Journal of the Senate

Number 23 **Tuesday, April 30, 1991**

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—40:

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

PRAYER

The following prayer was offered by the Rev. John Fletcher, Pastor, Saint Paul's United Methodist Church, Tallahassee:

O God, you have created us and provided for our nurture in this land of plenty. We thank you for honoring us by your continuing presence in this place and in our homes.

Today we pray for the people of Florida. We pray also for these able women and men elected to offices of servanthood in our state. We thank you for their ambitions, dreams, and even visions, of what good can come to be among us. We pray that you will be patient with the flaws of these our leaders and encourage them in their strengths.

In the weariness of these closing hours, grant that our Senators may be able to hold to high principle in their decisions. Where compromises are necessary, may they be based on a consideration of the common good and not upon that of personal gain. May the people of Florida be the beneficiaries of their noble vision and dedication to values that respect the well-being of all our citizens. In the name of the one God of all, we pray. Amen.

CONSIDERATION OF RESOLUTION

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

By Senator Forman—

SR 2510— A resolution commending the participating members of the State of Florida Brain Bank Network and acknowledging research involving healthy and diseased brains.

WHEREAS, in the spring of 1985, the Florida Legislature created the Florida Alzheimer's Disease Initiative (ADI) as established in sections 410.401 and 410.402, Florida Statutes, and

WHEREAS, in 1986, the Florida Legislature authorized and funded the Statewide Alzheimer's Brain Bank Network which has been continuously funded and operated at Mt. Sinai Medical Center, and

WHEREAS, the State of Florida Brain Bank is fully operational in South Florida, Tampa, Orlando, Gainesville, Jacksonville, St. Lucie, Naples, and Pensacola, and

WHEREAS, brain tissue from the State of Florida Brain Bank has been distributed to scientists both within and outside of Florida, most notably to Harvard Medical School, and

WHEREAS, scientific research on this brain tissue has been expanded to include diagnoses of other brain diseases such as Parkinson's disease and Multiple Sclerosis, NOW, THEREFORE,

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

That the Florida Senate hereby commends the participating members of the State of Florida Brain Bank Network and acknowledges the exemplary neuro-science research being conducted at the University of Miami Brain Endowment Bank located in the National Parkinson Foundation Building wherein healthy and diseased brains are studied for clues to disorders such as Alzheimer's and Parkinson's diseases as well as schizophrenia, manic-depression, Huntington's disease, and Tourette's syndrome.

On motion by Senator Forman, **SR 2510** was read by title and was read the second time in full and adopted. The vote on adoption was:

Yeas—31 Nays—None

RECESS

On motion by Senator Thomas, the Senate recessed at 12:45 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

CALL TO ORDER

The Senate was called to order by the President at 2:00 p.m. A quorum present—38:

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

On motion by Senator Thomas, the Senate proceeded to consideration of the Conference Committee Report on **CS for SB's 58** and **2294.**

By direction of the President the following Conference Committee report was read:

CONFERENCE COMMITTEE REPORT ON CS for SB's 58 and 2294

The Honorable Gwen Margolis
President of the Senate

The Honorable T. K. Wetherell
Speaker, House of Representatives

Dear President Margolis and Speaker Wetherell:

Your Conference Committee on the disagreeing votes of the two Houses on the House amendments to CS for SB's 58 and 2294, same being:

> An act relating to governmental reorganization; creating s. 20.41, F.S.; creating a Department of Elderly Affairs; providing for its organization; transferring specified powers, duties and functions, records, personnel, property and funds from the Pepper Commission on Aging to the department; transferring the state and district nursing home and long-term care facility ombudsman councils from the Pepper Commission on Aging to the department; amending ss. 400.304, 400.307, F.S., relating to the state and district nursing home and long-term care facility ombudsman councils, to conform; adding provisions relating to council duties and positions; amending s. 410.016, F.S.; requiring coordination of Department of Health and Rehabilitative Services' activities with the Department of Elderly Affairs; creating s. 410.701, F.S.; providing for contracting between the Department of Health and Rehabilitative Services and area agencies on aging; amending s. 410.505, F.S., and repeal-

ing section 4 of chapter 89-294, Laws of Florida; abolishing the Pepper Commission on Aging; conforming provisions and saving such section from Sundown repeal; amending and renumbering s. 410.505, F.S., and creating ss. 430.01, 430.02, 430.03, 430.05, 430.055, 430.058, 430.06, F.S.; providing a short title; providing legislative intent; specifying the purposes of the Department of Elderly Affairs; establishing duties and responsibilities of the department; creating the Department of Elderly Affairs Advisory Council; providing duties and membership; requiring a plan to improve the provision of social services and long-term care; creating the Elder Services Advocacy Committee; providing duties of the committee; providing rulemaking authority; providing for future review and repeal pursuant to the Sundown Act; creating a Commission on Volunteer Community Services; prescribing its composition and duties; exempting commission members from financial disclosure requirements; amending s. 410.201, F.S.; providing for administration of the older volunteer service program by the Department of Elderly Affairs; amending s. 402.165, F.S.; providing for the Department of Health and Rehabilitative Services' Human Rights Advocacy Committee to cooperate with the Elder Services Advocacy Committee; providing an effective date.

having met, and after full and free conference, do recommend to their respective Houses that the Senate concur in House Amendments 1 and 2.

s/Howard Forman
Chairman
s/Carrie P. Meek
s/Javier Souto
s/Peter M. Weinstein
s/Eleanor Weinstock
Managers on the part of the Senate

s/Mary Figg
Vice Chairman
s/Lois J. Frankel
s/Richard S. Graham
s/Carol Hanson
s/Harry Jennings
s/Philip Mishkin
s/Jack N. Tobin
s/Walter C. Young
Managers on the part of the House of Representatives

SUMMARY OF CONFERENCE COMMITTEE ACTION:

The Conferees agreed to the following:

To accept House Amendments 1 and 2 to CS for SB's 58 and 2294.

As amended, the bill creates the Department of Elderly Affairs under the Governor effective October 1, 1991. It abolishes the Pepper Commission and transfers its duties, responsibilities and resources to the newly created department. The Nursing Home and Long–Term Care Facility Ombudsman Councils are transferred to the new department. An office of Volunteer Community Service would be created within the department, as would a departmental advisory council. The new department, in conjunction with the Department of Health and Rehabilitative Services, would be required to submit a plan to the Legislature by January 1, 1992, the department is designated the State Unit on Aging and would contract with Area Agencies on Aging for four programs: Older Americans Act, Community Care for the Elderly, Alzheimer's Initiatives, and the federal low income home energy assistance program.

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

Section 1. Section 20.41, Florida Statutes, is created to read:

20.41 Department of Elderly Affairs.—There is created a Department of Elderly Affairs.

(1) The head of the department is the Secretary of Elderly Affairs, who shall be appointed by the Governor and serve at the pleasure of the Governor. The secretary shall administer the affairs of the department and shall employ such assistants, professional staff, and other employees as may be deemed necessary by the secretary to discharge the powers and duties of the department.

(2) The Pepper Commission on Aging, created by s. 410.505, is hereby abolished and all its statutory powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds are hereby transferred by a type three transfer, as defined in s. 20.06(3), to the department. The secretary shall add and delete or reclassify personnel postions as may be deemed necessary by the secretary to discharge the duties of the department.

(3) The State Nursing Home and Long-Term Care Facility Ombudsman Council, created by s. 400.304, and the district nursing home and long-term care facility ombudsman councils, created by s. 400.307, are hereby transferred from the Pepper Commission on Aging by a type one transfer, as defined in s. 20.06(1), to the department. The department shall administratively house the State Nursing Home and Long-Term Care Facility Ombudsman Council and district nursing home and long-term care facility ombudsman councils through a contract with the Department of Health and Rehabilitative Services. The councils in performance of their duties shall not be subject to control, supervision, or direction by the department.

Section 2. Section 400.304, Florida Statutes, is amended to read:

400.304 Establishment of a State Nursing Home and Long-Term Care Facility Ombudsman Council; duties; membership.—

(1) There is created a State Nursing Home and Long-Term Care Facility Ombudsman Council which shall be located for administrative purposes in the *Department of Elderly Affairs* ~~Commission on Aging~~.

(2) In order to ensure that the ombudsman program has the objectivity and independence required to qualify it for funding under the federal Older Americans Act, the State Unit on Aging of the Department of Health and Rehabilitative Services shall contract with the *Department of Elderly Affairs* ~~Commission on Aging~~ for the operation of an Office of the State Long-Term Care Ombudsman to carry out the long-term care ombudsman program and advise the state and district councils. The contract shall be limited to provisions which assure compliance with and carry out the intent of the Older Americans Act. The State Unit on Aging shall:

(a) Provide, in accordance with guidelines formulated by the state council, the funds necessary to match the federal allocation.

(b) Receive and disburse state and federal funds by contract with the *Department of Elderly Affairs* ~~Commission on Aging~~ for purposes that the state council has formulated in accordance with the Older Americans Act.

(c) Act as liaison between the federal program representatives, the staffs of the state and district councils, and members of the state and district councils.

(d) Submit annually to the Legislature, *at least 30 days prior to the convening of the regular session of the Legislature,* a report of the status of the contract with the *Department of Elderly Affairs* ~~Commission on Aging~~, including a statement regarding any problems in the contractual arrangement; an assessment of the success of the ombudsman program during the preceding year; the degree of compliance by the program with the Older Americans Act; and an assessment of the level of cooperation between the Department of Health and Rehabilitative Services and the ombudsman program regarding shared responsibilities, including, but not limited to, access to records and actions taken on behalf of residents of long-term care facilities. The report shall be submitted in conjunction with the report submitted by the state ombudsman council required by this section. ~~The first report shall be submitted to the Legislature on or before March 1, 1990.~~

(3) The state ombudsman council:

(a) Shall help establish and coordinate the district ombudsman councils throughout the state.

(b) Shall serve as an appellate body in receiving from the district ombudsman councils complaints not resolved at the district level. The state ombudsman council may enter any nursing home or long-term care facility involved in an appeal, pursuant to the conditions specified in s. 400.307(3). Members who are associated with a nursing home or long-term care facility which is under investigation by a council may not participate in the investigation or in an appeal.

(c) Shall develop procedures to discover, investigate, and determine the existence of abuse or neglect in any nursing home or long-term care facility. Investigations may consist, in part, of one or more onsite administrative inspections.

(d) Shall develop procedures for eliciting, receiving, responding to, and resolving complaints made by, and on behalf of, nursing home and long-term care facility residents.

(e) Shall elicit and coordinate state, local, and voluntary organizational assistance for the purpose of improving the care received by residents of a nursing home or long-term care facility.

(f) Shall prepare an annual report to the President of the Senate, the Speaker of the House *of Representatives, minority leaders of the House and Senate, chairpersons of appropriate House and Senate committees,* and the Governor containing an appraisal of the problems of nursing home and long-term care facility residents, recommendations for improving nursing home and long-term care facility care and treatment, and an analysis of the success of the ombudsman program during the preceding year which should address, at a minimum, the relationship between the ombudsman program, the *Department of Elderly Affairs* ~~Commission on Aging~~, and the Department of Health and Rehabilitative Services and an assessment of how successfully the ombudsman program has carried out its responsibilities under the Older Americans Act. The annual report shall be submitted on or before *30 days prior to the convening of the regular session of the Legislature* ~~March 1 of each year~~.

(g) Shall appoint an executive director who shall serve at the pleasure of the council and shall perform the duties delegated to him by the council. The executive director, with the consent of the council and as authorized and funded by the Older Americans Act, shall employ such personnel, including staff for the district councils, as are necessary to perform adequately the functions of the council *and may provide or contract for legal services to assist the state and district councils in the performance of their duties.* Staff for each district council shall be selected in consultation with, and must meet the approval of, that district council. *District council staff positions may be established as state career service positions, as Older Americans Act funds permit.*

(h) May contract for services necessary to carry out its activities.

(i) May apply for, receive, and accept grants, gifts, or other payments, including, but not limited to, real property, personal property, and services from a governmental entity or other public or private entity or person, and make arrangements as to the use of such grants, gifts, or payments.

(4) In performing the duties specified in state and federal law, the ombudsman councils shall be independent of the Department of Health and Rehabilitative Services *and the Department of Elderly Affairs.* However, the *departments* ~~department~~ and the councils shall cooperate fully in the discharge of their responsibilities for identifying and correcting deficiencies in nursing homes and other long-term care facilities. *The state ombudsman council shall make a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate at any time the council judges that organizational or departmental policy issues threaten the continued independence of the state or district councils in performing their duties.*

(5) The state ombudsman council shall be composed of 12 members appointed by the Governor. The council shall solicit nominations from appropriate professional organizations, consumer groups representing older or disabled persons and long-term care advocacy groups, and shall submit a list of nominees to the Governor for consideration.

(a) The council shall include the following:

1. One medical or osteopathic physician whose practice includes or has included a substantial number of geriatric patients and who may have limited practice in a long-term care facility;

2. One registered nurse who has *gerontological nursing preparation and* ~~geriatric~~ experience~~, if possible~~;

3. One nursing home administrator;

4. One owner or operator of an adult congregate living facility;

5. One licensed pharmacist;

6. One registered dietitian;

7. Two nursing home residents or representative consumer advocates for nursing home residents;

8. One adult congregate living facility resident or representative consumer advocate for adult congregate living facility residents;

9. One adult foster home resident or representative consumer advocate for adult foster home residents;

10. One attorney; and

11. One professional social worker.

Each of the four representatives who are long-term care facility residents or consumer advocates shall be chosen from a list of at least four persons recommended by the state council.

(b) In no case may the medical director of a nursing home or a long-term care facility or an employee of the Department of Health and Rehabilitative Services *or the Department of Elderly Affairs* serve as a member or as an ex officio member of the council. Except for the nursing home administrator, adult congregate living facility owner or operator, medical or osteopathic physician, licensed pharmacist, registered dietitian, and registered nurse, each member of the state ombudsman council shall certify to having no association with a nursing home or long-term care facility for reward or profit.

(6)~~(a)~~ All members shall be appointed to serve for 3-year terms. ~~A member may not serve more than two consecutive terms.~~ Any vacancy which occurs shall be filled by the Governor. If an appointment is not made within 60 days after a vacancy occurs, or within 60 days after the Governor receives a list of recommendations from the council, whichever is later, the vacancy shall be filled by a majority vote of the council. The term of any member missing three consecutive regular meetings without cause shall be declared vacant.

~~(b) In order to stagger the terms of office so that a third of the council members are in the first year of their respective terms, while a third are in the second year, and a third are in the third year:~~

~~1. When the terms of four members expire November 1, 1989, the Governor shall appoint their replacements to 3-year terms ending November 1, 1992;~~

~~2. When the terms of eight members expire November 1, 1990, the Governor shall appoint replacements for four of those members to 1-year terms ending November 1, 1991, and shall appoint replacements for four of those members to 3-year terms ending November 1, 1993; and~~

~~3. After the terms referred to in subparagraphs 1. and 2. have expired, the Governor shall appoint all members to 3-year terms.~~

(7) The state ombudsman council shall elect a chairman for a term of 1 year from members who have served at least 1 year. A person who is an owner, administrator, operator, or employee of a nursing home or long-term care facility, as defined in s. 400.301(2), may not be elected as chairman of the council. The chairman shall select a vice chairman from among the members. The vice chairman shall preside over the council in the absence of the chairman.

(8) The state ombudsman council shall meet upon the call of the chairman, at least quarterly or more frequently as needed.

(9)(a) Members shall receive no compensation but shall be reimbursed for per diem and travel expenses as provided for in s. 112.061.

(b) The *Department of Elderly Affairs* ~~Commission on Aging~~ shall make a separate and distinct request for an appropriation for all expenses for the state and district councils. Such request may be combined into a specific appropriation for *Department of Elderly Affairs* ~~Commission on Aging~~ expenses or included in a specific appropriation with other expenses in the Governor's recommended budget or in the appropriations acts.

(10) The state ombudsman council is authorized to call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties, including assistance from any adult protective services programs of the Department *of Health and Rehabilitative Services* as provided for under s. 409.026 and ss. 415.101-415.113.

(11) The state ombudsman council shall enter into a cooperative agreement with the statewide and district human rights advocacy committees, as defined in s. 20.19(7) and (8), for the purpose of coordinating advocacy services provided to residents of nursing home and long-term care facilities.

Section 3. Subsections (4) and (5) of section 400.307, Florida Statutes, are amended to read:

400.307 District nursing home and long-term care facility ombudsman councils; duties; membership.—

(4) Each district ombudsman council shall be composed of no less than 15 members and no more than 20 members from the district, to include the following: one medical or osteopathic physician whose practice includes or has included a substantial number of geriatric patients and who may have limited practice in a long-term care facility; one registered nurse who has geriatric experience, if possible; one nursing home administrator; one owner or operator of an adult congregate living facility; one licensed pharmacist; one registered dietitian; at least five nursing home residents or representative consumer advocates for nursing home residents; at least two long-term care facility residents or representative consumer advocates for long-term care facility residents; one attorney; and one professional social worker. In no case shall the medical director of a nursing home or a long-term care facility or an employee of the Department of Health and Rehabilitative Services *or the Department of Elderly Affairs* serve as a member or as an ex officio member of a council. Except for the nursing home administrator, adult congregate living facility owner or operator, medical or osteopathic physician, licensed pharmacist, registered dietitian, and registered nurse, each member of the council shall certify to having no association with a nursing home or long-term care facility for reward or profit. Any member who has an affiliation with a nursing home, adult congregate living facility, or adult foster home may not participate in any investigation or inspection of any facility with which he has such affiliation.

(5) All members shall be appointed to serve 3-year terms. ~~A member may not serve more than two consecutive terms.~~ Upon expiration of a term and in case of any other vacancy, the council shall appoint a replacement by majority vote of the council, subject to the approval of the Governor. If no action is taken by the Governor to approve or disapprove the replacement of a member within 30 days after the council has notified the Governor of the appointment, the appointment of the replacement shall be considered approved. The term of any member missing three consecutive regular meetings without cause shall be declared vacant.

Section 4. Subsection (2) of section 410.016, Florida Statutes, is amended to read:

410.016 Elderly population; departmental responsibilities.—

(2) DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES.—*In order to prevent unnecessary duplication of effort and to ensure that departmental efforts are in concert with the activities of the Department of Elderly Affairs,* the department shall *cooperate with the Department of Elderly Affairs to*:

(a) Coordinate plans, policies, and activities of governmental and nongovernmental agencies with regard to the aged.

(b) Create public awareness and understanding of the needs and potentials of older persons.

(c) Encourage state and local agencies, universities, and other appropriate agencies to conduct needed research in the field of aging. When such research cannot be done by established state agencies, it shall be carried out by the department.

(d) Appraise the availability, adequacy, and accessibility of all services and facilities for older persons within the state.

(e) Study the policies which affect older persons of all state and county departments and agencies responsible for providing services for older persons, including, but not limited to, the agencies with primary responsibility for public health, social welfare, education, housing, employment, recreation, and retirement. The executive heads of all such departments and agencies shall cooperate with the department in providing information which the department deems necessary for the effective discharge of its duties under this section. However, no provision of law with respect to confidentiality of information may be violated.

(f) Stimulate, guide, and provide technical assistance in the organization of local or regional committees on aging and in the planning and conduct of services, activities, and projects.

(g) Stimulate training for workers in services to the aged.

(h) Promote the development of services to assist middle-aged and older persons to develop skills, attitudes, and interests to prepare themselves for their later years.

(i) Maintain contacts with local, state, and federal officials and agencies concerned with planning for middle-aged and older persons.

(j) Cooperate with national groups on aging and arrange for participation by representatives of the state in White House conferences and other national conferences from time to time.

(k) Promulgate rules and regulations for the implementation of this section.

(l) Recommend legislative and administrative action on behalf of the aged; review legislation pertaining to older persons and appropriations made for services in their behalf in such fields as health, social welfare, education, employment, and recreation; and consider and present revisions and additions needed to the Governor and to the Legislature regarding such legislation.

(m) Engage in such other administrative activities as may be deemed necessary *to effectively and efficiently address the needs of* ~~for~~ the elderly population of this state.

(n) Fully utilize and coordinate with rural hospitals when carrying out activities under this chapter with regard to the aged when advisable in terms of cost-effectiveness and feasibility.

Section 5. Section 410.505, Florida Statutes, is renumbered as section 430.04, Florida Statutes, and amended, and chapter 430, Florida Statutes, consisting of sections 430.01, 430.02, 430.03, 430.04, 430.05, 430.06, 430.07, and 430.08, is created, to read:

430.01 Short title.—This chapter may be cited as the "Department of Elderly Affairs Act," or the "Pepper Act" as a memorial to Congressman Claude Denson Pepper.

430.02 Legislative intent.—It is the intent of the Legislature to:

(1) Advise, assist, and protect the state's elderly citizens to the fullest extent.

(2) Ensure that programs and services are developed and implemented to be accessible to all elderly citizens to assist them in the achievement or maintenance of maximum independence and quality of life and minimum levels of social dependence.

(3) Support and promote the efforts of families and other caregivers in assisting elderly persons.

(4) Promote intergenerational activities that will provide citizens of all ages opportunities to enjoy the enriching benefits of interaction and that will promote unity and support for one another.

(5) Ensure that state government functions effectively and efficiently in serving the elderly through coordination of policy development, planning, and service delivery by all state agencies relating to the elderly population of the state.

(6) Ensure that elderly citizens are able to secure prompt, adequate, and accurate information and assistance regarding, but not limited to, health, social welfare, long-term care, protective services, consumer protection, education and training, housing, employment, recreation, transportation, insurance, and retirement.

430.03 Purposes.—The purposes of the Department of Elderly Affairs, hereafter referred to as the department, are to:

(1) Combat ageism and create public awareness and understanding of the potentials and needs of elderly persons.

(2) Study and plan for programs and services to meet identified and projected needs and to provide opportunities for personal development and achievement of persons aged 60 years and older.

(3) Advocate quality programs and services for the state's elderly population and on behalf of individual citizen's needs.

(4) Coordinate interdepartmental policy development and program planning for all state agencies that provide services for the elderly population in order to prevent duplicative efforts, to maximize utilization of resources, and to ensure cooperation, communication, and departmental linkages.

(5) Recommend state and local level organizational models for the planning, coordination, implementation, and evaluation of programs serving the elderly population.

(6) Oversee implementation of federally funded and state-funded programs and services for the state's elderly population.

(7) Recommend legislative budget requests for programs and services for the state's elderly population.

(8) Serve as a state-level information clearinghouse and encourage the development of local-level identifiable points of information and referral regarding all federal, state, and local resources of assistance to elderly citizens.

(9) Assist elderly persons to secure needed services in accordance with personal choice and in a manner that achieves or maintains autonomy and prevents, reduces, or eliminates dependency.

(10) Promote the maintenance and improvement of the physical well-being and mental health of elderly persons.

(11) Promote opportunities for volunteerism among the elderly population.

(12) Promote the prevention of neglect, abuse, or exploitation of elderly persons unable to protect their own interests.

(13) Eliminate and prevent inappropriate institutionalization of elderly persons by promoting community-based care, home-based care, or other forms of less intensive care.

(14) Aid in the support of families and other care-givers of elderly persons.

(15) Promote intergenerational relationships.

(16) Oversee aging research conducted or funded by any state agency to ensure that such activities are coordinated and directed to fulfill the intent and purposes of this act.

430.04 ~~410.505~~ *Duties and responsibilities of the Department of Elderly Affairs.—The Department of Elderly Affairs shall:* ~~The Pepper Commission on Aging.~~ —

~~(1) There is created the Florida Commission on Aging, which is assigned to the Executive Office of the Governor for administrative purposes; however, the actions of the commission shall be independent of the Governor for all other purposes. The commission shall be a separate budget entity for purposes of chapter 216. The commission shall serve as an advisory body to the Governor, each Cabinet member, the Department of Health and Rehabilitative Services, and the Legislature on all matters relating to policies on aging. Reports and recommendations of the commission shall be made available to the Governor, each Cabinet member, the Legislature, and other appropriate government officials.~~

~~(2) The commission shall be composed of 18 members of the general public. Six members shall be appointed by the Governor, six members by the President of the Senate, two of whom shall be members of the Senate; and six members by the Speaker of the House of Representatives, two of whom shall be members of the House of Representatives. A minimum of six members shall be over 60 years of age. At least two of the Governor's six appointees, two of the President of the Senate's six appointees, and two of the Speaker of the House of Representatives' six appointees must be 60 years of age or older. Members shall be appointed to 2-year terms; however, of the initial appointees, three of the Governor's six appointees, three of the President of the Senate's six appointees and three of the Speaker of the House of Representatives' six appointees shall be appointed to 1-year terms. The Governor shall annually designate a member of the commission to serve as chairman. Vacancies shall be filled in the same manner as the original appointment. The secretary of the Department of Health and Rehabilitative Services shall serve as an ex officio member of the commission.~~

~~(3) The commission shall meet as often as it deems necessary to carry out its duties and responsibilities.~~

~~(4) The commission shall appoint an executive director to serve at its pleasure, who shall perform the duties assigned to him by the commission. The executive director shall be the chief administrative officer of the commission and shall be responsible for appointing all employees and staff members of the commission, who shall serve under his direction and control.~~

~~(5) Members of the commission shall receive no salary, but are entitled to reimbursement for travel and per diem expenses, as provided in s. 112.061, while performing their duties under this section.~~

~~(6) The commission shall:~~

(1)~~(a)~~ Prepare and submit to the Governor, each Cabinet member, *the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the House and Senate, and chairpersons of appropriate House and Senate committees* ~~and the Legislature~~ a master plan for policies and programs in the state related to aging. The plan shall identify and assess the needs of the elderly population in the areas of housing, employment, education and training, medical care, long-term care, preventive care, protective services, social services, mental health, transportation, insurance, and other areas as deemed appropriate by the *department* ~~commission~~. The plan shall assess the needs of particular subgroups of the population and evaluate the capacity of existing programs, both public and private and in state and local agencies, to respond effectively to identified needs. The plan shall include policy goals and program strategies designed to respond efficiently to current and projected needs. *The plan shall also include policy goals and program strategies to promote intergenerational relationships and activities. Public hearings and other appropriate processes shall be utilized by the department to solicit input for the development and updating of the master plan from parties including, but not limited to, the following:*

(a) Elderly citizens and their families and caregivers.

(b) Local level public and private service providers, advocacy organizations, and other organizations relating to the elderly.

(c) Local governments.

(d) All state agencies that provide services to the elderly.

(e) University centers on aging.

(2) Serve as an information clearinghouse at the state level, and assist local-level information and referral resources as a repository, and means for dissemination, of information regarding all federal, state, and local resources for assistance to the elderly in the areas of, but not limited to, health, social welfare, long-term care, protective services, consumer protection, education and training, housing, employment, recreation, transportation, insurance, and retirement.

(3)~~(b)~~ Recommend guidelines for the development of roles for state agencies that provide services for the aging, review plans of agencies that provide such services, and relay these plans to the Governor, each Cabinet member, *the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the House and Senate, and chairpersons of appropriate House and Senate committees* ~~and the Legislature~~.

(4)~~(c)~~ Recommend to the Governor, each Cabinet member, *the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the House and Senate, and chairpersons of appropriate House and Senate committees* ~~and the Legislature~~ an organizational framework for the planning, coordination, implementation, and evaluation of programs related to aging, *with the purpose of expanding and improving programs and opportunities available to the state's elderly population and enhancing a continuum of long-term care.* This framework shall assure that:

(a) Performance objectives are established.

(b)~~1.~~ Program reviews are conducted statewide.

(c)~~2.~~ Each major program related to aging is reviewed every 3 years.

(d)~~3.~~ Agency budget requests reflect the results and recommendations of such program reviews.

(e)~~4.~~ Program decisions lead to the distinctive roles established for state agencies that provide aging services.

(5)~~(d)~~ Advise the Governor, each Cabinet member, *the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the House and Senate, and chairpersons of appropriate House and Senate committees* ~~and the Legislature~~ regarding the need for and location of programs related to aging.

(6) Review and coordinate aging research plans of all state agencies to ensure the conformance of research objectives to issues and needs addressed in the master plan for policies and programs related to aging. Research activities to be reviewed and coordinated by the department shall include, but be limited to, contracts with academic institutions,

development of educational and training curriculums, Alzheimer's disease and other medical research, studies of long-term care and other personal assistance needs, and design of adaptative or modified living environments.

(7)~~(e)~~ Review budget requests for programs related to aging for compliance with the master plan for policies and programs related to aging before submission to the Governor and the Legislature.

(8)~~(f)~~ Update the master plan for policies and programs related to aging every 3 years.

(9)~~(g)~~ Review implementation of the master plan for programs and policies related to aging and annually report to the Governor, each Cabinet member, *the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the House and Senate, and chairpersons of appropriate House and Senate committees* ~~and the Legislature~~ the progress towards implementation of the plan.

(10) Request other departments that administer programs affecting the state's elderly population to amend their plans, rules, policies, and research objectives as necessary to conform with the master plan for policies and programs related to aging.

~~(h) Administratively house the State Nursing Home and Long-Term Care Facility Ombudsman Council through a contract with the Department of Health and Rehabilitative Services.~~

(11)~~(i)~~ Hold public meetings on a regular basis throughout the state for purposes of receiving information and maximizing the visibility of important issues.

(12)~~(j)~~ Conduct policy analysis and program evaluation studies assigned by the Legislature ~~or approved by the commission~~.

(13)~~(k)~~ Assist the Governor, each Cabinet member, *the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the House and Senate, and chairpersons of appropriate House and Senate committees* ~~and the Legislature~~ in the conduct of their responsibilities in such capacities as they deem appropriate.

(14)~~(7) The commission may~~ Call upon appropriate agencies of state government for such assistance as is needed in the discharge of its duties. All agencies shall cooperate in assisting the *department* ~~commission~~ in carrying out its responsibilities as prescribed by this section. *However, no provision of law with respect to confidentiality of information may be violated.*

~~(8) The Commission on Aging established in subsection (1) shall be named the Claude Denson Pepper Commission on Aging and shall be known as the Pepper Commission on Aging.~~

430.05 Department of Elderly Affairs Advisory Council.—

(1) There is created the Department of Elderly Affairs Advisory Council which shall be located for administrative purposes in the Department of Elderly Affairs. It is the intent of the Legislature that the advisory council shall be an independent nonpartisan body and shall not be subject to control, supervision, or direction by the department.

(2) The council shall serve in an advisory capacity to the Secretary of Elderly Affairs to assist the secretary in carrying out the purposes, duties, and responsibilities of the department, as specified in this chapter. The council may make recommendations to the secretary, the Governor, the Speaker of the House of Representatives, and the President of the Senate regarding organizational issues and additions or reductions in the department's duties and responsibilities.

(3)(a) The advisory council shall be composed of one member appointed by the Governor from each of the state's planning and service areas, which are designated in accordance with the Older Americans Act, two additional members appointed by the Governor, two members appointed by the President of the Senate, and two members appointed by the Speaker of the House of Representatives. The members shall be appointed in the following manner:

1. The Governor shall appoint one member from each planning and service area and shall select each appointment from a list of three nominations submitted by the designated area agency on aging in each planning and service area. Nominations submitted by an area agency on aging shall be solicited from a broad cross-section of the public, private, and volunteer sectors of each county in the respective planning and service area. At least one of the three nominations submitted by an area agency on aging shall be a person 60 years of age or older.

2. The Governor shall appoint two additional members, one of whom shall be 60 years of age or older.

3. The President of the Senate shall appoint two members, one of whom shall be 60 years of age or older.

4. The Speaker of the House of Representatives shall appoint two members, one of whom shall be 60 years of age or older.

5. The Governor shall ensure that a majority of the members of the advisory council shall be 60 years of age or older and that there shall be balanced minority and gender representation.

6. The Governor shall designate annually a member of the advisory council to serve as chairman.

7. The Secretary of Elderly Affairs shall serve as an ex officio member of the advisory council.

(b) Members shall be appointed to 3-year terms in the following manner:

1. In order to stagger the terms of office, one of the initial appointees of the President of the Senate shall be appointed to a 2-year term and one of the initial appointees of the Speaker of the House of Representatives shall be appointed to a 2-year term. Additionally, one-third of the total initial appointees of the Governor shall be appointed to 1-year terms, one-third shall be appointed to 2-year terms, and one-third to 3-year terms. If the initial appointments of the Governor are not of a number divisible into thirds, and there results one additional appointee, that appointee shall be appointed to a 2-year term. If the initial appointments of the Governor are not of a number divisible into thirds, and there results two additional appointees, one of the additional appointees shall be appointed to a 1-year term and the other appointee shall be appointed to a 2-year term.

2. Vacancies occurring during an appointee's initial term shall be filled in the same manner as the initial appointments, pursuant to subparagraph 1. After the terms referred to in subparagraph 1. have expired, members shall be appointed to 3-year terms.

(4) In order to enhance its understanding of the various needs of the state's elderly population and to avoid unnecessary duplication of effort, the advisory council shall identify any council, committee, task force, or similar group that is statutorily mandated to represent the interest of older persons, and shall invite a member aged 60 years or older, or a younger member if there are no members aged 60 years or older, from each identified group to serve as a nonvoting ex officio member of the advisory council.

(5) The advisory council shall meet at least quarterly, or more frequently as needed.

(6) The Department of Elderly Affairs shall provide staff support to assist the advisory council in the performance of its duties.

(7) Members of the advisory council shall receive no salary, but are entitled to reimbursement for travel and per diem expenses, as provided in s. 112.061, while performing their duties under this section.

430.06 Plan for improving the provision of social services and long-term care to elderly population.—

(1) LEGISLATIVE INTENT.—The Legislature finds that the large percentage of elderly in the state's population is growing and that the elderly population's need for social services and long-term care is expected to increase. The Legislature also finds that the present administrative structure for community social services and long-term care for the elderly duplicates local and state agency bureaucracies and increases the cost of program administration and that management is excessively vested at the state level. Further, the Legislature finds that responsiveness to the needs of the elderly can be maximized through greater local level responsibility and authority in planning, coordination, funding, and delivery of services. Therefore, it is the intent of the Legislature to make improvements in the state's service delivery systems presently administered by the Department of Health and Rehabilitative Services to achieve greater efficiency and effectiveness in meeting the social services and long-term care needs of the state's elderly population.

(2) DEVELOPMENT OF PLAN.—

(a) No later than January 1, 1992, the Department of Elderly Affairs and the Department of Health and Rehabilitative Services shall jointly prepare and submit to the Legislature one plan for the implementation of improvements to the state's social services and long-term care systems serving the elderly population.

(b) Adequate opportunities, including public hearings, to contribute input and make recommendations for the plan shall be provided to parties including, but not limited to, the following:

1. Elderly citizens and their families and caregivers.

2. Area agencies on aging.

3. Community care for the elderly lead agencies.

4. Public and private service and long-term care providers and associations.

5. Local governments.

6. Representatives of the religious community.

7. University centers on aging.

(c) Areas for improvement to be addressed in the plan shall include, but not be limited to, the following:

1. Designs for service delivery systems that are unified and centered on the persons seeking assistance.

2. Local-level responsibility, authority, and accountability.

3. Local-level comprehensive planning.

4. Consolidation of responsibility and accountability for program development, coordination, funding of services, and performance monitoring.

5. Availability and accessibility of assistance, including a continuum of both noninstitutional and institutional services and care, preventive activities, and opportunities for volunteerism.

6. Improvement in the availability and dissemination of information about services and opportunities for elderly persons, including the availability of local-level centralized information and referral telephone helpline services.

7. Utilization of federal, state, and local resources to expand and maximize the array and capacity of community-based services.

8. Equitable distribution and control of resources.

9. Identification and targeting of persons in greatest need.

10. Emphasis on achievement and evaluation of service outcomes.

11. Elimination or reduction of administrative duplication to streamline delivery of services.

12. Contract management systems, information systems, and accountability.

13. Assessment and collections of fees for services.

14. Regulatory activities.

(d) The plan shall include recommendations for organizational changes necessary to accomplish these objectives. The department and the Department of Health and Rehabilitative Services shall consider the need for organizational changes that include, but are not limited to, intradepartmental, interdepartmental, state-level, and local-level transfers and elimination, strengthening, or reduction of roles and functions. Recommendations for organizational changes shall specify interdepartmental transfer of programs and consequent intradepartmental organizational changes. Organizational changes shall enhance or facilitate improvements in the delivery of social services and long-term care through federal and state programs to the state's elderly population. The plan shall also include specific recommendations for the implementation of any organizational changes, including timeframes for transfer actions and specific recommendations for transferring or abolishing existing positions. When positions are to be abolished, the individuals affected shall be given priority consideration for any new positions created by the reorganization or for other vacant positions in state government, when the affected individuals are qualified for those positions.

(e) If the plan recommends redesignation of geographic planning and service areas and area agencies on aging, through which federal and state social services and long-term care programs for the elderly are administered, the department and the Department of Health and Rehabilitative Services shall ensure that geographic boundaries for planning and service areas, area agencies on aging, and service districts of the Department of Health and Rehabilitative Services are identical.

(f) If the plan recommends the transfer of any program or service from the Department of Health and Rehabilitative Services to another state department, the plan shall also include recommendations that provide for an independent third-party mechanism, as currently exists in the human rights advocacy committees established in ss. 402.165 and 402.166, for protecting the constitutional and human rights of recipients of departmental services.

430.07 Office of Volunteer Community Service.—There is created within the Department of Elderly Affairs the Office of Volunteer Community Service. The office shall:

(1) Compile an inventory of services needed by elderly persons.

(2) Compile an inventory of services being provided to elderly persons to meet those needs.

(3) Determine which services needed by elderly persons are not being provided.

(4) Determine which services currently not being provided can be provided by older persons acting as volunteers.

(5) Identify those state rules and policies which restrict volunteer service by or for older persons and propose corrective actions.

(6) Identify methods of promoting volunteer service by and for older persons.

(7) Develop a comprehensive volunteer program that includes an intergenerational component and draws on the strengths and skills of the state's older population and, to the extent possible, implements the volunteer service credit program.

(8) Encourage contributions and grants through private, state, and federal sources for the purpose of promoting, implementing, or evaluating volunteer programs by or for older persons.

430.08 Rulemaking.—The department shall adopt, amend, or rescind such rules as it deems necessary to carry out the provisions of this chapter.

Section 6. It is the intent of the Legislature that the Secretary of Elderly Affairs shall not be paid a salary equivalent to secretaries of other state agencies until the Department of Elderly Affairs provides, or contracts for the provision of, services to the elderly.

Section 7. Section 4 of chapter 89-294, Laws of Florida, is hereby repealed.

Section 8. Section 430.05, Florida Statutes, is repealed on October 1, 2001, and the Department of Elderly Affairs Advisory Council shall be reviewed by the Legislature pursuant to section 11.611, Florida Statutes.

Section 9. The Statutory Revision Division of the Joint Legislative Management Committee is hereby directed to search for all statutory cross references affected by this act and to make all necessary statutory revisions.

Section 10. Effective January 1, 1992, the Department of Elderly Affairs shall become the State Unit on Aging as defined in the Older Americans Act of 1965, as amended. Programs funded under the Older Americans Act, the Community Care for the Elderly Act, and the Alzheimer's Disease Initiative program and funds administered under the federal low-income energy assistance program for the elderly shall be transferred to the Department of Elderly Affairs by a type four transfer, as defined in s. 20.06, Florida Statutes.

Section 11. Except as otherwise provided herein, this act shall take effect October 1, 1991.

Conference Committee Amendment 2—In title, on page 1, line 1, through page 3, line 22, strike all of said lines and insert: A bill to be entitled An act relating to governmental reorganization; creating s. 20.41, F.S.; creating a Department of Elderly Affairs; providing for its organiza-

tion; transferring specified powers, duties and functions, records, personnel, property and funds from the Pepper Commission on Aging to the department; transferring the state and district nursing home and long-term care facility ombudsman councils from the Pepper Commission on Aging to the department; amending ss. 400.304 and 400.307, F.S., relating to the state and district nursing home and long-term care facility ombudsman councils, to conform; adding provisions relating to council duties and positions; amending s. 410.016, F.S.; requiring coordination of Department of Health and Rehabilitative Services' activities with the Department of Elderly Affairs; amending s. 410.505, F.S., and repealing section 4 of chapter 89-294, Laws of Florida; deleting the Pepper Commission on Aging; conforming provisions and saving such section from Sundown repeal; creating chapter 430, F.S.; providing a short title; providing legislative intent; specifying the purposes of the Department of Elderly Affairs; establishing duties and responsibilities of the department; creating the Department of Elderly Affairs Advisory Council; providing duties and membership; requiring a plan to improve the provision of social services and long-term care; creating an Office of Volunteer Community Service; providing duties; providing rulemaking authority; providing legislative intent; providing for review and repeal; directing the Statutory Revision Division to complete statutory cross referencing; designating the Department of Elderly Affairs as the State Unit on Aging; providing for the transfer of certain functions; providing effective dates.

The Conference Committee Report was read and on motion by Senator Forman was adopted. **CS for SB's 58** and **2294** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—34 Nays—6

On motions by Senator Souto, by two-thirds vote **HB 1609** was withdrawn from the Committees on Criminal Justice and Appropriations.

CONSIDERATION OF BILL OUT OF ORDER

On motion by Senator Souto, by unanimous consent—

HB 1609—A bill to be entitled An act relating to chemicals used in the manufacture of controlled substances; amending s. 893.02, F.S.; adding a definition of the term "listed chemical"; creating s. 893.033, F.S.; establishing a list of precursor chemicals and essential chemicals; amending s. 893.105, F.S.; authorizing the sample testing and destruction of listed chemicals seized; amending s. 893.12, F.S.; providing that listed chemicals involved in violations of ch. 893, F.S., are contraband and are subject to seizure and forfeiture; providing for destruction of seized chemicals; creating s. 893.149, F.S.; prohibiting the possession of a listed chemical with the intent to unlawfully manufacture a controlled substance; providing penalties; amending s. 112.0455, F.S.; revising a cross-reference to conform to renumbering made by this act; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Souto, by two-thirds vote **HB 1609** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

MOTION

On motion by Senator Thomas, by two-thirds vote **SB 1314** was considered first on the special order calendar.

SENATOR CHILDERS PRESIDING

SPECIAL ORDER

SB 1314—A bill to be entitled An act relating to highway signage; transferring, renumbering, and amending s. 338.065, F.S.; providing that the Department of Transportation may implement a program governing the erection of specified signs on certain limited access facilities or on the interstate highway system; providing guidelines for the program; authorizing the establishment of a schedule of fees for the cost of placing the signs; providing an effective date.

—was read the second time by title.

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

THE PRESIDENT PRESIDING

On motion by Senator Johnson, by two-thirds vote **SB 1314** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40 Nays—None

On motions by Senator Meek, by two-thirds vote **CS for HB 663** was withdrawn from the Committees on Criminal Justice; Education; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Meek—

CS for HB 663—A bill to be entitled An act relating to regional criminal justice assessment centers; authorizing creation and setting forth purpose, powers, duties, structure, and organization of the centers; providing for standardized screening, testing, physical examination, and investigation of in-service officers and applicants for law enforcement and corrections positions within criminal justice agencies in Florida; providing consent to release information; providing an exception; providing for funding; providing for advisory boards; providing for travel and per diem expenses for center advisory board members; providing that activities of the centers shall not generate state funding; providing for an independent audit; providing budgeting and audit review requirements; providing definitions; providing for additional powers and duties of the Department of Legal Affairs; providing an effective date.

—a companion measure, was substituted for **CS for SB 1140** and read the second time by title.

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

Senator Crotty moved **Amendment 1A.**

POINT OF ORDER

Senator Bruner raised a point of order that pursuant to Rule 7.1 **Amendments 1** and **1A** were not germane to the bill.

On motion by Senator Thomas, further consideration of **CS for HB 663** with pending **Amendments 1** and **1A** was deferred.

SB 386—A bill to be entitled An act relating to health insurance; requiring that health insurance policies which provide benefits for certain therapeutic services also cover the services of persons licensed to practice massage; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended **Amendment 1** which was moved by Senator Kurth.

Senator Kurth moved **Substitute Amendment 2** which was adopted.

The Committee on Commerce recommended **Amendment 3** which was moved by Senator Kurth and failed.

