schools. The commission shall also develop methods for reporting for each school district the status of children and families and community services available to help children and families in need.

4. Methods to recognize effective schools. This recognition must include current practices and may include additions, including financial incentives for schools that meet or make exceptional progress toward the education goals.

(2) The commission may:

(a) Make and enter into contracts or agreements with private individuals, corporations, organizations, and others, as needed to perform its duties or to execute its powers.

(b) Apply for and accept funds, grants, donations, expenses, in-kind services, or other goods or services from the United States Government or any of its agencies, state government, local governments, or any other public or private source. The commission must use funds or services acquired or accepted under this paragraph to carry out its assigned duties and responsibilities.

Section 5. Subsection (37) is added to section 228.041, Florida Statutes, 1990 Supplement, to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(37) *PERFORMANCE STANDARD*.—"Performance standard" means a measurable objective which specifies an outcome at the school level or by each student that fulfills or partially fulfills a goal.

Section 6. Subsection (14) of section 229.512, Florida Statutes, is amended to read:

229.512 Commissioner of Education, general powers and duties.—The Commissioner of Education is the chief educational officer of the state, and he has the following general powers and duties:

(14) To implement a program of school improvement and education accountability as provided by statute and State Board of Education rule which is based upon the achievement of the state education goals, recog-

nizing the State Board of Education as the body corporate responsible for the supervision of the system of public education, the school board as responsible for school and student performance, and the individual school and individual student as the units for measuring education accountability; to arrange for the preparation, publication, and distribution of materials relating to the state system of public education which will supply information concerning needs, problems, plans, and possibilities; also to prepare and publish annually reports giving statistics and other useful information pertaining to the state system of public education; and to have printed copies of school laws, forms, instruments, instructions, and regulations of the State Board of Education and to provide for the distribution of the same.

Section 7. Present subsection (23) of section 230.33, Florida Statutes, is renumbered as subsection (24), and a new subsection (23) is added to that section to read:

230.33 Duties and responsibilities of superintendent.—The superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he shall advise and counsel with the school board. The recommendations, nominations, proposals, and reports required by law and rule to be made to the school board by the superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the board. It shall be presumed that, in the absence of the record required in this paragraph, the recommendations, nominations, and proposals required of the superintendent were not contrary to the action taken by the school board in such matters.

(23) SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Recommend procedures for implementing and maintaining a system of school improvement and education accountability as provided by statute and State Board of Education rule.

Section 8. Section 231.085, Florida Statutes, is amended to read:

231.085 Duties of principals.—A district school board shall employ, through written contract, public school principals who shall supervise the operation and management of the schools and property as the board determines necessary. Each principal shall perform such duties as may be assigned by the superintendent pursuant to the rules of the school board. Such rules shall include, but not be limited to, rules relating to administrative responsibility, instructional leadership of the educational program of the school to which the principal is assigned, submission of personnel recommendations to the superintendent, administrative responsibility for records and reports, administration of corporal punishment, and student suspension. *Each principal shall provide leadership in the development or revision and implementation of a school needs assessment pursuant to s. 229.592.*

Section 9. Any person serving as a member of the Commission to Improve Schools and Simplify Education Reports on the effective date of this act shall be considered for appointment to the Florida Commission on Education Reform and Accountability.

Section 10. Sections 229.593 and 229.594, Florida Statutes, are repealed effective October 1, 2000, and must be reviewed by the Legislature prior to that date pursuant to the Sundown Act, section 11.611, Florida Statutes.

Section 11. Subsection (4) is added to section 240.117, Florida Statutes, to read:

240.117 College preparatory instruction in community colleges and state universities.—

(4)(a) *The cost of providing college preparatory instruction to a student who enrolls in a degree program at a community college or state university is the responsibility of the school district in which the student attended high school, if the student is under 22 years of age at the time of enrollment and was graduated from a public secondary school in this state with a standard high school diploma after May 1, 1987*

(b) *The department shall compensate community colleges and state universities for the cost of providing college preparatory instruction to students meeting the criteria established in paragraph (a) as follows:*

1. *The average annual systemwide costs for college preparatory instruction in the community college system and in the state university system shall be calculated.*

2. *The number of community college students and of state university students, by school district, requiring college preparatory instruction who were graduated from public secondary schools in this state shall be determined, using the postsecondary feedback reports required by s. 240.118.*