On motion by Senator Kurth, by two-thirds vote **SB 386** 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—3

The Senate resumed consideration of—

CS for HB 663—A bill to be entitled An act relating to regional criminal justice assessment centers; authorizing creation and setting forth purpose, powers, duties, structure, and organization of the centers; providing for standardized screening, testing, physical examination, and investigation of in-service officers and applicants for law enforcement and corrections positions within criminal justice agencies in Florida; providing consent to release information; providing an exception; providing for funding; providing for advisory boards; providing for travel and per diem expenses for center advisory board members; providing that activities of the centers shall not generate state funding; providing for an independent audit; providing budgeting and audit review requirements;

providing definitions; providing for additional powers and duties of the Department of Legal Affairs; providing an effective date.

—with pending **Amendments 1** and **1A**.

RULING ON POINT OF ORDER

On recommendation of Senator Thomas, Chairman of the Committee on Rules and Calendar, the President ruled the point well taken. By permission **Amendments 1** and **1A** were withdrawn.

On motion by Senator Meek, by two-thirds vote **CS for HB 663** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Dudley, by two-thirds vote **HB 497** was withdrawn from the Committee on Judiciary.

On motion by Senator Dudley—

HB 497—A bill to be entitled An act relating to immunity from civil liability; creating s. 768.095, F.S.; providing former employers with immunity from civil liability in the good-faith disclosure of information regarding the job performance of former employees to prospective employers; providing an evidentiary standard; providing an effective date.

—a companion measure, was substituted for **CS for SB's 866 and 1098** and read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 497** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

SB 1002—A bill to be entitled An act relating to bone marrow donation; providing an appropriation for the HLA-typing of potential bone marrow donors in the state; providing an effective date.

—was read the second time by title.

Three amendments were adopted to **SB 1002** to conform the bill to **CS for HB 1027**.

Pending further consideration of **SB 1002** as amended, on motions by Senator Malchon, by two-thirds vote **CS for HB 1027** was withdrawn from the Committees on Health and Rehabilitative Services; Professional Regulation; Commerce; and Appropriations.

On motion by Senator Malchon—

CS for HB 1027—A bill to be entitled An act relating to health; providing definitions; providing applicability; providing for licensure and fees and for discipline; providing for warning statements and signs; regulating the operation of tanning facilities; requiring reporting of injuries; providing for inspections; providing for criminal and administrative penalties and injunctive relief; providing for rules; providing for future repeal and legislative review under the Regulatory Sunset Act; providing an appropriation for the HLA-typing of potential bone marrow donors in the state; requiring that health insurance policies which provide benefits for certain therapeutic services also cover the services of persons licensed to practice massage; providing an effective date.

—a companion measure, was substituted for **SB 1002** and read the second time by title.

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

On motion by Senator Malchon, by two-thirds vote **CS for HB 1027** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

SB 1910—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.11, F.S.; providing limitations on the times that the harvesting of mullet may be closed by rule; limiting the periods in which mullet may be declared a restricted species in specified areas; providing an effective date.

—was read the second time by title.

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

Senator Plummer moved **Amendment 2**.

POINT OF ORDER

Senator Brown raised a point of order that pursuant to Rule 7.1 **Amendment 2** was not germane to the bill.

RULING ON POINT OF ORDER

On recommendation of Senator Thomas, Chairman of the Committee on Rules and Calendar, the President ruled the point well taken. **Amendment 2** was ruled out of order.

Further consideration of **SB 1910** as amended was deferred.

RECONSIDERATION

On motion by Senator Malchon, the Senate reconsidered the vote by which—

CS for HB 1027—A bill to be entitled An act relating to health; providing definitions; providing applicability; providing for licensure and fees and for discipline; providing for warning statements and signs; regulating the operation of tanning facilities; requiring reporting of injuries; providing for inspections; providing for criminal and administrative penalties and injunctive relief; providing for rules; providing for future repeal and legislative review under the Regulatory Sunset Act; providing an appropriation for the HLA-typing of potential bone marrow donors in the state; requiring that health insurance policies which provide benefits for certain therapeutic services also cover the services of persons licensed to practice massage; providing an effective date.

—passed as amended this day.

On motion by Senator Malchon, by two-thirds vote the Senate reconsidered the vote by which **CS for HB 1027** was read the third time.

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

On motion by Senator Malchon, by two-thirds vote **CS for HB 1027** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

CS for SB 1898—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; authorizing certain counties to impose a health care surtax, subject to referendum; providing for use of the proceeds; providing limitations and conditions; providing that a county that imposes the health care surtax may also impose either the charter county transit system surtax or the local government infrastructure surtax, but not both; providing an effective date.

—was read the second time by title.

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

Senator Thurman moved **Amendments 7** and **8** which were adopted.

Senator Jenne moved **Amendments 9** and **10** which were adopted.

Senator Diaz-Balart moved **Amendments 11, 12** and **13** which were adopted.

On motion by Senator Meek, by two-thirds vote **CS for SB 1898** 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—1

SENATOR JOHNSON PRESIDING

CS for SB 1246—A bill to be entitled An act relating to job training; amending s. 446.205, F.S.; providing for a Job Training Partnership Act family dropout prevention program; providing for development and implementation of a program; providing for funding; providing requirements for participation in the program; deleting provisions relating to incentive awards; amending s. 446.22, F.S.; revising definitions; amending s. 446.23, F.S.; revising terminology and mentor obligations; amending s. 446.24, F.S.; revising youth participant obligations; amending s. 446.25, F.S.; providing for coordination of services by service delivery areas and revising advisory council purposes; amending s. 446.26, F.S.; revising funding provisions; amending s. 446.27, F.S.; revising reporting requirements; providing an effective date.

—was read the second time by title.

Senator Diaz-Balart moved **Amendment 1** which was adopted.

Senator Dudley moved **Amendments 2** and **3** which were adopted.

On motion by Senator Diaz-Balart, by two-thirds vote **CS for SB 1246** 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

The Senate resumed consideration of—

SB 1910—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.11, F.S.; providing limitations on the times that the harvesting of mullet may be closed by rule; limiting the periods in which mullet may be declared a restricted species in specified areas; providing an effective date.

—which had been considered this day.

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

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

On motion by Senator Bruner, by two-thirds vote **SB 1910** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29 Nays—2

CS for SB 1426—A bill to be entitled An act relating to access to health care; providing legislative findings and intent; providing definitions; creating the FloridaCare Plan to provide for health insurance coverage for certain employed state residents and their dependents; establishing the FloridaCare Commission; providing for appointment of members, adoption of rules, and appointment of an executive director; providing commission responsibilities for establishing, monitoring, and evaluating operation of the Plan; creating the FloridaCare Trust Fund and specifying uses; providing eligibility for benefits; specifying covered health services; providing for deductibles, copayments, and responsibility of patients; specifying limitations and exclusions; providing responsibility of health care providers; providing responsibility for premiums; providing for reimbursement to providers; providing employer responsibility to make information available; requiring participation in a wellness program; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended **Amendments 1, 2, 3, 4, 5** and **6** which were moved by Senator Forman and adopted.

Senator Thurman moved **Amendments 7** and **8** which were adopted.

On motion by Senator Forman, by two-thirds vote **CS for SB 1426** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

Consideration of **CS for SB 2120** was deferred.

CS for SB 2074—A bill to be entitled An act relating to worthless checks; amending s. 832.05, F.S.; increasing the criminal penalties for issuing worthless checks in the amount of less than $150; amending s. 832.08, F.S; specifying the fee that may be imposed upon the face value of a check for the purpose of funding diversionary programs; providing an effective date.

—was read the second time by title.

Two amendments were adopted to **CS for SB 2074** to conform the bill to **HB 1019**.

Pending further consideration of **CS for SB 2074** as amended, on motion by Senator Yancey, by two-thirds vote **HB 1019** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Yancey—

HB 1019—A bill to be entitled An act relating to worthless checks; amending s. 68.065, F.S., relating to civil actions to collect worthless checks; increasing the service charge: amending s. 832.07, F.S., relating to criminal proceedings for uttering worthless checks; increasing the service charge; amending ss. 125.0105 and 166.251, F.S., relating to service fees for dishonored checks issued to counties and municipalities, respectively; increasing the service fee; amending s. 832.05, F.S.; increasing the criminal penalties for issuing worthless checks in the amount of less than $150; amending s. 832.08, F.S; specifying the fee that may be imposed upon the face value of a check for the purpose of funding diversionary programs; providing an effective date.

—a companion measure, was substituted for **CS for SB 2074** and read the second time by title. On motion by Senator Yancey, by two-thirds vote **HB 1019** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas— 33 Nays—None

SENATOR CHILDERS PRESIDING

HB 2473—A bill to be entitled An act for the relief of Ozie L. Brown, as personal representative of the estate of Alton P. Bass, deceased; providing an appropriation to compensate her for the death of her son, Alton P. Bass, in a drowning accident at Lake Wauberg in Alachua County, Florida; providing an effective date.

—was read the second time by title. On motion by Senator Yancey, by two-thirds vote **HB 2473** was read the third time by title and failed to pass. The vote was:

Yeas—8 Nays—22

CS for SB 2120—A bill to be entitled An act relating to minority business enterprises; amending s. 287.0943, F.S.; changing the length of the certification period for minority business enterprises; providing for certification of those enterprises through authorized local entities; providing criteria for authorizing the local entities; requiring authorized local entities to enter into reciprocal agreements with the Department of General Services; directing the Department of General Services and the Department of Commerce to encourage all local minority business enterprise certification programs to enter into such agreements; amending s. 287.0945, F.S.; providing for verification of status as a minority business enterprise by authorized local entities; amending s. 288.703, F.S.; conforming the definition of "certified minority business enterprise" to the amendments of ss. 287.0943, 287.0945, F.S.; providing an effective date.

—was read the second time by title.

Senator Meek moved **Amendment 1**.

Further consideration of **CS for SB 2120** with pending **Amendment 1** was deferred.

HB 2607—A bill to be entitled An act relating to state government; amending s. 20.18, F.S.; assigning responsibility for state energy planning to the Department of Community Affairs to be carried out by the Office of the Secretary of Community Affairs; amending s. 110.173, F.S.; providing for appointment of one member of the department to the telecommuting advisory council; amending ss. 255.257 and 255.258, F.S.; transferring to the department the responsibility of the Executive Office of the Governor to assist in development of an energy management plan, contracts for shared savings financing, and rules for shared savings demonstration programs; amending ss. 377.602, 377.603, 377.604, 377.605, 377.606, 377.608, 377.701, and 377.703, F.S.; transferring to the department the energy planning and development functions of the Executive Office of the Governor; requiring development and maintenance of an index and profile of energy research activities; amending ss. 403.7165 and 403.757, F.S., relating to the program advisory committee to the Institute of Food and Agricultural Sciences in the operation of the Applications Demonstration Center for Resource Recovery from Solid Organic Materials and to coordination of used oil recycling regulation with other state agencies, to conform; providing for a type four transfer of all such energy functions of the Executive Office of the Governor to the department; transferring funds from the Hazardous Materials Administration Trust Fund to the Growth Management Trust Fund; providing appropriations from the Growth Management Trust Fund for assistance to certain local governments in preparing comprehensive plans and land development regulations; amending s. 2 of chapter 88-200, Laws of Florida; extending the deadline by which the department is required to repay the balance of a start-up loan to the Hazardous Materials Administration Trust Fund; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote **HB 2607** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

THE PRESIDENT PRESIDING

The Senate resumed consideration of—

CS for SB 2120—A bill to be entitled An act relating to minority business enterprises; amending s. 287.0943, F.S.; changing the length of the certification period for minority business enterprises; providing for certification of those enterprises through authorized local entities; providing criteria for authorizing the local entities; requiring authorized local entities to enter into reciprocal agreements with the Department of General Services; directing the Department of General Services and the Department of Commerce to encourage all local minority business enterprise certification programs to enter into such agreements; amending s. 287.0945, F.S.; providing for verification of status as a minority business enterprise by authorized local entities; amending s. 288.703, F.S.; conforming the definition of "certified minority business enterprise" to the amendments of ss. 287.0943, 287.0945, F.S.; providing an effective date.

—with pending **Amendment 1** which was adopted. The vote was:

Yeas—24 Nays—7

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

On motion by Senator Meek, by two-thirds vote **CS for SB 2120** 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—4

RECONSIDERATION

On motion by Senator Meek, the Senate reconsidered the vote by which **CS for SB 2120** as amended passed.

Pending further consideration of **CS for SB 2120** on motions by Senator Meek, by two-thirds vote **CS for HB 441** was withdrawn from the Committees on Governmental Operations; International Trade, Economic Development and Tourism; Rules and Calendar; and Appropriations.

On motion by Senator Meek—

CS for HB 441—A bill to be entitled An act relating to purchasing; amending s. 11.42, F.S., relating to the Auditor General; providing for an audit statement regarding agency compliance with minority business enterprise procurement goals; amending s. 24.113, F.S.; revising provisions governing minority business enterprise participation in the state lottery; providing clarifying language; amending s. 215.422, F.S.; specifying certain rights of vendors in state agency purchasing agreements; amending s. 255.05, F.S.; revising certain contractor bonding requirements; allowing state agencies to grant exemptions from payment and performance bonds, in specified circumstances; requiring specified annual reports; amending s. 287.042, F.S., relating to the powers, duties, and functions of the Division of Purchasing of the Department of General Services; revising the date of publication of notice for invitations to bid; revising percentage requirements for procurement contracts by minority business enterprises; requiring periodic studies of the disparity between goals and practices and recommendations for revising goals; providing clarifying language with respect to determining the base amount for assessing compliance therewith; providing certain reporting requirements with respect to minority business enterprises in state contracting; providing for the breaking of contracts into smaller units or multiple smaller contracts; requiring annual reports; encouraging certain governmental entities to conduct studies; amending s. 287.055, F.S.; conforming language; amending s. 287.057, F.S., relating to procurement of commodities or contractual services; providing for direct payment of minority business enterprises; requiring annual reports; revising language relating to minority business enterprise procurement goals; amending s. 287.0585, F.S.; requiring contractor certification of progress payments to subcontractors and suppliers; creating s. 287.085, F.S.; providing for price preference to minority business enterprises in evaluation of proposals and bids; amending s. 287.0943, F.S.; providing for recertification; requiring acceptance of state certification of minority business enterprises by local governments; conforming language; amending s. 287.0935, F.S.; revising language with respect to surety bond insurers; amending ss. 287.0945, 288.1167, F.S.; revising language relating to minority business enterprise procurement goals in provisions relating to the Minority Business Enterprise Assistance Office; amending s. 288.1167, F.S.; relating to sports franchise concession contracts; amending s. 288.703, F.S.; amending definitions of the terms "small business" and "minority person"; amending s. 325.207, F.S.; revising language relating to minority business enterprise procurement goals in provisions relating to contracts for the construction of motor vehicle emissions inspection stations; amending s. 337.17, F.S., relating to bid guaranty requirements in Department of Transportation construction contracts; requiring the Department of General Services to review and access recommendations presented in the study of availability and use of minority business enterprises in stated contracting; providing an effective date.

—a companion measure, was substituted for **CS for SB 2120** and read the second time by title.

Senator Meek moved **Amendments 1, 2, 3, 4, 5, 6** and **7** which were adopted.

On motion by Senator Meek, by two-thirds vote **CS for HB 441** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—2

MOTION

On motion by Senator Thomas, the rules were waived and time of recess was extended until completion of the special order calendar.

Consideration of **CS for SB 1158** was deferred.

CS for HB 175—A bill to be entitled An act relating to private transportation facilities; creating s. 334.30, F.S.; authorizing the department, with legislative approval, to enter into agreements allowing private entities to construct and operate privately owned and financed transportation facilities; authorizing the private entity to charge tolls or fares; requiring private transportation facilities to comply with all requirements of federal, state, and local laws, and state, regional, and local comprehensive plans, and department rules, policies, procedures, and standards for transportation facilities, and any other conditions which the department determines to be in the public's best interest; authorizing the department to exercise any power possessed by it to facilitate private transportation projects; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote **CS for HB 175** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—1

CS for CS for SB 1820—A bill to be entitled An act relating to neighborhood improvement districts; amending s. 163.501, F.S.; revising a cross-reference in the short title of the Safe Neighborhoods Act; amending s. 163.502, F.S.; revising legislative findings and intent; amending s. 163.503, F.S.; redefining "department" to mean the Department of Legal Affairs rather than the Department of Community Affairs; creating s. 163.5035, F.S.; requiring compliance with ch. 189, F.S.; expanding the definition of "board"; amending s. 163.504, F.S.; changing references from Department of Community Affairs to Department of Legal Affairs; creating s. 163.5055, F.S.; requiring neighborhood improvement districts to register with both the Department of Community Affairs and the Department of Legal Affairs; requiring notification of dissolution of a district; amending ss. 163.506, 163.508, 163.511, F.S.; requiring notification of the establishment of local government neighborhood improvement districts, property owners' association neighborhood improvement districts, and special neighborhood improvement districts; providing technical changes; creating s. 163.512, F.S.; authorizing the creation of community redevelopment neighborhood improvement districts; authorizing use of the community redevelopment trust fund to implement safe neighborhood improvement plans; providing duties of the advisory council; providing for dissolution of the districts; amending s. 163.513, F.S.; providing that districts may not restrict access to or lawful use of public facilities; providing technical changes; amending s. 163.514, F.S.; authorizing neighborhood improvement districts to make and collect special assessments; requiring referendum approval and providing requirements with respect thereto; repealing s. 163.514(15), (16), and (18), F.S., relating to powers of neighborhood improvement districts; amending s. 163.5151, F.S.; conforming a cross-reference; amending s. 163.516, F.S.; providing technical changes; amending s. 163.517, F.S.; revising the number and amount of planning grants provided under the Safe Neighborhoods Trust Fund; revising criteria for grants; requiring audit after expiration of a district's contract; repealing s. 163.518, F.S., relating to the crime prevention through environmental design program; amending s. 163.519, F.S.; changing administrative duties from the Department of Community Affairs to

the Department of Legal Affairs and prescribing additional duties, including certain reporting duties; amending s. 163.521, F.S.; modifying provisions relating to district overlap with enterprise zones; requiring completion of a safe neighborhood improvement plan prior to expenditure of capital improvement funds; requiring that capital improvement funding requests be related to crime prevention through environmental design, environmental security, and defensible space; providing for ranking of requests; creating s. 163.5215, F.S.; providing for effect of the Safe Neighborhoods Act on existing laws; amending s. 163.522, F.S.; encouraging the creation of neighborhood improvement districts within community redevelopment areas; transferring the Safe Neighborhoods Trust Fund; providing an appropriation; providing an effective date.

—was read the second time by title.

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

On motion by Senator Jenne, by two-thirds vote **CS for CS for SB 1820** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motions by Senator Meek, by two-thirds vote **HB 2283** was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Meek—

HB 2283—A bill to be entitled An act relating to education; amending s. 228.061, F.S.; deleting provisions relating to nursery schools and providing for preschool programs; amending s. 230.2305, F.S.; revising provisions relating to the prekindergarten early intervention program; deleting obsolete language; revising requirements for plan approval; revising requirements relating to the use of funds; amending s. 230.2312, F.S.; revising provisions relating to promotion from the Florida Primary Education Program; amending ss. 231.1713 and 402.3057, F.S.; providing that noninstructional personnel need not be refingerprinted under certain circumstances; amending s. 232.01, F.S.; revising school attendance provisions for pregnant students, parents, and certain handicapped children; amending s. 232.045, F.S.; providing eligibility for admission to preschool programs; repealing s. 232.05, F.S., relating to eligibility for nursery schools; providing an effective date.

—a companion measure, was substituted for **CS for SB 1158** and read the second time by title.

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

On motion by Senator Meek, by two-thirds vote **HB 2283** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

CS for SB 1022—A bill to be entitled An act relating to health insurance subsidies; creating ss. 175.401, 185.50, F.S.; providing for retiree health insurance subsidies for firefighters and police officers; providing a declaration of home rule authority; providing purpose; authorizing establishment and termination of health insurance subsidy trust funds by ordinance; providing for funding through premium tax moneys, employee contributions, and municipal contributions; providing eligibility; providing for establishment of subsidy amount; providing for payment; providing for investment and deposit of trust funds; providing for refund of contributions; providing for administration, actuarial valuations, and annual audits; providing for promulgation of rules and payment of administrative costs; protecting subsidy payments from assignment, execution, or attachment; providing that such subsidies shall be in addition to other benefits; requiring compliance and providing that premium tax funds may be withheld for noncompliance; providing an effective date.

—was read the second time by title.

Senators Jenne and Margolis offered **Amendment 1** which was moved by Senator Jenne.

Further consideration of **CS for SB 1022** with pending **Amendment 1** was deferred.

Consideration of **CS for CS for SB 2114** was deferred.

HB 553—A bill to be entitled An act relating to Florida Atlantic University; providing legislative intent; amending s. 3, ch. 82-247, Laws of Florida; removing site specific restrictions for the relocation of the Florida Atlantic University West Palm Beach Center and for the expenditure of proceeds from the sale of land; providing for the sale of the Florida Atlantic University TV Tower Site to fund the acquisition, purchase, lease, renovation, or expansion of facilities for use by Florida Atlantic University; providing an effective date.

—was read the second time by title. On motion by Senator Wexler, by two-thirds vote **HB 553** 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, by two-thirds vote—

HB 1881—A bill to be entitled An act relating to the Firemen's Relief and Pension Fund of the City of Pensacola, Escambia County; amending chapter 21483, Laws of Florida, 1941, as amended; providing for the term of the fifth member of the board of trustees of the Firemen's Relief and Pension Fund; providing for staggered terms of members; providing commencement dates for terms of members; providing the board with subpoena powers; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote **HB 1881** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

HB 1503—A bill to be entitled An act relating to Alachua County; amending chapter 90-496, Laws of Florida, known as the "Alachua County Boundary Adjustment Act"; providing for the effect of other laws; revising definitions of "Urban in Character" and "Urban Services"; extending the deadline for the designation of proposed reserve areas, and prohibiting the designation of a reserve area for any municipality which fails to perform certain duties; revising the criteria for designating reserve areas; providing that the requirements of this section do not apply to voluntary annexations; repealing section 10(2) of chapter 90-496, Laws of Florida, relating to the preparation and submission of a report in voluntary annexations; providing for conflict; providing severability; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved **Amendment 1.**

Senator Kirkpatrick moved **Amendments 1A, 1B, 1C** and **1D** which were adopted.

Amendment 1 as amended was adopted.

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

On motion by Senator Kirkpatrick, by two-thirds vote **HB 1503** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motions by Senator Forman, by two-thirds vote **CS for HB 2557** was withdrawn from the Committees on Commerce; and Finance, Taxation and Claims.

On motion by Senator Forman—

CS for HB 2557—A bill to be entitled An act relating to health insurance; amending s. 627.6482, F.S.; excluding certain policies from the definition of "health insurance;" amending s. 627.6484, F.S.; prohibiting the Florida Comprehensive Health Association from accepting applications for insurance after a specified date; amending s. 627.6486, F.S.; revising criteria for eligibility for coverage under the comprehensive health insurance plan; specifying application of certain claims payments; amending s. 627.6488, F.S.; requiring reports; amending s. 627.6496, F.S.; providing for issuance of policies; amending s. 627.6498, F.S.; providing for semiannually renewable policies; specifying renewal dates; revising benefits; limiting deductibles; revising provisions for determination of rates for coverage under the plan; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2114.**

MOTION

On motions by Senator Jenne, by two-thirds vote **CS for HB 2557** was removed from the calendar, recommitted to the Committee on Finance, Taxation and Claims and added to the meeting agenda for this day.

RECESS

On motion by Senator Thomas, the Senate recessed at 5:41 p.m. to reconvene at 7:00 p.m.

EVENING SESSION

The Senate was called to order by the President at 7:00 p.m. A quorum present—40:

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

The Senate resumed consideration of—

CS for HB 2557—A bill to be entitled An act relating to health insurance; amending s. 627.6482, F.S.; excluding certain policies from the definition of "health insurance;" amending s. 627.6484, F.S.; prohibiting the Florida Comprehensive Health Association from accepting applications for insurance after a specified date; amending s. 627.6486, F.S.; revising criteria for eligibility for coverage under the comprehensive health insurance plan; specifying application of certain claims payments; amending s. 627.6488, F.S.; requiring reports; amending s. 627.6496, F.S.; providing for issuance of policies; amending s. 627.6498, F.S.; providing for semiannually renewable policies; specifying renewal dates; revising benefits; limiting deductibles; revising provisions for determination of rates for coverage under the plan; providing an effective date.

—which was read the second time by title.

The Committee on Finance, Taxation and Claims recommended **Amendment 1** which was moved by Senator Forman.

The Committee on Finance, Taxation and Claims recommended **Amendment 1A** which was moved by Senator Kiser and failed.

Amendment 1 was adopted.

The Committee on Finance, Taxation and Claims recommended **Amendment 2** which was moved by Senator Forman and adopted.

On motion by Senator Forman, by two-thirds vote **CS for HB 2557** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—1

RECONSIDERATION

On motion by Senator Kirkpatrick, the Senate reconsidered the vote by which—

HB 1503—A bill to be entitled An act relating to Alachua County; amending chapter 90-496, Laws of Florida, known as the "Alachua County Boundary Adjustment Act"; providing for the effect of other laws; revising definitions of "Urban in Character" and "Urban Services"; extending the deadline for the designation of proposed reserve areas, and prohibiting the designation of a reserve area for any municipality which fails to perform certain duties; revising the criteria for designating reserve areas; providing that the requirements of this section do not apply to voluntary annexations; repealing section 10(2) of chapter 90-496, Laws of Florida, relating to the preparation and submission of a report in voluntary annexations; providing for conflict; providing severability; providing an effective date.

—passed as amended this day.

On motion by Senator Kirkpatrick, by two-thirds vote the Senate reconsidered the vote by which **HB 1503** was read the third time.

On motions by Senator Kirkpatrick, the Senate reconsidered the vote by which **Amendment 1** as amended and **Amendment 1A** were adopted. By permission, **Amendment 1A** was withdrawn.

Amendment 1 as amended was adopted.

On motion by Senator Kirkpatrick, by two-thirds vote **HB 1503** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, April 30, 1991: CS for SB 1140, SB 386, CS for SB's 866 and 1098, SB 1002, SB 1314, SB 1910, CS for SB 1898, CS for SB 1246, CS for SB 1426, CS for SB 2120, CS for SB 2074, HB 2473, HB 2607, CS for SB 1158, CS for HB 175, CS for CS for SB 1820, CS for SB 1022

Respectfully submitted,
Pat Thomas, Chairman

The Special Master on Claims recommends the following not pass: CS for HB 653

The bill was referred to the Committee on Finance, Taxation and Claims under the original reference, pursuant to Rule 4.81.

The Committee on Finance, Taxation and Claims recommends the following pass: CS for HB 653

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

The Committee on Finance, Taxation and Claims recommends the following pass: CS for HB 2557 with 2 amendments

The bill was placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

First Reading

SR 2500 was introduced out of order and adopted April 29.

SR 2502 was introduced out of order and adopted April 29.

SB 2504 was introduced out of order and passed April 29.

SB 2506 was introduced out of order and passed April 29.

By Senator Bankhead—

SB 2508—A bill to be entitled An act relating to the City of Jacksonville; extending the operation of chapter 89-439, Laws of Florida, relating to the Jacksonville Environmental Protection Board, notwithstanding its scheduled expiration on October 1, 1991; providing for the repeal of such chapter on October 1, 2001; amending chapter 89-439, Laws of Florida; providing liability of the city for attorney's fees not to exceed five thousand dollars ($5,000) when the imposition of a civil penalty assessed for violation of an order of the Jacksonville Environmental Protection Board, failure to comply with such an order, or violation of the City of Jacksonville Ordinance Code is reversed upon court appeal; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Thomas, by two-thirds vote **HB 1881** and **SB 2488** were withdrawn from the Committee on Rules and Calendar; and **CS for HB 1637** was withdrawn from the Committee on Education.

On motions by Senator Thomas, by two-thirds vote **CS for HB 175** was withdrawn from the Committees on Transportation; Finance, Taxation and Claims; and Appropriations.

On motions by Senator Thomas, by two-thirds vote **HB 553** was withdrawn from the Committees on Education and Appropriations; and **HB 1503** was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Thomas, by two-thirds vote **CS for SB 1280** was withdrawn from the Committee on Judiciary and placed on the calendar.

On motions by Senator Gardner, by two-thirds vote **CS for HB 95, CS for HB 1363, CS for HB 1637, CS for CS for SB 616** and **HB 359** were withdrawn from the Committee on Appropriations.

On motions by Senator Thomas, by two-thirds vote **CS for HB 359** was withdrawn from the Committees on Criminal Justice; and Corrections, Probation and Parole; **HB 325** was withdrawn from the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations; and **HB 1001** was withdrawn from the Committee on Finance, Taxation and Claims.

MOTIONS

On motions by Senator Thomas, by two-thirds vote **CS for SB 1022, CS for CS for SB 1820, HB 1881** and **SB 2488** were placed on the special order calendar.

On motion by Senator Thomas, by two-thirds vote the Conference Committee Report on **CS for SB's 58 and 2294** was scheduled for consideration at 2:00 p.m.

On motion by Senator Thomas, by two-thirds vote **CS for CS for SB 2114** was placed on the special order calendar.

On motions by Senator Thomas, by two-thirds vote **House Bills 553** and **1503** were placed on the special order calendar.

On motions by Senator Thomas, by two-thirds vote **SB 26, CS for HB 1637, HB 325, CS for SB 1792, HB 747, CS for SB 912, CS for CS for SB 2220, CS for SB 1280, CS for SB 350, CS for SB 1530, SB 256, SB 1464, CS for SB 524, SB 1612, SB 1004, HB 359, SB 408, HB 1001** and Local Bills were established as the special order calendar for Wednesday, May 1.

On motions by Senator Jenne, the rules were waived and the Subcommittee on Claims of the Committee on Finance, Taxation and Claims was granted permission to meet from 1:00 until 1:15 p.m. to consider **CS for HB 653**; and the Committee on Finance, Taxation and Claims was granted permission to meet from 1:20 until 1:30 p.m. to consider **CS for HB 653.**

On motion by Senator Jenne, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to meet fifteen minutes after adjournment to consider **CS for SB 1212** and **CS for HB 653.**

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 1063, CS for HB 1117, CS for HB 1453, HB 1501, HB 1881, HB 2239, CS for CS for HB 2385, HB 2649; has passed as amended CS for HB 653, CS for HB 679, HB 1103, HB 1257, HB 1323, HB 1387, HB 1417, HB 1481, HB 1589, HB 1605, HB 1633, HB 1967, HB 2015, HB 2063, HB 2137, HB 2207, HB 2407 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representatives Hill and Valdes—

HB 1063—A bill to be entitled An act relating to sexual battery; amending s. 794.011, F.S.; providing a definition and providing technical changes; deleting an evidentiary provision and incorporating into the sexual battery section the substance of s. 794.041, F.S., relating to the offense of sexual activity with a child by or at solicitation of a person in familial or custodial authority and deleting an age minimum for the solicitation offense; repealing s. 794.041, F.S.; reenacting and amending ss. 39.001(3)(b), 39.076(3) and (5)(a), 39.4105(5), 110.1127(3)(a)1. and (3)(b)1.a., 242.335(3)(a)1., 393.0655(1) and (3)(a)1., 394.457(6)(a) and (6)(c)1.a., 396.0425(1) and (3)(a)1., 397.0715(1) and (3)(a)1., 402.305(1)(a) and (1)(c)1.a., and 409.175(4)(a)6. and (4)(a)8.a.(I), F.S., relating to juvenile program personnel screening, grandparental visitation, employee security checks, and personnel screening for the Florida School for the Deaf and the Blind, developmental disabilities caretakers, mental health and substance abuse treatment personnel, and child care and family foster home personnel, to incorporate the amendments to ss. 794.011 and 794.041, F.S., in references thereto, and to conform to said amendments; reenacting ss. 775.15(7), 794.023(2), 812.172(2), 903.133, 914.16, 944.033(4), 945.091(3), 946.40(4), 951.24(2)(c), and 958.09(2), F.S., relating to time limitations, sexual battery by multiple perpetrators, convenience store security, bail on appeal, sexual abuse victims under age 16, community correctional centers, use of prisoners in public works, and extensions of limits of confinement for inmates, to incorporate the amendment to s. 794.011, F.S., in references thereto; amending s. 794.022, F.S., to incorporate and conform to the amendments to ss. 794.011 and 794.041, F.S.; adding an evidentiary provision, and reenacting s. 90.404(1)(b)1., F.S., relating to character evidence, to incorporate said amendment in a reference thereto; providing an effective date.

—was referred to the Committees on Criminal Justice and Appropriations.

By the Committee on Commerce and Representative Hafner and others—

CS for HB 1117—A bill to be entitled An act relating to consumer transaction fraud; creating s. 501.2077, F.S.; providing enhanced civil penalties with respect to a consumer transaction violation which victimizes or attempts to victimize a senior citizen or handicapped person; providing definitions; providing for priority of restitution orders and actual damages; providing for deposit and disbursement of enhanced civil penalties; amending s. 501.2075, F.S., relating to civil penalties, to conform; providing an effective date.

—was referred to the Committees on Judiciary and Professional Regulation.

By the Committee on Judiciary and Representative Burke and others—

CS for HB 1453—A bill to be entitled An act relating to bias in Florida's court system; amending s. 43.29, F.S.; requiring minority representation on the Judicial Nominating Commissions; amending s. 39.023, F.S.; requiring minority representation on the Commission on Juvenile Justice; amending s. 39.024, F.S.; requiring minority representation on the Juvenile Justice Standards and Training Council; creating s. 760.51, F.S.; providing for civil actions with respect to violation of certain constitutional rights; providing a penalty; creating s. 16.57, F.S.; creating an Office of Civil Rights in the Department of Legal Affairs; creating s. 28.34, F.S.; providing relief for salary discrimination based on gender or race for county and circuit court personnel; creating s. 27.182, F.S.; providing relief for salary discrimination based on gender or race in the office of state attorney; creating s. 27.5301, F.S.; providing relief for salary discrimination based on gender or race in the office of public defender; providing an effective date.

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

By Representative Hanson—

HB 1501—A bill to be entitled An act relating to the Boca Raton Airport Authority; amending chapter 82-259, Laws of Florida; providing for appointment and removal of the member residing in the county by the county commission; providing for members continuing to serve until reappointed or having a successor appointed; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Ritchie and others—

HB 1881—A bill to be entitled An act relating to the Firemen's Relief and Pension Fund of the City of Pensacola, Escambia County; amending chapter 21483, Laws of Florida, 1941, as amended; providing for the term of the fifth member of the board of trustees of the Firemen's Relief and Pension Fund; providing for staggered terms of members; providing commencement dates for terms of members; providing the board with subpoena powers; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

HB 2239—A bill to be entitled An act relating to the Parrish Fire Control District, Manatee County; amending section 2 of chapter 85-451, Laws of Florida, relating to the jurisdictional area of the district; providing for nonpartisan election of the district board of commissioners; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committees on Appropriations and Criminal Justice and Representative Martinez—

CS for CS for HB 2385—A bill to be entitled An act relating to funding for state attorneys, public defenders, and attorneys ad litem; creating s. 27.005, F.S.; providing definitions; amending s. 27.54, F.S.; expanding county funding authorization for the public defender, and reenacting ss. 27.3455(4)(c), (5)(a), and (6)(a), and 939.15, F.S., relating to costs, to incorporate said amendment in references thereto; amending s. 744.331, F.S.; revising the time period within which counties must file certain claims against guardianship property; repealing s. 27.57, F.S., relating to reports; providing an effective date.

—was referred to the Committees on Judiciary, Community Affairs and Appropriations.

By the Committee on Finance and Taxation; and Representative Reaves and others—

HB 2649—A bill to be entitled An act relating to taxation; creating ss. 192.124 and 213.76, F.S.; authorizing the executive director of the Department of Revenue to suspend tax return, exemption, and refund application deadlines, to suspend deadlines for bringing an action pursuant to s. 72.011, F. S., and to compromise interest on taxes when the Governor and Cabinet declare the existence of an emergency situation; providing for emergency rules; requiring the executive director to keep appropriate records; providing for retroactive effect; providing an effective date.

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

By the Committee on Claims and Representative Hill—

CS for HB 653—A bill to be entitled An act for the relief of Edith and Lewis Crosley, parents of Todd Patrick Neely; providing an appropriation to compensate them for losses incurred in defense of their son, unjustly arrested and convicted on the basis of evidence suppressed by the state; providing an effective date.

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

By the Committee on Governmental Operations and Representative Hawkins—

CS for HB 679—A bill to be entitled An act relating to financial matters; amending s. 18.02, F.S., and creating s. 18.021, F.S.; reorganizing language with respect to moneys paid on warrants and the authorization of the Treasurer to operate a personal check-cashing service; amending s. 18.05, F.S., relating to an annual report to the Governor; amending s. 18.07, F.S.; providing for recordkeeping by the Treasurer; amending s. 18.08, F.S.; revising language with respect to the requirement that the Treasurer turn over to the Comptroller all warrants paid; amending s. 18.09, F.S.; providing for delivery of an annual report to the Legislature; amending s. 18.091, F.S.; revising language with respect to additional employees of the Treasurer when the Legislature is in session; amending s. 18.10, F.S.; revising language with respect to deposits and investments of state money; revising the Florida Security for Public Deposits Act; repealing s. 18.102, F.S., relating to deposits of public money by state agencies and institutions; repealing s. 18.16, F.S., relating to the prohibition against the Treasurer depositing money without consent of the Governor and Comptroller; amending s. 280.02, F.S.; providing definitions; amending s. 280.04, F.S.; revising language with respect to collateral for public deposits; amending s. 280.05, F.S.; revising language with respect to the powers and duties of the Treasurer; amending s. 280.051, F.S.; deleting a ground for suspension or disqualification of a qualified public depository; amending s. 280.052, F.S.; directing the Treasurer to notify public depositors of compliance with certain requirements; amending s. 280.053, F.S.; defining the effective date of suspension or disqualification of a public depository; amending ss. 280.06, 280.09, and 280.11, F.S.; providing for correct terminology; amending s. 280.085, F.S.; revising language with respect to notice to claimants against the Public Deposits Trust Fund; amending s. 280.10, F.S.; revising timeframes for notification to the Treasurer with respect to merger or acquisition or change of name or address; amending s. 280.13, F.S.; revising a reference with respect to collateral which is eligible for pledge by banks; amending s. 280.14, F.S.; revising a reference with respect to collateral which is eligible for pledge by savings associations; amending s. 280.16, F.S.; revising language with respect to reports of public depositories; amending s. 280.17, F.S.; revising language with respect to requirements for public depositors; amending s. 215.44, F.S.; changing the date for submission of an annual report and clarifying the items to be submitted in the report; amending s. 215.47, F.S.; authorizing the investment of trust funds in obligations of the International Finance Corporation; amending s. 658.67, F.S.; authorizing banks and trust companies to invest in bonds or other obligations of the International Bank for Reconstruction and Development and the International Finance Corporation; amending s. 665.0701, F.S.; authorizing the investment of savings association funds in obligations of the International Corporation; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; Governmental Operations; and Appropriations.

By Representative Langton and others—

HB 1103—A bill to be entitled An act relating to the City of Jacksonville; extending the operation of chapter 89-439, Laws of Florida, relating to the Jacksonville Environmental Protection Board, notwithstanding its scheduled expiration on October 1, 1991; providing for the repeal of such chapter on October 1, 2001; amending chapter 89-439, Laws of Florida; providing liability of the city for attorney's fees not to exceed five thousand dollars ($5,000) when the imposition of a civil penalty assessed for violation of an order of the Jacksonville Environmental Protection Board, failure to comply with such an order, or violation of the City of Jacksonville Ordinance Code is reversed upon court appeal; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Liberti—

HB 1257—A bill to be entitled An act relating to the Acme Improvement District, Palm Beach County; amending chapter 28557, Laws of Florida, 1953, as amended; clarifying the recreational powers of the district to include the power to provide for parks, preserves, playgrounds, and recreational programs; clarifying the reorganization of the board of supervisors and providing for election of supervisors by a majority vote of the electorate; providing for the annual landowner's meeting to be held during the month of January; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hawkins—

HB 1323—A bill to be entitled An act relating to Collier County; amending chapter 84-416, Laws of Florida, as amended, relating to the North Naples Fire Control and Rescue District; expanding the boundaries thereof by including all lands belonging to the Little Hickory, Bonita Shores Fire Control District; repealing chapter 67-1243, Laws of Florida, as amended, which created the Little Hickory, Bonita Shores Fire Control District, to conform; providing for a referendum.

—was referred to the Committee on Rules and Calendar.

By Representative Ostrau—

HB 1387—A bill to be entitled An act relating to insurance; amending s. 626.2815, F.S.; changing certain continuing education requirements for insurance agents and other licensees; rescheduling Sunset review and repeal of specified chapters and parts of chapters relating to insurance from October 1, 1991, to October 1, 1992; rescheduling repeal and expiration dates of other specified provisions in Florida Statutes and chapter laws from 1991 to 1992; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Webster and others—

HB 1417—A bill to be entitled An act relating to the City of Orlando, Orange County, and the pension funds of the Orlando Police Department and Fire Department; amending chapter 31086, Laws of Florida, 1955, as amended; prescribing circumstances under which a person can purchase pension credit for service rendered during a period when such person was ineligible to participate in the respective pension plan due to employment at an age in excess of 30 years; incorporating limitations on benefits as required by s. 415, Internal Revenue Code of 1986; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Martinez and others—

HB 1481—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; providing that any condition or impairment of health of firefighters or police officers of the City of Tampa caused by tuberculosis, hypertension, heart disease, or hardening of the arteries resulting in disability or death shall be presumed to have been accidental and to have been suffered in the line of duty; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

HB 1589—A bill to be entitled An act relating to Manatee County; relating to the Manatee County Civic Center Authority, a public body corporate and politic established pursuant to chapter 78-556, Laws of Florida; authorizing the conveyance of the Manatee County Convention and Civic Center to the Board of County Commissioners; providing for the transfer of the functions, responsibilities, duties, and obligations of the Manatee County Civic Center Authority to the Board of County Commissioners for Manatee County; reserving title to property held by the Manatee County Civic Center Authority; maintaining in effect and transferring to Manatee County all obligations of the Manatee County Civic Center Authority; validating existing rules, regulations, and ordinances of or for the Manatee County Civic Center Authority; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Liberti—

HB 1605—A bill to be entitled An act relating to Indian Trail Water Control District, Palm Beach County, created by chapter 57-646, Laws of Florida; granting additional powers to the district to construct, maintain, and operate recreational areas, facilities, and programs; to construct and maintain a system of street lighting; to construct and maintain facilities for and take measures to control mosquitoes and other arthropods; to acquire, construct, and maintain conservation areas and sanctuaries for the storage of water for water control and irrigation purposes and for preservation of wildlife; to purchase, acquire by gift, or otherwise obtain land for the purpose of constructing capital improvements; to finance costs through user fees; to appoint advisory boards; to require permits for connection to and use of district property; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bo Johnson—

HB 1633—A bill to be entitled An act relating to Santa Rosa County; amending chapter 80-608, Laws of Florida; revising provisions relating to adoption of a millage rate and budget by the Avalon Beach-Mulat Fire Protection District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Peeples—

HB 1967—A bill to be entitled An act relating to Lee County; prohibiting the taking of saltwater fish, except by hook and line, handheld cast net, or use of five or fewer blue crab traps, from manmade saltwater canals located within a specified area of the county; providing a penalty and an enhanced penalty for second or subsequent violations; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hill—

HB 2015—A bill to be entitled An act relating to the South Indian River Water Control District, Palm Beach County; amending chapter 71-820, Laws of Florida, as amended; extending the area in which the Board of Supervisors of the South Indian River Water Control District has the ability to provide potable water distribution and waste water collection systems; providing that the district may levy special assessments on the basis of front footage for potable water distribution and waste water collection systems, as well as acres or parcels; providing that a majority of the landowners within the designated area to be benefited desire such benefits, and to transfer said facilities to the Town of Jupiter and the Loxahatchee River Environmental Control District, for operation and maintenance; prohibiting the board of supervisors from authorizing the formation of an engineering plan unless there is documented evidence that at least 25 percent of the affected landowners desire such plan; providing that a petition signed by the owners of 51 percent of the parcels to be assessed for such plan will satisfy the requirements for voting and notice; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative K. Smith—

HB 2063—A bill to be entitled An act relating to Flagler County; creating the Palm Coast Incorporation Review Committee; providing for membership; providing for duties; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

HB 2137—A bill to be entitled An act relating to the North River Fire District, Manatee County; amending chapter 89-502, Laws of Florida; amending provisions relating to the number of fire commissioners; providing for salaries of commissioners; providing a restriction on other employment of commissioners by the district; providing for election of commissioners; providing for extension of terms of current commissioners; amending the schedule of assessments; providing a cap on assessment rate increases; amending the schedule of impact fees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hill—

HB 2207—A bill to be entitled An act relating to Northern Palm Beach County Water Control District, Palm Beach County; amending chapter 59-994, Laws of Florida, expanding the boundaries of said district; amending chapter 89-462, Laws of Florida; declaring a public purpose; deleting reference to ss. 163.501-163.522, F.S.; requiring county approval prior to inclusion of thoroughfare road; providing for dedication of roads to county and construction of roads to county standards under certain circumstances; rearranging the order of provisions in this section; providing for expanding the territorial limits of a unit of development by agreement; defining 51 or 75 percent of acreage in any area; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

HB 2407—A bill to be entitled An act relating to Anna Maria Fire Control District, Manatee County; amending chapter 27696, Laws of Florida; as amended, providing for election of members of the board of commissioners; providing compensation for said board; providing powers of the district; providing an increase in schedule of assessments; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

RETURNING MESSAGES ON SENATE BILLS

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 122 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 122—A bill to be entitled An act relating to the Florida Coastal Protection Trust Fund; reenacting s. 376.11, F.S.; providing purpose and legislative intent; establishing the trust fund; providing sources for and uses of moneys in the trust fund; providing for investing moneys from the trust fund and for crediting the interest on such investment to the trust fund; providing purposes for which moneys may be disbursed from the trust fund; providing for transferring certain interest earned on investment of the trust fund moneys to the Save Our State Environmental Education Trust Fund in the Department of Natural Resources; providing for a temporary transfer of funds to the Petroleum Exploration and Production Bond Trust Fund; providing for any interest in lands acquired through trust fund moneys to be held by the Trustees of the Internal Improvement Trust Fund; providing for the department to recover to the trust fund and the General Revenue Fund moneys disbursed to control a discharge of a pollutant or other similar disaster; amending s. 206.9935(1), F.S., reducing the cap on the Coastal Protection Trust Fund; providing an appropriation; providing an effective date.

House Amendment 1—On page 1, line 29, strike everything after the enacting clause and insert:

Section 1. Section 376.11, Florida Statutes, 1990 Supplement, is reenacted and amended to read:

376.11 Florida Coastal Protection Trust Fund.—

(1) The purpose of this section is to provide a mechanism to have financial resources immediately available for prevention of, and cleanup and rehabilitation after, a pollutant discharge, to prevent further damage by the pollutant, and to pay for damages. It is the legislative intent that this section be liberally construed to effect the purposes set forth, such interpretation being especially imperative in light of the danger to the environment and resources.

(2) The Florida Coastal Protection Trust Fund is established, to be used by the department as a nonlapsing revolving fund for carrying out the purposes of ss. 376.011-376.21. To this fund shall be credited all registration fees, penalties, judgments, damages recovered pursuant to s. 376.121, other fees and charges related to ss. 376.011-376.21, and the excise tax revenues levied, collected, and credited pursuant to ss. 206.9935(1) and 206.9945(1)(a). Charges against the fund shall be in accordance with this section.

(3) Moneys in the fund that are not needed currently to meet the obligations of the department in the exercise of its responsibilities under ss. 376.011-376.21 shall be deposited with the Treasurer to the credit of the fund and may be invested in such manner as is provided for by statute. Interest received on such investment shall be credited to the fund, except as otherwise specified herein.

(4) Moneys in the Florida Coastal Protection Trust Fund shall be disbursed for the following purposes and no others:

(a) Administrative expenses, personnel expenses, and equipment costs of the department related to the enforcement of ss. 376.011-376.21 subject to s. 376.185.

(b) All costs involved in the prevention and abatement of pollution related to the discharge of pollutants covered by ss. 376.011-376.21 and the abatement of other potential pollution hazards as authorized herein.

(c) All costs and expenses of the cleanup, restoration, and rehabilitation of waterfowl, wildlife, and all other natural resources damaged by the discharge of pollutants, including the costs of assessing and recovering damages to natural resources, whether performed or authorized by the department or any other state or local agency.

(d) All provable costs and damages which are the proximate results of the discharge of pollutants covered by ss. 376.011-376.21.

(e) Loans to the Inland Protection Trust Fund created in s. 376.3071.

(f) The interest earned from investments of the balance in the Florida Coastal Protection Trust Fund shall be used first for funding the administrative expenses, personnel expenses, and equipment costs of the department relating to the enforcement of ss. 376.011-376.21. When the balance in the trust fund is greater than $30 million, the *amount* ~~amounts~~ from interest earnings in excess of that needed for funding the department's costs previously identified shall be transferred by the department quarterly to the Save Our State Environmental Education Trust Fund created in the department; *provided that the amount transferred shall not exceed $1.5 million annually.*

(g) The funding of a grant program to coastal local governments, pursuant to s. 376.15(2)(b) and (c), for the removal of derelict vessels from the public waters of the state.

(h) The department may spend up to $1 million per year from the principal of the fund to acquire, design, train, and maintain emergency cleanup response teams and equipment located at appropriate ports throughout the state for the purpose of cleaning oil and other toxic materials from coastal waters. When the teams and equipment are not needed for these purposes they may be used for any other valid purpose of the department.

(i) To provide a temporary transfer of funds in an amount not to exceed $10 million to the Petroleum Exploration and Production Bond Trust Fund as set forth in s. 376.40.

(5) Any interest in lands acquired using moneys in the Florida Coastal Protection Trust Fund shall be held by the Trustees of the Internal Improvement Trust Fund, and such lands shall be acquired pursuant to the procedures set forth in s. 253.025.

(6) The department shall recover to the use of the fund from the person or persons causing the discharge or from the Federal Government, jointly and severally, all sums owed or expended from the fund, pursuant to s. 376.12(6), except that recoveries resulting from damage due to a discharge of a pollutant or other similar disaster shall be apportioned between the Florida Coastal Protection Trust Fund and the General Revenue Fund so as to repay the full costs to the General Revenue Fund of any sums disbursed therefrom as a result of such disaster. Requests for reimbursement to the fund for the above costs, if not paid within 30 days of demand, shall be turned over to the Department of Legal Affairs for collection.

Section 2. Subsection (1) of section 206.9935, Florida Statutes, 1990 Supplement, is reenacted to read:

206.9935 Taxes imposed.—

(1) TAX FOR COASTAL PROTECTION.—

(a)1. There is hereby levied an excise tax for the privilege of producing in, importing into, or causing to be imported into this state pollutants for sale, use, or otherwise.

2. The tax shall be imposed only once on each barrel of pollutant when first produced in or imported into this state. The tax on pollutants first imported into or produced in this state shall be imposed when the product is first sold or first removed from storage. The tax shall be paid and remitted by any person who is licensed by the department to engage in the production or importation of motor fuel, special fuel, aviation fuel, or other pollutants.

(b) The excise tax shall be 2 cents per barrel of pollutant, or equivalent measure as established by the department, produced in or imported into this state until the balance in the Coastal Protection Trust Fund equals or exceeds $50 million. For the fiscal year immediately following the year in which the balance in the fund equals or exceeds $50 million, no excise tax shall be levied unless:

1. The balance in the fund is less than or equal to $40 million. For the fiscal year immediately following the year in which the balance in the fund is less than or equal to $40 million, the excise tax shall be and shall remain 2 cents per barrel or equivalent measure until the fund again equals or exceeds $50 million. For the fiscal year immediately following the year in which the fund again is equal to or exceeds $50 million, the excise tax and fund shall be controlled as when the fund first was equal to or exceeded $50 million.

2. There is a discharge of catastrophic proportions, the results of which could significantly reduce the balance in the fund. In the event of such a catastrophic occurrence, the Governor and Cabinet as the head of the Department of Natural Resources may, by rule, relevy the excise tax in an amount not to exceed 10 cents per barrel for a period of time sufficient to maintain the fund at a balance of $50 million, after payment of the costs and damages related to the catastrophic discharge.

3. The fund is unable to pay any proven claims against the fund at the end of the fiscal year. Notwithstanding any other provision of this subsection, for the fiscal year following the year in which the fund is unable to pay any proven claims against the fund at the end of the fiscal year, the excise tax shall be and shall remain 5 cents per barrel or equiva-

lent measure until all outstanding proven claims have been paid and the fund again equals or exceeds $20 million. For the fiscal year immediately following the year in which the fund, after levy of the 5-cent excise tax, again is equal to or exceeds $20 million, the excise tax and fund shall be controlled in accordance with subparagraph 1., unless otherwise provided.

4. The fund has had appropriated to it by the Legislature, but has not yet repaid, state funds from the General Revenue Fund. In such event, the excise tax shall continue to be in effect until all such funds are repaid to the General Revenue Fund.

(c)1. Excluding natural gas drilling activities, if offshore oil drilling activity is approved by the United States Department of the Interior for the waters off the coast of this state in the Atlantic Ocean, Gulf of Mexico, or Straits of Florida, paragraph (b) shall not apply. Instead, the excise tax shall be 2 cents per barrel of pollutant, or equivalent measure as established by the department, produced in or imported into this state, and the proceeds shall be deposited into the Coastal Protection Trust Fund with a cap of $100 million.

2. If a discharge of catastrophic proportions occurs, the results of which could significantly reduce the balance in the fund, the Governor and Cabinet as the head of the Department of Natural Resources may, by rule, increase the levy of the excise tax to an amount not to exceed 10 cents per barrel for a period of time sufficient to pay any proven claim against the fund and restore the balance in the fund until it again equals or exceeds $50 million; except that for any fiscal year immediately following the year in which the fund is equal to or exceeds $50 million, the excise tax and fund shall be governed by the provisions of subparagraph 1.

Section 3. Subsections (4) and (6) of section 206.9925, Florida Statutes, are amended to read:

206.9925 Definitions.—As used in this part:

(4) "Petroleum product" means any refined liquid commodity made wholly or partially from oil or gas, or blends or mixtures of oil with one or more liquid products or byproducts derived from oil or gas, or blends or mixtures of two or more liquid products or byproducts derived from oil or gas, and includes, but is not limited to, motor gasoline, gasohol, aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel, kerosene, distillate fuel oil, residual fuel oil, motor oil and other lubricants, naphtha of less than 400 °F for petroleum feed, special naphthas, road oil, still gas, unfinished oils, motor gas blending components, including *petroleum-derived* ethanol when used for such purpose, and aviation gas blending components.

(6) "Solvents" means the following organic compounds, if the listed organic compound is in liquid form: acetamide, acetone, acetonitrile, acetophenone, amyl acetates (all), aniline, benzene, butyl acetates (all), butyl alcohols (all), butyl benzyl phthalate, carbon disulfide, carbon tetrachloride, chlorobenzene, chloroform, cumene, cyclohexane, cyclohexanone, dibutyl phthalate, dichlorobenzenes (all), dichlorodifluoromethane, diethyl phthalate, dimethyl phthalate, dioctyl phthalate (di2-ethyl hexyl phthalate), n-dioctyl phthalate, 1,4-dioxane, *petroleum-derived* ethanol, ethyl acetate, ethyl benzene, ethylene dichloride, 2-ethoxy ethanol (ethylene glycol ethyl ether), ethylene glycol, furfural, formaldehyde, n-hexane, isophorone, isopropyl alcohol, methanol, 2-methoxy ethanol (ethylene glycol methyl ether), methyl tert-butyl ether, methylene chloride (dichloromethane), methyl ethyl ketone, methyl isobutyl ketone, mineral spirits, 140-F naphtha, naphthalene, nitrobenzene, 2-nitropropane, pentachlorobenzene, phenol, perchloroethylene (tetrachloroethylene), stoddard solvent, tetrahydrofuran, toluene, 1,1,1-trichloroethane, trichloroethylene, 1,1,2-trichloro-1,2,2-trifluoroethane, and xylenes (all).

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

House Amendment 2—In title, on page 1, line 29, strike everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Coastal Protection Trust Fund; reenacting and amending s. 376.11, F.S.; providing purpose and legislative intent; establishing the trust fund; providing sources for and uses of moneys in the trust fund; providing for investing moneys from the trust fund and for crediting the interest on such investment to the trust fund; providing purposes for which moneys may be disbursed from the trust fund; providing for transferring certain interest earned on investment of the trust fund moneys to the Save Our State Environmental Education Trust Fund in the Department of Natural Resources; providing for a temporary transfer of funds to the Petroleum Exploration and Production Bond Trust Fund; providing for any interest in lands acquired through trust fund moneys to be held by the Trustees of the Internal Improvement Trust Fund; providing for the department to recover to the trust fund and the General Revenue Fund moneys disbursed to control a discharge of a pollutant or other similar disaster; reenacting s. 206.9935(1), F.S., relating to the tax for coastal protection; amending s. 206.9925, F.S.; amending definitions; providing an effective date.

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

SB 122 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—31 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for CS for SB's 212 and 266 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB's 212 and 266—A bill to be entitled An act relating to fees imposed on certain motor vehicle registrations; amending s. 320.06, F.S.; providing for advance payment of license plate replacement fees; amending s. 320.072, F.S.; extending to certain military personnel and former military personnel the exemption from certain fees imposed on initial applications for motor vehicle registration; extending such exemption to certain relatives of members of the United States Armed Forces who lose their lives while on active duty or who are listed as "missing-in-action"; providing an effective date.

House Amendment 1—On page 2, line 22, through page 4, line 2, strike all of said lines and insert:

Section 2. Effective July 1, 1991, subsection (17) and (18) are added to section 206.01, Florida Statutes, to read:

206.01 Definitions.—As used in part I of this chapter:

(17) "Gross amount" means the actual amount of fuel pumped through the loading rack, pipeline, or tanker and not adjusted for 60 degrees Fahrenheit.

(18) "Net amount" means the actual amount of fuel pumped through the loading rack, pipeline, or tanker adjusted for 60 degrees Fahrenheit.

Section 3. Effective July 1, 1991, subsection (1) of section 206.41, Florida Statutes, is amended to read:

206.41 Constitutional gas tax imposed.—

(1)*a.* An excise or license tax of 2 cents per gallon is imposed upon the first sale or first removal from storage, after importation into this state, of motor fuel upon which such tax has not been paid or the payment thereof has not been lawfully assumed by some person handling the same in this state. This tax, which is the tax as levied by s. 16, Art. IX of the Constitution of 1885, as amended, and continued by s. 9(c), Art. XII of the 1968 Constitution, as amended, and which is therein referred to as the "second gas tax," is hereby designated the "constitutional gas tax." Revenues from this levy of tax become state funds at the time of collection by the refiner, importer, or wholesaler, who shall act as agent for the state in the collection of such tax whether he is the ultimate seller or not. For purposes of this subsection, the term "first sale" *or "first removal" shall be the gross amount of motor fuel pumped from the loading rack or first storage. The term "first sale"* does not include exchanges or loans, gallon-for-gallon, of motor fuel between licensed refiners before the fuel has been sold or removed through the loading rack or transfers between terminal facilities owned by the same taxpayer. The tax on motor fuel first imported into this state by a licensed refiner storing such fuel in a terminal facility shall be imposed when the product is first removed through the loading rack. The tax shall be remitted by the licensed refiner who owned the motor fuel immediately prior to removal of such fuel from storage.

(b) For the period January 1, 1988 through June 30, 1991, gallons of motor fuel reported as the first sale or first removal from storage may be reported on the net or gross amount of gallons, whichever method was used by the taxpayer at the time of first reporting.

Section 4. Effective July 1, 1991, subsection (1) of section 206.60, Florida Statutes, is amended to read:

206.60 County tax on motor fuel.—

(1)*(a)* In addition to all other taxes required by law, a tax of 1 cent per gallon is imposed upon the first sale or first removal from storage, after importation into this state, of motor fuel. For purposes of this subsection, the term "first sale" or *"first removal" shall be the gross amount of motor fuel pumped from the load rack or first storage. The term "first sale"* does not include exchanges or loans, gallon-for-gallon, of motor fuel between licensed refiners before the fuel has been sold or removed through the loading rack or transfers between terminal facilities owned by the same taxpayer. The tax on motor fuel first imported into this state by a licensed refiner storing such fuel in a terminal facility shall be imposed when the product is first removed through the loading rack. The tax shall be remitted by the licensed refiner who owned the motor fuel immediately prior to removal of such fuel from storage.

(b) For the period January 1, 1988 through June 30, 1991, gallons of motor fuel reported as the first sale or first removal from storage may be reported on the net or gross amount of gallons, whichever method was used by the taxpayer at the time of first reporting.

Section 5. Effective July 1, 1991, subsection (1) of section 206.605, Florida Statutes, is amended to read:

206.605 Municipal tax on motor fuel.—

(1)*(a)* In addition to all other taxes required by law, a tax of 1 cent per gallon is imposed upon the first sale or first removal from storage, after importation into this state, of motor fuel. For purposes of this subsection, the term "first sale" or *"first removal" shall be the gross amount of motor fuel pumped from the loading rack or first storage. The term "first sale"* does not include exchanges or loans, gallon-for-gallon, of motor fuel between licensed refiners before the fuel has been sold or removed through the loading rack or transfers between terminal facilities owned by the same taxpayer. The tax on motor fuel first imported into this state by a licensed refiner storing such fuel in a terminal facility shall be imposed when the product is first removed through the loading rack. The tax shall be remitted by the licensed refiner who owned the motor fuel immediately prior to removal of such fuel from storage.

Section 6. Effective July 1, 1991, subsection (2) of Section 212.62, Florida Statutes, 1991 Supplement is amended to read:

212.62 Motor fuel and special fuel sales tax; tax upon ultimate consumer; determination; notification.—

(2)(a) This levy of tax is upon the ultimate retail consumer. It is hereby provided as a matter of administrative convenience and necessity that the tax be paid upon the first sale or first removal from storage, after importation into this state, whether by a refiner, importer, wholesaler, dealer, or retail dealer, who shall act as agent for the state in the collection of such tax whether or not he is the ultimate seller. For purposes of this paragraph, the term "first sale" *or "first removal" shall be the gross amount of motor fuel pumped from the loading rack or first storage. The term "first sale"* does not include exchanges or loans, gallon-for-gallon, of motor fuel between licensed refiners before the fuel has been sold or removed through the loading rack or transfers between terminal facilities owned by the same taxpayer. The tax on motor fuel first imported into this state by a licensed refiner storing such fuel in a terminal facility shall be imposed when the product is first removed through the loading rack. The tax shall be remitted by the licensed refiner who owned the motor fuel immediately prior to removal of such fuel from storage. *For the period January 1, 1988 through June 30, 1991 gallons of motor fuel reported as the first sale or first removal from storage may be reported on the net or gross amount of gallons, whichever method was used by the taxpayer at the time of first reporting.*

Section 7. Effective July 1, 1991, section 212.66, Florida Statutes, is amended to read:

212.66 Applicability of specified sections of chapter 206.—The provisions of ss. *206.01,* 206.026, 206.027, 206.028, 206.055, 206.06, 206.065, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10. 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.19, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.41(2), 206.425, 206.426, 206.44, 206.445, 206.48, 206.49, 206.56, 206.59, 206.626, 206.87(2)(a) and (3)(f), (g), 206.89, 206.94, and 206.945 shall, as far as lawful or practicable, be applicable to the levy and collection of taxes imposed pursuant to this part as if fully set out in this part.

Section 8. It is the intent of the Legislature that the provisions imposing tax on motor fuels and special fuels based upon gross amount be reconsidered during the 1992 legislative session. The Department of Revenue and the Department of Environmental Regulation shall be responsible for conducting a joint interim study to evalute any problems encountered by the motor fuels and special fuels industry as a result of application of the tax to the gross amount of fuels. Such study shall include consideration of any differences in fuel reporting methods required by the two agencies. A final report shall be presented to the Senate President and the Speaker of the House of Representatives on or before January 1, 1992.

Section 9. Section 319.231, Florida Statutes, is created to read:

319.231 Additional fee imposed on certain motor vehicle title or registration-only transactions.—

(1) An impact fee of $295 is imposed on each original certificate of title issued for a motor vehicle previously titled outside of this state. The fee, which shall be deposited into the General Revenue Fund, shall not be refundable unless it is paid in error.

(2) The fee imposed by subsection (1) shall not apply to:

(a) Service-providing vehicles of those not-for-profit organizations which qualify for an exemption with respect to the purchase of a motor vehicle or mobile home under the provisions of s. 212.08.

(b) The title application for any motor vehicle owned by and operated exclusively for the personal use of:

1. Any member of the United States Armed Forces, or his spouse or dependent child, who is not a resident of this state and who is stationed in this state while in compliance with military orders.

2. Any former member of the United States Armed Forces, or his spouse or dependent child, who purchased such motor vehicle while stationed outside of Florida or who purchased the vehicle prior to departing the state, who has separated from the Armed Forces and was not dishonorably discharged or discharged for bad conduct, who was a resident of this state at the time of enlistment and at the time of discharge, and who applies for registration of such motor vehicle within 6 months after discharge.

3. Any member of the United States Armed Forces, or his spouse or dependent child, who was a resident of this state at the time of enlistment, who purchased such motor vehicle while stationed outside of Florida or who purchased the vehicle prior to departing the state, and who is now reassigned by military order to this state.

4. Any spouse or dependent child of a member of the United States Armed Forces who loses his life while on active duty or who is listed by the Armed Forces as "missing-in-action." Such spouse or child must be a resident of this state and the serviceman must have been a resident of this state at the time of enlistment. Registration of such motor vehicle must occur within 1 year of the notification of the serviceman's death or of his status as "missing-in-action."

(c) Title applications where a reassignment is being made by a licensed Florida motor vehicle dealer.

(d) The titling of any motor vehicle owned or exclusively operated by the state or by any county, municipality, or other governmental entity.

(e) The titling of a truck defined in s. 320.08(3)(d).

(f) The titling of any motor vehicle 25 model years old or older.

(g) The titling of a motor vehicle owned by any organization or person exempt under the provisions of s. 320.0655(2), s. 320.084(1), s. 320.0841, s. 320.0842(1), s. 320.089(2), s. 320.0893, or s. 320.10.

(h) Persons applying for temporary registration plates pursuant to s. 320.1325, unless permanent registration is applied for.

(3) The fee imposed by subsection (1) shall also be imposed on vehicles processed using the "registration-only" procedure, and payment of such fee shall be identified and retained in the motor vehicle registration records. However, the exemptions listed in subsection (2) shall also apply.

(4) Credit shall be applied towards the fee imposed by subsections (1) and (3) for any documented sales or use tax paid to this state at the time of sale, or any use tax paid to this state, if the title or registration-only application is made within 6 months of the date of purchase of the motor vehicle.

Section 10. Section 320.072, Florida Statutes, 1990 Supplement, is amended to read:

320.072 Additional *fee* ~~fees~~ imposed on certain motor vehicle registration transactions.—

(1)~~(a)~~ A fee of $100 is imposed upon the initial application for registration pursuant to s. 320.06 of every motor vehicle classified in s. 320.08(2), (3), and (9)(c) and (d).

~~(b) In addition to the fee imposed by paragraph (a), there is imposed an additional $295 impact fee upon the initial application for registration pursuant to s. 320.06 of every motor vehicle classified in s. 320.08(2), (3), and (9)(c) and (d).~~

(2) The *fee* ~~fees~~ imposed by subsection (1) shall not apply to:

(a) Any registration renewal transaction.

(b) A transfer or exchange of a registration license plate from a motor vehicle that has been disposed of to a newly acquired motor vehicle pursuant to s. 320.0609(2) or (5).

(c) Any initial registration resulting from transfer of title between coowners as provided by s. 319.22, transfer of ownership by operation of law as provided by s. 319.28, or transfer of title from a person to a member of that person's immediate family as defined in s. 657.002.

(d) The registration of any motor vehicle owned by and operated exclusively for the personal use of:

1. Any member of the United States Armed Forces, *or his spouse or dependent child,* who is not a resident of this state and who is stationed in this state while in compliance with military orders.

2. Any former member of the United States Armed Forces, or his spouse or dependent child, who purchased such motor vehicle while stationed outside of Florida, who has separated from the Armed Forces and was not dishonorably discharged or discharged for bad conduct, who was a resident of this state at the time of enlistment and at the time of discharge, and who applies for registration of such motor vehicle within 6 months after discharge.

3. Any member of the United States Armed Forces, or his spouse or dependent child, who was a resident of this state at the time of enlistment, who purchased such motor vehicle while stationed outside of Florida, and who is now reassigned by military order to this state.

4. Any spouse or dependent child of a member of the United States Armed Forces who loses his life while on active duty or who is listed by the Armed Forces as "missing-in-action." Such spouse or child must be a resident of this state and the serviceman must have been a resident of this state at the time of enlistment. Registration of such motor vehicle must occur within 1 year of the notification of the serviceman's death or of his status as "missing-in-action."

(e) The registration of any motor vehicle owned or exclusively operated by the state or by any county, municipality, or other governmental entity.

(f) The registration of a truck defined in s. 320.08(3)(d).

~~(3)(a) The impact fee imposed by paragraph (1)(b) shall not apply to:~~

~~1. Any vehicle on which the sales tax and all applicable local option sales taxes pursuant to part I of chapter 212 have been paid.~~

~~2. Any vehicle on which the full 6 percent state use tax and all applicable local option use taxes have been paid.~~

~~3. Any vehicle 25 model years old or older.~~

~~(b) If the state use tax has been paid at a rate of less than 6 percent, the impact fee imposed by paragraph (1)(b) shall be reduced by that amount.~~

(3)~~(4)~~ A refund of the *fee* ~~fees~~ imposed under subsection (1) shall be granted to anyone who, within 3 months after paying such *fee* ~~fees~~, sells, transfers, or otherwise disposes of a motor vehicle classified in s. 320.08(2), (3), or (9)(c) or (d) in any transaction not exempt from the *fee* ~~fees~~ pursuant to paragraph (2)(b), (c), or (d). A person requesting a refund must present proof of having paid the *fee* ~~fees~~ pursuant to subsection (1) and must surrender the license plate of the disposed-of vehicle.

(4)~~(5)~~ A tax collector or other duly authorized agent of the department shall promptly remit all moneys collected pursuant to this section, less any refunds granted pursuant to subsection *(3)* ~~(4)~~, to the department. The department shall deposit 30 percent of such moneys as they are received into the *General Revenue Fund* ~~Law Enforcement Trust Fund of the Department of Highway Safety and Motor Vehicles~~. The remainder of the proceeds, after deducting the service charge imposed by s. 215.20, shall be deposited into the State Transportation Trust Fund.

Section 11. Section 320.1325, Florida Statutes, is created to read:

320.1325 Registration required for the temporarily employed.—Motor vehicles owned by persons who are temporarily employed within the state but are not residents are required to be registered. The department shall provide a temporary registration plate and a registration certificate valid for 90 days to an applicant who is temporarily employed in the state. The temporary registration plate may be renewed one time for an additional 90-day period. At the end of the 180-day period of temporary registration, the applicant shall apply for a permanent registration if there is a further need to remain in this state. The fee for the 90-day temporary registration plate shall be $40 plus the applicable service charge required by s. 320.04. Subsequent permanent registration and titling of a vehicle registered hereunder shall subject the applicant to the fees required by ss. 319.231 and 320.072, in addition to all other taxes and fees required.

Section 12. Subsection (6) is added to section 322.08, Florida Statutes, as amended by chapter 89-282, Laws of Florida, to read:

322.08 Application for license.—

(6) Every application under this section made by a person who presently holds an out-of-state license shall be accompanied by a copy of the Florida registration certificate showing registration under chapter 320 for every motor vehicle which is owned by the applicant, or, if he does not own any vehicle required to be registered under chapter 320, an affidavit to that effect.

Section 13. This act shall take effect July 1, 1991, or upon becoming a law, whichever occurs later.

House Amendment 2—In title, on page 1, line 1, strike the entire title and insert: A bill to be entitled An act relating to taxation; amending s. 206.01, F.S,; defining gross and net amount of motor fuel; amending ss. 206.41, 206.60, 206.605, 212.62, F.S.; imposing the tax on net or gross gallons for a specified period, and on gross gallons thereafter; amending s. 212.66, F.S.; providing a cross reference; providing for study; amending s. 320.06, F.S.; providing for advance payment of license plate replacement fees; creating s. 319.231, F.S.; imposing an impact fee on each original certificate of title issued for a motor vehicle previously titled outside the state and on vehicles processed using the registration-only procedure; providing exemptions; providing for credit for sales and use tax paid; amending s. 320.072, F.S.; eliminating the additional impact fee imposed on the initial registration of certain motor vehicles; revising exemptions from the additional fee imposed on such registrations; revising disposition of the proceeds; creating s. 320.1325, F.S.; requiring registration of motor vehicles owned by persons temporarily employed in the state; providing fees; amending s. 322.08, F.S.; requiring that a license application by a person holding an out-of-state license be accompanied by copies of Florida registration certificates for vehicles owned by such person or an affidavit if he does not own any; providing an effective date.

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

CS for CS for SB's 212 and 266 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 296 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 296—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; providing for child support for children who are over age 18 and who have not yet graduated from high school; amending

s. 61.30, F.S.; amending the deductions from gross income allowable in computing the parents' combined net income so as to determine the minimum child support need; requiring the court order for child support to state the actual dollar amount provided as calculated under these guidelines; amending s. 742.031, F.S.; revising language with respect to court-ordered support in hearings concerning determination of paternity; amending s. 743.07, F.S.; providing that a court may require support for a person over the age of 18 years if the person is in high school; providing an effective date.

House Amendment 1—On page 1, line 22, strike everything after the enacting clause and insert:

Section 1. Subsection (4) of section 61.046, Florida Statutes, is amended to read:

61.046 Definitions.—As used in this chapter:

(4) "Income" means any form of payment to an individual, regardless of source, including, but not limited to: wages, salary, commissions and bonuses, compensation as an independent contractor, worker's compensation, disability benefits, annuity and retirement benefits, pensions, dividends, interest, royalties, trusts, and any other payments, made by any person, private entity, federal or state government, or any unit of local government. Veterans Administration disability benefits and unemployment compensation, as defined in chapter 443, are excluded from this definition of income *except for purposes of establishing an amount of support.*

Section 2. Section 61.11, Florida Statutes, is amended to read:

61.11 *Writs* ~~Effect of judgment of alimony.—A judgment of alimony granted under s. 61.08 or s. 61.09 releases the party receiving the alimony from the control of the other party, and the party receiving the alimony may use his alimony and acquire, use, and dispose of other property uncontrolled by the other party.~~ When either party is about to remove himself or his property out of the state, or fraudulently convey or conceal it, the court may award a ne exeat or injunction against him or his property and make such orders as will secure alimony *or support as defined in s. 409.2554* to the party who should receive it.

Section 3. Paragraph (a) of subsection (1) of section 61.13, Florida Statutes, is amended to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(1)(a) In a proceeding for dissolution of marriage, the court may at any time order either or both parents who owe a duty of support to a child to pay support as from the circumstances of the parties and the nature of the case is equitable. The court initially entering an order requiring one or both parents to make child support payments shall have continuing jurisdiction after the entry of the initial order to modify the amount and terms and conditions of the child support payments when the modification is found necessary by the court in the best interests of the child, when the child reaches majority, or when there is a substantial change in the circumstances of the parties. *Any child support award ordered by the court may include a provision that child support shall continue if the child is between the ages of 18 and 19, and is still in high school, performing in good faith with a reasonable expectation of graduation before the age of 19.* The court initially entering a child support order shall also have continuing jurisdiction to require the obligee to report to the court on terms prescribed by the court regarding the disposition of the child support payments.

Section 4. Section 61.1354, Florida Statutes, is amended to read:

61.1354 Sharing of information between consumer reporting agencies and the IV-D agency.—

(1) Upon receipt of a request from a consumer reporting agency, the IV-D agency *or the depository in non-Title-IV-D cases* shall make available information relating to the amount of overdue support owed by an obligor when the amount exceeds $500.

(2) The IV-D agency *or the depository in non-Title-IV-D cases* shall give the obligor ~~prior~~ notice of the request from the consumer reporting agency and of the IV-D agency's *or depository's authority* ~~intent~~ to release ~~the~~ information relating to the amount of overdue support owed by the obligor. The obligor shall be informed of his right to request a hearing with the IV-D agency *or the court* to contest the accuracy of the information.

Section 5. Subsection (5) of section 61.14, Florida Statutes, is amended to read:

61.14 Enforcement and modification of support, maintenance, or alimony agreements or orders.—

(5)(a)1. When support payments are made through the local depository, any payment or installment of support which becomes due and is unpaid under any support order is delinquent; and this unpaid payment or installment, and all other costs and fees herein provided for, become, after notice to the obligor and the time for response as set forth in this subsection, a final judgment by operation of law, which has the full force, effect, and attributes of a judgment entered by a court in this state for which execution may issue.

2. A certified copy of the support order and a certified statement by the local depository evidencing a delinquency in support payments constitute evidence of the final judgment under this paragraph.

3. The judgment under this paragraph is a final judgment as to any unpaid payment or installment of support which has accrued up to the time either party files a motion with the court to alter or modify the support order, and such judgment may not be modified by the court. The court may modify such judgment as to any unpaid payment or installment of support which accrues after the date of the filing of the motion to alter or modify the support order. This subparagraph does not prohibit the court from providing relief from the judgment pursuant to Florida Rule of Civil Procedure 1.540.

(b)1. When an obligor is 15 days delinquent in making a payment or installment of support, the local depository shall serve notice on the obligor informing him of:

a. The delinquency and its amount.

b. An impending judgment by operation of law against him in the amount of the delinquency and all other amounts which thereafter become due and are unpaid, together with costs and a fee of $5, for failure to pay the amount of the delinquency.

c. His right to contest the impending judgment and the ground upon which such contest can be made.

d. The local depository's authority to release information regarding the delinquency to one or more credit reporting agencies.

2. The local depository shall serve the notice by mailing it by certified mail, return receipt requested to the obligor at his last address of record with the local depository. If the obligor has no address of record with the local depository, service shall be by publication as provided in chapter 49.

3. When service of the notice is made by mail, service is complete on the date of mailing.

(c) Within 15 days after service of the notice is complete, the obligor may file with the court that issued the support order, or with the court in the circuit where the local depository which served the notice is located, a motion to contest the impending judgment. An obligor may contest the impending judgment only on the ground of a mistake of fact regarding an error in whether a delinquency exists, in the amount of the delinquency, or in the identity of the obligor.

(d) The court shall hear the obligor's motion to contest the impending judgment within 15 days after the date of the filing of the motion. Upon the court's denial of the obligor's motion, the amount of the delinquency and all other amounts which thereafter become due, together with costs and a fee of $5, become a final judgment by operation of law against the obligor.

(e) If the obligor fails to file a motion to contest the impending judgment within the time limit prescribed in paragraph (c) and fails to pay the amount of the delinquency and all other amounts which thereafter become due, together with costs and a fee of $5, such amounts become a final judgment by operation of law against the obligor at the expiration of the time for filing a motion to contest the impending judgment.

(f)1. Upon request of any person, the local depository shall issue, upon payment of a fee of $5, a payoff statement of the total amount due under the judgment at the time of the request. The statement may be relied upon by the person for up to 30 days from the time it is issued unless proof of satisfaction of the judgment is provided.

2. When the depository records show that the obligor's account is current, the depository shall record a satisfaction of the judgment upon request of any interested person and upon receipt of the appropriate recording fee. Any person shall be entitled to rely upon the recording of the satisfaction.

3. The local depository, at the direction of the department, or the obligee in a non IV-D case, may partially release the judgment as to specific real property, and the depository shall record a partial release upon receipt of the appropriate recording fee.

4. The local depository is not liable for errors in its recordkeeping, except when an error is a result of unlawful activity or gross negligence by the clerk or his employees.

Section 6. Paragraph (c) is added to subsection (1) of section 61.17, Florida Statutes, to read:

61.17 Alimony and child support; additional method for enforcing orders and judgments; costs, expenses.—

(1) An order or judgment for the payment of alimony or child support or either entered by any court of this state may be enforced by another chancery court in this state in the following manner:

(c) Enforcement of a case certified under Title IV-D of the Social Security Act under this section shall grant to the registering court jurisdiction to address only those issues allowed and reimbursable under Title IV-D of the Social Security Act.

Section 7. Subsection (3) of section 61.181, Florida Statutes, is amended to read:

61.181 Central depository for receiving, recording, reporting, monitoring, and disbursing alimony, support, maintenance, and child support payments; fees.—

(3)(a) The depository shall collect and distribute all support payments paid into the depository to the appropriate party. As part of its collection and distribution functions, the depository shall maintain records listing:

1. The obligor's name, address, social security number, place of employment, and any other sources of income.

2. The obligee's name, address, and social security number.

3. The amount of support due as provided in the court order.

4. The schedule of payment as provided in the court order.

5. The actual amount of each support payment received, the date of receipt, the amount disbursed, and the recipient of the disbursement.

6. The unpaid balance of any arrearage due as provided in the court order.

7. Other records as necessary to comply with federal reporting requirements.

(b) The depository may require an obligor to complete an information form, which shall request the following:

1. Full name, address, and home phone number of obligor.

2. Obligor's driver's license number.

3. Obligor's social security number.

4. Name, address, and business phone number of obligor's employer.

5. Obligor's date of birth.

6. obligor's weight and height.

7. Such other information as may be required by the State Attorney if prosecution for an insufficient check becomes necessary.

If the depository requests such information, and an obligor does not comply, the depository may refuse to accept personal checks from the payor or obligor.

(c)~~(b)~~ Parties using the depository for support payments shall inform the depository of changes in their names or addresses. An obligor shall, additionally, notify the depository of all changes in employment or sources of income, including the payor's name and address, and changes in the amounts of income received. Notification of all changes shall be made in writing to the depository within 7 days of a change.

Section 8. Paragraph (b) of subsection (1) and subsections (3), (6), (9) and (10) of section 61.30, Florida Statutes, are amended to read:

61.30 Child support guidelines.—

(1)

(b) The guidelines shall not:

1. Provide the basis for proving a substantial change in circumstances upon which a modification of an existing order may be granted.

2. Apply to parents with a combined net income in excess of *$100,800* ~~$50,000~~ per year. Such persons shall be subject to child support orders based upon individual case by case review.

(3) Allowable deductions from gross income shall include:

(a) Federal, state, and local income tax deductions, adjusted for actual filing status and allowable dependents and income tax liabilities.

(b) Federal insurance contributions or self-employment tax.

(c) Mandatory union dues.

(d) Mandatory retirement payments.

(e) Health insurance payments.

(f) Court-ordered support for other children which is actually *provided. Support for other children shall include support calculated under these guidelines to be provided to other children by their custodial parent as well as support ordered to be paid for other children by their noncustodial parent* ~~paid~~.

(6) The following schedules, plus or minus 5 percent, shall be applied to the combined net income to determine the minimum child support need:

Combined Monthly Available	Child or Children					
Income	One	Two	Three	Four	Five	Six
500	48	48	49	49	50	50
550	93	94	95	96	97	98
600	138	139	141	142	144	145
650	154	185	187	189	191	193
700	166	230	233	235	238	240
750	177	274	279	282	285	288
800	188	292	325	328	332	335
850	199	309	371	375	379	383
900	210	327	409	421	426	430
950	221	344	430	468	473	478
1000	231	359	450	507	520	525
1050	241	375	469	529	567	573
1100	251	390	489	551	600	620
1150	261	406	508	573	624	668
1200	271	421	528	595	648	693
1250	281	437	547	617	671	718
1300	291	452	566	638	695	744
1350	301	468	586	660	719	769
1400	311	483	605	682	742	794
1450	321	499	625	705	767	821
1500	332	516	645	728	792	847
1550	342	532	666	751	817	874
1600	353	548	686	773	842	901
1650	363	564	706	796	867	927
1700	374	580	726	819	892	954
1750	384	596	746	842	917	980
1800	395	612	767	865	942	1007
1850	405	629	787	887	967	1034
1900	416	645	807	910	992	1060
1950	426	661	827	933	1017	1087
2000	437	677	847	956	1042	1113
2050	447	693	868	979	1067	1140
2100	457	709	887	1000	1091	1166
2150	467	724	906	1021	1114	1191
2200	476	739	924	1042	1136	1215
2250	485	754	943	1063	1159	1240
2300	495	768	961	1084	1182	1264

2350	504	783	980	1105	1205	1288
2400	514	798	999	1126	1228	1313
2450	523	813	1017	1146	1251	1337
2500	532	828	1036	1167	1274	1362
2550	542	843	1054	1188	1296	1386
2600	551	857	1073	1209	1319	1411
2650	561	872	1091	1230	1342	1435
2700	570	887	1110	1251	1365	1460
2750	579	902	1128	1272	1388	1484
2800	589	917	1147	1292	1411	1509
2850	598	931	1159	1313	1433	1532
2900	607	945	1176	1332	1453	1554
2950	616	958	1193	1351	1474	1576
3000	624	972	1209	1370	1495	1598
3050	633	985	1226	1389	1515	1621
3100	642	999	1243	1408	1536	1643
3150	651	1012	1260	1427	1557	1665
3200	659	1026	1276	1446	1578	1687
3250	668	1039	1293	1465	1598	1709
3300	677	1052	1310	1484	1619	1731
3350	686	1066	1327	1503	1640	1753
3400	694	1079	1343	1521	1660	1775
3450	703	1093	1360	1540	1681	1797
3500	712	1106	1377	1559	1702	1819
3550	721	1120	1394	1578	1722	1841
3600	729	1133	1410	1597	1743	1863
3650	738	1147	1427	1616	1764	1885
3700	747	1160	1444	1635	1785	1907
3750	757	1173	1461	1654	1805	1929
3800	764	1187	1477	1673	1826	1951
3850	772	1198	1498	1690	1844	1970
3900	778	1208	1510	1704	1859	1986
3950	785	1217	1522	1717	1874	2002
4000	791	1227	1534	1731	1889	2018
4050	798	1237	1546	1744	1904	2034
4100	804	1246	1559	1758	1919	2050
4150	810	1256	1571	1772	1934	2066
4200	817	1265	1583	1785	1949	2082
4250	*823*	*1275*	*1595*	*1799*	*1964*	*2098*
4300	*830*	*1285*	*1607*	*1813*	*1979*	*2114*
4350	*836*	*1294*	*1619*	*1826*	*1994*	*2130*
4400	*842*	*1304*	*1632*	*1840*	*2009*	*2146*
4450	*849*	*1313*	*1644*	*1854*	*2024*	*2162*
4500	*855*	*1323*	*1656*	*1867*	*2039*	*2178*
4550	*860*	*1331*	*1666*	*1879*	*2051*	*2191*
4600	*865*	*1339*	*1677*	*1890*	*2063*	*2205*
4650	*870*	*1347*	*1687*	*1901*	*2075*	*2218*
4700	*874*	*1356*	*1697*	*1912*	*2087*	*2232*
4750	*879*	*1364*	*1708*	*1923*	*2100*	*2245*
4800	*884*	*1372*	*1718*	*1934*	*2112*	*2258*
4850	*889*	*1380*	*1728*	*1945*	*2124*	*2272*
4900	*894*	*1388*	*1738*	*1956*	*2136*	*2285*
4950	*899*	*1396*	*1749*	*1967*	*2148*	*2299*
5000	*904*	*1405*	*1759*	*1979*	*2161*	*2312*
5050	*908*	*1413*	*1769*	*1990*	*2173*	*2325*
5100	*913*	*1421*	*1780*	*2001*	*2185*	*2339*
5150	*918*	*1429*	*1790*	*2012*	*2197*	*2352*
5200	*923*	*1436*	*1798*	*2021*	*2208*	*2363*
5250	*926*	*1442*	*1806*	*2030*	*2217*	*2373*
5300	*930*	*1447*	*1814*	*2038*	*2226*	*2383*
5350	*934*	*1453*	*1821*	*2047*	*2236*	*2392*
5400	*938*	*1459*	*1829*	*2056*	*2245*	*2402*
5450	*942*	*1465*	*1836*	*2064*	*2254*	*2412*
5500	*946*	*1471*	*1844*	*2073*	*2263*	*2422*
5550	*950*	*1477*	*1851*	*2081*	*2273*	*2431*
5600	*954*	*1483*	*1859*	*2090*	*2282*	*2441*
5650	*958*	*1489*	*1866*	*2098*	*2291*	*2451*
5700	*962*	*1495*	*1874*	*2107*	*2300*	*2461*
5750	*965*	*1501*	*1881*	*2115*	*2310*	*2470*
5800	*969*	*1507*	*1889*	*2124*	*2319*	*2480*
5850	*973*	*1513*	*1897*	*2132*	*2328*	*2490*
5900	*977*	*1519*	*1904*	*2141*	*2337*	*2500*
5950	*981*	*1525*	*1912*	*2150*	*2347*	*2509*
6000	*985*	*1531*	*1919*	*2158*	*2356*	*2519*
6050	*989*	*1537*	*1927*	*2167*	*2365*	*2529*
6100	*993*	*1543*	*1934*	*2178*	*2374*	*2539*
6150	*997*	*1549*	*1942*	*2184*	*2384*	*2548*

6200	*1001*	*1555*	*1949*	*2192*	*2393*	*2558*
6250	*1004*	*1561*	*1957*	*2201*	*2402*	*2568*
6300	*1008*	*1566*	*1965*	*2209*	*2411*	*2578*
6350	*1012*	*1572*	*1972*	*2218*	*2421*	*2587*
6400	*1016*	*1578*	*1980*	*2227*	*2430*	*2597*
6450	*1020*	*1584*	*1987*	*2235*	*2439*	*2607*
6500	*1024*	*1590*	*1995*	*2244*	*2448*	*2617*
6550	*1028*	*1596*	*2002*	*2252*	*2458*	*2626*
6600	*1032*	*1602*	*2010*	*2261*	*2467*	*2636*
6650	*1036*	*1608*	*2017*	*2269*	*2476*	*2646*
6700	*1040*	*1614*	*2025*	*2278*	*2485*	*2656*
6750	*1043*	*1620*	*2032*	*2286*	*2495*	*2665*
6800	*1047*	*1626*	*2040*	*2295*	*2504*	*2675*
6850	*1051*	*1632*	*2048*	*2303*	*2513*	*2685*
6900	*1055*	*1638*	*2055*	*2312*	*2522*	*2695*
6950	*1059*	*1644*	*2063*	*2321*	*2532*	*2704*
7000	*1063*	*1650*	*2070*	*2329*	*2541*	*2714*
7050	*1067*	*1656*	*2078*	*2338*	*2550*	*2724*
7100	*1071*	*1662*	*2085*	*2346*	*2559*	*2734*
7150	*1075*	*1668*	*2093*	*2355*	*2569*	*2743*
7200	*1079*	*1674*	*2100*	*2363*	*2578*	*2753*
7250	*1082*	*1680*	*2108*	*2372*	*2587*	*2763*
7300	*1086*	*1685*	*2116*	*2380*	*2596*	*2773*
7350	*1090*	*1691*	*2123*	*2389*	*2606*	*2782*
7400	*1094*	*1697*	*2131*	*2398*	*2615*	*2792*
7450	*1098*	*1703*	*2138*	*2406*	*2624*	*2802*
7500	*1103*	*1710*	*2145*	*2415*	*2633*	*2813*
7550	*1105*	*1714*	*2150*	*2421*	*2639*	*2819*
7600	*1108*	*1718*	*2155*	*2426*	*2645*	*2825*
7650	*1110*	*1721*	*2159*	*2432*	*2651*	*2831*
7700	*1113*	*1725*	*2164*	*2437*	*2657*	*2838*
7750	*1115*	*1729*	*2169*	*2443*	*2663*	*2844*
7800	*1118*	*1733*	*2174*	*2448*	*2669*	*2850*
7850	*1120*	*1736*	*2178*	*2454*	*2675*	*2856*
7900	*1123*	*1740*	*2183*	*2459*	*2681*	*2863*
7950	*1125*	*1744*	*2188*	*2465*	*2687*	*2869*
8000	*1128*	*1748*	*2193*	*2470*	*2693*	*2875*
8050	*1130*	*1751*	*2197*	*2476*	*2699*	*2881*
8100	*1133*	*1755*	*2202*	*2481*	*2705*	*2888*
8150	*1135*	*1759*	*2207*	*2487*	*2711*	*2894*
8200	*1138*	*1763*	*2212*	*2492*	*2717*	*2900*
8250	*1140*	*1766*	*2216*	*2498*	*2723*	*2906*
8300	*1143*	*1770*	*2221*	*2503*	*2729*	*2913*
8350	*1145*	*1774*	*2226*	*2509*	*2735*	*2919*
8400	*1148*	*1778*	*2231*	*2514*	*2741*	*2925*

For combined monthly available income less than the amount set out on the above schedules, the parent should be ordered to pay a child support amount, determined on a case by case basis, to establish the principle of payment and lay the basis for increased orders should the parent's income increase in the future.