3. *The total number of community college students and the total number of state university students for a school district determined pursuant to subparagraph 2. shall each be multiplied by the appropriate average annual systemwide cost for college preparatory instruction calculated pursuant to subparagraph 1.*

4. *The sum of the products determined pursuant to subparagraph 3. shall be deducted from the school district's allocation of Florida Education Finance Program funds, pursuant to s. 236.081.*

5. *From the moneys derived from the deduction in school district Florida Education Finance Program funds provided for under subparagraph 4., the department shall annually remit to the respective community college or state university a lump-sum payment.*

Section 12. Subsection (12) of section 236.081, Florida Statutes, 1990 Supplement, is amended, present subsection (13) of that section is renumbered as subsection (14) and amended, and a new subsection (13) is added to that section, to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(12) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per weighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per weighted FTE student which shall include the adjusted FTE dollars as provided in subsection (14)(13), profoundly handicapped adjustment, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per weighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (14)(13), profoundly handicapped adjustment, and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per weighted FTE to prior year funds per weighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per weighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(13) COLLEGE PREPARATORY INSTRUCTION ADJUSTMENT.—*The adjustment for the cost of providing college preparatory instruction to students requiring such instruction who are under 22 years of age at the time of enrollment and who were graduated from public secondary schools in this state with standard high school diplomas after May 1, 1987, shall be determined annually by the department pursuant to s. 240.117(4) and deducted from the district's allocation as provided in subsection (14).*

(14)(13) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation shall be distributed periodically in the manner prescribed by regulations of the state board and shall be calculated as follows:

(a) The basic amount for current operation as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amount for the sparsity supplement as determined in subsection (6), the decline in full-time equivalent students as determined in subsection (7), the adult basic skills adjustment as determined in subsection (8), the profoundly handicapped supplement as determined in subsection (9), the extended day supplement as determined in subsection (10), and the quality assurance guarantee as determined in subsection (12), less the required local effort as determined in subsection (4) and the college preparatory instruction adjustment as determined in subsection (13). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this

paragraph are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort to that district; and the remainder shall be the amount of state funds allocated to the district for current operation.

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. If the Department of Education audit adjustment recommendation is based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interests of the state.

(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding in the amount and manner prescribed in the General Appropriations Act.

Section 13. Paragraph (c) of subsection (3) of section 240.359, Florida Statutes, is amended to read:

240.359 Procedure for determining state financial support and annual apportionment of state funds to each community college district.—The procedure for determining state financial support and the annual apportionment to each community college district authorized to operate a community college under the provisions of s. 240.313 shall be as follows:

(3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

(c) The apportionment to each community college from the community college program fund for current operations shall be based on an assigned full-time equivalent enrollment as determined in paragraphs (a), (b), and (d) and shall consider the cost level of each field of study. However, students in community education service programs shall not be counted for full-time equivalent enrollment. *Students in degree programs who require college preparatory instruction, who are under 22 years of age at the time of enrollment, and who graduated from public secondary schools in this state with standard high school diplomas after May 1, 1987, shall not be counted for full-time equivalent enrollment. Funding for the provision of college preparatory instruction for such students shall be provided pursuant to s. 240.117(4).* There shall be an adult basic skills education program adjustment, the total amount of which shall be determined annually in the General Appropriations Act. The apportionment of the adjustment to each community college providing adult basic skills education shall be determined as the difference between 105 percent of the appropriation per full-time equivalent student and the actual reported expenditures per full-time equivalent student for the adult basic skills education program times the assigned number of full-time equivalent students for a given year; provided that should the appropriation be less than the total computed adjustment for all colleges, each community college shall receive its proportionate share of the appropriation. For the purpose of determining program costs, the adult basic skills education program costs shall be reported separately from the adult secondary program costs.

Section 14. Subsection (1) of section 240.271, Florida Statutes, is amended to read:

240.271 State University System; funding.—

(1) Planned enrollments for each university as accepted or modified by the Legislature and program cost categories shall be the basis for the allocation of appropriated funds to the universities. *Students in degree programs who require college preparatory instruction, who are under 22*

years of age at the time of enrollment, and who were graduated from public secondary schools in this state with standard high school diplomas after May 1, 1987, shall not be counted as full-time equivalent enrollments for state funding purposes. Funds for the provision of college preparatory instruction for such students shall be provided pursuant to s. 240.117(4).