(9) Each parent's actual dollar share of the child support need shall be determined by multiplying the minimum child support need by each parent's percentage share. *The court order for child support must state the actual dollar amount provided as calculated under these guidelines.*

(10) The court may adjust the minimum child support award, or either or both parent's share of the minimum child support award, based upon the following considerations:

(a) Extraordinary medical, psychological, educational, or dental expenses.

(b) Independent income of the child.

(c) The payment of both child support and spousal support to the obligee or the payment of support for a parent which regularly has been paid and for which there is a demonstrated need.

(d) Seasonal variations in one or both parents' incomes or expenses.

(e) The age of the child, taking into account the greater needs of older children.

(f) Special needs that have traditionally been met within the family budget even though the fulfilling of those needs will cause the support to exceed the proposed guidelines.

(g) The particular shared parental arrangement, such as where the secondary residential parent spends a great deal of time with the children thereby reducing the financial expenditures incurred by the primary residential parent, or the refusal of the secondary residential parent to become involved in the activities of the child, or giving due consideration to the primary residential parent's homemaking services.

(h) Total available assets of the obligee, obligor, and the child.

(i) Any other adjustment which is needed to achieve an equitable result which may include, but not be limited to, a reasonable and necessary existing expense or debt. Such expense or debt may include, but is not limited to, a reasonable and necessary expense or debt which the parties jointly incurred during the marriage.

Section 9. Subsection (1) of section 68.02, Florida Statutes, is amended to read:

68.02 Ne exeat.—

(1) WHEN TO ISSUE.—No writ of ne exeat shall be granted until a verified complaint is filed demanding the writ. It may issue in any case *in equity, including support as defined in s. 409.2554,* when ~~chancery has concurrent jurisdiction with common law and~~ the issuance is just.

Section 10. Subsection (20) is added to section 88.031, Florida Statutes, to read:

88.031 Definitions.—As used in this chapter, unless the context requires otherwise:

(20) "Support" includes:

(a) Support for a child, or child and spouse, or former spouse who is living with the child or children, but only if a support obligation has been established for that spouse and the child support obligation is being enforced under Title IV-D of the Social Security Act; or

(b) Support for a child who is placed under the custody of someone other than the parent pursuant to s. 39.41.

Section 11. Section 88.0515, Florida Statutes, is created to read:

88.0515 Alimony and child support; additional method for enforcing orders and judgments; costs; expenses.

(1) An order or judgment for the payment of alimony or support entered by any court of this state may be enforced by another circuit court in this state in the following manner:

(a) The person to whom such alimony or support is payable or for whose benefit it is payable may file a certified copy of the order or judgment with a petition for enforcement or modification in the circuit court for the county in which the person resides or in the county where the person charged with the payment of the alimony or support resides or is found.

(b) If the pleadings seek to modify the amount of the alimony or support, the court shall have jurisdiction to hear and decide issues raised in the petition. The clerk of the circuit court in which the new order is entered shall transmit a certified copy of the new order or judgment to the court of original jurisdiction, and the new order or judgment shall be recorded and filed in the original action and become a part thereof. If the court determines that the action should be tried by the court entering the original order or judgment, it shall transfer the action to that court for determination.

(2) The court has jurisdiction to award costs and expenses as are equitable, including the cost of certifying and recording the judgment entered in the action in the court of original jurisdiction and reasonable attorney's fees.

(3) The entry of a judgment for arrearages for support, alimony, or fees and costs does not preclude a subsequent contempt proceeding or certification of a Title IV-D case for intercept by the United States Internal Revenue Service for that judgment, including costs, or for subsequent failure of an obligor to pay support, alimony, or fees.

Section 12. Section 88.331, Florida Statutes, is amended to read:

88.331 Registration.—

(1) The obligee may register the foreign support order in a circuit court of this state in the manner, with the effect, and for the purposes herein provided.

(2) Registration of a Title IV-D case under these provisions shall allow the court the jurisdiction to settle only those issues of support allowed under Title IV-D of the Social Security Act, and no other collateral issues.

Section 13. Subsections (10) and (11) of section 409.2554, Florida Statutes, are amended to read:

409.2554 Definitions.—As used in ss. 409.2551-409.2597, the term:

(10) "Support" means:

(a) Support for a child, *or child* and spouse, or former spouse who is living with the child or children, but only if a support obligation has been established for that spouse and the child support obligation is being enforced under Title IV-D of the Social Security Act; or

(b) Support for a child who is placed under the custody of someone other than the custodial parent pursuant to s. 39.41.

(11) "Administrative costs" means any costs, including attorney's fees, *clerk's filing fees, recording fees, and other expenses incurred by the clerk of the circuit court, or mediation costs,* incurred by the IV-D agency in its effort to administer the IV-D program. The administrative costs which must be collected by the department shall be assessed on a case-by-case basis based upon a method for determining costs approved by the Federal Government. The administrative costs shall be assessed periodically by the department. The methodology for determining administrative costs shall be made available to the judge or any party who requests it. Only those amounts ordered independent of current support, arrears, or past public assistance obligation shall be considered and applied toward administrative costs.

Section 14. Subsections (1), (2), and (6) of section 409.2564, Florida Statutes, are amended to read:

409.2564 Actions for support.—

(1) In each case in which regular ~~child~~ support payments are not being made as provided herein, the department shall institute, within 30 days after determination of the obligor's reasonable ability to pay, action as is necessary to secure the obligor's payment of current support and any arrearage which may have accrued under an existing order of support. The department shall notify the program attorney in the judicial circuit in which the recipient resides setting forth the facts in the case, including the *obligor's* ~~debtor's~~ address, if known, and the public assistance case number. Whenever applicable, the procedures established under the provisions of chapter 88, Uniform Reciprocal Enforcement of Support, and chapter 61, Dissolution of Marriage; Support; Custody, and chapter 39, Proceedings Relating to Juveniles, may govern actions instituted under the provisions of this act, except that actions for support under chapter 39 brought pursuant to this act shall not require any additional investigation or supervision by the department.

(2) The order for support entered pursuant to an action instituted by the department under the provisions of subsection (1) shall require that the support payments be made periodically to the department through the depository. Upon receipt of a payment made by the obligor pursuant to any order of the court, the depository shall transmit the payment to the department within 2 working days, *except those payments made by personal check which shall be disbursed in accordance with s. 61.181.* Upon request, the depository shall furnish to the department a certified statement of all payments made by the obligor. Such statement shall be provided by the depository at no cost to the department. purposes allowed under Title IV-D of the Social Security Act. The program attorney shall be the attorney of record solely for the purposes of ~~child~~ support enforcement as authorized under Title IV-D and may prosecute only those activities which are eligible for federal

(6) The department and its officers, employees, and agents and all persons and agencies acting pursuant to contract with the department are immune from liability in tort, *and from attorney's fees and costs,* for actions taken to establish or enforce ~~child~~ support obligations if such actions are taken in good faith, with apparent legal authority, without malicious purpose, and in a manner not exhibiting wanton and willful disregard of rights or property of another.

Section 15. Subsection (1) of section 409.2571, Florida Statutes, is amended to read:

409.2571 Court and witness fees; bond.—

(1) The department or an authorized agent thereof shall be entitled to the necessary services of the clerk, ~~and~~ court reporter, *and county comptroller* in any proceedings under the IV-D program, including contempt proceedings; and no fees for such court reporter, ~~or~~ clerk, *or comptroller* services shall be charged against the department. No bond shall be required of the department for any action taken pursuant to the IV-D program, except by order of the court. Nothing herein shall prevent the depository from charging and collecting fees for services rendered.

Section 16. Section 409.2577, Florida Statutes, is amended to read:

409.2577 Parent locator service.—The department shall establish a parent locator service to assist in locating parents who have deserted their children and other persons liable for support of dependent children. The department shall use all sources of information available, including the Federal Parent Locator Service, and may request and shall receive information from the records of any person or the state or any of its political subdivisions or any officer thereof. *Any agency as defined in s. 120.52, any political subdivision, and any other person shall, upon request, provide the department with any information relating to the location of parents who owe or potentially owe a duty of support pursuant to Title IV-D of the Social Security Act. Nothing in this subsection requires the disclosure of information if such disclosure is prohibited by federal law. Nothing in this subsection requires disclosure of any law enforcement information as provided in s. 119,07(3)(k). Information gathered or used by the parent locator service is confidential and exempt from the provisions of s.119.07(1). Employees of the Title IV-D Child Support Enforcement Program are bound by the same requirements of confidentially and subject to the same penalties for violations of these requirements as the entities from which the information was obtained. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* ~~The person or the state or any of its political subdivisions or any officer thereof shall make available to the department any information relating to location, salary, insurance, social security, income tax, and employment history.~~ Additionally, the department is authorized to collect any additional information directly bearing on the identity and whereabouts of a person owing or asserted to be owing an obligation of support for a dependent child. The department may make such information available only to public officials and agencies of this state; political subdivisions of this state; the custodial parent, legal guardian, attorney, or agent of the child; and other states seeking to locate parents who have deserted their children and other persons liable for support of dependents, for the *sole*purpose of *establishing or* enforcing their liability for support.

Section 17. Section 409.2584, Florida Statutes, is amended to read:

409.2584 Interest on obligations due; waiver.—The department may collect interest *at the rate established in s. 55.03* ~~of 10 percent per year~~ on all support obligations due and owing to the department; however, the department is not required to maintain interest balance due accounts, and said interest may be waived by the department if the waiver would facilitate the collection of the obligation.

Section 18. Section 409.2598, Florida Statutes, is created to read:

409.2598 Denial of new or renewal license; certifications.—As a last resort for the collection of child support, the department is authorized to deny or suspend the license or certificate of those licensees or certificateholders under its jurisdiction, and to work with the Department of Professional Regulation and the Department of Business Regulation with regard to their licensees. The following procedure shall be used. All departmental entities which issue new or renewal licenses or certifications, shall notify the Title IV-D child support enforcement program within the department upon receipt of an application for a new or renewal license or certification. All applicants for a new or renewal license or certification shall be screened to assure compliance with any support obligation. The screening process and purpose of this section is to promote the public policy of this state as established in s. 409.2551. If a support delinquency exists, the Title IV-D agency shall certify the delinquency.

(1) The Title IV-D agency shall give notice to any applicant of a new or renewal license or certification or the holder of a current license or certification when a delinquency exists in the support obligation. The notice shall specify that the applicant or current license or certificateholder has 15 days to pay off the delinquency or reach an acceptable agreement with the Title IV-D agency. The notice shall specify that if an agreement cannot be reached, the license or certification could be suspended pursuant to a court order.

(2) If a delinquency exists and the applicant or current licensee or certificateholder fails to pay the delinquency or reach an agreeable payment arrangement within 15 days following notice of the delinquency, the Title IV-D agency shall petition the Florida court that entered the support order or the Florida court that is enforcing the support order to suspend the license of the obligor. The court may find that it would be inappropriate to suspend a license or certification if any of the following circumstances exist:

(a) Suspension would result in irreparable harm to the licensee or certificateholder or employees of the licensee or certificateholder without accomplishing the objective of collecting the arrearage or ongoing support obligation. In such case the court may delay a suspension order for 30 days.

(b) An income deduction order pursuant to s. 61.1301 would be more appropriate for the collection of the arrearage or ongoing support obligation.

(c) The immediate posting of a cash bond or security deposit pursuant to s. 61.1301(3) would be the most effective method of collecting the arrearage or ongoing obligation of support from the obligor.

The obligor may contest the petition for suspension on the ground of mistake of fact regarding an error in whether a delinquency exists, in the amount of the delinquency, or in the identity of the obligor. If the obligor fails in the defense of a petition for suspension, the Florida court that entered the support order or the Florida court that is enforcing the support order shall enter an order to suspend the license or certification of the obligor. The Florida court shall order the obligor to surrender the license or certification to the IV-D agency, which will return the license or certification and a copy of the order of suspension to the appropriate entity in the department.

(3) If a license or certification is suspended by a Florida court and the licensee or certificateholder subsequently reaches an agreement with the Title IV-D agency to pay off the delinquency, the license or certification shall be reinstated upon notice from the Title IV-D agency to the department that the licensee or certificateholder has complied with the terms of the court order.

Section 19. Subsection (10) is added to section 455.203, Florida Statutes, 1990 Supplement, to read:

455.203 Department of Professional Regulation; powers and duties.—The Department of Professional Regulation shall:

(10) Permit licensees to be screened by the Title IV-D child support agency to assure compliance with a support obligation. The screening process and purpose of this subsection is to promote the public policy of this state as established in s. 409 2551. If a support delinquency exists, the Title IV-D agency shall certify the delinquency pursuant to s. 61.14.

(a) The Title IV-D agency shall give notice to any licensee when a delinquency exists in the support obligation. The notice shall specify that the licensee has 15 days to pay off the delinquency or reach an agreement with the Title IV-D agency. The notice shall specify that if an agreement cannot be reached the license may be suspended pursuant to a court order.

(b) If a delinquency exists and the licensee fails to pay the delinquency or reach a payment arrangement within 15 days following notice of the delinquency, the Title IV-D agency shall petition the Florida court that entered the support order or the Florida court that is enforcing the support order to suspend the license of the obligor. The court may find that it would be inappropriate to suspend a license if any of the following circumstances exist:

1. Suspension would result in irreparable harm to the licensee or employees of the licensee without accomplishing the objective of collecting the arrearage or ongoing support obligation. In such case the court may delay a suspension order for 30 days.

2. An income deduction order pursuant to s. 61.1301 would be more appropriate for the collection of the arrearage or ongoing support obligation.

3. The immediate posting of a cash bond or security deposit pursuant to s. 61.1301(3) would be the most effective method of collecting the arrearage or ongoing obligation of support from the obligor.

The obligor may contest the petition for suspension on the ground of mistake of fact regarding an error in whether a delinquency exists, in

the amount of the delinquency, or in the identity of the obligor. If the obligor fails in the defense of a petition for suspension, the Florida court that entered the support order or the Florida court that is enforcing the support order shall enter an order to suspend the license of the obligor. The Florida court shall order the obligor to surrender the license to the Title IV-D agency, which will return the license and a copy of the order of suspension to the department or the board.

(c) If any Florida court suspends the license and the licensee subsequently reaches an agreement with the Title IV-D agency to pay off the delinquency, the license shall be reinstated upon written notice from the Title IV-D agency to the department or board that the licensee has complied with the terms of the court order.

(d) The department shall not be held liable for any license suspension resulting from a support delinquency in the discharge of its duties under this section.

Section 20. Section 559.79, Florida Statutes, is amended to read:

559.79 Applications for license or renewal.—

(1) Each application for a license issued by the Department of Business Regulation shall include a statement showing the name, ~~and~~ address, *and social security number* of each person who owns 10 percent or more of the outstanding stock or equity interest in the licensed activity and the name, ~~and~~ address, *and social security number* of each officer, director, chief executive, or other person who, in accordance with the rules of the issuing agency, is determined to be able directly or indirectly to control the operation of the business of the licensed entity, and each application for renewal of such a license shall set out any changes in the required names and addresses which have occurred since the license was issued or last renewed.

(2) Each application for a license or renewal of a license issued by the Department of Business Regulation shall be signed under oath or affirmation by the applicant, or owner or chief executive of the applicant, without the need for witnesses unless otherwise required by law.

(3) The department shall permit the Title IV-D child support agency to screen all licensees to assure compliance with any support obligations. The screening process and purpose of this subsection is to promote the public policy of this state as established in s. 409.2551. If a support delinquency exists, the Title IV-D agency shall certify the delinquency pursuant to s. 61.14.

(a) The Title IV-D agency shall give notice to any licensee when a delinquency exists in the support obligation. The notice shall specify that the licensee has 15 days to pay off the delinquency or reach an agreement with the Title IV-D agency. The notice shall specify that if an agreement cannot be reached, the license could be suspended pursuant to a court order.

(b) If a delinquency exists and the licensee fails to pay the delinquency or reach a payment arrangement within 15 days following notice of the delinquency, the Title IV-D agency shall petition the Florida court that entered the support order or the Florida court that is enforcing the support order to suspend the license of the obligor. The court may find that it would be inappropriate to suspend a license if any of the following circumstances exist:

1. Suspension would result in irreparable harm to the licensee or employees of the licensee without accomplishing the objective of collecting the arrearage or ongoing support obligation. In such case the court may delay a suspension order for 30 days.

2. An income deduction order pursuant to s. 61.1301 would be more appropriate for the collection of the arrearage or ongoing support obligation.

3. The immediate posting of a cash bond or security deposit pursuant to s. 61.1301(3) would be the most effective method of collecting the arrearage or ongoing obligation of support from the obligor.

The obligor may contest the petition for suspension on the ground of mistake of fact regarding an error in whether a delinquency exists, in the amount of the delinquency, or in the identity of the obligor. If the obligor fails in the defense of a petition for suspension, the Florida court that entered the support order or the Florida court that is enforcing the support order shall enter an order to suspend the license of the obligor. The Florida court shall order the obligor to surrender the license to the Title IV-D agency, which will return the license and a copy of the order of suspension to the department.

(c) If a license is suspended by a Florida court and the licensee subsequently reaches an agreement with the Title IV-D agency to pay off the delinquency, the license shall be reinstated upon written notice from the Title IV-D agency to the department that the licensee has complied with the terms of the court order.

(d) The department shall not be held liable for any license suspension resulting from a support delinquency in the discharge of its duties under this act.

Section 21. The Legislature hereby requests the Florida Supreme Court to adopt an amendment to the rules regulating The Florida Bar which would provide for the discipline of attorneys who fail to pay their court-ordered child support obligations.

Section 22. Section 742.031, Florida Statutes, is amended, to read:

742.031 Hearings; court orders for support, hospital expenses, and attorney's fee.—Hearings for the purpose of establishing or refuting the allegations of the complaint and answer shall be held in the chambers and may be restricted to persons, in addition to the parties involved and their counsel, as the judge in his discretion may direct. The court shall determine the issues of paternity of the child and the ability of the parents to support the child. If the court finds that the alleged father is the father of the child, it shall so order. If appropriate, the court shall order the father to pay the complainant, her guardian, or any other person assuming responsibility for the child moneys sufficient to pay reasonable attorney's fees, hospital or medical expenses, cost of confinement, and any other expenses incident to the birth of the child and to pay all costs of the proceeding. The court shall order either or both parents owing a duty of support to the child to pay support *in accordance with the child support guidelines set forth in s. 61.30.* ~~as from the circumstances of the parties is equitable.~~

Section 23. Subsection (2) of section 743.07, Florida Statutes, is amended to read:

743.07 Rights, privileges, and obligations of persons 18 years of age or older.—

(2) This section shall not prohibit any court of competent jurisdiction from requiring support for a dependent person beyond the age of 18 years when such dependency is because of a mental or physical incapacity which began prior to such person reaching majority *or if the person is dependent in fact, is between the ages of 18 and 19, and is still in high school, performing in good faith with a reasonable expectation of graduation before the age of 19,* ~~and any crippled child as defined in chapter 391 shall receive benefits under the provisions of said chapter until age 21, the provisions of this section to the contrary notwithstanding~~.

Section 24. This act shall take effect October 1, 1991.

House Amendment 2—In title, on page 1, lines 2-18, strike all of said lines and insert: An act relating to child support; amending s. 61.046, F.S.; redefining the term "income"; amending s. 61.11, F.S.; providing for writs in support cases; amending s. 61.13, F.S.; providing for child support for children over age 18 and still in high school amending s. 61.1354, F.S.; requiring the depository to report delinquencies in excess of $500 to credit reporting agencies; amending s. 61.14, F.S.; requiring additional information on delinquency notices; amending s. 61.17, F.S.; clarifying jurisdiction of court in Title IV-D cases; amending s. 61.181, F.S.; revising language with respect to the central depository for receiving, recording, reporting, monitoring, and disbursing alimony, support, maintenance, and child support payments; authorizing the depository to require certain information; amending s. 61.30, F.S.; increasing the coverage of the child support guidelines; amending the deductions from gross income allowance computing the parents' combined net income so as to determine the minimum child support need; requiring the court order for child support to state the actual dollar amount; amending s. 68.02, F.S.; including support as a reason for issuance of a writ; amending s. 88.031, F.S.; providing for a definition of support; creating s. 88.0515, F.S.; providing additional methods for enforcing orders and judgments; amending s. 88.331, F.S.; limiting judicial jurisdiction under certain conditions; amending s. 409.2554, F.S.; expanding the definition of "support," and "administrative costs," amending s. 409.2564, F.S.; clarifying that attorney's fees and costs shall not be assessed against the Department of Health and Rehabilitative Services in support cases; amending s. 409.2571, F.S.; providing for services to the Title IV-D agency; amending s. 409.2577, F.S.; providing statutory clarification regarding access to confidential information; amending s. 409.2584, F.S.; revising language with

respect to the interest earned on certain judgments; creating s. 409.2598, F.S.; providing for suspension of licenses or certifications for delinquent support; amending s. 455.203, F.S.; providing for suspension of licenses for delinquent support; amending s. 559.79, F.S.; requiring additional data for license application; providing for suspension of licenses for delinquent support; requesting the Florida Supreme Court to adopt certain rules; amending s. 742.031, F.S.; extending application of child support guidelines to paternity cases; amending s. 743.07, F.S.; revising rights and privileges of dependents over 18 years of age; providing an effective date.

On motions by Senator Forman, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 406 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 406—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; defining the term "sea trial" for purposes of ch. 212, F.S.; amending s. 212.05, F.S.; revising requirements and conditions relating to the tax exemption provided for boats and airplanes removed from the state after purchase; amending s. 212.08, F.S.; revising requirements and conditions relating to the tax exemption provided for boats temporarily docked in this state; amending s. 212.06, F.S.; providing a presumption with respect to when boats are considered commingled with the general mass of property of this state; providing an effective date.

House Amendment 1—On page 8, strike lines 3-8 and insert:

(bb) Community cemeteries.—Also exempt are purchases by any nonprofit corporation which has qualified under s. 501.(c)(13) of the Internal Revenue Code of 1986, as amended and which is operated for the purpose of maintaining a cemetery which was donated to the community by deed.

House Amendment 2—In title, on page 1, line 5, after the "212.05, F.S.;" insert: amending s. 212.04, F.S.; exempting dues, membership fees, and admission charges imposed by government-owned zoos from the tax on admissions;

House Amendment 3—On page 4, strike line 16 and insert: affidavit *signed by the purchaser* that he has read

House Amendment 4—On page 2, between lines 5 and 6, insert:

Section 2. Paragraph (a) of subsection (2) of section 212.04, Florida Statutes, 1990 Supplement, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(2)(a)1. No tax shall be levied on admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Health and Rehabilitative Services, and state correctional institutions when only student, faculty, or inmate talent is utilized. However, this exemption shall not apply to admission to athletic events sponsored by an institution within the State University System, and the proceeds of the tax collected on such admissions shall be retained and utilized by each institution to support women's athletics as provided in s. 240.533(4)(c).

2.*a.* No tax shall be levied on dues, membership fees and admission charges imposed by not-for-profit sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the United States Internal Revenue Code of *1986* ~~1954~~, as amended.

b. No tax shall be levied on dues, membership fees, and admission charges imposed by government-owned zoos. To receive this exemption, the zoo must be owned by the United States government, the state, or a county, municipality, agency, authority, or other public body of the state.

3. No tax shall be levied on an admission paid by a student, or on his behalf, to any required place of sport or recreation if the student's participation in the sport or recreational activity is required as a part of a program or activity sponsored by, and under the jurisdiction of, the student's educational institution, provided his attendance is as a participant and not as a spectator.

4. No tax shall be levied on admissions to the National Football League championship game, or on admissions to any of the games of the 1994 World Cup Soccer Tournament.

5. No tax shall be levied on admissions to athletic or other events sponsored by governmental entities.

6. Also exempt from the tax imposed by this section to the extent provided in this subparagraph are admissions to live theater, live opera, or live ballet productions in this state which are sponsored by an organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under s. 501(c)(3) of the United States Internal Revenue Code, 1954, as amended, if the organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live opera, or live ballet productions in this state, has more than 10,000 subscribing members and has among the stated purposes in its charter the promotion of arts education in the communities which it serves, and will receive at least 20 percent of the net profits, if any, of the events which the organization sponsors and will bear the risk of at least 20 percent of the losses, if any, from the events which it sponsors if the organization employs other persons as agents to provide services in connection with a sponsored event. Prior to March 1 of each year, such organization may apply to the department for a certificate of exemption for admissions to such events sponsored in this state by the organization during the immediately following state fiscal year. The application shall state the total dollar amount of admissions receipts collected by the organization or its agents from such events in this state sponsored by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Such organization shall receive the exemption only to the extent of $1,500,000 multiplied by the ratio that such receipts bear to the total of such receipts of all organizations applying for the exemption in such year; however, in no event shall such exemption granted to any organization exceed 6 percent of such admissions receipts collected by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Each organization receiving the exemption shall report each month to the department the total admissions receipts collected from such events sponsored by the organization during the preceding month and shall remit to the department an amount equal to 6 percent of such receipts reduced by any amount remaining under the exemption. Tickets for such events sold by such organizations shall not reflect the tax otherwise imposed under this section.

(Renumber subsequent sections.)

House Amendment 5—In title, on page 1, line 15, after the semicolon (;) insert: exempting certain nonprofit cemeteries;

House Amendment 6—On page 1, line 20, insert:

Section 1. Subsection (5) of section 196.101, Florida Statutes, 1990 Supplement, is amended to read:

196.101 Exemption for totally and permanently disabled persons.—

(5) The physician's certification shall read as follows:

PHYSICIAN'S CERTIFICATION
OF
TOTAL AND PERMANENT DISABILITY

I, . . . (name of physician) . . ., a physician licensed pursuant to chapter 458, *chapter 459, chapter 460, or chapter 461,* Florida Statutes, hereby certify Mr. . . . . Mrs. . . . . Miss . . . . Ms. . . . . (name of totally and permanently disabled person) . . ., social security number . . . . , is totally and permanently disabled as of January 1, . . . (year) . . ., due to the following mental or physical condition(s):

. . . . Quadriplegia

. . . . Paraplegia

. . . . Hemiplegia

. . . . Other total and permanent disability requiring use of a wheelchair for mobility

. . . . Legal Blindness

It is my professional belief that the above-named condition(s) render Mr. . . . . Mrs. . . . . Miss . . . . Ms. . . . . totally and permanently disabled, and that the foregoing statements are true, correct, and complete to the best of my knowledge and professional belief.

Signature.....
Date.....
Florida ~~Board of Medicine~~ license number.....
Issued on.....

NOTICE TO TAXPAYER: Each Florida resident applying for a total and permanent disability exemption must present to the county property appraiser, on or before March 1 of each year, a copy of this form (or a letter from the United States Veterans Administration). Each form is to be completed by a licensed Florida physician, *osteopathic physician, chiropractic physician, or podiatrist*

NOTICE TO TAXPAYER AND PHYSICIAN *OSTEOPATHIC PHYSICIAN, CHIROPRACTIC PHYSICIAN OR PODIATRIST*: Section 196.131(2), Florida Statutes, provides that any person who shall knowingly give false information for the purpose of claiming homestead exemption shall be guilty of a misdemeanor of the first degree, punishable by a term of imprisonment not exceeding 1 year or a fine not exceeding $2,500, or both.

(Renumber subsequent sections.)

House Amendment 7—In title, on page 1, lines 2 and 3, strike all of said lines and insert: An act relating to taxation; amending s. 196.101, F.S., which provides an exemption for totally and permanently disabled persons; authorizing osteopathic physicians, chiropractic physicians, and podiatrists to certify total and permanent disability for that purpose; amending s. 212.02, F.S.;

House Amendment 9—On page 8, line 20, strike all of said lines and insert:

Section 5. Effective upon this act becoming a law, section 607.06401, Florida Statutes, is amended to read:

607.06401 Distributions to shareholders.—

(1) A board of directors may authorize and the corporation may make distributions to its shareholders subject to restriction by the articles of incorporation and the limitations in subsection (3) *and, if applicable, subsection (4)*.

(2) If the board of directors does not fix the record date for determining shareholders entitled to a distribution (other than one involving a purchase, redemption, or other acquisition of the corporation's shares), it is the date the board of directors authorizes the distribution.

(3) No distribution may be made if, after giving it effect:

(a) The corporation would not be able to pay its debts as they become due in the usual course of business; or

(b) The corporation's total assets would be less than the sum of its total liabilities plus (unless the articles of incorporation permit otherwise) the amount that would be needed, if the corporation were to be dissolved at the time of the distribution, to satisfy the preferential rights upon dissolution of shareholders whose preferential rights are superior to those receiving the distribution.

(4)(a) Notwithstanding the provisions of subsection (3), in the case of a corporation incorporated under chapter 607, Florida Statutes, which is a savings and loan holding company pursuant to the regulations of the Office of Thrift Supervision, which has outstanding, at the time of a distribution, shares issued prior to July 1, 1990, which have preferential rights upon dissolution which are superior to, or on a parity with, the shares on or with respect to which the distribution is made, then a distribution may be made if, after giving it effect, such distribution is permitted under the standards contained in the Florida Statutes as in effect on June 30, 1990; provided, however, that this subsection shall only be applicable to a corporation which, through a resolution duly adopted by the board of directors of such corporation on or prior to May 1, 1992, expressly elects to be governed hereby.

(b) This subsection shall stand repealed effective June 30, 1992.

(5)~~(4)~~ The board of directors may base a determination that a distribution is not prohibited under subsection (3) either on financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances or on a fair valuation or other method that is reasonable in the circumstances. In the case of any distribution based upon such a valuation, each such distribution shall be identified as a distribution based upon a current valuation of assets, and the amount per share paid on the basis of such valuation shall be disclosed to the shareholders concurrent with their receipt of the distribution.

(6)~~(5)~~ If the articles of incorporation of a corporation engaged in the business of exploiting natural resources or other wasting assets so provide, distributions may be paid in cash out of depletion or similar reserves; and each such distribution shall be identified as a distribution based upon such reserves, and the amount per share paid on the basis of such reserves shall be disclosed to the shareholders concurrent with their receipt of the distribution.

(7)~~(6)~~ Except as provided in subsection *(9)* ~~(8)~~, the effect of a distribution under subsection (3) is measured:

(a) In the case of distribution by purchase, redemption, or other acquisition of the corporation's shares, as of the earlier of:

1. The date money or other property is transferred or debt incurred by the corporation, or

2. The date the shareholder ceases to be a shareholder with respect to the acquired shares;

(b) In the case of any other distribution of indebtedness, as of the date the indebtedness is distributed;

(c) In all other cases, as of:

1. The date the distribution is authorized if the payment occurs within 120 days after the date of authorization, or

2. The date the payment is made if it occurs more than 120 days after the date of authorization.

(8)~~(7)~~ A corporation's indebtedness to a shareholder incurred by reason of a distribution made in accordance with this section is at parity with the corporation's indebtedness to its general, unsecured creditors except to the extent subordinated by agreement.

(9)~~(8)~~ Indebtedness of a corporation, including indebtedness issued as a distribution, is not considered a liability for purposes of determinations under subsection (3) if its terms provide that payment of principal and interest are made only if and to the extent that payment of a distribution to shareholders could then be made under this section. If the indebtedness is issued as a distribution, each payment of principal or interest is treated as a distribution, the effect of which is measured on the date the payment is actually made.

Section 6. Effective upon this act becoming a law, section 607.1430, Florida Statutes, is amended to read:

607.1430 Grounds for judicial dissolution.—A circuit court may dissolve a corporation:

(1)(a) In a proceeding by the Department of Legal Affairs if it is established that:

1. The corporation obtained its articles of incorporation through fraud; or

2. The corporation has continued to exceed or abuse the authority conferred upon it by law.

(b) The enumeration in paragraph (a) of grounds for *judicial* ~~involuntary~~ dissolution does not exclude actions or special proceedings by the Department of Legal Affairs or any state official for the annulment or dissolution of a corporation for other causes as provided in any other statute of this state;

(2) In a proceeding by a shareholder if it is established that:

(a) The directors are deadlocked in the management of the corporate affairs, the shareholders are unable to break the deadlock, and irreparable injury to the corporation is threatened or being suffered;

(b) The shareholders are deadlocked in voting power and have failed to elect successors to directors whose terms have expired or would have expired upon qualification of their successors; or

(c) *The corporation's shares are not listed on a national securities exchange or regularly quoted in an over-the-counter market; the shareholder owns at least 10 percent of a class of shares of the corporation;* the corporate assets are being misapplied or wasted; *and such waste or misapplication has caused or is causing substantial injury to the corporation's ability to carry on its business or is threatening the corporation's solvency;*

(3) In a proceeding by a creditor if it is established that:

(a) The creditor's claim has been reduced to judgment, the execution on the judgment returned unsatisfied, and the corporation is insolvent; or

(b) The corporation has admitted in writing that the creditor's claim is due and owing and the corporation is insolvent; or

(4) In a proceeding by the corporation to have its voluntary dissolution continued under court supervision.

Section 7. *In enacting the revision to section 607.1430(2), Florida Statutes, the Legislature intends to clarify and conform existing law.*

Section 8. Except as otherwise provided herein, this act shall take effect July 1, 1991.

House Amendment 10—In title, on page 1, line 16, strike "providing an effective date." and insert: amending s. 607.06401, F.S.; revising limitations on distributions by corporations to shareholders upon dissolution; amending s. 607.1430, F.S.; revising grounds for judicial dissolution of a corporation in a proceeding by a shareholder or a creditor under certain cirumstances; providing effective dates.

House Amendment 11—On page 1, line 20, insert:

Section 1. Subsection (1) of section 194.013, Florida Statutes, is amended to read:

194.013 Filing fees for petitions; disposition; waiver.—

(1) If so required by resolution of the property appraisal adjustment board, a petition filed pursuant to s. 194.011 shall be accompanied by a filing fee to be paid to the clerk of the property appraisal adjustment board in an amount determined by the board not to exceed $15 for each separate parcel of property, real or personal, covered by the petition and subject to appeal. However, no such filing fee may be required with respect to an appeal from the disapproval of homestead exemption under s. 196.151 or from the denial of tax deferral under s. 197.253. Only a single filing fee shall be charged under this section as to any particular parcel of property despite the existence of multiple issues and hearings pertaining to such parcel. For joint petitions filed pursuant to s. 194.011(3)(e) or (f), a single filing fee shall be charged *which shall not exceed $5 per parcel.* ~~Such fee shall be calculated as the cost of the special master for the time involved in hearing the joint petition and shall not exceed $5 per parcel. Said fee is to be proportionately paid by affected parcel owners.~~

(Renumber subsequent sections.)

House Amendment 12—In title, on page 1, line 3, after "transactions;" insert: amending s. 194.013, F.S.; revising the filing fee for joint petitions to the property appraisal adjustment board;

House Amendment 13—On page 8, line 20, insert a new Section 5:

Section 5. *Section 607.147 of the Florida Statutes (1989), which was repealed effective July 1, 1990 by section 166 of Chapter 89-154 of the Laws of Florida, shall continue to apply to all shareholder derivative actions which accrued prior to July 1, 1990.*

(Renumber subsequent section.)

House Amendment 14—In title, on page 1, line 16, insert: clarifying shareholder derivative actions;

House Amendment 15—On page 8, between lines 19 and 20, insert:

Section 5. Section 607.1801, Florida Statutes, 1990 Supplement, is amended to read:

607.1801 Domestication of non-United States corporations.—

(1) As used in this section, the term:

(a) "Corporation" includes any incorporated organization, private law corporation (whether or not organized for business purposes), public law corporation, partnership, proprietorship, joint venture, foundation, trust, association, or similar entity *and includes any predecessor entity of a corporation surviving or resulting from a merger or share exchange*; and

(b) "Non-United States corporation" means any corporation the internal affairs of which are governed by the laws of any jurisdiction other than the United States, any state, the District of Columbia, Puerto Rico, Guam, or any possession or territory of the United States.

(2) Any non-United States corporation may become domesticated in this state by filing *or there being filed on such corporation's behalf by such corporation's direct or indirect successor resulting from a merger or share exchange* with the Department of State:

(a) A certificate of domestication which shall be executed in accordance with subsection (7) and filed and recorded in accordance with s. 607.0120; and

(b) Articles of incorporation, which shall be executed, filed, and recorded in accordance with ss. 607.0120 and 607.0202.

(3) The certificate of domestication shall certify:

(a) The date on which and jurisdiction where the corporation was first formed, incorporated, or otherwise came into being;

(b) The name of the corporation immediately prior to the filing of the certificate of domestication *or the effective date as provided in subsection (4)*;

(c) The name of the corporation as set forth in its articles of incorporation filed in accordance with paragraph (2)(b); ~~and~~

(d) The jurisdiction that constituted the seat, siege social, or principal place of business or central administration of the corporation, or any other equivalent thereto under applicable law, immediately prior to the filing of the certificate of domestication *or the effective date as provided in subsection (4); and*

(e) The effective date as provided in subsection (4).

(4) Upon filing with the Department of State of the certificate of domestication and articles of incorporation, the corporation shall be domesticated in this state, *effective upon the earlier of:*

(a) The date of filing; or

(b) The date designated as the effective date in the articles of incorporation and certificate of domestication, provided that:

1. The effective date designated is not more than 60 months prior to the date of filing;

2. No United States person or governmental entity is substantially and adversely affected by such earlier effective date; and

3. The corporation, its direct or indirect successor, or a parent or subsidiary corporation was registered under this chapter and engaged in business in this state on or before the designated effective date;

and from the effective date ~~, and~~ the corporation shall ~~thereafter~~ be subject to this act, except that notwithstanding the provision of s. 607.0203 the existence of the corporation shall be deemed to have commenced on the date the corporation commenced its existence in the jurisdiction in which the corporation was first formed, incorporated, or otherwise came into being.

(5) The domestication of any corporation in this state shall not be deemed to affect any obligations or liabilities of the corporation incurred prior to its domestication.

(6) The filing of a certificate of domestication shall not affect the choice of law applicable to the corporation, except that, from the *effective* date ~~the certificate~~ of *the* domestication ~~is filed~~, the law of this state, including this act, shall apply to the corporation to the same extent as if the corporation has been incorporated as a corporation of this state on that date.

(7) The certificate of domestication shall be signed by any corporation officer, director, trustee, manager, partner, or other person performing functions equivalent to those of an officer or director, however named or described, and who is authorized to sign the certificate of domestication on behalf of the corporation.

(Renumber subsequent section.)

House Amendment 16—In title, on page 1, line 15, after the semicolon (;) insert: amending s. 607.1801, F.S.; providing procedures for domestication of non-United States corporations; providing for determination of the effective date of the domestication;

On motions by Senator Diaz-Balart, the Senate concurred in **House Amendments 1, 2, 3, 4 and 5**; refused to concur in **House Amendments 6, 7, 9, 10, 11, 12, 13, 14, 15 and 16** and the House was requested to recede.

CS for SB 406 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 860 and requests the concurrence of the Senate.

John B. Phelps, Clerk

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

House Amendment 1—On page 2, lines 19-26, strike all of said lines and insert:

(4) The department shall continue to provide prenatal care and such medical treatment as determined by the Assistant Secretary for Health Services for an inmate who is pregnant.

House Amendment 2—In title, on page 1, lines 12 and 13, strike all of said lines and insert: requiring the department to continue to provide care and treatment for pregnant inmates;

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

SB 860 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 938 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 938—A bill to be entitled An act relating to criminal sentencing; amending s. 921.001, F.S.; revising the membership of the Sentencing Commission and adding the Secretary of the Department of Corrections or his designee as a member; mandating a revision of the sentencing guidelines by the commission; providing for duties of the Division of Economic and Demographic Research of the Joint Legislative Management Committee; deleting provisions which authorize a court to impose a sentence outside the guidelines under certain circumstances; reenacting s. 947.168(1), F.S., relating to persons serving parole-eligible and parole-ineligible sentences, to incorporate a cross-reference; providing for the revised sentencing guidelines to address certain sections in the law; providing an effective date.

House Amendment 1—On page 2, line 26, strike *"and local jail facilities"*

House Amendment 2—On page 6, line 8, strike *"and local jail"*

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

CS for SB 938 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 970 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 970—A bill to be entitled An act relating to transportation corridors; amending s. 332.115, F.S.; revising the purposes for which a transportation corridor between an airport and a port facility may be used; requiring local governments affected by a proposed transportation corridor to provide certain comments to the regional planning council; providing for review of transportation corridor projects under s. 380.06, F.S., relating to developments of regional impact; providing limitations on the location of passenger rail terminals; exempting transportation corridors from requirements pertaining to high-speed rail lines; providing an effective date.

House Amendment 1—On page 1, line 20, strike everything after the enacting clause and insert:

Section 1. Subsection (4) of section 343.62, Florida Statutes, is amended to read:

343.62 Definitions.—As used in this part, unless the context clearly indicates otherwise, the term:

(4) "Commuter rail facilities" means property and avenues of access in Seminole, Orange, *and* Osceola~~, and Brevard~~ Counties, required for commuter rail systems.

Section 2. Paragraph (a) of subsection (2) of section 343.63, Florida Statutes, is amended to read:

343.63 Central Florida Commuter Rail Authority.—

(2) The governing board of the authority shall consist of nine members, as follows:

(a) The county commissions of Seminole, Orange, *and* Osceola~~, and Brevard~~ Counties shall each elect a commissioner as that commission's representative on the board. The commissioner must be a member of the county commission when elected and for the full extent of his term. The terms of the county commissioners on the governing board of the authority shall be 2 years.

Section 3. Paragraph (a) of subsection (1) of section 343.64, Florida Statutes, is amended to read:

343.64 Powers and duties.—

(1)(a) The authority created and established by this part shall have the right to own, operate, maintain, and manage a commuter rail system in the area of Seminole, Orange, *and* Osceola~~, and Brevard~~ Counties, hereinafter referred to as the Central Florida Rail.

Section 4. Subsection (4) of section 348.968, Florida Statutes, is hereby repealed.

Section 5. Section 332.115, Florida Statutes, 1990 Supplement, is amended to read:

332.115 Joint project agreement with port district for transportation corridor between airport and port facility.—

(1) An eligible agency may acquire, construct, and operate all equipment, appurtenances, and land necessary to establish, maintain, and operate, or to license others to establish, maintain, operate, or use, a transportation corridor connecting an airport operated by such eligible agency with a port facility, which corridor must be acquired, constructed,

and used for the *transportation of* ~~purpose of transporting~~ persons ~~and cargo~~ between the airport and the port facility, *for the transportation of cargo,* and for the location and operation of lines for the transmission of water, electricity, *communications, information,* ~~and~~ petroleum products, *products of a public utility (including new technologies of a public utility nature), and materials* ~~between the airport and the port facility~~. However, any such corridor may be established and operated only pursuant to a joint project agreement between an eligible agency as defined in s. 332.004 and a port district as defined in s. 315.02, and such agreement must be approved by the Department of Transportation and the Department of Community Affairs. Before the Department of Transportation approves the joint project agreement, that department must review the public purpose and necessity for the corridor pursuant to s. 337.273(5) and must also determine that the proposed corridor is consistent with the Florida Transportation Plan. Before the Department of Community Affairs approves the joint project agreement, that department must determine that the proposed corridor is consistent with the applicable local government comprehensive plans. An affected local government may provide its comments regarding the consistency of the proposed corridor with its comprehensive plan to the Department of Community Affairs.

(2) Prior to developing a new corridor, the eligible agency, in determining the most feasible corridor, shall give first consideration to existing and available corridors in the public domain.

(3) A transportation corridor established pursuant to this section shall not be considered an aviation project for purposes of state funding, but shall be considered an aviation project for all other purposes.

(4) Sections 341.321-341.386 shall apply to any high-speed rail line used to transport persons or cargo through a corridor established under this section, provided that such sections shall not apply to a high-speed rail line used to transport persons or cargo through a corridor contained entirely within Brevard and Orange Counties. However, with respect to any such corridor contained entirely within Brevard and Orange Counties, the corridor alignment selected by an eligible agency for final design and implementation, including rail lines, passenger and cargo rail terminals, pipelines, and other components included in such corridor, must comply with the joint project agreement approved by the Department of Transportation and the Department of Community Affairs under subsection (1). Additionally, such joint project agreement must specify the agency responsible for the operation of the corridor. Before approving the joint project agreement as required in subsection (1), and in addition to the requirements thereof, the Department of Transportation must determine that such corridor is compatible with any existing or proposed high-speed rail technology. Before the Department of Community Affairs approves the joint project agreement, that department must determine that the proposed corridor is consistent with the applicable approved local government comprehensive plans and the state comprehensive plan. Each affected local government shall provide its comments regarding the consistency of such Brevard-Orange corridor with its comprehensive plan to the Department of Community Affairs and the appropriate regional planning council. After approval of the joint project agreement for the Brevard-Orange corridor, such corridor project shall be a development of regional impact and shall be subject to development-of-regional-impact review under s. 380.06. Any change to such Brevard-Orange corridor project's plan of development, including alignments of the corridor, rail terminal locations, pipelines, roadways, or any other development outside the corridor that is proposed by an eligible agency subsequent to issuance of the original development order under s. 380.06 is a substantial deviation for purposes of s. 380.06(19). Passenger rail terminals within such Brevard-Orange corridor may be located only at the port facility and the airport. Any such Brevard-Orange corridor, having been installed between the port facility and the airport affected, may not be used for the transmission of coal slurry.

Section 6. This act shall take effect upon becoming a law.

House Amendment 2—On page 1, lines 1-16, strike the entire title and insert: A bill to be entitled An act relating to transportation corridors; amending ss. 343.62, 343.63, and 343.64, F.S.; removing Brevard County from the Central Florida Commuter Rail Authority Act; repealing s. 348.968(4), F.S.; relating to the ability of the Santa Rosa Bay Bridge Authority to begin certain actions; amending s. 332.115, F.S.; revising the purposes for which a transportation corridor between an airport and a port facility may be acquired, constructed, or used; providing for the application of ss. 341.321-341.386, F.S., relating to high-speed rail transportation, to specified high-speed rail lines used in such corridors; providing for specified compliance with the joint project agreement for certain corridors; providing that the joint project agreement must specify the agency responsible for operating such corridor; providing for certain determinations by the Department of Transportation and the Department of Community Affairs prior to approval of the joint project agreement; requiring local governments to provide comments to the Department of Community Affairs and the regional planning council; providing that a specified corridor project shall be a development of regional impact and subject to review; providing that changes to such project constitute a substantial deviation; providing a limitation on the location of passenger rail terminals within such corridor; prohibiting the transmission of coal slurry in such specified corridor; providing an effective date.

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

CS for SB 970 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1144 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1144—A bill to be entitled An act relating to the State Board of Building Codes and Standards; amending s. 553.49, F.S.; providing for the general contractor or architect appointed to the Board of Building Codes and Standards to serve on the advisory committee to the board in a nonvoting capacity under certain circumstances; amending s. 553.74, F.S.; providing for members appointed to the board to be actively engaged in the profession they represent; providing for one of the three members of the board who is a municipal or district codes enforcement official to function as a fire official; amending s. 553.77, F.S.; providing for the board to coordinate with the Florida Fire Code Advisory Council for assistance and recommendations relating to firesafety code interpretations; reviving and readopting ss. 553.49, 553.71(1), 553.74, 553.75, 553.76, 553.77, F.S., relating to the board and the advisory committee, notwithstanding the scheduled repeal of such sections pursuant to the Sundown Act; providing for future repeal and legislative review of such sections; providing an effective date.

House Amendment 1—On page 1, line 30, strike everything after the enacting clause and insert:

Section 1. Section 553.49, Florida Statutes, is amended to read:

553.49 Modifications and waivers; advisory *council* ~~committee~~.—

(1) The Florida Board of Building Codes and Standards shall provide by regulation criteria for granting individual modifications of, or exceptions from, the literal requirements of this part upon a determination of unnecessary or extreme hardship, provided such waivers shall not violate federal accessibility laws and regulations and shall be reviewed by *the Handicapped Accessibility Advisory Council* ~~an advisory committee~~ consisting of the following seven members, who shall be knowledgeable in the area of handicapped accessibility. The Secretary of Community Affairs shall appoint the following: a representative from the Advocacy Center for Persons with Disabilities, Inc.; a representative from the Division of Blind Services; a representative from the Division of Vocational Rehabilitation; a representative from a statewide organization representing the physically handicapped; a representative from the hearing impaired; a representative from the President, Florida Council of Handicapped Organizations; and a representative of the Paralyzed Veterans of America. *The terms for the first three council members appointed subsequent to October 1, 1991, shall be for 4 years, the terms for the next two council members appointed shall be for 3 years, and the terms for the next two members shall be for 2 years. Thereafter, all council member appointments shall be for terms of 4 years. No council member shall serve more than two 4-year terms subsequent to October 1, 1991.* ~~The term of service of any member of the committee shall be for a period of 2 years, subject to reappointment.~~ Any member of the *council* ~~committee~~ may be replaced by the secretary upon three unexcused absences. Upon application made in the form provided, an individual waiver or modification may be granted by the board so long as such modification or waiver is not in conflict with more stringent standards provided in another chapter.

(2) Members of the council shall serve without compensation, but shall be entitled to reimbursement for per diem and travel expenses as provided by s. 112.061.

(3)~~(2)~~ Meetings of the advisory *council* ~~committee~~ shall be held in conjunction with the regular meetings of the board.

Section 2. Paragraph (c) of subsection (4) of section 553.73, Florida Statutes, is amended to read:

553.73 State Minimum Building Codes.—

(4) Local governments and state agencies with building construction regulation responsibilities may provide for more stringent requirements than those specified in the State Minimum Building Codes provided:

(c) Paragraphs (a) and (b) apply to the enforcing agency's adoption of more stringent requirements than those specified in the State Minimum Building Codes and to the adoption of building construction-related codes that have the effect of amending building construction standards contained in the State Minimum Building Codes. Upon request, the enforcing agency shall provide a person making application for a building permit, *or any state agency or board with construction-related regulation responsibilities,* a listing of all such requirements and codes.

Section 3. Subsections (1) and (2) of section 553.74, Florida Statutes, are amended to read:

553.74 State Board of Building Codes and Standards.—

(1) There is created within the Department of Community Affairs the Board of Building Codes and Standards~~, which shall be appointed by the Governor not later than 60 days after October 1, 1980~~. Members *shall be* appointed by the Governor ~~shall be~~ subject to confirmation by the Senate. The board shall be composed of 17 members, consisting of the following:

(a) One architect registered to practice in this state *and actively engaged in the profession.*

(b) One structural engineer registered to practice in this state *and actively engaged in the profession.*

(c) One mechanical contractor certified to do business in this state *and actively engaged in the profession.*

(d) One electrical contractor certified to do business in this state *and actively engaged in the profession.*

(e) One member from fire protection engineering or technology *who is actively engaged in the profession.*

(f) One general contractor certified to do business in this state *and actively engaged in the profession.*

(g) One plumbing contractor licensed to do business in this state *and actively engaged in the profession.*

(h) One roofing, sheet metal, or air-conditioning contractor certified to do business in this state *and actively engaged in the profession.*

(i) One residential contractor licensed to do business in this state *and actively engaged in the profession.*

(j) Three members who are *municipal* ~~city~~ or district codes enforcement officials, *one of whom is also a fire official.*

(k) One member who represents a state agency, other than the Department of Community Affairs, empowered by law to enforce building codes.

(l) One member who is a county codes enforcement official.

(m) One member of a Florida-based organization of handicapped persons or a nationally chartered organization of handicapped persons with chapters in this state.

(n) One member of the manufactured buildings industry who is licensed to do business in this state *and is actively engaged in the industry.*

(o) One mechanical or electrical engineer registered to practice in this state *and is actively engaged in the profession.*

(2) *The first five board members appointed after October 1, 1991, shall serve for terms of 3 years each.* ~~Of the members initially appointed by the Governor, seven shall serve for terms of 2 years each, and eight shall serve for terms of 4 years each.~~ Thereafter, all appointments shall be for terms of 4 years. A vacancy shall be filled for the remainder of the unexpired term. Neither the architect nor any of the above-named engineers shall be engaged in the manufacture, promotion, or sale of any building materials; and any member who shall, during his term, cease to meet the qualifications for original appointment, through ceasing to be a practicing member of the profession indicated or otherwise, shall thereby forfeit his membership on the board.

Section 4. Paragraph (f) is added to subsection (1) of section 553.77, Florida Statutes, and subsections (6) and (7) are added to said section to read:

553.77 Specific powers of the board.—

(1) The board shall:

(f) Coordinate and cooperate with the Florida Fire Code Advisory Council created under s. 633.72, for assistance and recommendations relating to firesafety code interpretations.

(6) By September 1, of each year, the Board of Building Codes and Standards shall provide the department a report on:

(a) Obstacles encountered by the board in implementing the board's statutorily mandated reponsibilities;

(b) Issues within or related to the board's jurisdiction which the board feels its present authority or resources are insufficient to appropriately address;

(c) Proposed legislation addressing such obstacles or issues, if appropriate;

(d) Proposed items for possible inclusion in the department's legislative budget request addressing such issues and board proposals for actions to be taken by the department or any other agency addressing such issues, if appropriate.

The board's report and the department's response to each of their proposals shall be included by the department in the annual report required by s. 420.6075(1)(d). The board's report in its entirety shall be made available to interested parties.

(7) The board may designate a board member with demonstrated expertise in interpreting building plans to attend each meeting of the advisory council created in s. 553.49. The board member may vary from meeting to meeting, shall serve on the council in a nonvoting capacity, and shall receive per diem and expenses, as provided in s. 553.74(3).

Section 5. Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with s. 11.611, Florida Statutes, subsection (1) of section 553.71, Florida Statutes, and sections 553.49, 553.74, 553.75, 553.76, and 553.77, Florida Statutes, shall not stand repealed on October 1, 1991, and shall continue in full force and effect as amended herein.

Section 6. Sections 553.49, 553.74, and 553.77, Florida Statutes, as amended by this act, and subsection (1) of section 553.71, Florida Statutes, and sections 553.75 and 553.76, Florida Statutes, are repealed on October 1, 2001, and shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.

Section 7. This act shall take effect October 1, 1991.

House Amendment 2—In title, on page 1, line 1, strike the entire title and insert: A bill to be entitled An act relating to the State Board of Building Codes and Standards; amending s. 553.49, F.S.; naming the advisory council and providing for member terms; amending s. 553.73, F.S.; providing that certain state agencies or boards may request copies of local amendments to state minimum building codes; amending s. 553.74, F.S.; requiring members of the board to be actively engaged in their professions; amending s. 553.77, F.S.; providing for the board to coordinate with the Florida Fire Code Advisory Council; requiring the board to submit a report to the department; authorizing the board to designate a board member to serve on the advisory council in a nonvoting capacity; saving ss. 553.49, 553.71(1), 553.74, 553.75, 553.76, and 553.77, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

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

SB 1144 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1428 and requests the concurrence of the Senate.

John B. Phelps, Clerk

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.

House Amendment 1—On page 7, line 27, through page 8, line 2, strike all of said lines and insert:

(7) In any suit contesting the denial of any refund by the department pursuant to s. 197.182, the defendant to the suit shall be the department. Venue for such suit shall be in Leon County.

House Amendment 2—On page 7, lines 3-23, strike all of said lines and renumber subsequent sections.

House Amendment 3—In title, on page 1, lines 22-24, strike all of said lines and insert: railroad car lines; amending

House Amendment 4—On page 8, line 20, insert:

Section 11. Section 197.122, Florida Statutes, is amended to read:

197.122 Lien of taxes; dates; application.—*(1)* All taxes imposed pursuant to the State Constitution and laws of this state shall be a first lien, superior to all other liens, on any property against which the taxes have been assessed and shall continue in full force from January 1 of the year the taxes were levied until discharged by payment or until barred under chapter 95. All personal property tax liens, to the extent that the property to which the lien applies cannot be located in the county or to the extent that the sale of the property is insufficient to pay all delinquent taxes, interest, fees, and costs due, shall be liens against all other personal property of the taxpayer in the county. However, such liens against other personal property shall not apply against such property which has been sold, and such liens against other personal property shall be subordinate to any valid prior or subsequent liens against such other property. *No act of omission or commission on the part of any property appraiser, tax collector, board of county commissioners, clerk of the circuit court, or county comptroller, or their deputies or assistants, or newspaper in which any advertisement of sale may be published shall operate to defeat the payment of taxes; but any acts of omission or commission may be corrected at any time by the officer or party responsible for them in like manner as provided by law for performing acts in the first place, and when so corrected they shall be construed as valid ab initio and shall in no way affect any process by law for the enforcement of the collection of any tax. All owners of property shall be held to know that taxes are due and payable annually and are charged with the duty of ascertaining the amount of current and delinquent taxes and paying them before April 1 of the year following the year in which taxes are assessed. No sale or conveyance of real or personal property for nonpayment of taxes shall be held invalid except upon proof that:*

(a) The property was not subject to taxation;

(b) The taxes had been paid before the sale of personal property; or

(c) The real property had been redeemed before the execution and delivery of a deed based upon a certificate issued for nonpayment of taxes.

(2) A lien created through the sale of a tax certificate may not be foreclosed or enforced in any manner except as prescribed in this chapter.

Section 12. Section 197.332, Florida Statutes, is amended to read:

197.332 Duties of tax collectors and property owners.—The tax collector has the authority and obligation to collect all taxes as shown on the tax roll by the date of delinquency or to collect delinquent taxes by sale of tax certificates on real property and by seizure and sale of personal property. ~~All owners of property shall be held to know that taxes are due and payable annually and are charged with the duty of ascertaining the amount of current or delinquent taxes and paying taxes before the date of delinquency.~~

Section 13. Sections 197.142 and 197.404, Florida Statutes, are hereby repealed.

(Renumber subsequent section.)

House Amendment 5—In title, on page 1, line 28, after the semicolon (;) insert: amending s. 197.122, F.S.; providing for the validity of taxes in certain circumstances; providing for the validity of the sale of real or personal property for nonpayment of taxes in certain circumstances; repealing s. 197.142, F.S.; relating to correction of errors; repealing s. 197.404, F.S.; relating to the sale of real or personal property for nonpayment of taxes;

Senator Forman moved that the Senate concur in **House Amendment 1.** The motion failed. Therefore the Senate refused to concur and the House was requested to recede. On motions by Senator Forman, the Senate concurred in **House Amendments 2, 3, 4** and **5.**

CS for SB 1428 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1554 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1554—A bill to be entitled An act relating to guardianship; creating the Guardianship Oversight Board; providing membership of the board; providing responsibilities of the board; providing for reports; providing for staffing; providing for per diem and travel expenses for members; providing for expiration of the board; providing an appropriation; creating s. 744.653, F.S.; providing that guardians appointed under the Veterans' Guardianship Law need not comply with s. 744.367, F.S.; providing an effective date.

House Amendment 1—On page 4, lines 17-19, strike all of said lines and renumber subsequent sections.

House Amendment 2—In title, on page 1, line 9, strike "providing an appropriation;"

House Amendment 3—On page 4, line 17, insert:

Section 2. Section 744.653, Florida Statutes, is created to read:

744.653 Annual guardianship report.—Guardians appointed under the Veterans' Guardianship Law shall not be required to comply with the provisions of s. 744.367.

(Renumber subsequent section.)

House Amendment 4—In title, on page 1, line 12, after the semicolon (;) insert: limiting application to veterans;

House Amendment 5—On page 4, line 17, insert:

Section 2. Subsection (15) of section 28.24, Florida Statutes, is amended to read:

28.24 Service charges by clerk of the circuit court.—The clerk of the circuit court shall make the following charges for services rendered by his office in recording documents and instruments and in performing the duties enumerated. However, in those counties where the clerk's office operates as a fiscal unit of the county pursuant to s. 145.022(1), the clerk shall not charge the county for such services.

Charges

(15) For recording, indexing, and filing any instrument not more than 14 inches by 8 1/2 inches, including required notice to property appraiser where applicable:

(a) First page or fraction thereof 5.00

(b) Each additional page or fraction thereof 4.00

(c) For indexing instruments recorded in the official records which contain more than four names, per additional name 1.00

(d) An additional service charge shall be paid to the clerk of the circuit court to be deposited in the Public Records Modernization Trust Fund for each instrument recorded in the official records:

1. First page 1.00

2. Each additional page 0.50

Said fund shall be held in trust by the clerk and used exclusively for equipment, personnel training, and technical assistance in modernizing the *public* ~~official~~ records system *of the office.*

Section 3. Paragraph (1) is added to subsection (1) of section 28.2401, Florida Statutes, subsection (4) of said section is renumbered as subsection (5) and a new subsection (4) is added to said section, to read:

28.2401 Service charges in probate matters.—

(1) Except when otherwise provided, the service charges for the following services shall be:

(l) Filing of will on deposit pursuant to chapter 732 ..... 35.00

(4) Except as provided in subsection (2), the sum of all service charges for each service permitted under this section may not exceed $200. This limitation shall not apply to service charges set forth in s. 28.24.

Section 4. Section 28.241, Florida Statutes, 1990 Supplement, is amended to read:

28.241 Filing charges for trial and appellate proceedings.—

(1) The party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a service charge of $40 in all cases in which there are not more than five defendants and an additional service charge of $2 for each defendant in excess of five. An additional service charge of $10 shall be paid by the party seeking each severance that is granted. An additional service charge of $35 shall be paid to the clerk for all proceedings of garnishment, attachment, replevin, and distress. An additional service charge of $8 shall be paid to the clerk for each civil action filed, $7 of such charge to be remitted by the clerk to the State Treasurer for deposit into the General Revenue Fund unallocated. An additional charge of $2.50 shall be paid to the clerk for each civil action brought in circuit or county court, to be deposited into the Court Education Trust Fund; the moneys collected shall be forwarded by the clerk to the Supreme Court monthly for deposit in the fund. Service charges in excess of those herein fixed may be imposed by the governing authority of the county by ordinance or by special or local law; and such excess shall be expended as provided by such ordinance or any special or local law, now or hereafter in force, in providing and maintaining facilities, including a law library, for the use of the courts of the county wherein the service charges are collected or for a legal aid program in such county. In addition, the county is authorized to impose, by ordinance or by special or local law, a fee of up to $10 for each civil action filed, contingent upon the county matching these funds from county general revenue, for payment of the costs associated with public guardianships. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. That part of the within fixed or allowable service charges which is not by local or special law applied to the special purposes shall constitute the total service charges of the clerk of such court for all services performed by him in civil actions, suits, or proceedings. *The sum of all service charges and fees permitted under this subsection may not exceed $200.*

(2) The clerk of the circuit court of any county in the state who operates his office from fees and service charges collected, as opposed to budgeted allocations from county general revenue, shall be paid by the county as service charges for all services to be performed by him in any criminal or juvenile action or proceeding in such court, in lieu of all other service charges heretofore charged, except as hereinafter provided, the sum of $40 for each defendant or juvenile. However, in cases involving capital punishment the charge shall be $50. In any county where a law creates a law library fund or other special fund, this charge may be increased for that purpose by a special or local law or an ordinance. *The sum of all service charges and fees permitted under this subsection may not exceed $200.*

(3) Upon the institution of any appellate proceeding from any inferior court to the circuit court of any such county or from the circuit court to an appellate court of the state, the clerk shall charge and collect from the party or parties instituting such appellate proceedings a service charge of $75 for filing a notice of appeal from an inferior court and $50 for filing a notice of appeal to a higher court.

(4) A service charge or a fee may not be imposed upon a party to a civil or criminal action, suit, proceeding, or appeal in a circuit court for filing a responsive pleading.

(5)~~(4)~~ *The fees prescribed* ~~Nothing~~ in this section *do not* ~~shall be construed to~~ include the service charges required by law for the clerk as provided in s. 28.24 *or by* ~~and~~ other sections of the Florida Statutes.

~~(5) This section shall not apply to any suit or proceeding pending on July 1, 1970.~~

Section 5. Section 34.041, Florida Statutes, 1990 Supplement, is amended to read:

34.041 Service charges and costs.—

(1) Upon the institution of any civil action or proceeding in county court, the plaintiff, when filing his action or proceeding, shall pay the following service charges:

(a) For all claims less than $100 ..... $10.00.

(b) For all claims of $100 or more but not more than $2,500 .. 25.00.

(c) For all claims of more than $2,500 ..... 40.00.

(d) In addition, for all proceedings of garnishment, attachment, replevin, and distress ..... 35.00.

(e) For removal of tenant action ..... 35.00.

Postal charges incurred by the clerk of the county court in making service by mail on defendants or other parties shall be paid by the party at whose instance service is made. Except as provided herein, service charges for performing duties of the clerk relating to the county court shall be as provided in ss. 28.24 and 28.241. Service charges in excess of those herein fixed may be imposed by the governing authority of the county by ordinance or by special or local law, and such excess shall be expended as provided by such ordinance or any special or local law now or hereafter in force in providing and maintaining facilities, including a law library, for the use of the county court in the county in which the charge is collected or for a legal aid program. All filing fees shall be retained as fee income of the office of the clerk of circuit court. *The sum of all service charges and fees permitted under this subsection may not exceed $200.*

(2) The judge shall have full discretionary power to waive the prepayment of costs or the payment of costs accruing during the action upon the sworn written statement of the plaintiff and upon other satisfactory evidence of his inability to pay such costs. When costs are so waived, the notation to be made on the records shall be "Prepayment of costs waived," or "Costs waived." The term "pauper" or "in forma pauperis" shall not be employed. If a party shall fail to pay accrued costs, though able to do so, the judge shall have power to deny that party the right to file any new case while such costs remain unpaid and, likewise, to deny such litigant the right to proceed further in any case pending. The award of other court costs shall be according to the discretion of the judge who may include therein the reasonable costs of bonds and undertakings and other reasonable court costs incident to the suit incurred by either party.

(3) In criminal proceedings in county courts, costs shall be taxed against a person in county court upon conviction or estreature pursuant to chapter 939. The provisions of s. 28.241(2) shall not apply to criminal proceedings in county court.

(4) Upon the institution of any appellate proceeding from the county court to the circuit court, there shall be charged and collected from the party or parties instituting such appellate proceedings a service charge as provided in chapter 28.

(5) A charge or a fee may not be imposed upon a party to a civil or criminal action, suit, or proceeding in a county court or to an appeal to the circuit court for filing a responsive pleading.

(6)~~(5)~~ In addition to the filing fees provided in subsection (1), in all civil cases, the sum of $7.00 per case shall be paid by the plaintiff when filing his action for the purpose of funding the court costs. Such funds shall be remitted to the General Revenue Fund.

Section 6. Subsection (3) of section 28.2401, Florida Statutes, is amended to read:

28.2401 Service charges in probate matters.—

(3) Service charges in excess of those fixed in this section may be imposed by the governing authority of the county by ordinance, or by special or local law, to provide and maintain facilities, including a law library, or to provide or maintain a legal aid program. Service charges other than those fixed in this section shall be governed by s. 28.24. *An additional service charge of $2.50 on petitions seeking summary administration, family administration, formal administration, ancillary administration, guardianship curatorship, and conservatorship, shall be paid to the clerk for deposit into the Court Education Trust Fund.*

Section 7. Subsections (1), (2), and (3) of section 44.108, Florida Statutes, 1990 Supplement, are amended to read:

44.108 Funding of mediation and arbitration.—Mediation should be accessible to all parties regardless of financial status. Each board of county commissioners may support mediation and arbitration services by appropriating moneys from county revenues and by:

(1) Levying, in addition to *other* ~~the~~ service charges levied *by law* ~~under s. 28.241~~. a service charge of no more than $5 on any circuit court proceeding, which shall be deposited in the court's mediation-arbitration account fund under the supervision of the chief judge of the circuit in which the county is located; and

(2) Levying, in addition to *other* ~~the~~ service charges levied *by law* ~~pursuant to s. 28.241~~, a service charge of no more than $5 on any county court proceeding, which shall be deposited in the county's mediation-arbitration account fund to be used to fund county civil mediation services under the supervision of the chief judge of the circuit in which the county is located.

(3) Levying, in addition to *other* ~~the~~ service charges levied *by law* ~~under s. 28.241~~, a service charge of no more than $45 on any petition for a medification of a final judgment of dissolution, which shall be deposited in the court's family mediation account fund to be used to fund family mediation services under the supervision of the chief judge of the circuit in which the county is located.

Section 8. *The provisions of sections 2-7 of this act shall apply only to actions, suits, or proceedings filed on or after the effective date of this act.*

Section 9. Section 119.033, Florida Statutes, is created to read:

119.033 Municipal Clerk's Capital Equipment Modernization Trust Funds; creation; administration.—

(1) There is created a Municipal Clerk's Capital Equipment Modernization Trust Fund to be administered by the elected or appointed municipal officer charged with the responsibility of maintaining the office having custody of those municipal records which are set forth in subsection (2) of this section.

(2) The trust fund moneys shall be used exclusively for equipment, personnel, training, and technical assistance in modernizing the system of maintaining the municipality's municipal records which are those documents, papers, letters, maps, books, tapes, photographs, files, sound recordings, or other material, regardless of physical form and characteristics, which are made or received as a direct result of municipal legislative activity, including ordinances and resolutions. Such revenues shall not be used as a source of revenue to meet normal operating costs of a municipality.

(3) The trust fund shall be funded through a surcharge of $1 for the first page and 50 cents for each additional page of each instrument being recorded by the clerk of the circuit court or the county comptroller in the official records, such charge shall be paid to the clerk and shall be deposited in a segregated, interest-bearing account from which revenues shall be apportioned and forwarded by the clerk to the municipalities and the county on a quarterly basis pursuant to subsection (4) of this section.

(4) Revenues shall be apportioned by the clerk of the circuit court as follows:

(a) Seventy-five percent shall be forwarded by the clerk of the circuit court on a pro rata basis to:

1. The municipalities within the county for deposit in the Municipal Clerk's Capital Equipment Modernization Trust Fund based on the proportion of each municipality's population to the total population of the county, as defined in the standard document prepared by the University of Florida, Business and Economic Research Department, entitled "Florida Estimates of Population"; and

2. The county for deposit in the Public Records Modernization Trust Fund, pursuant to s. 28.24(15)(d), based on the proportion of the county's population attributable to unincorporated areas to the total population of the county.

(b) Twenty-five percent shall be retained by the clerk of the circuit court for administrative purposes and deposited in the Public Records Modernization Trust Fund.

Section 10. Section 40.01, Florida Statutes, is amended to read:

40.01 Qualifications of jurors.—Jurors shall be ~~taken from the male and female~~ persons at least 18 years of age who are citizens of *the United States* ~~this state~~ and who are registered electors of their respective counties.

Section 11. Section 40.013, Florida Statutes, is amended to read:

40.013 Persons disqualified, *deferred,* or excused from jury service.—

(1) No person who is under prosecution for any crime, or who has been convicted in this state, any federal court, or any other state, territory, or country of bribery, forgery, perjury, larceny, or any other offense that is a felony in this state or which if it had been committed in this state would be a felony, unless restored to civil rights, shall be qualified to serve as a juror.

(2) Neither the Governor, nor any Cabinet officer, nor any sheriff or his deputy, municipal police officer, clerk of court, or judge shall be qualified to be a juror.

(3) No person interested in any issue to be tried therein shall be a juror in any cause; but no person shall be disqualified from sitting in the trial of any suit in which the state or any county or municipal corporation is a party by reason of the fact that such person is a resident or taxpayer within the state or such county or municipal corporation.

(4) *The jury service of any person who has been summoned may be deferred to a date certain within 1 year upon written or oral request. The request may specify a date or period of time within 1 year to which service is to be deferred and, if so, shall be given consideration when the assignment of the deferral date of jury service is made.* ~~Any expectant mother and any parent who is not employed full time and who has custody of a child under 6 years of age, upon request, shall be excused from jury service.~~

~~(5) A presiding judge may, in his discretion, excuse a practicing attorney, a practicing physician, or a person who is physically infirm from jury service.~~

(5)~~(6)~~ *The chief judge, or designee, may determine whether a person is qualified to serve as a juror, and may excuse* a person ~~may be excused~~ from jury service upon *the person's* a showing of *physical or mental incapacity,* hardship, extreme inconvenience, or public necessity.

(6) A person who was summoned and who reported as a prospective juror in any state or federal court in that person's county of residence within 1 year before the first day for which the person is being considered for jury service shall be exempt from jury service for 1 year from the last day of service.

~~(7) A person who has served as a juror in any court in his county of residence within 2 years of the first day of January in the calendar year for which he is being considered may, upon request and submission of a sworn affidavit that such service has been rendered, be excused from jury service.~~

(7)~~(8)~~ A person 70 years of age or older shall be excused from jury service upon request.

~~(9) Any person who is responsible for the care of a person who, because of mental illness, mental retardation, senility, or other physical or mental incapacity, is incapable of caring for himself shall be excused from jury service upon request.~~

Section 12. Section 40.015, Florida Statutes, is amended to read:

40.015 Jury districts; counties exceeding 50,000.—

(1) In any county having a population exceeding 50,000 according to the last preceding decennial census and one or more locations in addition to the county seat at which the county or circuit court sits and holds jury trials, the chief judge, with the approval of a majority of the circuit *and county* court judges of the circuit, is authorized to create a jury district for each courthouse location, from which jury lists shall be selected in the manner presently provided by law.

(2) *The establishment of jury districts shall be in accordance with procedures adopted by the Supreme Court. This subsection does not apply to any county which has established a jury district prior to July 1, 1991.* ~~In determining the boundaries of a jury district to serve the court located within the district, the board shall seek to avoid any exclusion of any cognizable group. Each jury district shall include at least 6,000 registered voters.~~

Section 13. Section 40.02, Florida Statutes, is amended to read:

40.02 Selection of jury lists*; drawing jury venires and juror pools*.—

(1) The chief judge of each circuit~~, or a circuit judge in each county within the circuit who is designated by the chief judge, shall request the selection of a jury list in each county within the circuit during the first week of January of each year, or as soon thereafter as practicable. The chief judge or his designee~~ shall direct the clerk of the court to *compile and maintain a list of names and addresses of persons qualified to serve as jurors under the provisions of ss. 40.01 and 40.013. This list shall be compiled and updated at least once per year at a time designated by the chief judge. The clerk may conduct more frequent updates. Upon compilation of the updated list, the prior lists shall be withdrawn from further use.* ~~select at random a sufficient number of names, with their addresses, from the list of persons who are qualified to serve as jurors under the provisions of s. 40.01 and to generate a list of not fewer than 250 persons to serve as jurors, which list shall be signed and verified by the clerk of the court as having been selected as aforesaid. A circuit judge in a county to which he has been assigned may request additional jury lists as necessary to prevent the jury list from becoming exhausted. When the annual jury list is prepared pursuant to the request of a chief judge or his designee, the lists prepared the previous year shall be withdrawn from further use.~~ If, notwithstanding this provision, *prior lists* ~~some names~~ are not withdrawn, such error or irregularity shall not invalidate any subsequent proceeding or jury. The fact that any person so selected had been on a former jury list or had served as a juror in any court at any time shall not be grounds for challenge of such person as a juror.

(2) If any person ~~so~~ selected *from a list compiled pursuant to subsection (1) is determined* ~~shall be ascertained~~ to be disqualified or *incapacitated* ~~incompetent~~ to serve as a juror, such disqualification *or incapacity* shall not affect the legality of such list or be cause of challenge to the array of any jury chosen from such list, but any person ascertained to be disqualified *or incapacitated* to serve as a juror shall be subject to challenge for cause, as defined by law. The lists, although they may be defective or irregular in form or other formal requirement, or in the number or qualification of the persons so named, shall be the lists from which the names of persons for jury service are to be drawn as prescribed by law.

(3)~~(2)~~ The clerk of the court shall be responsible for preserving the security of the jury lists.

(4) The clerk of the court shall generate a venire from the jury list prescribed in subsection (1) by randomly selecting, by manual or electronic methods, a number of names sufficient for the needs of the trial calendar or grand jury.

(5) When a juror list is to be selected electronically, the chief judge shall obtain approval of the selection method from the Supreme Court before selection occurs. To obtain approval, the chief judge shall cause a sample list to be selected, and submit that list and necessary data to the court at least 120 days before the selection method is to be used. When the Supreme Court finds that the proposed method will produce randomly selected jury lists and venires in compliance with all constitutional requirements of jury selection, and is otherwise feasible and practical, an order of approval shall be entered. Thereafter, electronic methods approved shall be used in the county so authorized.

(6) Nothing herein shall be construed as requiring uniform equipment or methods throughout the state.

(7)~~(3)~~ The chief judge may designate the court administrator to perform the duties set forth in this section and in ss. 40.221, 40.23, and 40.231 in counties having an approved, computerized jury selection system, the provisions of any special law or general law of local application to the contrary notwithstanding.

Section 14. Section 40.23, Florida Statutes, is amended to read:

40.23 Summoning jurors.—

(1) The clerk of the court shall ~~generate a venire as prescribed in s. 40.221 and shall~~ summon *those persons selected as the venire prescribed in s. 40.02(4) to attend court as prospective jurors. The clerk shall summon these persons* ~~the persons named in such venire to attend court as jurors~~ at least 14 days prior to the sitting of such court by mailing to each person so named in the venire a written notice, addressed to *the person's* ~~his~~ place of residence, ~~and placing such notice in the United States mail with sufficient postage to carry the same~~. Upon order of the court, jurors may be summoned with less than 14 days' notice.

(2) *Persons summoned and reporting for jury duty may be placed in a jury pool from which the court may draw persons to serve as prospective jurors.* ~~The jury service of any person who has been summoned may be postponed for a period not to exceed 6 months upon written or oral request. The request may specify a date or period of time to which service is to be postponed and, if so, shall be given consideration when the assignment of the postponed date of jury service is made.~~

(3) Any person who is duly summoned to attend as a juror in any court and who fails to attend without any sufficient excuse *may be required to* ~~shall~~ pay a fine not to exceed *$500* ~~$100~~, which fine shall be imposed by the court to which the juror was summoned, and, in addition, such failure may be considered a contempt of court. *The court shall strictly enforce the provisions of this section.*

Section 15. Section 40.235, Florida Statutes, is amended to read:

40.235 Juror accommodations.—

(1) Whenever jurors are required by law or by order of court to be kept together during the conduct of a trial or while considering their verdict, or whenever by order of court lodging is required to be furnished juries, *adequate* ~~separate~~ lodging and rest room facilities shall be provided for jurors ~~of different sexes~~; and, under contemplation of law, jurors shall be deemed to have been kept together whenever the jurors of different sexes occupy the accommodations provided for their respective ~~sexes~~.

(2) The sheriff, when required by order of the court, shall provide jurors with meals and lodging, the expense to be paid by the state.

Section 16. Effective July 1, 1993, section 40.24, Florida Statutes, is amended to read:

40.24 *Compensation and reimbursement policy* ~~Pay of jurors~~.—

(1) The compensation and reimbursement policy of this chapter shall be to prevent financial hardship being imposed upon any juror because of performance of juror service insofar as possible. Where financial hardship exists, the court shall attempt to place the juror into the same financial position as such juror would have been were he not summoned for jury duty.

(2) Each regularly employed petit or grand juror, shall be paid regular wages by his employer for the first 3 days, or part thereof, of juror service. Juror service shall be defined to include persons summoned and reported for jury service and actual service on a jury. Regular employment shall include part-time, temporary, and casual employment as

long as the employment hours of a juror reasonably may be determined by a schedule or by custom and practice established during the 3-month period preceding the term of service of such juror.

(3) The court shall have the authority to excuse an employer from the duty to compensate a juror-employee for the first 3 days or part thereof, of petit or grand juror service, upon a finding that extreme financial hardship would be imposed upon the employer if such duty were not removed. If an employer is so excused, the court shall award reasonable compensation in lieu of wages to the juror to be paid by the state for the first 3 days or part thereof, of juror service. Such award shall not exceed $50 per day of trial or grand juror service. The hearing on the employer's extreme financial hardship shall occur no later than 30 days after the tender of summons to the employer.

(4) Each unemployed or self employer petit or grand juror shall receive $10 for the first 3 days or part thereof, of active attendance as a juror. Active attendance shall not include days in which the juror was notified prior to reporting that the juror's presence was not required. In addition, each unemployed or self-employed juror shall receive 14 cents per mile for each mile necessarily traveled in each of the first 3 days of service en route to and returning from court by the nearest practicable route. Any juror who is self-employed or not regularly employed, including, but not limited to, retired persons, homemakers, students, and unemployed persons, shall be entitled to payment under this section. An unemployed petit or grand juror receiving unemployment benefits shall not lose such benefits on account of his performance of the first 3 days of juror service.

(5) Each petit juror who serves more than 3 days shall be paid by the state for the fourth day of service and each day thereafter at the rate of $50 per day of service. A petit juror receiving payment under this section shall not be entitled to additional reimbursement for travel or other out-of-pocket expenses. However, any juror who attends on a day for which the juror was notified before such date that appearance was not necessary is not entitled to receive any compensation for attendance upon the court. ~~Jurors shall receive $10 for each day of active attendance upon the court. A fractional part of a day shall be counted as a day. In addition, each juror shall receive 14 cents per mile for each mile necessarily traveled each day en route to and returning from court by the nearest practicable route. Any juror who attends on any of the days when the presiding judge is absent or, being present, does not hold the session of the court shall be entitled to receive the same compensation as if the court were in session.~~ A juror who elects to be on call ~~as provided in s. 40.231~~ shall receive the compensation provided in this section for only those days such juror actually attends court and not for those days he remains on call. Any juror who is excused from jury service at his own request shall not be entitled to receive any compensation either for travel or for attendance upon the court.

Section 17. Subsection (2) of section 40.271, Florida Statutes, is amended to read:

40.271 Jury service.—

(2) *No employer or agent of the employer shall threaten dismissal, discharge, layoff, or otherwise penalize* ~~Threats of dismissal from employment for any cause, by an employer or his agent to~~ any *employee* ~~person~~ summoned for jury service in this state, because of the nature or length of service upon such jury. *Such action by an employer* may be deemed a contempt of the court from which the summons issued.

Section 18. Section 40.281, Florida Statutes, is created to read:

40.281 Studies, research, and new procedures.—The Supreme Court shall perform studies and develop plans and such administrative policies and rules as are needed and implement new procedures which are contemplated to accomplish the following: implementation of the provisions of this chapter; improvement of all aspects of the administration of jurors; reduction of the costs of selection, management, and compensation of jurors; monitoring and improvement of the integrity of jury pools and jury panels; more effective utilization of jurors in the jury pools, improved understanding by jurors of their duties and of the court's charge and instructions; providing for the reasonable comfort and convenience of jurors during their terms of service; and providing jurors with a heightened appreciation of the judicial system.

Section 19. Effective July 1, 1993, section 40.41, Florida Statutes, is amended to read:

40.41 Petit jurors; length of service.—*The length of the term of service for petit jurors shall be 1 day unless a juror is assigned to or impaneled on an incompleted trial when the term ends or unless the court orders otherwise. Jurors awaiting assignment to a trial shall be discharged as early in the afternoon as possible after it has been determined that their services as jurors will not be needed.* ~~Petit jurors shall serve for 1 week only, unless the circumstances, in the opinion of the judge, require such jurors to serve for a longer time.~~

Section 20. Section 40.45, Florida Statutes, is created to read:

40.45 Criteria to evaluate matters under ss. 40.29, 40.31, and 40.35.—The Comptroller, an authorized representative of the clerks of court, and the Supreme Court shall mutually adopt criteria to be used by the Comptroller to evaluate the clerks of courts' estimates for jury pay as found in s. 40.29, to guide the Comptroller in his apportionment of appropriations as found in s. 40.31, and to guide the Comptroller in the reconciliation of accounts of the clerks of court as found in s. 40.35.