Section 15. This act shall take effect upon becoming a law, except that sections 11, 12, 13, and 14 shall take effect July 1, 1993.

Senator Walker moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A—On page 3, strike all of lines 18-20 and insert:

(e) *Learning environment.*

(f) ~~(e)~~ *School safety and environment.*

(g) *Teachers and staff.*

Amendment 1B—On page 5, between lines 10 and 11, insert:

(d) *The needs response plan for each school and the district shall generally describe proposed actions to reduce any needs identified by the needs assessment.*

Senators Johnson and Walker offered the following amendment to **Amendment 1** which was moved by Senator Walker and adopted:

Amendment 1C—On page 3, line 30, before “submitted” insert: *accompanied by a needs response plan and*

Amendment 1 as amended was adopted.

Senator Walker 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 education; amending s. 229.591, F.S.; revising provisions relating to comprehensive revision of Florida’s system of school improvement and responsibility; providing intent for a system of school improvement and education accountability; providing requirements and education goals; amending s. 229.592, F.S.; providing for implementation of the system of improvement and accountability; providing deadlines; requiring needs assessments to be conducted and analyzed; requiring a report to the Legislature; providing duties of the Florida Commission on Education Reform and Accountability and the Department of Education; amending ss. 229.593 and 229.594, F.S.; deleting the Commission to Improve Schools and Simplify Education Reports and providing for the Florida Commission on Education Reform and Accountability; providing powers and duties of the commission; amending s. 228.041, F.S.; providing a definition of “performance standard”; amending s. 229.512, F.S.; providing an additional duty of the commissioner; amending s. 230.33, F.S.; providing related duties of superintendents; amending s. 231.085, F.S.; providing duties of principals; providing for consideration for appointment to the Florida Commission on Education Reform and Accountability; providing for future review and repeal of ss. 229.593, 229.594, F.S., relating to the Florida Commission on Education Reform and Accountability; amending s. 240.117, F.S.; requiring school districts to reimburse community colleges and state universities for the cost of providing college preparatory instruction to certain students; providing a method for calculating the amount of such reimbursements; amending s. 236.081, F.S.; providing for the deduction of college preparatory instructional costs from district allocations from the Florida Education Finance Program; amending s. 240.359, F.S.; prohibiting community colleges from counting certain college preparatory students for full-time equivalent enrollment for funding through the State Community College Program Fund; amending s. 240.271, F.S.; prohibiting state universities from reporting certain college preparatory students as full-time equivalent enrollments for state funding purposes; providing effective dates.

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

Amendment 2A—On page 1, line 23, after the semicolon (;) insert: *requiring needs response plans;*

Amendment 2 as amended was adopted.

ROLL CALLS ON SENATE BILLS

CS for SB's 388 and 394

Yeas—24

Madam President	Dantzler	Grizzle	Myers
Bankhead	Davis	Johnson	Scott
Beard	Diaz-Balart	Kurth	Souto
Casas	Forman	Malchon	Thomas
Childers	Gordon	McKay	Weinstock
Crotty	Grant	Meek	Yancey

Nays—3

Jennings	Kiser	Langley
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Vote after roll call:

Yea—Bruner

CS for SB's 404 and 638

Yeas—32

Madam President	Dantzler	Jenne	Meek
Bankhead	Diaz-Balart	Johnson	Myers
Beard	Dudley	Kirkpatrick	Souto
Bruner	Forman	Kiser	Thomas
Casas	Gardner	Kurth	Thurman
Childers	Gordon	Langley	Weinstein
Crenshaw	Grant	Malchon	Wexler
Crotty	Grizzle	McKay	Yancey

Nays—1

Weinstock

Vote after roll call:

Yea—Girardeau

CS for SB 424

Yeas—32

Madam President	Davis	Jennings	Plummer
Bankhead	Diaz-Balart	Johnson	Thomas
Beard	Forman	Kirkpatrick	Thurman
Bruner	Gardner	Kiser	Walker
Childers	Girardeau	Kurth	Weinstein
Crenshaw	Grant	Langley	Weinstock
Crotty	Grizzle	Malchon	Wexler
Dantzler	Jenne	Myers	Yancey