Section 21. *Sections 40.221, 40.225, 40.231 and 40.26, Florida Statutes, are hereby repealed.*

Section 22. Subsection (5) of section 905.37, Florida Statutes, is amended to read:

905.37 List of prospective jurors; impanelment; composition of jury; compensation.—

(5) While attending a session of the statewide grand jury, each grand juror shall receive a fee of $10 per day ~~as provided in s. 40.24~~. Additionally, each grand juror attending a grand jury session shall receive per diem and travel expenses as provided under s. 112.061.

Section 23. Subsection (2) of section 90.6063, Florida Statutes, 1990 Supplement, is amended to read:

90.6063 Interpreter services for deaf persons.—

(2) In all judicial proceedings and in sessions of a grand jury wherein a deaf person is a complainant, defendant, witness, or otherwise a party, *or wherein a deaf person is a juror or grand juror,* the court or presiding officer shall appoint a qualified interpreter to interpret the proceedings *or deliberations* to the deaf person and to interpret his testimony, ~~or~~ statements, *or deliberations* to the court, *jury,* or grand jury. *A qualified interpreter shall be appointed for the duration of the trial or other proceeding in which a deaf juror or grand juror is seated.*

Section 24. Subsection (2) of section 905.17, Florida Statutes, is amended to read:

905.17 Who may be present during session of grand jury.—

(2) No person shall be present while the grand jurors are deliberating or voting, *except that an interpreter appointed pursuant to s. 90.6063(2) may be present after swearing to refrain from personal interjection and to uphold the secrecy of the proceeding.*

Section 25. Section 905.24, Florida Statutes, is amended to read:

905.24 Proceedings of grand jury to be kept secret.—Grand jury proceedings are secret, and a grand juror *or an interpreter appointed pursuant to s. 90.6063(2)* shall not disclose the nature or substance of the deliberations or vote of the grand jury.

Section 26. Subsection (2) of section 913.03, Florida Statutes, is amended to read:

913.03 Grounds for challenge to individual jurors for cause.—A challenge for cause to an individual juror may be made only on the following grounds:

(2) The juror is of unsound mind or has a bodily defect that renders him incapable of performing the duties of a juror, *except that deafness or hearing impairment shall not be the sole basis of a challenge for cause of an individual juror;*

Section 27. Section 48.021, Florida Statutes, is amended to read:

48.021 Process; by whom served.—

(1) All process shall be served by the sheriff of the county where the person to be served is found, except initial nonenforceable civil process may be served by a special process server *appointed by the sheriff* as provided for in this section or by a certified process server as provided for in ss. 48.25-48.31. Witness subpoenas may be served by any person authorized by rules of procedure.

(2)*(a)* The sheriff of each county *may, in his discretion, establish an approved list of natural persons designated as special process servers. The sheriff shall add to such list the names of those natural persons who have met the requirements provided for in this section. Each natural person whose name has been added to the approved list is subject to annual recertification and reappointment by the sheriff.* ~~shall appoint as many process servers as he in good faith deems necessary and who meet the requirements herein, each of whom shall be at least 18 years of age and a permanent resident of the state.~~ The sheriff shall prescribe an appropriate form for application for appointment. *A reasonable fee for the processing of the application shall be charged,* ~~which form shall require the signatures of two character witnesses who personally know the applicant and will vouch for his good moral character. The application shall be accompanied by a fee of $15.~~

(b) A person applying to become a special process server shall:

1. Be at least 18 years of age.

2. Have no mental or legal disability.

3. Be a permanent resident of the state.

4. Submit to a background investigation, which shall include the right to obtain and review the criminal record of the applicant.

5. Obtain and file with the application a certificate of good conduct, which specifies there is no pending criminal case against the applicant and that there is no record of any felony conviction, nor a record of a misdemeanor involving moral turpitude or dishonesty, with respect to the applicant within the past 5 years.

6. Submit to an examination testing the applicant's knowledge of the laws and rules regarding the service of process. The content of the examination and the passing grade thereon, and the frequency and the location at which such examination shall be offered shall be prescribed by the sheriff. The examination shall be offered at least once annually.

7. Execute a bond in the amount of $5000 with a surety company authorized to do business in this state for the benefit of any person wrongful injured by malfeasance, misfeasance, or neglect of duty, or incompetence of the applicant, in connection with his duties as a process server. Such bond shall be renewable annually.

8. Take an oath that the applicant will honestly, diligently, and faithfully exercise the duties of a special process server.

(c) The sheriff may prescribe additional rules and requirements directly related to subparagraphs (2)(b)1.-8. regarding the eligibility of a person to become a special process server or to have his name maintained on the list of special process servers.

(d) An applicant who completes the requirements set forth in this section shall be designated as a special process server provided that the sheriff of the county has determined that the appointment of special process servers is necessary or desirable. Each special process server shall be issued an identification card bearing his identification number, printed name, signature and photograph, and an expiration date. Each identification card shall be renewable annually upon proof of good standing and current bond.

(e) ~~The special process server shall serve at the pleasure of the sheriff, and~~ The sheriff shall have the discretion to revoke an appointment at any time that he determines a special process server is not fully and properly discharging the duties *as a special process server.* ~~of the office.~~ *The sheriff shall institute a program to determine whether the special process servers appointed as provided for in this section are faithfully discharging their duties pursuant to such appointment and a reasonable fee may be charged for the costs of administering such program.*

(3) A special process server appointed in accordance with this section shall be authorized to serve process in only the county in which the sheriff who appointed him resides and may charge a reasonable fee for his services. ~~Every special process server shall, prior to exercising the duties of office, execute a bond in the amount of $1,000 with a surety company authorized to do business in Florida, conditioned upon the faithful discharge of the duties of said office, and shall take an oath that he will honestly, diligently, and faithfully exercise the duties of said office.~~

(4) Any special process server shall be disinterested in any process he serves; and if he willfully and knowingly executes a false return of service or otherwise violates the oath of office, he shall be guilty of a felony of the third degree, punishable as provided for in s. 775.082, s. 775.083, or s. 775.084, and shall be permanently barred from serving process in Florida.

Section 28. Paragraph (a) of subsection (8) of section 741.30, Florida Statutes, is amended to read:

741.30 Action for injunction for protection against domestic violence; powers and duties of court and clerk of court; filing and form of petition for injunction; notice and hearing; temporary injunction; issuance of injunction; enforcement.—

(8)(a) The clerk of the court shall furnish a copy of the petition, financial affidavit, if any, notice of hearing, and temporary injunction, if any, to the sheriff of the county where the respondent resides or can be found, ~~who shall serve it upon the respondent as soon thereafter as possible.~~ *The clerk, or the party having the injunction issued, shall deliver the original injunction or a certified copy thereof, with sufficient copies of the injunction and initial pleadings, if any, to the sheriff of the county where the action is pending. The clerk, or the party having the injunction issued, shall deliver the original injunction or a certified copy thereof, with sufficient copies of the injunction and the initial pleadings, if any, to the sheriff or the appropriate law enforcement agency in whose jurisdiction the person to be served resides or can be found and the sheriff or the appropriate law enforcement agency shall be solely responsible for the service and execution of the injunction upon the person to be served as soon as possible on any day of the week or at any time of the day or night. If the service or execution of the injunction is by a law enforcement agency other than the sheriff, a copy of the "return of service and/or execution" shall be delivered to the sheriff of the county where the service or execution was made no later than 24 hours after said service or execution.*

Section 29. Subsection (2) of section 903.105, Florida Statutes is amended to read:

903.105 Appearance bonds.—Any criminal defendant who is required to meet monetary bail or bail with any monetary component may satisfy such bail by providing a surety bond as otherwise provided by law or by providing an appearance bond as follows:

(2) After the application is completed and the quantity and other conditions of the bond are determined as required by law, the defendant may deposit with the clerk of the court before which the action is pending or with the sheriff, if designated by the clerk, a sum of money equal to 10 percent of the bond and any additional collateral for all or part of the remaining portion of the bond as the court may require. *The sheriff may remit the money and additional collateral received to the clerk to be held by the clerk pending court action or return to the defendant or depositor. The clerk shall accept the money and additional collateral remitted by the sheriff.*

Section 30. Subsection (1) of section 903.16, Florida Statutes, is amended to read:

903.16 Deposit of money or bonds as bail.—

(1) A defendant who has been admitted to bail, or another person in his behalf, may deposit with the official authorized to take bail money or nonregistered bonds of the United States, the state, or a city, town, or county in the state, equal in market value to the amount set in the order and the personal bond of the defendant and an undertaking by the depositor if the money or bonds are deposited by another. *The sheriff or other officials may remit money or bonds received to the clerk to be held by the clerk pending court action or return to the defendant or depositor. The clerk shall accept money or bonds remitted by the sheriff.*

(Renumber subsequent section.)

House Amendment 6—In title, on page 1, line 8, after the semicolon (;) insert: amending s. 28.24, F.S.; clarifying the authority of the clerk of the court to modernize the public records system; amending s. 28.2401, F.S.; providing for filing fees for wills; providing a limit on service charges; amending s. 28.241, F.S.; specifying the maximum amount of total charges and fees that may be imposed upon the party that initiates certain civil or appellate proceedings in circuit court; specifying the maximum total amount the clerk of the circuit court may charge a county for his services in a criminal or juvenile proceeding in the circuit court; prohibiting the assessment of a charge or fee for filing a responsive pleading in a proceeding in a circuit court; amending s. 34.041, F.S.; specifying the maximum amount of charges and fees that may be imposed upon the party that initiates a civil proceeding in a county court; prohibiting the

assessment of a charge or fee for filing a responsive pleading in a proceeding in a county court or in an appeal to a circuit court; creating s. 119.033, F.S.; creating the Municipal Clerk's Capital Equipment Modernization Trust Fund; creating a surcharge on the recording of documents in the official records of the county; providing for the collection and distribution of surcharge revenues; amending s. 40.01, F.S.; providing for qualifications of jurors; amending s. 40.013, F.S.; revising language with respect to persons qualified or excused from jury service; amending s. 40.015, F.S.; providing for the establishment of jury districts in accordance with procedures adopted by the Supreme Court; providing an exception; amending s. 40.02, F.S.; revising language with respect to selection of jury lists, drawing jury venires and jury pools; amending s. 40.23, F.S.; revising language with respect to summoning jurors; amending s. 40.235, F.S.; providing that the sheriff, when required by order of the court, shall provide jurors with meals and lodging; amending s. 40.24, F.S.; providing for a juror compensation and reimbursement policy, providing for employers to compensate employees summoned for jury duty; providing for hardship exemption for employers; providing for compensation for self-employed and unemployed jurors; amending s. 40.271, F.S.; revising language with respect to jury service; creating s. 40.281, F.S.; providing for studies, research, and new procedures to be developed by the Supreme Court; amending s. 40.41, F.S.; providing that jurors shall serve for 1 day or the completion of one trial, whichever is longer; creating s. 40.45, F.S.; providing criteria to review clerk of court finances; repealing s. 40.221, F.S., relating to drawing the jury venire; repealing s. 40.225, F.S., relating to an alternative method for drawing the jury venire; repealing s. 40.231, F.S., relating to jury pools; repealing s. 40.26, F.S., relating to meals for jurors; repealing s. 40.30, F.S., relating to the requisition endorsed by the Comptroller and countersigned by the Governor; amending s. 905.37, F.S.; correcting a cross reference; amending s. 90.6063, F.S.; requiring appointment of an interpreter to assist deaf jurors or grand jurors; amending s. 905.17, F.S.; authorizing interpreters to be present at grand jury deliberation or voting; amending s. 905.24, F.S.; prohibiting interpreters from disclosing grand jury proceedings; amending s. 913.03, F.S.; providing that deafness or hearing impairment is not a ground for challenging a juror; amending s. 48.021, F.S.; providing for qualifications for special process servers; amending s. 741.30, F.S.; providing for service of injunctions in cases of domestic violence at any time of day or night; amending s. 903.105, F.S.; providing for delivery to the clerk of the court moneys or collateral remitted to a sheriff in connection with appearance bonds; amending s. 903.16, F.S.; providing for delivery to the clerk of the court moneys or bonds remitted to a sheriff in connection with the payment of bail;

House Amendment 7—On page 4, line 25, strike all of said line and insert:

Section 2. Except as otherwise provided herein, this act shall take effect October 1, 1991. Section 1 shall take effect July 1, 1991.

Senator Weinstein moved the following amendments which were adopted:

Senate Amendment 1 to House Amendment 5—On page 1, line 12, through page 27, line 23, strike all of said lines and insert:

Section 2. Section 48.021, Florida Statutes, is amended to read:

48.021 Process; by whom served.—

(1) All process shall be served by the sheriff of the county where the person to be served is found, except initial nonenforceable civil process may be served by a special process server *appointed by the sheriff* as provided for in this section or by a certified process server as provided for in ss. 48.25-48.31. Witness subpoenas may be served by any person authorized by rules of procedure.

(2)*(a)* The sheriff of each county *may, in his discretion, establish an approved list of natural persons designated as special process servers. The sheriff shall add to such list the names of those natural persons who have met the requirements provided for in this section. Each natural person whose name has been added to the approved list is subject to annual recertification and reappointment by the sheriff.* ~~shall appoint as many process servers as he in good faith deems necessary and who meet the requirements herein, each of whom shall be at least 18 years of age and a permanent resident of the state.~~ The sheriff shall prescribe an appropriate form for application for appointment. *A reasonable fee for the processing of the application shall be charged,* ~~which form shall require the signatures of two character witnesses who personally know the applicant and will vouch for his good moral character. The application shall be accompanied by a fee of $15.~~

(b) A person applying to become a special process server shall:

1. Be at least 18 years of age.

2. Have no mental or legal disability.

3. Be a permanent resident of the state.

4. Submit to a background investigation, which shall include the right to obtain and review the criminal record of the applicant.

5. Obtain and file with the application a certificate of good conduct, which specifies there is no pending criminal case against the applicant and that there is no record of any felony conviction, nor a record of a misdemeanor involving moral turpitude or dishonesty, with respect to the applicant within the past 5 years.

6. Submit to an examination testing the applicant's knowledge of the laws and rules regarding the service of process. The content of the examination and the passing grade thereon, and the frequency and the location at which such examination shall be offered shall be prescribed by the sheriff. The examination shall be offered at least once annually.

7. Execute a bond in the amount of $5000 with a surety company authorized to do business in this state for the benefit of any person wrongfully injured by malfeasance, misfeasance, or neglect of duty, or incompetence of the applicant, in connection with his duties as a process server. Such bond shall be renewable annually.

8. Take an oath that the applicant will honestly, diligently, and faithfully exercise the duties of a special process server.

(c) The sheriff may prescribe additional rules and requirements directly related to subparagraphs (2)(b)1.-8. regarding the eligibility of a person to become a special process server or to have his name maintained on the list of special process servers.

(d) An applicant who completes the requirements set forth in this section shall be designated as a special process server provided that the sheriff of the county has determined that the appointment of special process servers is necessary or desirable. Each special process server shall be issued an identification card bearing his identification number, printed name, signature and photograph, and an expiration date. Each identification card shall be renewable annually upon proof of good standing and current bond.

(e) ~~The special process server shall serve at the pleasure of the sheriff, and~~ The sheriff shall have the discretion to revoke an appointment at any time that he determines a special process server is not fully and properly discharging the duties *as a special process server.* ~~of the office.~~ *The sheriff shall institute a program to determine whether the special process servers appointed as provided for in this section are faithfully discharging their duties pursuant to such appointment and a reasonable fee may be charged for the costs of administering such program.*

(3) A special process server appointed in accordance with this section shall be authorized to serve process in only the county in which the sheriff who appointed him resides and may charge a reasonable fee for his services. ~~Every special process server shall, prior to exercising the duties of office, execute a bond in the amount of $1,000 with a surety company authorized to do business in Florida, conditioned upon the faithful discharge of the duties of said office, and shall take an oath that he will honestly, diligently, and faithfully exercise the duties of said office.~~

(4) Any special process server shall be disinterested in any process he serves; and if he willfully and knowingly executes a false return of service or otherwise violates the oath of office, he shall be guilty of a felony of the third degree, punishable as provided for in s. 775.082, s. 775.083, or s. 775.084, and shall be permanently barred from serving process in Florida.

Section 3. Paragraph (a) of subsection (8) of section 741.30, Florida Statutes, is amended to read:

741.30 Action for injunction for protection against domestic violence; powers and duties of court and clerk of court; filing and form of petition for injunction; notice and hearing; temporary injunction; issuance of injunction; enforcement.—

(8)(a) The clerk of the court shall furnish a copy of the petition, financial affidavit, if any, notice of hearing, and temporary injunction, if any, to the sheriff of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible *on any day of the week and at any time of the day or night.*

Section 4. Subsection (1) of section 903.16, Florida Statutes, is amended to read:

903.16 Deposit of money or bonds as bail.—

(1) A defendant who has been admitted to bail, or another person in his behalf, may deposit with the official authorized to take bail money or nonregistered bonds of the United States, the state, or a city, town, or county in the state, equal in market value to the amount set in the order and the personal bond of the defendant and an undertaking by the depositor if the money or bonds are deposited by another. *The sheriff or other officials may remit money or bonds received to the clerk to be held by the clerk pending court action or return to the defendant or depositor. The clerk shall accept money or bonds remitted by the sheriff.*

Section 5. Paragraph (b) of subsection (7) of section 744.331, Florida Statutes, 1990 Supplement, is amended to read:

744.331 Procedures to determine incapacity.—

(7) FEES.—

(b) The county shall have a creditor's claim against the guardianship property for any amounts paid under this section. The county must file its claim within 90 days after the *entry of an order awarding attorney ad litem fees* ~~adjudication of incapacity~~. If the county does not file its claim within the 90-day period, the county is thereafter barred from asserting the claim. Upon petition by the county for payment of the claim, the court shall enter an order authorizing immediate payment out of the property of the ward. The board of county commissioners shall keep a record of such payments.

(Renumber subsequent sections.)

Senate Amendment 1 to House Amendment 6—In title, on page 1, line 13, through page 4, line 8, strike all of said lines and insert: amending s. 48.021, F.S.; providing for qualifications for special process servers; amending s. 741.30, F.S.; providing for service of injunctions in cases of domestic violence at any time of day or night; amending s. 903.16, F.S.; providing for delivery to the clerk of the court moneys or bonds remitted to a sheriff in connection with the payment of bail; amending s. 744.331, F.S.; revising the time period within which counties must file certain claims against guardianship property;

On motions by Senator Weinstein, the Senate concurred in **House Amendments 1** and **2**; refused to concur in **House Amendments 3, 4** and **7** and the House was requested to recede; concurred in **House Amendments 5** and **6** as amended and the House was requested to concur in the Senate amendments to the House amendments.

CS for SB 1554 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1662 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1662—A bill to be entitled An act relating to children; amending s. 39.01, F.S.; providing definitions; amending s. 39.41, F.S.; providing additional disposition options to the court in dependency proceedings; amending s. 39.453, F.S.; providing deadlines for certain judicial reviews; amending s. 409.165, F.S.; providing legislative intent for the expenditure of certain funds; providing for certain funds to be used to meet the needs of dependent children; providing an effective date.

House Amendment 1—On page 10, between lines 2 and 3, insert:

Section 5. Section 415.515, Florida Statutes, 1990 Supplement, is amended to read:

415.515 Establishment of Family Builders Program ~~pilot projects~~.—

(1) Any Family Builders Program ~~pilot project~~ that is established by the Department of Health and Rehabilitative Services shall provide family preservation services to families whose children are at risk of imminent out-of-home placement because they are dependent or delinquent, or are children in need of services, and to reunite families whose children have been removed and placed in foster care for a period of 30 days or less. The Family Builders Program shall provide programs to achieve long-term changes within families that will allow children to remain with their families as an alternative to the more expensive and potentially psychologically damaging program of out-of-home placement.

(2) The department may adopt rules to implement the Family Builders Program ~~pilot projects~~.

Section 6. Section 415.516, Florida Statutes, 1990 Supplement, is amended to read:

415.516 Goals.—The goals of any Family Builders Program ~~pilot projects that may be established~~ shall be to:

(1) Help parents to improve their relationships with their children and to provide better care, nutrition, hygiene, discipline, protection, instruction, and supervision.

(2) Help parents to provide a better household environment for their children by improving household maintenance, budgeting, and purchasing.

(3) Provide part-time child care when parents are unable to do so or need temporary relief.

(4) Perform household maintenance, budgeting, and purchasing when parents are unable to do so on their own or need temporary relief.

(5) Assist parents and children to manage and resolve conflicts.

(6) Assist parents to meet the special physical, mental, or emotional needs of their children and help parents to deal with their own special physical, mental, or emotional needs that interfere with their ability to care for their children and to manage their households.

(7) Help families to discover and gain access to community resources to which the family or children might be entitled and which would assist the family in meeting its needs and the needs of the children, including the needs for food, clothing, housing, utilities, transportation, appropriate educational opportunities, employment, respite care, and recreational and social activities.

(8) Help families by providing cash or in-kind assistance to meet their needs for food, clothing, housing, or transportation when such needs prevent or threaten to prevent parents from caring for their children, and when such needs are not met by other sources in the community in a timely fashion.

(9) Provide such additional reasonable services for the prevention of maltreatment and unnecessary foster care as may be needed in order to strengthen a family at risk.

Section 7. Section 415.518, Florida Statutes, 1990 Supplement, is amended to read:

415.518 Eligibility for Family Builders Program services.—~~In any designated pilot project,~~ Family Builders Program services must be made available to a family at risk, ~~as determined by the department or by the court~~ *on a voluntary basis, provided the family meets the eligibility requirements as established by rule and there is space available in the program.* All members of the families who accept such services are responsible for cooperating fully with the family preservation plan developed for each family under this section. Families in which children are at imminent risk of sexual abuse or physical endangerment perpetrated by a member of their immediate household are not eligible to receive family preservation services, *unless the perpetrator is in, or has agreed to enter, a program for treatment and the safety of the children may be enhanced through participation in the Family Builders Program.*

Section 8. Subsections (1), (2), and (4) of section 415.519, Florida Statutes, 1990 Supplement, are amended to read:

415.519 Delivery of Family Builders Program services.—Family Builders Program services delivered to eligible families ~~under any pilot project~~ must be provided in accordance with the following requirements:

(1) Each Family Builders Program caseworker, whether employed by the department or a contractor providing family preservation services, may provide intensive services to a maximum of *six* ~~three~~ families ~~and at the same time offer followup services to a maximum of three additional families~~.

(2) Each family will receive intensive family preservation services, ~~beginning with the crisis of imminent risk of placement of one or more children,~~ for up to *4 months* ~~8 weeks, with a maximum of 3 months of services for all eligible families~~. Upon termination of family preservation services, the caseworker shall close the case for further action or refer the family for other appropriate services.

(4) Within the first week of initiating family preservation services, and after thorough consultation with the family receiving such services, the family preservation caseworker shall develop a family preservation plan which shall clearly state the specific goals and priorities, *tasks,* and approaches to be used to reach these goals, *and the estimated time-frames for when these goals will be reached* ~~for the time-limited duration of these services~~.

Section 9. Section 415.520, Florida Statutes, 1990 Supplement, is amended to read:

415.520 Qualifications of Family Builders Program workers.—

(1) A public or private agency staff member who provides direct service to an eligible family ~~under a pilot project~~ must possess a bachelor's degree in a human-service-related field and *2* ~~5~~ years' experience providing direct services to children, youth, or their families or possess a master's degree in a human-service-related field with 1 year of experience. A person who supervises caseworkers who provide direct services to eligible families must possess a master's degree in a human-service-related field and have at least *2 years of experience in social work or counseling* ~~1 year of supervisory experience~~ or must possess a bachelor's degree in a human-service-related field and have at least *3 years' experience in social work or counseling* ~~5 years of supervisory experience~~.

(2) A person who provides paraprofessional aide services to families must possess a valid high school diploma or a Graduate Equivalency Diploma and must have a minimum of 2 years' experience in working with families with children. Experience in a volunteer capacity while working with families may be included in the 2 years of required experience.

(3)~~(2)~~ Caseworkers must successfully complete at least 40 hours of intensive training prior to providing direct service under this program. *Paraprofessional aides and supervisors must, within 90 days after hiring, complete a training program prescribed by the department on child abuse and neglect and an overview of the children, youth and families program components and service delivery system.* Program supervisors and caseworkers must thereafter complete at least 40 hours of additional training each year in accordance with standards established by the department.

Section 10. Section 415.521, Florida Statutes, 1990 Supplement, is amended to read:

415.521 *Outcome evaluation* ~~Program evaluation.—One year after the establishment of any Family Builders Program pilot project, the department shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall provide an evaluation of the effectiveness of any Family Builders Program pilot project established pursuant to this act.~~ The *outcome evaluation* report *of the department* shall include, but is not limited to, the following information, *which the contract providers must maintain and provide*:

(1) The number of families receiving services ~~through the pilot projects~~.

~~(2) The number of children at risk of placement and the number of children in foster placement for 30 days or less prior to initiation of services to families who are participating in the Family Builders Program.~~

(2)~~(3) Among those children in subsection (2),~~ The number of children placed in emergency shelters, foster care, group homes, or other facilities outside their homes and families.

(3)~~(4)~~ The average cost of the services provided to families receiving services.

~~(5) The estimated cost of out-of-home placement, through emergency shelters, foster care, group homes, or other facilities, which would otherwise have been expended on behalf of these children at risk of placement who successfully remain united with their families as a result of services provided through any Family Builders Program pilot project, based on average lengths of stay and average cost of such out-of-home placements.~~

~~(6) The feasibility of using funds currently earmarked for the out-of-home placement of children for the creation of a family preservation program and an estimate of additional funds needed to implement such a program statewide.~~

~~(7) A thorough evaluation of the contractors utilized by the department to provide family preservation services.~~

(4)~~(8)~~ An overall statement of the progress of the *program* ~~Family Builders Program pilot projects during the preceding year,~~ along with recommendations for improvements.

Section 11. Section 415.522, Florida Statutes, 1990 Supplement, is amended to read:

415.522 Funding.—The department is authorized to use appropriate state, federal, and private funds within its budget for operating the Family Builders Program ~~pilot projects~~. ~~Appropriated state funding made available through capture of additional federal funds must be utilized to provide family preservation services as described in this act.~~ For each child served, the cost of providing home-based services described in this act must not exceed the costs of out-of-home care which otherwise would be incurred.

(Renumber subsequent sections.)

House Amendment 2—In title, on page 1, line 11, after the semicolon (;) insert: amending ss. 415.515, 415.516, 415.518, 415.519, 415.520, 415.521, and 415.522, F.S.; revising provisions of the Family Builders Program;

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

CS for SB 1662 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 2000 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 2000—A bill to be entitled An act relating to general laws affecting local financing; providing procedures for the governing body of a county or municipality to declare, pursuant to an ordinance, that the county or municipality is not bound by a general law that requires the expenditure of funds and is enacted in violation of section 18(a), Article VII of the State Constitution; providing for review of any such ordinance under writ of mandamus filed by the Attorney General; providing for a determination of insignificant fiscal impact as used in section 18(d), Article VII of the State Constitution; repealing s. 11.076, F.S., relating to requirements for general laws affecting local financing; repealing s. 163.705(3), F.S., relating to the duties of the Florida Advisory Council on Intergovernmental Relations pertaining to the analysis of legislation affecting local revenue sources; providing an effective date.

House Amendment 1—On page 3, lines 23 and 24, strike all of said lines and insert:

(4) Venue for proceedings brought under this section is in the county in which the District Court of Appeal having jurisdiction over the affected county or municipality is headquartered. Any appeal arising from a proceeding initiated pursuant to this section shall be to the First District Court of Appeal.

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

SB 2000 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 2010 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 2010—A bill to be entitled An act relating to driver improvement schools and advanced driver improvement schools; amending s. 318.14, F.S.; deleting a provision allowing for the election of a driver improvement course in lieu of a civil penalty; requiring the Department of Highway Safety and Motor Vehicles to approve a driver improvement course; providing for a reduction in fines; deleting a provision requiring an assessment of court costs; creating s. 318.1451, F.S., relating to driver improvement schools; requiring oversight and licensing of such schools by the department; requiring the department, with the advice and consent of the chief judge of the applicable judicial circuit, to establish requirements regarding the number of providers and minimum number and location of courses offered by such schools within a judicial circuit; requiring the department to consider course content for certain specified criteria; providing for suspension of proof of attendance of persons attending such schools; providing for refunds; providing for fees; amending s. 318.21, F.S.; providing for distribution of funds; providing for review and repeal of ss. 318.14(9), 318.1451, 322.291, F.S., pursuant to the Regulatory Sunset Act; providing an effective date.

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

Section 1. Subsection (9) of section 318.14, Florida Statutes, as amended by chapter 89-282, Laws of Florida, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(9)~~(a)~~ Any person cited for an infraction under this section other than a violation of s. 320.0605(1), s. 320.07(3)(a), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of *a* ~~payment of a civil penalty or~~ court appearance, elect to attend in the location of his choice a driver improvement course approved by the *Department of Highway Safety and Motor Vehicles* ~~state~~. In such case, adjudication shall be withheld, ~~and~~ points, as provided by s. 322.27, shall not be assessed, *and the civil penalty that is imposed by s 318 18(3) shall be reduced by 18 percent*; however, no election shall be made under this subsection if such person has made an election under this subsection in the 12 months preceding election hereunder. No person may make more than three elections under this subsection.

~~(b) Any person making an election under this subsection shall be assessed court costs of $37 notwithstanding waiver of civil penalty. Costs collected under this paragraph shall be distributed as provided in s. 318.21.~~

Section 2. Section 318.1451, Florida Statutes, is created to read:

318.1451 Driver improvement schools.—

(1) The Department of Highway Safety and Motor Vehicles shall oversee all driver improvement schools and approve the courses of all such schools, as the courses relate to ss. 318.14(9) and 322.291. The department may, in consultation with the chief judge of the applicable judicial circuit, establish requirements regarding the location of courses to be offered by a driver improvement school within a judicial circuit. No person may engage in the business of operating a driver improvement school which offers these courses without first obtaining approval by the department.

(2) In determining whether to approve the courses referenced in this section, the department shall consider course content designed to promote safety, driver awareness, accident avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint.

(3) The Department of Highway Safety and Motor Vehicles shall suspend accepting proof of attendance of courses from persons who attend those schools that do not maintain the approved course guidelines. In those circumstances, a person who has elected to take courses from a school whose approval has been suspended shall receive a refund from the school, and the person shall have the opportunity to take the course at another school.

(4) In addition to a regular course fee, $2.50 shall be collected by the school from each person who elects to attend a course, as it relates to s. 318.14(9) or s. 322.291, which shall be remitted to the Department of Highway Safety and Motor Vehicles and deposited in the Accident Reports Trust Fund to administer this program.

Section 3. Effective October 1, 1991, subsections (9) and (11) of section 318.18, Florida Statutes, 1990 Supplement, as amended by chapter 90-330, Laws of Florida, are amended to read:

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

(9)*(a)* Two dollars for every mile per hour over the lawful speed limit for violations for unlawful speed shall be assessed in addition to the penalties set forth in subsection (3)~~, for deposit in the Impaired Drivers and Speeders Trust Fund for the purposes set forth in s. 413.613, after 5 percent is deducted by the clerk of the court for administrative costs~~.

(b) Beginning July 1, 1992, 25 cents for every mile per hour over the lawful speed limit for violations for unlawful speed shall be assessed in addition to the penalties set forth in subsection (3) and paragraph (a), for deposit in the Nongame Wildlife Trust Fund.

(11) Five dollars for each moving violation, except for violations involving an unlawful speed, shall be assessed in addition to the penalties set forth in subsection (3)~~, for deposit in the endowment fund of the Florida Endowment Foundation for Vocational Rehabilitation established in s. 413.615, after 5 percent is deducted by the clerk of the court for administrative costs~~.

Section 4. Effective October 1, 1991, section 318.21, Florida Statutes, 1990 Supplement, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(1) Two dollars from every civil penalty shall be paid to the Department of Health and Rehabilitative Services for deposit, in equal amounts, into the Child Welfare Training Trust Fund for child welfare training purposes pursuant to s. 402.40 and into the Juvenile Justice Training Trust Fund for juvenile justice training purposes pursuant to s. 39.024.

(2) Of the remainder:

(a) *Twenty and six-tenths* ~~If the violation occurred within a municipality or a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe.~~

~~1. Twenty-five~~ percent shall be paid to the General Revenue Fund of the state, *except that the first $300,000 shall be deposited into the Grants and Donations Trust Fund in the Department of Health and Rehabilitative Services for Florida foster care citizen review panels as provided for in s. 39.4531.*~~; and~~

~~2. Seventy-five percent shall be paid to that municipality or special improvement district.~~

~~(b) If the violation occurred within the unincorporated area of a county that is not within a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe.~~

~~1. Twenty-five percent shall be paid to the General Revenue Fund of the state; and~~

~~2. Seventy-five percent shall be paid to that county.~~

~~(3)(a) Moneys paid to the General Revenue Fund of the state under subsection (2) shall be as follows:~~

(b)~~1.~~ *Seven and two-tenths* ~~Forty~~ percent shall be deposited in the Emergency Medical Services Trust Fund for the purposes set forth in s. 401.113.~~;~~

(c)~~2.~~ *Five and one-tenth* ~~Twenty-five~~ percent shall be deposited in the Additional Court Cost Clearing Trust Fund established pursuant to s. 943.25 for criminal justice purposes. ~~; and~~

(d) Eight and two-tenths percent shall be deposited in the Impaired Drivers and Speeders Trust Fund for the purposes set forth in s. 413.613.

(e) Two percent shall be deposited in the endowment fund of the Florida Endowment Foundation for Vocational Rehabilitation established by s. 413.615.

(f) Five-tenths percent shall be paid to the clerk of the court for administrative costs.

(g)1. If the violation occurred within a municipality or a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe, 56.4 percent shall be paid to that municipality or special improvement district.

2. If the violation occurred within the unincorporated area of a county that is not within a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe, 56.4 percent shall be paid to that county.

~~3. The remainder may be used for any lawful purpose.~~

(3)(a)~~(b)~~ Moneys paid to a municipality or special improvement district under *subparagraph (2)(g)1.* ~~subsection (2)~~ must be used to fund local criminal justice training as provided in s. 943.25(13) when such a program is established by ordinance; to fund a municipal school crossing guard program when such a program is established by ordinance; and for any other lawful purpose.

(b)~~(c)~~ Moneys paid to a county under *subparagraph (2)(g)2.* ~~subsection (2)~~ shall be used to fund local criminal justice training as provided in s. 943.25(13) when such a program is established by ordinance, to fund a county school crossing guard program when such a program is established by ordinance, and for any other lawful purpose.

Section 5. Effective October 1, 1991, paragraph (b) of subsection (4) of section 413.615, Florida Statutes, 1990 Supplement, is amended to read:

413.615 Florida Endowment for Vocational Rehabilitation.—

(4) REVENUE FOR THE ENDOWMENT FUND.—

(b) The principal of the endowment fund shall derive from the *deposits made pursuant to s. 318.21(2)(e)* ~~collection of an additional $5 penalty on noncriminal moving traffic violations under s. 318.18(11)~~, together with any legislative appropriations which may be made to the endowment, and such bequests, gifts, grants, and donations as may be solicited for such purpose by the foundation from public or private sources.

Section 6. Sections 318.14(9), 318.1451, and 322.291, Florida Statutes, are repealed on October 1, 1992, and shall be reviewed by the Legislature pursuant to section 11.61, Florida Statutes.

Section 7. Except as otherwise provided herein, this act shall take effect July 1, 1991.

House Amendment 2—Strike the entire title and insert: A bill to be entitled An act relating to traffic infractions; amending s. 318.14, F.S.; deleting a provision allowing for the election of a driver improvement course in lieu of a civil penalty; requiring the Department of Highway Safety and Motor Vehicles to approve a driver improvement course; providing for a reduction in fines; deleting a provision requiring an assessment of court costs; creating s. 318.1451, F.S., relating to driver improvement schools; requiring oversight of such schools by the department; providing for approval of courses; providing for suspension of acceptance of proof of attendance of persons attending certain schools; providing for refunds; providing for fees; amending s. 318.18, F.S.; providing an additional civil penalty for unlawful speed violations; providing for disposition thereof; amending s. 318.21, F.S.; revising disposition of civil penalties; amending s. 413.615, F.S., to conform; providing for review and repeal of ss. 318.14(9), 318.1451, and 322.291, F.S., pursuant to the Regulatory Sunset Act; providing effective dates.

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

CS for SB 2010 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments to CS for SB 2014 and again requests the Senate to concur.

John B. Phelps, Clerk

CS for SB 2014—A bill to be entitled An act relating to pesticides; providing for an increase in the registration fee and certain dealer's license fees collected by the Department of Agriculture and Consumer Services; providing for deposit of fee proceeds into the General Inspection Trust Fund; providing for the provisions increasing the fees to expire on June 30, 1992; providing an effective date.

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

CS for SB 2014 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 4, 5, 6 to House Amendment 1 and Senate Amendments 2, 3, 4 to House Amendment 2; has amended Senate amendments 2 and 3 to House Amendment 1 and concurred in same as amended; has passed CS for SB 2126, as further amended and requests the Senate to concur.

John B. Phelps, Clerk

CS for SB 2126—A bill to be entitled An act relating to fiscal affairs of the state; amending s. 161.091, F.S., relating to the Beach Management Trust Fund; eliminating funds from the State Infrastructure Fund for beach management purposes; amending s. 201.15, F.S.; providing for the distribution of revenues from the state excise tax on documents to the General Revenue Fund and the Land Acquisition Trust Fund rather than the State Infrastructure Fund and increasing the amounts to be distributed to the Land Acquisition Trust Fund; amending s. 212.0606, F.S.; providing for distribution of the proceeds of rental car surcharges to specified funds; amending s. 212.20, F.S.; eliminating distribution of revenues from the state tax on sales, use, and other transactions to the State Infrastructure Fund; providing for distribution thereof to the General Revenue Fund; amending s. 212.69, F.S.; increasing the amount of the proceeds to be distributed annually from the State Transportation Trust Fund; specifying purposes for which such distribution may be used; amending s. 215.32, F.S.; eliminating the State Infrastructure Fund as a fund in the State Treasury; requiring certain annual appropriations of general revenue for certain state-level purposes; amending s. 216.016, F.S.; eliminating the State Infrastructure Fund as a source for certain projects; amending s. 216.167, F.S.; eliminating the State Infrastructure Fund from the Governor's consideration regarding his budget recommendations; amending s. 320.072, F.S.; providing for disposition of proceeds from additional fees imposed on certain motor vehicle registration transactions; amending s. 366.84, F.S.; restricting the Florida Energy Trust Fund to the sole purpose of subsidizing and guaranteeing loans made prior to July 1, 1991; amending s. 24.121, F.S.; increasing the percentage of lottery revenues allocated to the Educational Enhancement Trust Fund; amending s. 259.101, F.S.; providing for the distribution of proceeds in the Preservation 2000 Trust Fund; amending s. 253.025, F.S.; increasing funds for acquisition of lands from the Resolution Trust Corporation; amending s. 373.459, F.S.; removing the requirement for funds to be continually appropriated; changing the cost sharing from the Surface Water Improvement and Management Trust Fund; repealing s. 195.094, F.S., relating to the Property Assessment Loan Fund; repealing s. 212.235, F.S., relating to the State Infrastructure Fund; repealing s. 216.175, F.S., relating to State Infrastructure Fund appropriations; reappropriating certain funds; appropriating money for transfer to the Department of Highway Safety and Motor Vehicles to offset an anticipated deficit in the Law Enforcement Trust Fund; providing an effective date.

House Amendment 1 to Senate Amendment 2 to House Amendment 1—On page 1, lines 14-15, strike all of said lines and insert: appropriations made by the Legislature from the State

House Amendment 1 to Senate Amendment 3 to House Amendment 1—On page 1, line 14, strike "Working Capital Fund" and insert: General Revenue Fund

On motions by Senator Gardner, the Senate concurred in the House amendments to the Senate amendments to the House amendments, and concurred in the House amendments as amended.

CS for SB 2126 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 2144 and requests the concurrence of the Senate.

John B. Phelps, Clerk

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

House Amendment 1—On page 13, between lines 22 and 23, insert:

Section 1. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (5) of section 493.6121, Florida Statutes, 1990 Supplement, is reenacted and amended to read:

493.6121 Enforcement; investigation.—

(5) In order to carry out the duties of the department prescribed in this chapter, designated employees of the Division of Licensing of the Department of State may obtain access to the information in criminal justice information systems and to criminal justice information as defined in s. 943.045, on such terms and conditions as are reasonably calculated to provide necessary information and protect the confidentiality of the information. *Such criminal justice information submitted to the division is confidential and 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 2. Notwithstanding the October 1, 1991, repeal specified in section 119.14(3)(a), Florida Statutes, section 493.6122, Florida Statutes, 1990 Supplement, is reenacted and amended to read:

493.6122 Information about licensees; confidentiality.~~—The department shall maintain the confidentiality of information relating to~~ The residence telephone number and residence address of any Class "C," Class "CC," Class "E," or Class "EE" licensee *maintained by the department is confidential and exempt from the provisions of s. 119.07(1),* except that the department may provide this information to local, state, or federal law enforcement agencies. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* When the residence telephone number or residence address of such licensee is, or appears to be, the business telephone number or business address, this information shall be public record.

(Renumber subsequent section.)

House Amendment 2—In title, on page 1, line 31, after "persons;" insert: amending s. 493.6121, F.S., which provides an exemption from public records requirements for criminal justice information on applicants for licensure; amending s. 493.6122, F.S., which provides an exemption from public records requirements for records containing residence addresses and telephone numbers of applicants for licensure as a private investigator or recovery agent; saving such exemptions from repeal; providing for future review and repeal;

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

CS for SB 2144 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 2146 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 2146—A bill to be entitled An act relating to scheduled repeal and prior legislative review of certain professions, pursuant to the Regulatory Sunset Act; revising the scheduled repeal date for ss. 455.301, 455.302, 455.303, 455.304, 455.305, 455.306, 455.307, 455.308, 455.309, F.S., and repealing s. 22 of ch. 87-394, Laws of Florida, and s. 19 of ch. 88-378, Laws of Florida, relating to asbestos contractors and consultants; amending s. 14 of ch. 86-265, Laws of Florida; revising the scheduled repeal date for ch. 457, F.S.; relating to acupuncture; amending s. 18 of ch. 86-284, Laws of Florida; revising the scheduled repeal date for ch. 464, F.S.; relating to nursing; amending s. 27 of ch. 86-256, Laws of Florida; revising the scheduled repeal date for ch. 465, F.S.; relating to pharmacy; amending s. 24 of ch. 86-291, Laws of Florida, and s. 1(7) of ch. 89-296, Laws of Florida, and repealing s. 19 of ch. 89-374, Laws of Florida; revising the scheduled repeal date for ch. 466, F.S.; relating to dentistry, dental hygiene, and dental laboratories; amending s. 17 of ch. 86-223, Laws of Florida; revising the scheduled repeal date for part II of ch. 468, F.S.; relating to nursing home administration; amending s. 14 of ch. 86-119, Laws of Florida, and repealing s. 9 of ch. 87-210, Laws of Florida; revising the scheduled repeal date for part VI of ch. 468, F.S.; relating to auctioneers; amending s. 15 of ch. 86-292, Laws of Florida, and repealing s. 4 of ch. 89-66, Laws of Florida; revising the scheduled repeal date for part VII of ch. 468, F.S.; relating to talent agencies; providing an effective date.

House Amendment 1—In title, on page 2, line 5, after "agencies;" insert: rescheduling Sunset review and repeal of s. 766.105, F.S., relating to Florida Patient's Compensation Fund;

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

SB 2146 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—None

CONFERENCE COMMITTEE REPORT ON SB 2300

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed SB 2300, as amended by the Conference Committee Report.