Nays—None

Vote after roll call:

Yea—Meek

CS for SB 536

Yeas—30

Madam President	Diaz-Balart	Johnson	Thomas
Bankhead	Dudley	Kiser	Walker
Beard	Forman	Kurth	Weinstein
Bruner	Girardeau	Langley	Weinstock
Casas	Gordon	Malchon	Wexler
Childers	Grant	McKay	Yancey
Crotty	Grizzle	Myers	
Davis	Jennings	Souto	

Nays—None

Vote after roll call:

Yea—Gardner, Kirkpatrick, Meek, Thurman

CS for SB 642

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Meek

SB 678

Yeas—23

Madam President	Dudley	Kurth	Thurman
Beard	Forman	Malchon	Walker
Bruner	Girardeau	Meek	Weinstein
Casas	Gordon	Myers	Weinstock
Crenshaw	Kirkpatrick	Souto	Yancey
Diaz-Balart	Kiser	Thomas	

Nays—10

Bankhead	Dantzler	Johnson	Wexler
Childers	Grant	Langley	
Crotty	Grizzle	McKay	

CS for SB 724

Yeas—32

Madam President	Diaz-Balart	Jennings	Meek
Bankhead	Dudley	Johnson	Myers
Beard	Forman	Kirkpatrick	Thomas
Bruner	Gardner	Kiser	Thurman
Casas	Girardeau	Kurth	Walker
Childers	Grant	Langley	Weinstock
Crenshaw	Grizzle	Malchon	Wexler
Crotty	Jenne	McKay	Yancey

Nays—3

Dantzler	Gordon	Weinstein
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CS for SB 840

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Meek

ABSTENTION FROM VOTING

I abstain from voting on CS for SB 840, because of a possible conflict of interest.

Helen Gordon Davis, 23rd District

SB 918

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Childers

SB 950

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Meek

ABSTENTION FROM VOTING

I abstain from voting on SB 950, because of a possible conflict of interest.

Helen Gordon Davis, 23rd District

SB 988

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Childers, Meek

SB 988—After Reconsideration

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Crenshaw

CS for SB 992

Yeas—31

Madam President	Diaz-Balart	Jennings	Scott
Bankhead	Dudley	Johnson	Souto
Beard	Forman	Kiser	Thomas
Casas	Girardeau	Kurth	Weinstein
Childers	Gordon	Langley	Weinstock
Crotty	Grant	McKay	Wexler
Dantzler	Grizzle	Meek	Yancey
Davis	Jenne	Myers	

Nays—None

Vote after roll call:

Yea—Bruner, Gardner, Kirkpatrick, Thurman

CS for CS for SB 1024

Yeas—31

Madam President	Dantzler	Kirkpatrick	Scott
Bankhead	Diaz-Balart	Kiser	Souto
Beard	Dudley	Kurth	Thomas
Bruner	Forman	Langley	Thurman
Casas	Gardner	Malchon	Walker
Childers	Girardeau	McKay	Wexler
Crenshaw	Grant	Meek	Yancey
Crotty	Johnson	Myers	

Nays—3

Grizzle Weinstein Weinstock

CS for CS for SB 1044

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Bruner, Gardner, Kirkpatrick, Thurman

SB 1062

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Meek

SB 1226

Yeas—27

Bankhead	Forman	Kurth
Beard	Gardner	Langley
Bruner	Grant	Malchon
Casas	Grizzle	McKay
Crenshaw	Johnson	Myers
Diaz-Balart	Kirkpatrick	Scott
Dudley	Kiser	Souto

Nays—None

Vote after roll call:

Yea—Childers, Meek

CS for CS for SB 1316

Yeas—29

Madam President	Dantzler	Jennings	Souto
Bankhead	Davis	Johnson	Thomas
Beard	Diaz-Balart	Kiser	Weinstein
Bruner	Dudley	Langley	Weinstock
Casas	Forman	Malchon	Yancey
Childers	Gordon	McKay	
Crenshaw	Grant	Myers	
Crotty	Grizzle	Scott	

Nays—None

Vote after roll call:

Yea—Gardner, Kirkpatrick, Meek, Thurman

CS for SB 1428

Yeas—31

Madam President	Diaz-Balart	Kiser	Souto
Bankhead	Dudley	Kurth	Thomas
Beard	Forman	Langley	Walker
Bruner	Girardeau	Malchon	Weinstein
Casas	Gordon	McKay	Weinstock
Childers	Grant	Meek	Wexler
Crotty	Grizzle	Myers	Yancey
Dantzler	Johnson	Scott	

Nays—None

Vote after roll call:

Yea—Gardner, Kirkpatrick, Thurman

CS for SB 1462

Yeas—35

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

Nays—None

CS for SB 1586

Yeas—38

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

Nays—1

Langley

SB 1640

Yeas—36

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

Nays—None

SB 1686

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Childers, Gardner, Kirkpatrick, Thurman

SB 1724

Yeas—35

Madam President	Diaz-Balart	Johnson	Scott
Bankhead	Dudley	Kirkpatrick	Souto
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	

Nays—None

CS for SB 1784

Yeas—28

Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kiser	Thomas
Casas	Forman	Kurth	Walker
Childers	Girardeau	Malchon	Weinstein
Crotty	Gordon	McKay	Weinstock
Dantzler	Grant	Myers	Wexler
Davis	Grizzle	Scott	Yancey

Nays—2

Jennings Langley

Vote after roll call:

Yea—Bruner

Nay to Yea—Jennings

CS for CS for SB 1786

Yeas—30

Madam President	Diaz-Balart	Kirkpatrick	Thomas
Beard	Dudley	Kiser	Thurman
Bruner	Forman	Kurth	Walker
Casas	Gardner	Malchon	Weinstein
Childers	Girardeau	McKay	Weinstock
Crenshaw	Grizzle	Meek	Yancey
Crotty	Jenne	Myers	
Dantzler	Johnson	Souto	

Nays—None

Vote after roll call:

Yea—Grant

CS for SB 1876

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Beard, Langley

CS for SB 1888

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Gardner, Kirkpatrick, Meek, Thurman

SB 1894

Yeas—35

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

Nays—None

CS for SB 1896

Yeas—34

Madam President	Casas	Diaz-Balart	Girardeau
Bankhead	Childers	Dudley	Gordon
Beard	Crotty	Forman	Grant
Bruner	Dantzler	Gardner	Grizzle

Jenne	Kurth	Souto	Weinstock
Jennings	Malchon	Thomas	Wexler
Johnson	McKay	Thurman	Yancey
Kirkpatrick	Myers	Walker	
Kiser	Scott	Weinstein	

Nays—None

Vote after roll call:

Yea—Meek

CS for SB 1932

Yeas—35

Madam President	Diaz-Balart	Johnson	Scott
Bankhead	Dudley	Kirkpatrick	Souto
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	

Nays—None

Vote after roll call:

Yea—Thomas

CS for CS for SB 1976

Yeas—35

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

Nays—2

Langley Souto

SB 1986

Yeas—32

Madam President	Diaz-Balart	Jennings	Myers
Bankhead	Dudley	Johnson	Souto
Bruner	Forman	Kirkpatrick	Thurman
Casas	Gardner	Kiser	Walker
Childers	Girardeau	Kurth	Weinstein
Crenshaw	Grant	Langley	Weinstock
Dantzler	Grizzle	Malchon	Wexler
Davis	Jenne	Meek	Yancey

Nays—None

SM 2480

Yeas—32

Madam President	Dantzler	Jennings	Myers
Bankhead	Dudley	Johnson	Scott
Beard	Forman	Kirkpatrick	Souto
Bruner	Gardner	Kiser	Thomas
Casas	Gordon	Kurth	Thurman
Childers	Grant	Langley	Weinstein
Crenshaw	Grizzle	McKay	Wexler
Crotty	Jenne	Meek	Yancey

Nays—None

Vote after roll call:

Yea—Girardeau

ROLL CALLS ON HOUSE BILLS

CS for HB 837

CS for HB's 21 and 67

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Girardeau, Malchon

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Childers

CS for HB 595

Yeas—34

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

Nays—1

Bruner

Vote after roll call:

Yea—Weinstein

CS for HB 737

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Gardner, Kirkpatrick, Meek, Thurman