John B. Phelps, Clerk

The Honorable Gwen Margolis
President of the Senate

The Honorable T. K. Wetherell
Speaker, House of Representatives

Dear Madam President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two Houses on the House amendments to Senate Bill 2300, same being:

> An act making appropriations; providing moneys for the annual period beginning July 1, 1991, and ending June 30, 1992, to pay salaries, other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

1. That the House recede from its amendments 1 and 2.
2. That the Senate and the House of Representatives adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

s/Winston W. Gardner, Jr.	*s/John Grant*
Chairman	*s/Bob Johnson*
s/William G. Bankhead	*s/Carrie P. Meek*
s/Vince Bruner	*s/Pat Thomas*

s/Roberto Casas *s/Karen L. Thurman*
s/Ander Crenshaw *s/Sherry Walker*
s/Helen Gordon Davis *s/Eleanor Weinstock*
s/Lincoln Diaz-Balart *s/Quillian Yancey*
s/Jack D. Gordon

Conferees at Large

s/James A. Scott *s/Peter M. Weinstein*

Managers on the part of the Senate

s/Ron Saunders *s/Timothy F. Ireland*
Vice Chairman *s/Alfred J. Lawson, Jr.*
s/George Albright *s/John Long*
s/Corrine Brown *s/Anne Mackenzie*
s/Bill Clark *s/Sam Mitchell*
s/James O. Davis, III *s/Luis C. Morse*
s/Michael Friedman *s/Luis E. Rojas*
s/Rodolfo Garcia *s/Hurley W. Rudd*
s/Elaine Gordon *s/Debby P. Sanderson*
s/Lars A. Hafner *s/Ronald A. Silver*
s/Edward Healey, Jr. *s/Robert D. Trammell*
s/Betty S. Holzendorf

Managers on the part of the House of Representatives

Conference Committee Amendment 1—On page 1, strike everything after the enacting clause and insert:

SECTION 1. The moneys contained herein are appropriated from the named funds for the 1991-92 Fiscal Year to the State agency indicated, as the amounts to be used to pay the salaries and other operational expenditures of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes.

ADMINISTERED FUNDS

0A	LUMP SUM SENIOR MANAGEMENT RETIREMENT CONTRIBUTION FROM GENERAL REVENUE FUND	356,000	

Funds in Specific Appropriation 0A are contingent on HB 2069 or similar legislation becoming law increasing the Retirement Contribution rate for Senior Management Class.

1	LUMP SUM STATE BUILDING RENTAL INCREASE FROM GENERAL REVENUE FUND	4,200,000	
	FROM TRUST FUNDS		2,700,000
1A	LUMP SUM PRODUCTIVITY ENHANCEMENT FROM GENERAL REVENUE FUND	20,000,000	
	FROM TRUST FUNDS		10,014,853

Funds provided in Specific Appropriation 1A are contingent upon the implementation of the productivity reductions incorporated in Section 01 of the General Appropriations Act. The productivity reductions may be reallocated between budget entities within a state agency upon approval of the Office of Planning and Budgeting, subject to the notice, review, and objection procedures set forth in s. 216.177, Florida Statutes. These productivity reductions include the elimination of a minimum of 5% of the positions within the Senior Management and Select Exempt Service for each agency.
If it is determined that the 5% reductions to Senior Management and Select Exempt Service will affect the ability of the agency to achieve its statutory responsibilities or creates a circumstance which would impair the health, safety, and welfare of its employees, the agency may appeal the 5% minimum reduction to the Office of Planning and Budgeting. If the Office of Planning and Budgeting waives or reduces the 5% minimum reduction, it shall notify the Legislative Appropriations Committees of this decision.
Funds in Specific Appropriation 1A shall be available for redistribution back to those agencies which participated in the budget reduction issue in the manner described in s. 216.181(1)(b), Florida Statutes. This redistribution shall be subject to the notice, review, and objection procedures set forth in s. 216.177, Florida Statutes. To the extent possible, consideration should be given to redistributing these funds in proportion to the level of general revenue and trust fund reductions taken by the respective agencies. Funds shall be redistributed in accordance with productivity enhancement plans prepared by the agencies and adopted by the process as herein described.
There is hereby created a nine (9) member task force on Productivity Enhancement which shall consist of three members appointed by the Governor, three members appointed by the Speaker of the House, and three members appointed by the President of the Senate. The task force shall review all agency productivity plans and make recommendations. Elements of productivity plans that involve automation or innovative technologies, that are on approved IRC plans may be recommended for release by the task force as soon as practicable. Recommendations on productivity enhancement that involve training, salaries and benefits shall be made by January 1, 1992.
The Productivity Enhancement Plans submitted in accordance with the 1991-92 Governor's Recommended Budget will serve as the catalyst for the task force review, and specific focus shall be given, but not limited to, the areas of automation and innovative technologies, employee training, and salary and benefits issues. Each agency shall amend their productivity enhancement plan in accordance with the actual agency budget reduction contained in the 1991-92 General Appropriations Act.
Each agency may choose to participate in a vacant position reserve pool to increase the resources available for the purpose of implementing their productivity enhancement plans. If a position becomes vacant after July 1, 1991, an agency may request the Office of Planning and Budgeting to place the position, rate, and dollars in a reserve pool to be credited towards the agency's productivity plan. The task force shall consider the funds available in the reserve pool when making recommendations to the Executive Office of the Governor.

2	LUMP SUM SOCIAL SECURITY CONTRIBUTION INCREASE FROM GENERAL REVENUE FUND	4,301,769	
	FROM TRUST FUNDS		9,008,690
3	NOT USED		
4	LUMP SUM CASUALTY INSURANCE PREMIUM DEFICIT FROM GENERAL REVENUE FUND	20,000,000	
	FROM TRUST FUNDS		2,600,000
5	LUMP SUM STATE HEALTH INSURANCE TRUST FUND DEFICIENCY FROM GENERAL REVENUE FUND	51,099,000	
	FROM TRUST FUNDS		18,901,000

Funds provided in Specific Appropriation 5 shall be distributed by the Executive Office of the Governor to state agencies to fund the employer's share of the increase in health insurance premiums as follows: $28.76 increase in premium for single coverage and $54.18 increase in premium for family coverage.

6	NOT USED		
7	SPECIAL CATEGORIES COUNCIL OF STATE GOVERNMENTS FROM GENERAL REVENUE FUND	133,600	
8	SPECIAL CATEGORIES DEFICIENCY FROM GENERAL REVENUE FUND	400,000	
9	SPECIAL CATEGORIES		

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SUNSHINE STATE GAMES
FROM GENERAL REVENUE FUND 300,000

10 SPECIAL CATEGORIES
EMERGENCY
FROM GENERAL REVENUE FUND 250,000

11 SPECIAL CATEGORIES
FLORIDA LAND AND WATER ADJUDICATORY
COMMISSION - ADMINISTRATIVE APPEALS
FROM GENERAL REVENUE FUND 4,756

12 SPECIAL CATEGORIES
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 10,000

Funds in Specific Appropriation 12 shall be used for litigation expenses for the Administration Commission relating to local comprehensive plans and other items which come before the Administration Commission for disposition.

13 SPECIAL CATEGORIES
TRANSFER TO PLANNING AND BUDGETING SYSTEM
TRUST FUND
FROM GENERAL REVENUE FUND 1,928,824

Funds in Specific Appropriation 13 shall be transferred to the Administered Funds account in the Legislature for the purpose of contracting for the development and implementation of the LAS/PBS Appropriations System.

14 PAYMENTS FOR CLAIMS BILLS AND RELIEF ACTS
RELIEF/ROBERT LEROY DAVIS,SR., REBA KAY
DAVIS AND ROBERT LEROY DAVIS,JR.
FROM GENERAL REVENUE FUND 100,000

Funds in Specific Appropriation 14 are provided pursuant to Section 7, Chapter 84-385, Laws of Florida.

15 PAYMENTS FOR CLAIMS BILLS AND RELIEF ACTS
RELIEF/CITY OF HAINES CITY
FROM GENERAL REVENUE FUND 100,000

Funds in Specific Appropriation 15 are provided pursuant to Section 10, Chapter 90-428, Laws of Florida.

ADMINISTRATION, DEPARTMENT OF

OFFICE OF THE SECRETARY

16 SALARIES AND BENEFITS POSITIONS 76
FROM GENERAL REVENUE FUND 613,792
FROM ADMINISTRATIVE TRUST FUND 2,467,772

17 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,000
FROM ADMINISTRATIVE TRUST FUND 757,800

18 EXPENSES
FROM GENERAL REVENUE FUND 54,626
FROM ADMINISTRATIVE TRUST FUND 461,441
FROM OTHER PERSONAL SERVICES ASSESSMENT
TRUST FUND 3,133

19 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 808
FROM ADMINISTRATIVE TRUST FUND 41,956

20 NOT USED

21 NOT USED

STATE EMPLOYEES' INSURANCE, DIVISION OF

22 SALARIES AND BENEFITS POSITIONS 68
FROM PRETAX BENEFITS TRUST FUND 312,337
FROM STATE EMPLOYEES LIFE INSURANCE
TRUST FUND 20,642
FROM STATE EMPLOYEES HEALTH INSURANCE
TRUST FUND 1,476,957
FROM STATE EMPLOYEES DISABILITY
INSURANCE TRUST FUND 28,437

23 OTHER PERSONAL SERVICES
FROM STATE EMPLOYEES LIFE INSURANCE
TRUST FUND 9,631
FROM STATE EMPLOYEES HEALTH INSURANCE
TRUST FUND 3,059,560
FROM STATE EMPLOYEES DISABILITY
INSURANCE TRUST FUND 1,543

24 EXPENSES
FROM PRETAX BENEFITS TRUST FUND 286,772
FROM STATE EMPLOYEES HEALTH INSURANCE
TRUST FUND 581,341
FROM STATE EMPLOYEES DISABILITY
INSURANCE TRUST FUND 33,766

25 OPERATING CAPITAL OUTLAY
FROM STATE EMPLOYEES HEALTH INSURANCE
TRUST FUND 34,518
FROM STATE EMPLOYEES DISABILITY
INSURANCE TRUST FUND 2,219

26 NOT USED

27 NOT USED

28 SPECIAL CATEGORIES
TRANSFER TO STATE EMPLOYEES HEALTH
INSURANCE TRUST FUND
FROM GENERAL REVENUE FUND 3,924,600

29 DATA PROCESSING SERVICES
ADMINISTRATIVE MANAGEMENT INFORMATION
CENTER - DEPARTMENT OF GENERAL SERVICES
FROM STATE EMPLOYEES HEALTH INSURANCE
TRUST FUND 419,864
FROM STATE EMPLOYEES DISABILITY
INSURANCE TRUST FUND 26,400

PERSONNEL MANAGEMENT SERVICES, DIVISION OF

30 SALARIES AND BENEFITS POSITIONS 87
FROM GENERAL REVENUE FUND 229,213
FROM STATE EMPLOYEES HEALTH INSURANCE
TRUST FUND 161,297
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 2,819,918

31 OTHER PERSONAL SERVICES
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 129,000

32 EXPENSES
FROM GENERAL REVENUE FUND 139,965
FROM STATE EMPLOYEES HEALTH INSURANCE
TRUST FUND 8,808
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 825,709

33 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 688
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 630,432

34 NOT USED

35 DATA PROCESSING SERVICES
ADMINISTRATIVE MANAGEMENT INFORMATION
CENTER - DEPARTMENT OF GENERAL SERVICES
FROM GENERAL REVENUE FUND 736,139
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 1,763,264

Funds in Specific Appropriations 30 through 35 from the State Personnel System Trust Fund are based upon a personnel assessment of $53 per person.

RETIREMENT, DIVISION OF

36 SALARIES AND BENEFITS POSITIONS 225
FROM GENERAL REVENUE FUND 222,068
FROM OPERATING TRUST FUND 6,484,777
FROM OPTIONAL RETIREMENT PROGRAM TRUST
FUND 36,177
FROM RETIREE HEALTH INSURANCE SUBSIDY
TRUST FUND 47,571

37 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 164,260

SECTION 1 SPECIFIC APPROPRIATION			
38	EXPENSES		
	FROM GENERAL REVENUE FUND	16,383	
	FROM FLORIDA RETIREMENT SYSTEM TRUST FUND		9,889
	FROM OPERATING TRUST FUND		1,864,400
	FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND		52,648
	FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND		18,589
39	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	359	
	FROM OPERATING TRUST FUND		21,255
40	NOT USED		
41	NOT USED		
42	DATA PROCESSING SERVICES ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES		
	FROM GENERAL REVENUE FUND	5,005	
	FROM OPERATING TRUST FUND		1,202,000
	FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND		9,000
	Funds in Specific Appropriations 36, 38, and 42 from the Optional Retirement Program Trust Fund are based on an assessment of .01 percent of the participants' salaries and shall be used only for administration of the Optional Retirement Program.		
43	PENSIONS AND BENEFITS DISABILITY BENEFITS TO JUSTICES AND JUDGES		
	FROM GENERAL REVENUE FUND	99,204	
44	PENSIONS AND BENEFITS FLORIDA NATIONAL GUARD		
	FROM GENERAL REVENUE FUND	1,736,280	
45	PENSIONS AND BENEFITS MEMBERS BENEFITS		
	FROM FLORIDA RETIREMENT SYSTEM TRUST FUND		919,042,194
	FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES SUPPLEMENTAL RETIREMENT TRUST FUND		198,425
	FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND		75,847,390
46	PENSIONS AND BENEFITS SPECIAL PENSIONS AND RELIEF ACTS		
	FROM GENERAL REVENUE FUND	9,775	
47	PENSIONS AND BENEFITS STATE OFFICERS AND EMPLOYEES (NON-CONTRIBUTORY)		
	FROM GENERAL REVENUE FUND	2,254,245	
48	PENSIONS AND BENEFITS TEACHER'S SPECIAL PENSIONS		
	FROM GENERAL REVENUE FUND	38,310	
COMMISSION ON HUMAN RELATIONS			
49	SALARIES AND BENEFITS POSITIONS	37	
	FROM GENERAL REVENUE FUND	962,487	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		194,104
50	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	21,500	
51	EXPENSES		
	FROM GENERAL REVENUE FUND	127,184	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		77,288
52	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	2,872	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		520
53	NOT USED		
ADMINISTRATIVE HEARINGS, DIVISION OF			
54	SALARIES AND BENEFITS POSITIONS	62	
	FROM GENERAL REVENUE FUND	587,947	
	FROM ADMINISTRATIVE TRUST FUND		3,047,019
55	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		26,726
56	EXPENSES		
	FROM GENERAL REVENUE FUND	13,705	
	FROM ADMINISTRATIVE TRUST FUND		635,203
57	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		16,180
57A	LUMP SUM FULL TEXT RETRIEVAL SYSTEM		
	FROM ADMINISTRATIVE TRUST FUND		155,000
58	NOT USED		
AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE			
OFFICE OF THE COMMISSIONER AND DIVISION OF ADMINISTRATION			
59	SALARIES AND BENEFITS POSITIONS	219	
	FROM GENERAL REVENUE FUND	5,135,908	
	FROM ADMINISTRATIVE TRUST FUND		2,152,149
	FROM GENERAL INSPECTION TRUST FUND		61,136
60	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	20,563	
	FROM ADMINISTRATIVE TRUST FUND		20,563
61	EXPENSES		
	FROM GENERAL REVENUE FUND	673,085	
	FROM ADMINISTRATIVE TRUST FUND		706,558
	FROM GENERAL INSPECTION TRUST FUND		11,700
62	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	28,295	
	FROM ADMINISTRATIVE TRUST FUND		33,819
63	NOT USED		
64	SPECIAL CATEGORIES ACCELERATED SOIL SURVEY PROGRAM		
	FROM GENERAL REVENUE FUND	250,000	
65	NOT USED		
66	SPECIAL CATEGORIES GRANTS AND AIDS - PROMOTIONAL AWARDS EXPENSES		
	FROM QUARTER HORSE RACING PROMOTION TRUST FUND		6,750
67	SPECIAL CATEGORIES GRANTS AND AIDS - PROMOTIONAL AWARDS		
	FROM GENERAL REVENUE FUND	105,000	
	FROM QUARTER HORSE RACING PROMOTION TRUST FUND		49,500
	Funds in Specific Appropriations 66 and 67 from the Quarter Horse Racing Promotion Trust Fund may be advanced in part or in total.		
68	DATA PROCESSING SERVICES AGRICULTURE MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	465,437	
	FROM ADMINISTRATIVE TRUST FUND		94,202
69	DATA PROCESSING SERVICES ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		17,236
INSPECTION, DIVISION OF			
70	SALARIES AND BENEFITS POSITIONS	463	
	FROM GENERAL REVENUE FUND	8,193,719	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		902,669
	FROM GENERAL INSPECTION TRUST FUND		6,190,725
71	OTHER PERSONAL SERVICES		

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	FROM CONTRACTS AND GRANTS TRUST FUND . . .		15,000
72	EXPENSES		
	FROM GENERAL REVENUE FUND	955,537	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		394,681
	FROM GENERAL INSPECTION TRUST FUND		349,952

From the funds and positions provided in Specific Appropriations 70 and 72 from the General Inspection Trust Fund, $1,809,159 and 75.5 positions and $165,593, respectively, are contingent upon CS/SB 2014 or similar legislation becoming law increasing pesticide fees by an amount sufficient to fund such appropriations.

73	OPERATING CAPITAL OUTLAY		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		233,491
	FROM GENERAL INSPECTION TRUST FUND		40,983
74	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	71,089	
	FROM GENERAL INSPECTION TRUST FUND		881
75	DATA PROCESSING SERVICES		
	AGRICULTURE MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	205,647	
	FROM GENERAL INSPECTION TRUST FUND		191,017
76	DATA PROCESSING SERVICES		
	ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES		
	FROM GENERAL INSPECTION TRUST FUND		35,440

STANDARDS, DIVISION OF

77	SALARIES AND BENEFITS POSITIONS	163	
	FROM GENERAL REVENUE FUND	1,480,895	
	FROM GENERAL INSPECTION TRUST FUND		3,464,888
78	OTHER PERSONAL SERVICES		
	FROM GENERAL INSPECTION TRUST FUND		84,622
79	EXPENSES		
	FROM GENERAL REVENUE FUND	447,221	
	FROM GENERAL INSPECTION TRUST FUND		1,109,524
80	OPERATING CAPITAL OUTLAY		
	FROM GENERAL INSPECTION TRUST FUND		54,150
80A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONSTRUCTION GRANTS FOR AGRICULTURAL/ LIVESTOCK EXHIBIT BUILDINGS		
	FROM GENERAL REVENUE FUND	83,000	

Funds in Specific Appropriation 80A may be advanced in part or in total.

81	DATA PROCESSING SERVICES		
	AGRICULTURE MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	60,106	
	FROM GENERAL INSPECTION TRUST FUND		119,780
82	DATA PROCESSING SERVICES		
	ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES		
	FROM GENERAL INSPECTION TRUST FUND		50,612

CHEMISTRY, DIVISION OF

83	SALARIES AND BENEFITS POSITIONS	125	
	FROM GENERAL REVENUE FUND	3,855,677	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		126,102
	FROM GENERAL INSPECTION TRUST FUND		152,612
84	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	10,115	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		6,801
	FROM GENERAL INSPECTION TRUST FUND		14,897
85	EXPENSES		
	FROM GENERAL REVENUE FUND	785,186	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		81,218
	FROM GENERAL INSPECTION TRUST FUND		38,354

From the funds and positions provided in Specific

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Appropriations 83 and 85 from the General Inspection Trust Fund, $152,612 and 6 positions and $36,261, respectively, are contingent upon CS/SB 2014 or similar legislation becoming law increasing pesticide fees by an amount sufficient to fund such appropriations.

86	OPERATING CAPITAL OUTLAY		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		60,898
	FROM GENERAL INSPECTION TRUST FUND		14,110
87	DATA PROCESSING SERVICES		
	AGRICULTURE MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	227,114	
88	DATA PROCESSING SERVICES		
	ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES		
	FROM GENERAL INSPECTION TRUST FUND		13,645

DAIRY INDUSTRY, DIVISION OF

89	SALARIES AND BENEFITS POSITIONS	46	
	FROM GENERAL REVENUE FUND	1,547,682	
90	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,488	
91	EXPENSES		
	FROM GENERAL REVENUE FUND	298,863	
92	DATA PROCESSING SERVICES		
	AGRICULTURE MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	126,273	

MARKETING, DIVISION OF

93	SALARIES AND BENEFITS POSITIONS	166	
	FROM GENERAL REVENUE FUND	2,133,920	
	FROM CITRUS INSPECTION TRUST FUND		784,859
	FROM GENERAL INSPECTION TRUST FUND		385,127
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		1,416,589
	FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND		25,000
94	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,000	
	FROM CITRUS INSPECTION TRUST FUND		233,597
	FROM GENERAL INSPECTION TRUST FUND		3,500
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		24,000
95	EXPENSES		
	FROM GENERAL REVENUE FUND	419,417	
	FROM CITRUS INSPECTION TRUST FUND		311,508
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		20,000
	FROM GENERAL INSPECTION TRUST FUND		224,535
	FROM MARKET TRADE SHOW TRUST FUND		95,000
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		686,970
	FROM VITICULTURE TRUST FUND		8,000
	FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND		175,000

From the funds and positions provided in Specific Appropriations 93 and 95 from the General Inspection Trust Fund, $56,091 and 3 positions and $106,000, respectively, are contingent upon CS/SB 2014 or similar legislation becoming law increasing pesticide fees by an amount sufficient to fund such appropriations.

96	OPERATING CAPITAL OUTLAY		
	FROM CITRUS INSPECTION TRUST FUND		32,000
	FROM GENERAL INSPECTION TRUST FUND		1,350
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		21,150
	FROM VITICULTURE TRUST FUND		4,440
96A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - VITICULTURE PROGRAM		
	FROM VITICULTURE TRUST FUND		108,000
96B	SPECIAL CATEGORIES		

SECTION 1
SPECIFIC
APPROPRIATION

GRANTS AND AIDS - AQUACULTURE MARKET DEVELOPMENT AID PROGRAM
FROM GENERAL REVENUE FUND 384,000

96C SPECIAL CATEGORIES
GRANTS AND AIDS - HORTICULTURE MARKET RESEARCH AND DEVELOPMENT OF GRADES AND STANDARDS FOR FOLIAGE INDUSTRY
FROM GENERAL REVENUE FUND 100,000

97 SPECIAL CATEGORIES
GRANTS AND AIDS - MARKETING ORDERS
FROM GENERAL INSPECTION TRUST FUND 475,000

97A SPECIAL CATEGORIES
GRANTS AND AIDS - AGRICULTURE ECONOMIC DEVELOPMENT
FROM GENERAL REVENUE FUND 324,550

Funds in Specific Appropriations 96A through 97A may be advanced in part or in total.
Funds in Specific Appropriation 97A are contingent upon HB 2441 or similar legislation becoming law and are available for expenditure on the effective date of such law.

98 SPECIAL CATEGORIES
GRANTS AND AIDS - AGRICULTURAL PROMOTION
FROM GENERAL REVENUE FUND 100,000

98A SPECIAL CATEGORIES
GRANTS AND AIDS - INTERNATIONAL MARKET ORNAMENTAL HORTICULTURE
FROM GENERAL REVENUE FUND 200,000

Funds in Specific Appropriation 98A shall be expended in coordination with the ornamental horticulture industry matching funds in the amount of $100,000 to be documented at the conclusion of the fiscal year. All monies expended on this project shall be as previously established and defined relative to prior International Market Ornamental Horticulture funding.
In addition, from July 1, 1991, until December 31, 1991, the Department of Agriculture and Consumer Services shall require a sales invoice to be attached to each phytosanitary export certificate issued as to foliage material shipped to the European Economic Community (EEC) countries, provided said foliage material is intended for interior ornamental use and does not consist of root bulbs, ferns, cut flowers, cut foliage, or potted flowering plants.
Said invoices shall be reviewed by the Department of Agriculture and Consumer Services for purposes of establishing the number of producers and volume of sales for said industry in the EEC marketplace pursuant to s. 573.1101, Florida Statutes referendum; and, to establish, pursuant to s. 573.101 through 573.1301, Florida Statutes a European Marketing Assessment to promote sales, to advertise and to educate regarding the European and related markets as to Florida produced foliage for interior use and for other market purposes as provided for in s. 573.114, Florida Statutes. Said European Marketing Assessment is to be established to eliminate the need for general revenue funding for this item. It is the intent of the Legislature that this be the last year of general revenue funding for this item.

99 DATA PROCESSING SERVICES
AGRICULTURE MANAGEMENT INFORMATION CENTER
FROM GENERAL REVENUE FUND 73,254
FROM GENERAL INSPECTION TRUST FUND 18,019
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 34,272

FRUIT AND VEGETABLE INSPECTION, DIVISION OF

100 SALARIES AND BENEFITS POSITIONS 509
FROM CITRUS INSPECTION TRUST FUND 10,818,564
FROM GENERAL INSPECTION TRUST FUND 3,828,177

101 OTHER PERSONAL SERVICES
FROM CITRUS INSPECTION TRUST FUND 200,000
FROM GENERAL INSPECTION TRUST FUND 150,000

102 EXPENSES
FROM CITRUS INSPECTION TRUST FUND 1,295,009
FROM GENERAL INSPECTION TRUST FUND 347,037

103 OPERATING CAPITAL OUTLAY
FROM CITRUS INSPECTION TRUST FUND 13,000
FROM GENERAL INSPECTION TRUST FUND 25,245

104 SPECIAL CATEGORIES
AUTOMATED TESTING EQUIPMENT
FROM CITRUS INSPECTION TRUST FUND 454,756

105 DATA PROCESSING SERVICES
AGRICULTURE MANAGEMENT INFORMATION CENTER
FROM CITRUS INSPECTION TRUST FUND 307,547
FROM GENERAL INSPECTION TRUST FUND 136,210

PLANT INDUSTRY, DIVISION OF

106 SALARIES AND BENEFITS POSITIONS 277
FROM GENERAL REVENUE FUND 7,393,407
FROM FIRE ANT CONTROL TRUST FUND 67,449
FROM PLANT INDUSTRY TRUST FUND 856,119

107 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 74,825
FROM CONTRACTS AND GRANTS TRUST FUND . . . 147,556
FROM PLANT INDUSTRY TRUST FUND 636,144

108 EXPENSES
FROM GENERAL REVENUE FUND 2,599,796
FROM CONTRACTS AND GRANTS TRUST FUND . . . 44,444
FROM FIRE ANT CONTROL TRUST FUND 951,147
FROM PLANT INDUSTRY TRUST FUND 325,988

From funds appropriated in Specific Appropriation 108, $629,255 from the General Revenue Fund shall be used for the sole and exclusive purpose of paying the judgement to Reed Bros., Inc., and for paying any settlement agreements to Forrest Nursery, Inc., and Robert Murray d/b/a The Treehouse. Any monies not expended for these three claims shall revert to the General Revenue Fund unallocated on June 30, 1992.

109 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,615
FROM PLANT INDUSTRY TRUST FUND 252,230

109A SPECIAL CATEGORIES
ENDANGERED SPECIES
FROM CONTRACTS AND GRANTS TRUST FUND . . . 152,121

109B SPECIAL CATEGORIES
GRANTS AND AIDS - BOLL WEEVIL ERADICATION
FROM GENERAL REVENUE FUND 300,000
FROM PLANT INDUSTRY TRUST FUND 700,000

Funds in Specific Appropriation 109B are to be used for the suppression and eradication of the boll weevil. Funds appropriated from the General Revenue Fund are the maximum level of state participation in the program. Funds appropriated from the Plant Industry Trust Fund are grower participation in the program and shall be assessments upon cotton growers' acreages.

110 SPECIAL CATEGORIES
APIARIAN INDEMNITIES
FROM GENERAL REVENUE FUND 36,000

111 SPECIAL CATEGORIES
PLANT, PEST AND DISEASE MONITORING AND CONTROL PROGRAM
FROM PLANT INDUSTRY TRUST FUND 150,000

112 SPECIAL CATEGORIES
CARIBBEAN FRUIT FLY MANAGEMENT
FROM CONTRACTS AND GRANTS TRUST FUND . . . 100,000

113 NOT USED

114 SPECIAL CATEGORIES

SECTION 1 SPECIFIC APPROPRIATION			
	GRANTS AND AIDS - GRANT TO INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES (IFAS) FROM FIRE ANT CONTROL TRUST FUND		147,830
	Funds in Specific Appropriation 114 are to be used to continue scientific research for biological control of the imported fire ant.		
115	NOT USED		
116	DATA PROCESSING SERVICES AGRICULTURE MANAGEMENT INFORMATION CENTER FROM GENERAL REVENUE FUND	104,883	
ANIMAL INDUSTRY, DIVISION OF			
117	SALARIES AND BENEFITS POSITIONS	358	
	FROM GENERAL REVENUE FUND	7,505,831	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		3,443,598
	FROM GENERAL INSPECTION TRUST FUND		5,335
118	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	216,543	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		2,016
	Funds in Specific Appropriation 118 from the General Revenue Fund assume that livestock markets handling cattle for the state brucellosis program receive $2.00 per head for this service and all practitioners' fees continue to be paid at the current level.		
119	EXPENSES		
	FROM GENERAL REVENUE FUND	1,058,355	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		746,139
	FROM GENERAL INSPECTION TRUST FUND		275,424
120	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	39,778	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		32,400
	FROM GENERAL INSPECTION TRUST FUND		16,745
121	SPECIAL CATEGORIES PAYMENT OF INDEMNITIES FROM GENERAL REVENUE FUND	75,000	
122	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	22,554	
123	DATA PROCESSING SERVICES AGRICULTURE MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	104,813	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		15,000
	FROM GENERAL INSPECTION TRUST FUND		82,044
CONSUMER SERVICES, DIVISION OF			
124	SALARIES AND BENEFITS POSITIONS	65	
	FROM GENERAL REVENUE FUND	1,164,221	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		8,063
	FROM GENERAL INSPECTION TRUST FUND		420,520
125	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	12,216	
126	EXPENSES		
	FROM GENERAL REVENUE FUND	249,373	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		65,514
	FROM GENERAL INSPECTION TRUST FUND		97,952
	From the funds and positions provided in Specific Appropriations 124 and 126 from the General Inspection Trust Fund, $73,761 and 4 positions and $8,000, respectively, are contingent upon CS/SB 2014 or similar legislation becoming law increasing pesticide fees by an amount sufficient to fund such appropriations.		
127	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	15,346	
	FROM GENERAL INSPECTION TRUST FUND		32,575
128	DATA PROCESSING SERVICES AGRICULTURE MANAGEMENT INFORMATION CENTER		

SECTION 1 SPECIFIC APPROPRIATION			
	FROM GENERAL REVENUE FUND	231,426	
	FROM GENERAL INSPECTION TRUST FUND		2,419
FORESTRY, DIVISION OF			
129	SALARIES AND BENEFITS POSITIONS	1,171	
	FROM GENERAL REVENUE FUND	28,544,567	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		776,650
	FROM INCIDENTAL TRUST FUND		3,103,727
130	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	212,742	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		54,000
	FROM INCIDENTAL TRUST FUND		45,689
131	EXPENSES		
	FROM GENERAL REVENUE FUND	4,333,597	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		53,000
	FROM INCIDENTAL TRUST FUND		2,166,009
	FROM PLANT A TREE TRUST FUND		50,000
132	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - REGIONAL PLANNING COUNCILS - STANDARDS DEVELOPMENT FROM PLANT A TREE TRUST FUND		200,000
133	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - RURAL COMMUNITY FIRE PROTECTION FROM CONTRACTS AND GRANTS TRUST FUND . . .		64,600
134	AID TO LOCAL GOVERNMENTS STATE FOREST RECEIPT DISTRIBUTION FROM INCIDENTAL TRUST FUND		695,325
135	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	713,835	
136	SPECIAL CATEGORIES ON-CALL FEES FROM GENERAL REVENUE FUND	333,296	
137	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	21,304	
	FROM INCIDENTAL TRUST FUND		224
138	DATA PROCESSING SERVICES AGRICULTURE MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	419,407	
	FROM INCIDENTAL TRUST FUND		7,112
139	DATA PROCESSING SERVICES ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES FROM INCIDENTAL TRUST FUND		1,648
AGRICULTURE MANAGEMENT INFORMATION CENTER			
140	SALARIES AND BENEFITS POSITIONS	36	
	FROM WORKING CAPITAL TRUST FUND		1,254,055
141	EXPENSES FROM WORKING CAPITAL TRUST FUND		982,055
142	OPERATING CAPITAL OUTLAY FROM WORKING CAPITAL TRUST FUND		789,872
BANKING AND FINANCE, DEPARTMENT OF, AND COMPTROLLER			
OFFICE OF THE COMPTROLLER AND DIVISION OF ADMINISTRATION			
143	SALARIES AND BENEFITS POSITIONS	167	
	FROM GENERAL REVENUE FUND	3,088,462	
	FROM ADMINISTRATIVE TRUST FUND		3,202,341
144	EXPENSES		
	FROM GENERAL REVENUE FUND	591,773	
	FROM ADMINISTRATIVE TRUST FUND		742,260
145	OPERATING CAPITAL OUTLAY FROM ADMINISTRATIVE TRUST FUND		30,883
146	NOT USED		

SECTION 1 SPECIFIC APPROPRIATION			
147	DATA PROCESSING SERVICES STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE FROM ADMINISTRATIVE TRUST FUND		275,000
	ACCOUNTING AND AUDITING, DIVISION OF		
148	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	178 5,431,389	
	FROM ADMINISTRATIVE TRUST FUND		148,764
	FROM CITRUS CANKER COMPENSATION TRUST FUND		178,227
149	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	90,060	
	FROM CITRUS CANKER COMPENSATION TRUST FUND		12,000
150	EXPENSES FROM GENERAL REVENUE FUND	1,005,462	
	FROM ADMINISTRATIVE TRUST FUND		1,007,547
	FROM CITRUS CANKER COMPENSATION TRUST FUND		130,000
151	AID TO LOCAL GOVERNMENTS FLOOD CONTROL FROM FLOOD CONTROL TRUST FUND		12,000
152	AID TO LOCAL GOVERNMENTS NATIONAL FOREST MONIES TO COUNTIES FROM FLORIDA NATIONAL FOREST TRUST FUND .		2,700,000
153	AID TO LOCAL GOVERNMENTS PROCEEDS FROM SALE OF TIMBER PRODUCTS FROM U.S. MILITARY INSTALLATIONS TIMBER PRODUCTS TRUST FUND		85,000
154	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	88,994	
155	NOT USED		
156	SPECIAL CATEGORIES CONSOLIDATED EQUIPMENT FINANCING - ISSUANCE EXPENSES FROM CONSOLIDATED PAYMENT TRUST FUND . . .		2,000,000
157	NOT USED		
158	NOT USED		
159	DATA PROCESSING SERVICES STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE FROM GENERAL REVENUE FUND	28,162	
	INFORMATION SYSTEMS, DIVISION OF		
160	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	168 5,479,002	
	FROM WORKING CAPITAL TRUST FUND		446,499
161	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	20,000	
	FROM WORKING CAPITAL TRUST FUND		15,000
162	EXPENSES FROM GENERAL REVENUE FUND	4,618,409	
	FROM WORKING CAPITAL TRUST FUND		160,719
163	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	3,818,165	
	BANKING, DIVISION OF		
164	SALARIES AND BENEFITS POSITIONS FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND	178	6,962,902
165	OTHER PERSONAL SERVICES FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		16,946
166	EXPENSES		

SECTION 1 SPECIFIC APPROPRIATION			
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		1,631,625
167	OPERATING CAPITAL OUTLAY FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		5,750
168	DATA PROCESSING SERVICES STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		117,925
	FINANCE, DIVISION OF		
169	SALARIES AND BENEFITS POSITIONS FROM REGULATORY TRUST FUND	105	3,554,663
170	OTHER PERSONAL SERVICES FROM REGULATORY TRUST FUND		875,800
171	EXPENSES FROM REGULATORY TRUST FUND		2,292,367
172	OPERATING CAPITAL OUTLAY FROM REGULATORY TRUST FUND		54,345
173	DATA PROCESSING SERVICES STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE FROM REGULATORY TRUST FUND		150,000
174	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM REGULATORY TRUST FUND		50,000
	SECURITIES AND INVESTOR PROTECTION, DIVISION OF		
175	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	79 2,661,826	
176	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	43,275	
	FROM ANTI-FRAUD TRUST FUND		200,000
177	EXPENSES FROM GENERAL REVENUE FUND	499,726	
	FROM ANTI-FRAUD TRUST FUND		25,184
178	DATA PROCESSING SERVICES STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE FROM GENERAL REVENUE FUND	53,000	
179	DATA PROCESSING SERVICES ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES FROM GENERAL REVENUE FUND	35,000	
	BUSINESS REGULATION, DEPARTMENT OF		
	OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATION		
180	SALARIES AND BENEFITS POSITIONS FROM ADMINISTRATIVE TRUST FUND	105	3,542,512
	FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND		120,119
181	OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND		38,046
	FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND		22,365
182	EXPENSES FROM ADMINISTRATIVE TRUST FUND		718,010
	FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND		67,801
183	OPERATING CAPITAL OUTLAY FROM ADMINISTRATIVE TRUST FUND		112,827
	FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND		566
184	NOT USED		

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APPROPRIATION

185 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 149,779

186 DATA PROCESSING SERVICES
ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 37,000

186A DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM ADMINISTRATIVE TRUST FUND 6,348

PARI-MUTUEL WAGERING, DIVISION OF

187 SALARIES AND BENEFITS POSITIONS 104
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 3,309,634

188 OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 2,165,861
FROM RESEARCH TRUST FUND 50,000

189 EXPENSES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 1,268,218

190 AID TO LOCAL GOVERNMENTS
RACING TAX TO COUNTIES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 29,915,500

191 OPERATING CAPITAL OUTLAY
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 316,237

192 NOT USED

193 SPECIAL CATEGORIES
REGULATION OF PARI-MUTUEL INDUSTRIES (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 167,959

194 SPECIAL CATEGORIES
TAX COLLECTION (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 60,725

195 DATA PROCESSING SERVICES
ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 389,720

HOTELS AND RESTAURANTS, DIVISION OF

196 SALARIES AND BENEFITS POSITIONS 164
FROM HOTEL AND RESTAURANT TRUST FUND . . . 5,336,447

197 OTHER PERSONAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 225,855

198 EXPENSES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 1,251,132

199 OPERATING CAPITAL OUTLAY
FROM HOTEL AND RESTAURANT TRUST FUND . . . 378,574

200 NOT USED

201 NOT USED

202 SPECIAL CATEGORIES
CONTRACT WITH DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES FOR FOOD SERVICE INSPECTION
FROM HOTEL AND RESTAURANT TRUST FUND . . . 6,975,000

203 DATA PROCESSING SERVICES
ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 304,000

FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, DIVISION OF

204 SALARIES AND BENEFITS POSITIONS 126
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 3,527,869

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205 OTHER PERSONAL SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 132,801

206 EXPENSES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 1,277,591

207 OPERATING CAPITAL OUTLAY
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 50,564

208 NOT USED

209 DATA PROCESSING SERVICES
ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 241,700

ALCOHOLIC BEVERAGES AND TOBACCO, DIVISION OF

210 SALARIES AND BENEFITS POSITIONS 395
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 14,335,799

211 OTHER PERSONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 54,225

212 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 3,852,320

213 AID TO LOCAL GOVERNMENTS
BEVERAGE LICENSE TO CITIES AND COUNTIES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 9,700,000

214 OPERATING CAPITAL OUTLAY
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 345,872

215 NOT USED

216 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 298,412

217 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 203,201

218 DATA PROCESSING SERVICES
ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 404,000

CITRUS, DEPARTMENT OF

219 SALARIES AND BENEFITS POSITIONS 157
FROM CITRUS ADVERTISING TRUST FUND 6,252,458

220 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND 400,000

221 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 11,539,435

From funds in Specific Appropriation 221, the Department of Citrus may contract to reimburse the Department of Commerce for an amount not to exceed $240,000 of the cost of citrus juice purchased from funds in Specific Appropriation 238 and dispensed at the Florida Welcome Stations.

222 OPERATING CAPITAL OUTLAY

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	FROM CITRUS ADVERTISING TRUST FUND		26,540
223	NOT USED		
224	SPECIAL CATEGORIES ADVERTISING REBATES FROM CITRUS ADVERTISING TRUST FUND		2,898,587
224A	SPECIAL CATEGORIES PAID ADVERTISING AND PROMOTION FROM CITRUS ADVERTISING TRUST FUND		57,200,028
225	DATA PROCESSING SERVICES ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES FROM CITRUS ADVERTISING TRUST FUND		23,500

COMMERCE, DEPARTMENT OF

OFFICE OF THE SECRETARY AND ADMINISTRATIVE SERVICES

226	SALARIES AND BENEFITS POSITIONS	62	
	FROM GENERAL REVENUE FUND	1,947,595	
	FROM ADMINISTRATIVE TRUST FUND		100,000
227	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	60,350	
	FROM ADMINISTRATIVE TRUST FUND		51,000
	FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		1,770,446
	FROM TOURISM PROMOTION TRUST FUND		313,000
228	EXPENSES		
	FROM GENERAL REVENUE FUND	48,138	
	FROM ADMINISTRATIVE TRUST FUND		578,489
	FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		729,483
	FROM TOURISM PROMOTION TRUST FUND		100,000
229	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	16,067	
	FROM TOURISM PROMOTION TRUST FUND		12,000

From funds in Specific Appropriation 227 through 229, $425,000 provided for the Tourism Commission from the Tourism Promotion Trust Fund is contingent on CS/HB 2399 or similar legislation becoming law.

230	NOT USED		
230A	SPECIAL CATEGORIES GRANTS AND AIDS - SPACEPORT FLORIDA AUTHORITY		
	FROM GENERAL REVENUE FUND	1,000,000	
	FROM SPACEPORT FLORIDA AUTHORITY OPERATING TRUST FUND		480,000

Funds provided in Specific Appropriation 230A may be advanced in part or in total to the Spaceport Florida Authority.
Funds provided in Specific Appropriation 230A from the General Revenue Fund are contingent upon the reversion of a like amount on April 1, 1991 that was provided in Specific Appropriation 2028, Chapter 89-253, Laws of Florida. In the event less than $1 million should revert as of this date, the Executive Office of the Governor may place the difference in reserve to revert to the General Revenue Fund unallocated.

230B	SPECIAL CATEGORIES PAID ADVERTISING AND PROMOTION FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		404,029

TOURISM, DIVISION OF

231	SALARIES AND BENEFITS POSITIONS	99	
	FROM TOURISM PROMOTION TRUST FUND		2,878,400
232	OTHER PERSONAL SERVICES FROM TOURISM PROMOTION TRUST FUND		235,844
233	EXPENSES		

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APPROPRIATION

	FROM TOURISM PROMOTION TRUST FUND		1,348,283
234	OPERATING CAPITAL OUTLAY FROM TOURISM PROMOTION TRUST FUND		53,660
235	NOT USED		
236	SPECIAL CATEGORIES FLORIDA'S COLUMBUS HEMISPHERIC COMMISSION FROM QUINCENTENNIAL TRUST FUND		300,000
237	SPECIAL CATEGORIES PAID ADVERTISING FROM TOURISM PROMOTION TRUST FUND		6,406,133
238	SPECIAL CATEGORIES PROMOTION FROM TOURISM PROMOTION TRUST FUND		466,307
239	SPECIAL CATEGORIES MAINTENANCE PROGRAM - WELCOME CENTER EMERGENCY REPAIR AND REPLACEMENT FROM TOURISM PROMOTION TRUST FUND		20,000

From funds in Specific Appropriation 231 through 239 the Department of Commerce is authorized to develop a pilot program for the sale of lottery tickets in one of the official Florida Welcome Stations. The department shall segregate collections derived from such sales into a trust fund created pursuant to s. 215.32 Florida Statutes. The Executive Office of the Governor may establish spending authority for the implementation of this program.