CS for HB 743

Yeas—35

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

Nays—None

HB 907

Yeas—29

Bankhead	Diaz-Balart	Kiser	Walker
Beard	Dudley	Kurth	Weinstein
Bruner	Forman	Langley	Weinstock
Casas	Gordon	McKay	Wexler
Childers	Grant	Myers	Yancey
Crotty	Grizzle	Scott	
Dantzler	Jennings	Souto	
Davis	Johnson	Thomas	

Nays—None

Vote after roll call:

Yea—Gardner, Kirkpatrick, Meek, Thurman

HB 967

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Meek

CS for HB 1015

Yeas—32

Madam President	Diaz-Balart	Johnson	Scott
Bankhead	Forman	Kirkpatrick	Souto
Beard	Gardner	Kiser	Thomas
Casas	Girardeau	Kurth	Thurman
Childers	Gordon	Langley	Walker
Crenshaw	Grant	Malchon	Weinstein
Crotty	Grizzle	McKay	Weinstock
Dantzler	Jenne	Myers	Yancey

Nays—None

Vote after roll call:

Yea—Meek

CS for HB 1023

Yeas—32

Madam President	Diaz-Balart	Johnson	Souto
Bankhead	Dudley	Kirkpatrick	Thomas
Beard	Forman	Kiser	Thurman
Casas	Gardner	Kurth	Walker
Childers	Girardeau	Langley	Weinstein
Crenshaw	Grant	Malchon	Weinstock
Crotty	Grizzle	Meek	Wexler
Dantzler	Jenne	Myers	Yancey

Nays—None

Vote after roll call:

Yea—Gordon

CS for HB 1065

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Walker

HB 1167

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Dantzler

HB 1381

Yeas—35

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

Nays—None

HB 1629

Yeas—29

Madam President	Bruner	Crenshaw	Diaz-Balart
Bankhead	Casas	Crotty	Forman
Beard	Childers	Dantzler	Gardner

Girardeau	Kirkpatrick	Myers	Weinstock
Gordon	Kurth	Thomas	Yancey
Grant	Langley	Thurman	
Grizzle	Malchon	Walker	
Johnson	McKay	Weinstein	

Nays—None

Vote after roll call:

Yea—Meek, Souto

CS for HB 1945

Yeas—31

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

Nays—6

Beard	Dantzler	Johnson
Childers	Jenne	Yancey

Vote after roll call:

Yea—Meek

HB 2275

Yeas—35

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

Nays—None

CS for HB 2343

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	Meek	Wexler
Crotty	Grizzle	Myers	Yancey
Dantzler	Jenne	Plummer	
Davis	Jennings	Scott	

Nays—None

HB 2423

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Girardeau

ROLL CALL ON LOCAL BILLS

The following roll call was taken on **Senate Bills 1936, 2422, 2456, 2462, 2464, 2466, 2468 and 2474** which passed this day.

Yeas—30

Madam President	Dudley	Kurth	Thomas
Bankhead	Forman	Langley	Thurman
Beard	Girardeau	Malchon	Walker
Bruner	Grant	McKay	Weinstein
Childers	Grizzle	Meek	Weinstock
Crenshaw	Jenne	Myers	Yancey
Crotty	Johnson	Scott	
Diaz-Balart	Kirkpatrick	Souto	

Nays—None

Vote after roll call:

Yea—Gardner, Gordon

ROLL CALL ON EXECUTIVE BUSINESS

Suspensions

Yeas—34

Madam President	Diaz-Balart	Johnson	Souto
Bankhead	Dudley	Kirkpatrick	Thomas

Beard	Forman	Kiser	Thurman
Casas	Girardeau	Kurth	Weinstein
Childers	Gordon	Langley	Weinstock
Crenshaw	Grant	Malchon	Wexler
Crotty	Grizzle	McKay	Yancey
Dantzler	Jenne	Meek	
Davis	Jennings	Myers	

Nays—1

Bruner

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 17 was corrected and approved.

CO-SPONSORS

Senator Bruner—CS for SB 1876

RECESS

Senator Thomas moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Friday, April 19, at 1:00 p.m. The motion was adopted.

Pursuant to the motion by Senator Thomas, the Senate recessed at 5:24 p.m. to reconvene at 1:00 p.m., Friday, April 19.