ECONOMIC DEVELOPMENT, DIVISION OF

240	SALARIES AND BENEFITS POSITIONS	81	
	FROM GENERAL REVENUE FUND	2,927,501	
	FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND		26,351
	FROM TOURISM PROMOTION TRUST FUND		109,439
241	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	65,620	
	FROM TOURISM PROMOTION TRUST FUND		236,500
242	EXPENSES		
	FROM GENERAL REVENUE FUND	1,126,577	
	FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND		15,541
	FROM TOURISM PROMOTION TRUST FUND		7,500
243	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	38,536	
243A	LUMP SUM FLORIDA SEED CAPITAL BOARD FROM FLORIDA SEED CAPITAL TRUST FUND . . .		50,000
243B	SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA MOTION PICTURE, TELEVISION, AND MUSIC ON-THE-JOB TRAINING PROGRAM FROM GENERAL REVENUE FUND	170,000	
244	SPECIAL CATEGORIES PAID ADVERTISING AND PROMOTION FROM GENERAL REVENUE FUND	413,450	
	FROM TOURISM PROMOTION TRUST FUND		5,400
245	SPECIAL CATEGORIES TRANSFER TO ADMINISTRATIVE TRUST FUND FOR ADMINISTRATIVE COSTS FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND		40,000

FLORIDA BLACK BUSINESS INVESTMENT BOARD

246	SALARIES AND BENEFITS POSITIONS	6	
	FROM GENERAL REVENUE FUND	336,537	
247	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	46,906	
248	EXPENSES		

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	FROM GENERAL REVENUE FUND	74,688	
249	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	8,583	
250	SPECIAL CATEGORIES		
	PROMOTION		
	FROM GENERAL REVENUE FUND	500	
DIVISION OF INTERNATIONAL TRADE AND DEVELOPMENT			
251	SALARIES AND BENEFITS POSITIONS	31	
	FROM GENERAL REVENUE FUND	1,162,808	
252	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	10,500	
253	EXPENSES		
	FROM GENERAL REVENUE FUND	513,040	
254	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	4,477	
254A	SPECIAL CATEGORIES		
	INTERNATIONAL TRADE GRANTS		
	FROM GENERAL REVENUE FUND	700,000	
	Funds in Specific Appropriation 254A shall be used only to support international promotion programs or activities. Funds shall only be distributed as directed by the Florida International Affairs Commission pursuant to criteria established by that Commission.		
255	SPECIAL CATEGORIES		
	PAID ADVERTISING AND PROMOTION		
	FROM GENERAL REVENUE FUND	146,464	
255A	SPECIAL CATEGORIES		
	PORTS PROGRAM		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		172,000
COMMUNITY AFFAIRS, DEPARTMENT OF			
OFFICE OF THE SECRETARY			
256	SALARIES AND BENEFITS POSITIONS	122	
	FROM GENERAL REVENUE FUND	2,036,593	
	FROM ADMINISTRATIVE TRUST FUND		1,373,047
	FROM ECONOMIC OPPORTUNITY TRUST FUND . . .		931,418
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		41,174
	FROM GRANTS AND DONATIONS TRUST FUND . . .		131,496
257	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	177,600	
	FROM ADMINISTRATIVE TRUST FUND		18,517
	FROM ECONOMIC OPPORTUNITY TRUST FUND . . .		188,500
	FROM GRANTS AND DONATIONS TRUST FUND . . .		17,541
258	EXPENSES		
	FROM GENERAL REVENUE FUND	472,488	
	FROM ADMINISTRATIVE TRUST FUND		187,650
	FROM ECONOMIC OPPORTUNITY TRUST FUND . . .		383,976
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		24,691
	FROM GRANTS AND DONATIONS TRUST FUND . . .		53,144
259	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	2,516	
	FROM ADMINISTRATIVE TRUST FUND		6,841
	FROM ECONOMIC OPPORTUNITY TRUST FUND . . .		1,295
260	NOT USED		
261	NOT USED		
RESOURCE PLANNING AND MANAGEMENT, DIVISION OF			
262	SALARIES AND BENEFITS POSITIONS	100	
	FROM GENERAL REVENUE FUND	3,270,285	
	FROM STATE PLANNING TRUST FUND		246,797
263	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	118,650	
	FROM STATE PLANNING TRUST FUND		110,000
264	EXPENSES		
	FROM GENERAL REVENUE FUND	865,593	
	FROM GROWTH MANAGEMENT TRUST FUND		4,316
	FROM STATE PLANNING TRUST FUND		63,505
264A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - AREAS OF CRITICAL STATE CONCERN REQUIREMENTS		
	FROM AREAS OF CRITICAL STATE CONCERN TRUST FUND		167,701
265	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LOCAL GOVERNMENT COMPREHENSIVE PLANNING GRANTS		
	FROM AREAS OF CRITICAL STATE CONCERN TRUST FUND		247,000
	FROM GROWTH MANAGEMENT TRUST FUND		2,252,998
266	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - REGIONAL PLANNING COUNCILS - STANDARDS DEVELOPMENT		
	FROM GENERAL REVENUE FUND	656,761	
267	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LOCAL GOVERNMENT COMPREHENSIVE PLANNING GRANTS - CERTIFICATIONS FORWARD		
	FROM GROWTH MANAGEMENT TRUST FUND		878,560
	Funds in Specific Appropriation 267 are contingent on funds from Chapter 90-209, Laws of Florida, in the amount of $878,560 reverting on December 31, 1991. In the event less than $878,560 should revert as of this date, the Executive Office of the Governor shall place the difference in reserve.		
268	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,116	
	FROM STATE PLANNING TRUST FUND		4,217
269	SPECIAL CATEGORIES		
	GRANTS AND AIDS - REGIONAL POLICY PLANNING		
	FROM GENERAL REVENUE FUND	500,000	
270	SPECIAL CATEGORIES		
	TRANSFER TO GROWTH MANAGEMENT TRUST FUND		
	FROM GENERAL REVENUE FUND	1,409,998	
271	SPECIAL CATEGORIES		
	GRANTS AND AIDS - LOCAL PLAN REVIEW		
	FROM GENERAL REVENUE FUND	1,055,000	
EMERGENCY MANAGEMENT, DIVISION OF			
272	SALARIES AND BENEFITS POSITIONS	89	
	FROM GENERAL REVENUE FUND	904,279	
	FROM BLOCK GRANT MATCHING TRUST FUND . . .		311,416
	FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND		211,546
	FROM GRANTS AND DONATIONS TRUST FUND . . .		205,292
	FROM HAZARDOUS MATERIALS ADMINISTRATION TRUST FUND		316,832
	FROM PERSONNEL AND ADMINISTRATION TRUST FUND		512,977
	FROM U.S. CONTRIBUTIONS TRUST FUND		436,067
273	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	246,000	
	FROM BLOCK GRANT MATCHING TRUST FUND . . .		100,000
	FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND		300,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		53,068
	FROM HAZARDOUS MATERIALS ADMINISTRATION TRUST FUND		1,100,000
	FROM U.S. CONTRIBUTIONS TRUST FUND		24,070
274	EXPENSES		
	FROM GENERAL REVENUE FUND	283,702	
	FROM BLOCK GRANT MATCHING TRUST FUND . . .		68,009
	FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND		74,368
	FROM GRANTS AND DONATIONS TRUST FUND . . .		188,519
	FROM HAZARDOUS MATERIALS ADMINISTRATION TRUST FUND		156,053
	FROM PERSONNEL AND ADMINISTRATION TRUST		

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	FUND		160,687
	FROM U.S. CONTRIBUTIONS TRUST FUND		303,994
275	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE PROGRAM FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND		12,644,338
276	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE TO STATE FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND		6,059,670
277	AID TO LOCAL GOVERNMENTS DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION FROM PERSONNEL AND ADMINISTRATION TRUST FUND		1,837,299
278	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - DISASTER RELIEF PAYMENTS FROM DISASTER RELIEF U.S. TRUST FUND		1,000,000
279	NOT USED		
280	AID TO LOCAL GOVERNMENTS LOCAL SUPPORT MATERIALS FROM GRANTS AND DONATIONS TRUST FUND		308,434
281	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - NUCLEAR POWER EMERGENCY PLANNING FROM GRANTS AND DONATIONS TRUST FUND		1,212,783
282	NOT USED		
283	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE PROGRAM - CERTIFICATIONS FORWARD FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND		3,486,149

Funds in Specific Appropriation 283 are contingent on funds from Chapter 90-209, Laws of Florida, in the amount of $3,486,149 reverting on December 31, 1991. In the event less than $3,486,149 should revert as of this date, the Executive Office of the Governor shall place the difference in reserve.

284	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE TO STATE AGENCIES - CERTIFICATIONS FORWARD FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND		1,726,984

Funds in Specific Appropriation 284 are contingent on funds from Chapter 90-209, Laws of Florida, in the amount of $1,726,984 reverting on December 31, 1991. In the event less than $1,726,984 should revert as of this date, the Executive Office of the Governor shall place the difference in reserve.

285	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	46,004	
	FROM BLOCK GRANT MATCHING TRUST FUND		928
	FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND		1,067
	FROM GRANTS AND DONATIONS TRUST FUND		29,670
	FROM HAZARDOUS MATERIALS ADMINISTRATION TRUST FUND		1,056
	FROM PERSONNEL AND ADMINISTRATION TRUST FUND		2,274
	FROM U.S. CONTRIBUTIONS TRUST FUND		2,535
285A	SPECIAL CATEGORIES GRANTS AND AIDS - PAYMENT FLORIDA WING/CIVIL AIR PATROL FROM GENERAL REVENUE FUND	55,000	
286	SPECIAL CATEGORIES GRANTS AND AIDS - TRANSFER TO DEPARTMENT OF HRS FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION (JJDP) PROGRAM MATCH FROM BLOCK GRANT MATCHING TRUST FUND		145,569
287	SPECIAL CATEGORIES GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS FROM DISASTER RELIEF U.S. TRUST FUND		2,000,000
288	NOT USED		

HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF

289	SALARIES AND BENEFITS POSITIONS 72 FROM GENERAL REVENUE FUND	872,406	
	FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND		308,888
	FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND		124,275
	FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND		332,631
	FROM ECONOMIC OPPORTUNITY TRUST FUND		154,041
	FROM FACTORY-BUILT HOUSING TRUST FUND		136,490
	FROM GRANTS AND DONATIONS TRUST FUND		180,997
	FROM HOUSING PREDEVELOPMENT TRUST FUND		192,735
	FROM RADON TRUST FUND		110,716
	FROM SPECIAL DISTRICT ADMINISTRATIVE TRUST FUND		112,974
290	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	13,344	
	FROM ECONOMIC OPPORTUNITY TRUST FUND		105,846
	FROM GRANTS AND DONATIONS TRUST FUND		94,800
	FROM HOUSING PREDEVELOPMENT TRUST FUND		21,000
	FROM RADON TRUST FUND		2,190,452
291	EXPENSES FROM GENERAL REVENUE FUND	192,786	
	FROM BUILDING INSPECTION CERTIFICATION TRUST FUND		8,500
	FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND		132,722
	FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND		35,242
	FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND		84,897
	FROM ECONOMIC OPPORTUNITY TRUST FUND		90,101
	FROM FACTORY-BUILT HOUSING TRUST FUND		54,009
	FROM GRANTS AND DONATIONS TRUST FUND		134,139
	FROM HOUSING PREDEVELOPMENT TRUST FUND		37,514
	FROM RADON TRUST FUND		95,274
	FROM SPECIAL DISTRICT ADMINISTRATIVE TRUST FUND		37,964
292	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND		19,689,180

Funds from Specific Appropriation 292 shall be divided and distributed among the statutorily established program categories as follows: Housing 40 percent; Economic Development 10 percent; Neighborhood Revitalization 40 percent; Commercial Revitalization 10 percent. Funds not distributed due to an insufficient number of eligible applications in the Housing, Neighborhood Revitalization, or Commercial Revitalization program categories shall be transferred to the program category having the largest dollar volume of requests for grants.

293	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS - CERTIFICATIONS FORWARD FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND		33,076,543

Funds in Specific Appropriation 293 are contingent on funds from Chapter 90-209, Laws of Florida, in the amount of $33,076,543 reverting on December 31,

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1991. In the event less than $33,076,543 should revert as of this date, the Executive Office of the Governor shall place the difference in reserve.

294 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,159
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 429
FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND 179
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 1,275
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 1,370
FROM FACTORY-BUILT HOUSING TRUST FUND . . 112
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,341
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 12,435
FROM RADON TRUST FUND 3,707

295 NOT USED

296 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY DEVELOPMENT CORPORATION GRANTS
FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND 1,600,000

297 SPECIAL CATEGORIES
COMMUNITY DEVELOPMENT CORPORATION LOANS
FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND 1,100,000

298 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SERVICES BLOCK GRANTS
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 10,122,861

299 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SERVICES HOMELESS GRANTS
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 1,090,692

299A SPECIAL CATEGORIES
GRANTS AND AIDS - FARMWORKER EMERGENCY GRANT
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 100,000

300 SPECIAL CATEGORIES
GRANTS AND AIDS - WEATHERIZATION GRANTS
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 1,009,957

301 SPECIAL CATEGORIES
TRANSFER TO COMMUNITY DEVELOPMENT CORPORATION SUPPORT ASSISTANCE TRUST FUND
FROM GENERAL REVENUE FUND 1,600,000

302 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SERVICES BLOCK GRANTS - CERTIFICATIONS FORWARD
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 303,686

Funds in Specific Appropriation 302 are contingent on funds from Chapter 90-209, Laws of Florida, in the amount of $303,686 reverting on December 31, 1991. In the event less than $303,686 should revert as of this date, the Executive Office of the Governor shall place the difference in reserve.

303 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SERVICES HOMELESS GRANTS - CERTIFICATIONS FORWARD
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 305,394

Funds in Specific Appropriation 303 are contingent on funds from Chapter 90-209, Laws of Florida, in the amount of $305,394 reverting on December 31, 1991. In the event less than $305,394 should revert as of this date, the Executive Office of the Governor shall place the difference in reserve.

HOUSING FINANCE AGENCY

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304 SALARIES AND BENEFITS POSITIONS 28
FROM HOUSING FINANCE AGENCY TRUST FUND . . 1,032,130

305 OTHER PERSONAL SERVICES
FROM HOUSING FINANCE AGENCY TRUST FUND . . 109,645

306 EXPENSES
FROM HOUSING FINANCE AGENCY TRUST FUND . . 463,616

307 OPERATING CAPITAL OUTLAY
FROM HOUSING FINANCE AGENCY TRUST FUND . . 14,383

308 SPECIAL CATEGORIES
ACCOUNTING SERVICES
FROM HOUSING FINANCE AGENCY TRUST FUND . . 676,325

309 SPECIAL CATEGORIES
CREDIT UNDERWRITING AND MONITORING
FROM HOUSING FINANCE AGENCY TRUST FUND . . 347,025

310 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING ASSISTANCE PAYMENTS
FROM HOUSING FINANCE AGENCY TRUST FUND . . 11,092,388

From funds provided in Specific Appropriation 310, $100,000 shall be made available for grants to support housing cooperatives that comply with the provisions of s. 420.605(4), F.S. These grants shall be awarded on a competitive basis.

311 SPECIAL CATEGORIES
SERVICING AND TRUSTEE FEES
FROM HOUSING FINANCE AGENCY TRUST FUND . . 111,050

CORRECTIONS, DEPARTMENT OF

Funds in Specific Appropriations 312 through 338 and 339 through 371 for the operation of correctional facilities scheduled to open during Fiscal Year 1991-92 shall be placed initially in reserve and released only in accordance with the actual commencement date of the facility for which funds are specifically designated. These funds shall not be used for any other purpose without prior legislative consultation.

OFFICE OF THE SECRETARY AND OFFICE OF MANAGEMENT AND BUDGET

312 SALARIES AND BENEFITS POSITIONS 232
FROM GENERAL REVENUE FUND 8,355,261
FROM CRIMINAL JUSTICE TRAINING TRUST FUND 55,993
FROM GRANTS AND DONATIONS TRUST FUND . . . 259,379

313 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 215,719
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,000

314 EXPENSES
FROM GENERAL REVENUE FUND 1,778,410
FROM GRANTS AND DONATIONS TRUST FUND . . . 109,635

315 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 26,622
FROM GRANTS AND DONATIONS TRUST FUND . . . 25,000

316 NOT USED

317 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 32,091

318 NOT USED

319 SPECIAL CATEGORIES
OFFICE OF MANAGEMENT AND BUDGET LAW LIBRARY
FROM GENERAL REVENUE FUND 9,649

320 DATA PROCESSING SERVICES
JUSTICE DATA CENTER
FROM GENERAL REVENUE FUND 3,391,039

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	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,204,498
321	DATA PROCESSING SERVICES ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES FROM GENERAL REVENUE FUND	120,000	
322	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	960,939	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		190,000

OFFICE OF THE ASSISTANT SECRETARY FOR PROGRAMS

323	SALARIES AND BENEFITS POSITIONS 152 FROM GENERAL REVENUE FUND	4,576,537	
324	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	18,688	
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		20,000
325	EXPENSES FROM GENERAL REVENUE FUND	933,819	
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		806,427
326	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	20,694	
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		215,000
327	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	25,000	
328	NOT USED		
329	SPECIAL CATEGORIES GRANTS AND AIDS - ON-THE-JOB TRAINING PROGRAM FROM GENERAL REVENUE FUND	75,000	

Funds in Specific Appropriation 329 are to be used to contract for on-the-job training services for offenders after release.

ASSISTANT SECRETARY FOR HEALTH SERVICES

330	SALARIES AND BENEFITS POSITIONS 2,112 FROM GENERAL REVENUE FUND	74,050,682	
331	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	1,746,728	
332	EXPENSES FROM GENERAL REVENUE FUND	31,714,575	

From funds provided in Specific Appropriations 330, 331, and 332, the Office of Health Services shall develop uniform staffing standards for health services in the Department of Corrections. Staffing standards of correctional systems from other states as well as comparable sized community hospitals in Florida shall be reviewed. A preliminary report shall be provided to the Correctional Medical Authority, the Executive Office of the Governor, and chairmen of the legislative appropriations committees no later than November 1, 1991, and a final report no later than January 15, 1992.

Funds are provided in Specific Appropriation 332 for contractual medical services for inmates. In awarding contracts, the department shall emphasize economy, cost-effectiveness, and continuity of services.

From funds in Specific Appropriations 331 and 332, $42,550 and $16,100, respectively, is provided to the Correctional Medical Authority contingent upon the entry of an order by the federal court relinquishing survey responsibilities for mental health care in the Department of Corrections to the Correctional Medical Authority from the medical survey team in the case of Celestineo and Costello v. Dugger.

333 OPERATING CAPITAL OUTLAY

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	FROM GENERAL REVENUE FUND	583,153	
334	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	34,968	
335	SPECIAL CATEGORIES COMMUNITY HOSPITAL COSTS FROM GENERAL REVENUE FUND	19,050,940	

Funds provided in Specific Appropriations 331, 332 and 335 may be used to enable the Department of Corrections to fill Select Exempt Service and Career Service professional health care classes at the mid-point of the pay range on an individual basis. Budget amendments shall be submitted in accordance with procedures specified in Chapter 216, Florida Statutes, along with a request for the additional rate necessary to implement such actions.

336	SPECIAL CATEGORIES CONTRACT FOR HEALTH SERVICES - SOUTH FLORIDA RECEPTION CENTER FROM GENERAL REVENUE FUND	8,584,056	
337	SPECIAL CATEGORIES CONTRACT MENTAL HEALTH FACILITY SERVICES FROM GENERAL REVENUE FUND	3,069,418	
338	SPECIAL CATEGORIES TREATMENT OF INMATES WITH ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) FROM GENERAL REVENUE FUND	3,000,000	

CORRECTIONAL EDUCATION SCHOOL AUTHORITY

In the event of a General Revenue shortfall, as provided in Chapter 216, Florida Statutes, the total of the funds in Specific Appropriations 338A through 338E shall not be reduced in excess of the overall percentage reduction factor required of the Department of Corrections and other state agencies. Funds provided in Specific Appropriations 338A through 338E for the operation of Correctional Education programs scheduled to open during fiscal year 1991-92 shall be placed initially in reserve, and released only upon request of the Correctional Education School Authority Board for commencement of those programs for which the funds are specifically designated. These funds shall not be used for any other purpose without prior legislative consultation.

338A	SALARIES AND BENEFITS POSITIONS 385 FROM GENERAL REVENUE FUND	11,771,625	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,472,302
338B	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	54,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		164,000
338C	EXPENSES FROM GENERAL REVENUE FUND	1,154,135	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		561,308
338D	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	336,073	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		408,000
338E	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GENERAL REVENUE FUND	27,259	

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

OFFICE OF ASSISTANT SECRETARY FOR OPERATIONS AND REGIONAL ADMINISTRATION

339	SALARIES AND BENEFITS POSITIONS 79 FROM GENERAL REVENUE FUND	2,986,306	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		140,638
340	EXPENSES FROM GENERAL REVENUE FUND	1,043,141	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		25,522

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341 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 15,701

342 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 25,350

343 SPECIAL CATEGORIES
STATE INSTITUTIONAL CLAIMS
FROM GENERAL REVENUE FUND 2,000

344 SPECIAL CATEGORIES
TUITION PAYMENTS
FROM GENERAL REVENUE FUND 355,360

MAJOR INSTITUTIONS

345 SALARIES AND BENEFITS POSITIONS 14,440
FROM GENERAL REVENUE FUND 396,108,674
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,346,705
FROM INMATE WORK TRUST FUND 7,851,140

From the funds in Specific Appropriation 345, funds are provided to transfer librarians from CESA at their current rate of pay. The Department of Corrections shall work with the Department of Administration to establish a class of correctional institutional librarian with salary ranges comparable to those established in the CESA pay plan from which the positions are being transferred.

346 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 256,686
FROM FLORIDA AGRICULTURAL EXPOSITION TRUST FUND 50,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 115,000

347 EXPENSES
FROM GENERAL REVENUE FUND 92,548,650
FROM FLORIDA AGRICULTURAL EXPOSITION TRUST FUND 131,243
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,798,746
FROM INMATE WORK TRUST FUND 755,357

348 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,655,828
FROM FLORIDA AGRICULTURAL EXPOSITION TRUST FUND 44,320
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,238,913
FROM INMATE WORK TRUST FUND 190,657

349 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 40,202,701
FROM GRANTS AND DONATIONS TRUST FUND . . . 615,378

350 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 754,560

350A SPECIAL CATEGORIES
CONTRACT DRUG ABUSE SERVICES
FROM GENERAL REVENUE FUND 719,192
FROM GRANTS AND DONATIONS TRUST FUND . . . 844,497

351 SPECIAL CATEGORIES
MAJOR INSTITUTIONS LAW LIBRARY
FROM GENERAL REVENUE FUND 143,635

352 SPECIAL CATEGORIES
RETURN OF PAROLE VIOLATORS
FROM GENERAL REVENUE FUND 131,313

353 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 3,903,161

354 NOT USED

355 FINANCIAL ASSISTANCE PAYMENTS
DISCHARGE AND TRAVEL PAY
FROM GENERAL REVENUE FUND 3,645,100

356 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES

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FROM GRANTS AND DONATIONS TRUST FUND . . . 250,000

PROBATION AND PAROLE SERVICES

357 SALARIES AND BENEFITS POSITIONS 3,608
FROM GENERAL REVENUE FUND 106,438,123
FROM GRANTS AND DONATIONS TRUST FUND . . . 706,846

358 EXPENSES
FROM GENERAL REVENUE FUND 18,171,370
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,719,522

359 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 346,768

From the funds provided in Specific Appropriations 357, 358, and 359, 42 positions and $669,419, $220,227, and $177,114, respectively, from the General Revenue Fund are provided to implement a Specialized Drug Offender Supervision program and are contingent upon the Community Corrections Partnership Act or similar legislation becoming law.

360 LUMP SUM
COMMUNITY CORRECTIONS ALTERNATIVE PROGRAMS
FROM GENERAL REVENUE FUND 850,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,300,000

From the funds provided in Specific Appropriation 360, $150,000 from the General Revenue Fund is for one Community Corrections Assistance Grant; $700,000 in non-recurring from the General Revenue Fund and $1,300,000 from the Grants and Donations Trust Fund is to construct or contract to construct one county work camp. This appropriation is contingent upon the Community Corrections Partnership Act or similar legislation becoming law.

361 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE ALTERNATIVES TO INCARCERATION PROGRAMS
FROM GENERAL REVENUE FUND 275,000

Funds in Specific Appropriation 361 are to be used to contract for alternatives to incarceration services.

362 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 401,011

363 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 111,840

364 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED DRUG TREATMENT/REHABILITATION PROGRAMS
FROM GENERAL REVENUE FUND 4,652,203

From funds provided in Specific Appropriation 364, $4,234,000 from the General Revenue Fund is to purchase a minimum of 360 contract drug treatment beds at a rate not to exceed an average of $32 per bed per day.
From funds provided in Specific Appropriation 364, up to a maximum of $418,203 from the General Revenue Fund is to be used for the operation of one 90-bed drug treatment facility for three months at a rate not to exceed an average of $52 per bed per day and is contingent upon the Community Corrections Partnership Act or similar legislation becoming law.

COMMUNITY FACILITIES AND ROAD PRISONS

The funds provided in Specific Appropriations 365 through 371 for the probation and restitution centers shall only be used for supervision of felony probationers.

The $9,235,196 of the Operating Trust Fund provided in Specific Appropriations 365 through 371 for operation of the road prisons shall be generated by revenues from contracts between the Departments of Corrections and Transportation for the provision of

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inmate labor in highway maintenance.

365 SALARIES AND BENEFITS POSITIONS 1,655
FROM GENERAL REVENUE FUND 40,259,439
FROM GRANTS AND DONATIONS TRUST FUND . . . 800,393
FROM OPERATING TRUST FUND 7,527,113

366 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 70,836
FROM OPERATING TRUST FUND 12,480

367 EXPENSES
FROM GENERAL REVENUE FUND 11,778,844
FROM GRANTS AND DONATIONS TRUST FUND . . . 17,317
FROM OPERATING TRUST FUND 1,112,976

From funds in Specific Appropriation 367 up to $459,900 may be used to contract for drug and alcohol treatment beds to the maximum extent feasible.

368 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 256,421
FROM OPERATING TRUST FUND 19,282

369 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 5,287,503
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,000
FROM OPERATING TRUST FUND 543,729

370 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 172,132
FROM OPERATING TRUST FUND 19,616

370A SPECIAL CATEGORIES
CONTRACT DRUG ABUSE SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 700,362

From the funds in Specific Appropriation 370A, $700,362 from the Grants and Donations Trust Fund is provided for new contracted drug treatment programs at the drug intervention centers appropriated in fiscal year 1990-91.

371 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED DRUG TREATMENT/REHABILITATION PROGRAMS
FROM GENERAL REVENUE FUND 958,125

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

Funds provided from the Special Trust Fund, including additional appropriations approved by the Executive Office of the Governor, may be transferred by the Department of Education to the appropriate trust fund for disbursement purposes. Such transfers shall be made to categories of appropriations similar in purpose to the category of appropriations from which transferred.

Funds provided in Specific Appropriations 372 through 598 as Grants and Aids - Special Categories or as Grants and Aids - Aid to Local Governments may be advanced quarterly throughout the fiscal year based on projects, grants, contracts and allocation conference documents.

A commission shall be formed to ensure statewide coordination of all automated educational computerized systems and networking. The commission shall be composed of the Commissioner of Education, the Secretary of State, the Chancellor of the State University System, the Executive Director of the State Community College System and the Executive Administrator of the Information Resource Commission. Educational automation plans, annual budgets and legislative requests of the Department of Education, the State University System, the Community College System, and the Division of Library and Information Services of the Department of State shall be submitted to and reviewed by the commission to ensure networking and automation compatibility. An annual report shall be submitted by the commission to the Joint Legislative Information Technology Resources Committee by January 1 of each year for review and approval.

OFFICE OF THE COMMISSIONER

372 SALARIES AND BENEFITS POSITIONS 66
FROM GENERAL REVENUE FUND 2,637,469
FROM EDUCATIONAL AIDS TRUST FUND 176,831

373 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 63,502
FROM EDUCATIONAL AIDS TRUST FUND 9,415

From the funds provided in Specific Appropriation 373, $19,449 is provided for the Florida Institute for Film Education.

374 EXPENSES
FROM GENERAL REVENUE FUND 1,019,288
FROM EDUCATIONAL AIDS TRUST FUND 95,367

From funds in Specific Appropriation 374, the Study Commission on Women's Participation in Athletics and Extracurricular Activities shall be established to make recommendations for the participation of girls and women in athletics and other extracurricular activities in the State System of Public Education for administrative and fiscal accountability purposes. The Governor, Commissioner of Education, Senate President, and Speaker of the House shall appoint the members of the commission. The commission shall submit its findings to the Governor, Commissioner of Education, and Legislature by December 15, 1991.

From the funds appropriated in Specific Appropriation 374, $27,983 is provided for the Florida Institute for Film Education.

From the funds in Specific Appropriation 374, $13,000 is provided for the establishment of the Multicultural Task Force to make recommendations for providing more effective educational services to the culturally diverse population of this state. The Governor, Commissioner of Education, Senate President, and Speaker of the House shall appoint the members of the task force to include representatives from the Legislature and education. Appointees to the task force should represent the geographic areas of the state and should have knowledge of or experience in multicultural education. The task force shall submit its recommendations to the Governor, Commissioner of Education, and the Legislature by November 15, 1991.

375 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 66,733

376 NOT USED

377 NOT USED

378 SPECIAL CATEGORIES
CAPITOL TECHNICAL CENTER
FROM GENERAL REVENUE FUND 165,279

Funds provided in Specific Appropriation 378 may be used to purchase equipment for the Capital Technical Center's radio and television facilities.

379 SPECIAL CATEGORIES
GRANTS AND AIDS - AFRICAN AND AFRO-CARIBBEAN SCHOLARSHIP PROGRAM
FROM GENERAL REVENUE FUND 220,000
FROM AFRICAN AND AFRO-CARIBBEAN SCHOLARSHIP TRUST FUND 220,000

Funds in Specific Appropriation 379 are provided for scholarships for students who meet the eligibility requirements specified in Section 240.4145, Florida Statutes.

380 SPECIAL CATEGORIES
GRANTS AND AIDS - DISTINGUISHED PERFORMANCE AWARDS

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	FROM GENERAL REVENUE FUND	9,534	
380A	SPECIAL CATEGORIES GRANTS AND AIDS - EDUCATION/BUSINESS COOPERATION FROM GENERAL REVENUE FUND	1,700,000	
380B	SPECIAL CATEGORIES FEDERAL EQUIPMENT MATCHING GRANT FROM GENERAL REVENUE FUND	500,000	
381	NOT USED		
382	SPECIAL CATEGORIES GRANTS AND AIDS - LATIN AMERICAN/CARIBBEAN BASIN PROGRAM FROM GENERAL REVENUE FUND	205,727	
	FROM LATIN AMERICAN AND CARIBBEAN BASIN SCHOLARSHIP TRUST FUND		282,629
	Funds provided in Specific Appropriation 382 are contingent on the deposit of all private or business donations, grants, bequests or other funds provided for support of International Education or the Latin American Caribbean Scholarship Program into the Latin American and Caribbean Basin Scholarship Trust Fund in the State Treasury.		
383	SPECIAL CATEGORIES GRANTS AND AIDS - LATIN AMERICAN PUBLIC TELEVISION FROM GENERAL REVENUE FUND	87,617	
384	SPECIAL CATEGORIES LITIGATION EXPENSES FROM GENERAL REVENUE FUND	35,160	
385	SPECIAL CATEGORIES GRANTS AND AIDS - PUBLIC BROADCASTING FROM GENERAL REVENUE FUND	9,535,532	
	The allocation of funds appropriated in Specific Appropriation 385 shall be as follows: $782,991 for statewide governmental and cultural affairs programming; $627,820 for each of the public television stations recommended by the Commissioner of Education and $110,791 for each of the public radio stations recommended by the Commissioner of Education. The Department of Education is authorized quarterly to advance the funds provided in Specific Appropriation 385 for the operation of the public radio and television stations, whether they are public entities or not-for-profit corporations. From the funds in Specific Appropriation 385 "Governmental Affairs for Public Television" shall be produced by the same contractor selected by the Legislature to produce "Today in the Legislature."		
386	SPECIAL CATEGORIES GRANTS AND AIDS - RADIO READING SERVICES FOR THE BLIND FROM GENERAL REVENUE FUND	169,572	
387	SPECIAL CATEGORIES SCHOOL VOLUNTEERS ADVISORY COUNCIL FROM EDUCATIONAL AIDS TRUST FUND		46,053
387A	SPECIAL CATEGORIES GRANTS AND AIDS - EDU OUTREACH/INTERNATIONAL VOLUNTEER CORP FROM GENERAL REVENUE FUND	185,073	
OFFICE OF EDUCATIONAL FACILITIES			
388	SALARIES AND BENEFITS POSITIONS 99 FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		4,251,831
389	OTHER PERSONAL SERVICES FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		25,291
390	EXPENSES FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		1,325,236
391	OPERATING CAPITAL OUTLAY FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		218,382
392	SPECIAL CATEGORIES GRANTS AND AIDS - DEPARTMENT OF GENERAL SERVICES CONTRACT FLEET FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		35,000
393	SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA SOLAR ENERGY CENTER FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		30,000
393A	SPECIAL CATEGORIES MODEL EDUCATION ELEMENT FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		150,000
394	SPECIAL CATEGORIES COMMON SPACE UTILIZATION FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		25,000
395	SPECIAL CATEGORIES POST-OCCUPANCY EVALUATION DATA BASE FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		45,000
396	SPECIAL CATEGORIES LIGHTING AND GLAZING FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		45,000
397	SPECIAL CATEGORIES DOCUMENT MANAGEMENT AND INFORMATION INTEGRATION FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		30,000
398	SPECIAL CATEGORIES MUSIC SPACE DESIGN GUIDELINES FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		47,000
399	SPECIAL CATEGORIES GRANTS AND AIDS - PRODUCT TESTING SERVICES FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		80,000
OFFICE OF DEPUTY COMMISSIONER AND DIVISION OF ADMINISTRATION			
400	SALARIES AND BENEFITS POSITIONS 176 FROM GENERAL REVENUE FUND	5,720,516	
	FROM SPECIAL TRUST FUND		86,033
401	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	122,162	
	FROM SPECIAL TRUST FUND		43,294
402	EXPENSES FROM GENERAL REVENUE FUND	1,745,206	
	FROM SPECIAL TRUST FUND		347,776
403	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	97,695	
	FROM SPECIAL TRUST FUND		280,944
404	NOT USED		
404A	SPECIAL CATEGORIES GRANTS AND AIDS - AUXILIARY LEARNING AIDS FOR POSTSECONDARY HANDICAPPED STUDENTS FROM GENERAL REVENUE FUND	1,262,337	
	Funds provided in Specific Appropriation 404A shall be used for auxiliary learning aid assistance for handicapped students who are attending a state university or public community college in Florida and shall be administered under rules adopted by the		

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State Board of Education. Such rules shall include standards of eligibility providing that auxiliary aids will be restricted to students who are handicapped within the definition of Section 504 of the Rehabilitation Act of 1973, as amended, and who are not able to obtain auxiliary aid assistance under state or federal vocational rehabilitation programs or other governmental programs. Such rules shall provide for reimbursement to the institutions by the Department of Education for auxiliary aid assistance provided under this program. The level of reimbursement of funds to individual institutions shall be based on the number of disabled students served in the prior year, the amount of institutional matching funds provided, and the institution's Auxiliary Learning Aids expenditures for the prior year. Any funds herein appropriated and unencumbered at the end of the fiscal year shall revert to the General Revenue Fund unallocated. Participating institutions shall be required to provide matching funds of at least 30 percent beginning in Fall 1991 and at least 40 percent beginning in Fall 1996. Eligible matching expenditures shall include equipment and personnel services which are dedicated to providing direct auxiliary instructional support to handicapped students.

Upon request by the institution, an amount equal to 20 percent of an institution's allocation may be distributed at the time of allocation. Any funds provided in advance shall be deducted from the total amount the institution is eligible to be reimbursed for actual expenditures under its plan. At least once during each year the allocation, expenditures, and needs of all institutions shall be reviewed. If this review shows that any institution is not spending this allocation at a rate that would exhaust the allocation by the end of the year, the Commissioner may adjust allocations between and among institutions. For 1991-92, the annual expenditure limit for individual students participating shall be $5,500.

None of the appropriation for auxiliary learning aids shall be expended for hourly, OPS, or salaried personnel except for persons who are necessary for providing direct auxiliary instructional support to handicapped students. With specific prior approval of the Department of Education, funds may be used to pay salaries of interpreters for the deaf, learning disability specialists, readers, notetakers and tutors who work directly with disabled students in the learning environment and who are employed in full-time salaried positions where the workload justifies a full-time employee. At no time may any of the funds from this appropriation be expended for the salary of the institution's coordinator of disabled student services.

405 SPECIAL CATEGORIES
GRANTS AND AIDS - COLLEGE REACH OUT PROGRAM
FROM GENERAL REVENUE FUND 1,795,908

Funds appropriated in Specific Appropriation 405 may be used for one, two or three year grants. Programs that demonstrate successful current year implementation shall be eligible to receive renewal awards for one or two additional years after the initial year of funding.

406 NOT USED

407 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS
FROM GENERAL REVENUE FUND 1,645,326

Funds in Specific Appropriation 407 shall be allocated to the Multidisciplinary Educational Services Centers as follows: University of Florida, $375,676; University of Miami, $297,764; Florida State University, $307,176; University of South Florida, $372,901; and Jacksonville University, $291,809. Each center shall provide a report to the Department of Education by September 1, 1991, for the 1990-91 year that shall include the following: 1) the number of children served, 2) the number of parents served, 3) the number of persons participating in inservice education activities, 4) the number of districts served, and 5) specific services provided.

407A SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ENDOWMENT FOR THE HUMANITIES
FROM GENERAL REVENUE FUND 185,231

408 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INFORMATION RESOURCE NETWORK
FROM GENERAL REVENUE FUND 6,148,723

The funds provided in Specific Appropriation 408 shall be used to continue the Florida Information Resource Network (FIRN). The goals of the network are the implementation of a statewide interactive network and the reduction of the data burden on teachers and other personnel. A principal emphasis shall continue to be the automation of student, staff and financial information systems.

409 SPECIAL CATEGORIES
GRANTS AND AIDS - GOVERNMENT CLOSE UP PROGRAM
FROM GENERAL REVENUE FUND 50,939

Funds provided in Specific Appropriation 409 are to be used to maintain a State Government Close-Up Program to be administered by the Commissioner of Education in cooperation with Florida Close-Up, Inc. Districts shall submit a proposal developed with the assistance of Florida Close-Up, Inc.; funds shall be awarded by the Commissioner and shall be matched by an equal amount of local funds. Proposals shall include provisions for instruction in the organization and operation of State Government and citizenship education that includes a visit to observe the Legislature in session.

410 SPECIAL CATEGORIES
GRANTS AND AIDS - NEW WORLD SCHOOL OF THE ARTS
FROM GENERAL REVENUE FUND 1,012,672

411 SPECIAL CATEGORIES
GRANTS AND AIDS - MANAGEMENT TRAINING ACT
FROM GENERAL REVENUE FUND 3,374,390

Funds provided in Specific Appropriation 411 shall be used for a state-wide coordinated accountability training support system. This support system shall include training required to successfully implement a student-centered outcome-based accountability system in every school and shall include the training needs of school district and state personnel. The current Regional Training and Development Networks, the Chief Executive Office Leadership Development Program, districts' human resource development programs and any other resources deemed appropriate shall be an integral part of the Accountability Training Support System. The primary objective of the support system shall be to enhance the capacity of personnel in each district and each school to effectively perform their responsibilities. Priority shall be given to training as many additional Master Trainers as necessary to meet the needs of each district and each school. Essential training materials which cannot be secured from another source may be designed and developed.

411A SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 202,749
FROM SPECIAL TRUST FUND 202,749

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From the funds provided in Specific Appropriation 411A, the Department shall transfer to the Division of Administrative Hearings $213.09 for each hour of administrative hearings scheduled as presented below:
Community colleges, the Division of Community Colleges, universities, the Board of Regents, school districts, the Florida School for the Deaf and Blind, the Division of Blind Services, the State Board of Independent Colleges and Universities and the State Board of Independent Vocational, Technical, Trade and Business Schools shall remit to the Department of Education $213.09 for each administrative hearing hour scheduled with the Division of Administrative Hearings. The Department shall transfer these funds to the Division of Administrative Hearings.
Charges for all other budget entities within the Department shall be paid from funds appropriated to the Department for this purpose.

412 NOT USED

413 NOT USED

414 SPECIAL CATEGORIES
EDUCATION MANAGEMENT IMPROVEMENT
FROM GENERAL REVENUE FUND 463,077

Funds provided in Specific Appropriation 414 shall be used to fund the temporary assignment of professional staff among public education agencies to improve educational management and implementation of legislation as provided in s. 228.401, Florida Statutes.

415 DATA PROCESSING SERVICES
KNOTT DATA CENTER - DEPARTMENT OF EDUCATION
FROM GENERAL REVENUE FUND 2,261,361
FROM EDUCATIONAL AIDS TRUST FUND 616,955

416 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM GENERAL REVENUE FUND 831,227
FROM EDUCATIONAL AIDS TRUST FUND 348,029

HUMAN RESOURCE DEVELOPMENT, DIVISION OF

417 SALARIES AND BENEFITS POSITIONS 122
FROM GENERAL REVENUE FUND 2,093,496
FROM SPECIAL TRUST FUND 1,589,671

418 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 348,959
FROM SPECIAL TRUST FUND 2,070

419 EXPENSES
FROM GENERAL REVENUE FUND 950,899
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 34,099
FROM SPECIAL TRUST FUND 1,443,375

420 AID TO LOCAL GOVERNMENTS
PROFESSIONAL PRACTICES - SUBSTITUTES
FROM GENERAL REVENUE FUND 19,022

421 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 43,470
FROM SPECIAL TRUST FUND 468,728

From the funds provided in Specific Appropriations 417, 418, 419 and 421, the Teacher Referral and Recruitment Center is authorized to collect a registration fee for the Great Florida Teach-In, not to exceed $15 per person, and/or a booth fee, not to exceed $200 per school district or other interested participating organization. The revenue from the fees shall be used to promote and hold the Great Florida Teach-In. Funds may be used to purchase promotional items (i.e., mementos, awards, plaques, etc.).

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422 NOT USED

423 SPECIAL CATEGORIES
GRANTS AND AIDS - DISTRICT ASSESSMENT SYSTEM
FROM GENERAL REVENUE FUND 153,617

424 SPECIAL CATEGORIES
GRANTS AND AIDS - SUMMER INSERVICE INSTITUTES
FROM GENERAL REVENUE FUND 9,263,009

Funds provided in Specific Appropriation 424 shall be used to provide inservice activities which support the development and implementation of school improvement programs related to Florida's system of education accountability.
The Department shall have responsibility for designing, developing, and conducting inservice activities needed to assist districts and schools with school improvement and accountability. This includes the preparation of training materials, training trainers, planning and delivering workshops, and evaluating training. Design teams may be established and assembled as required to carry out this responsbility.

Based on identified needs, school districts shall continue to plan and deliver district inservice programs which enable teachers to renew a certificate, meet state inservice requirements, or add a teaching field to a certificate to support school improvement. Funds shall be used to pay the cost of salaries and employee benefits to teacher-participants and the cost of instruction for an intensive subject matter content summer inservice training program for classroom teachers; provided, however, that the salary paid to any participant shall not exceed the regular salary rate of the participant. Each school district shall include in its plan for inservice staff development to support school improvement, intensive subject matter training components including but not limited to mathematics, science, exceptional student education, English for Speakers of Other Languages (ESOL), instructional technology, and middle grades.

Funds are provided for alternative teacher preparation centers to support modified professional orientation programs for candidates for alternative certification pursuant to Section 231.172, Florida Statutes, and for district alternative teacher certification programs for certified teachers as provided in Section 231.174, Florida Statutes.
From the funds provided in Specific Appropriation 424, $100,000 shall be allocated to the Florida Endowment for the Humanitites to conduct summer inservice training for teachers of literature, art and other subjects related to the humanitites that is directly related to the subject matter of courses taught by participating teachers.

425 SPECIAL CATEGORIES
TEACHER OF THE YEAR
FROM GENERAL REVENUE FUND 55,692

Funds provided in Specific Appropriation 425 may be used for the Teacher of the Year banquet, as well as awards to the honored teachers as established by the Commissioner of Education.

426 SPECIAL CATEGORIES
SCHOOL RELATED PERSONNEL OF THE YEAR
FROM GENERAL REVENUE FUND 18,326

BLIND SERVICES, DIVISION OF

427 SALARIES AND BENEFITS POSITIONS 334
FROM GENERAL REVENUE FUND 2,717,328
FROM FEDERAL REHABILITATION TRUST FUND . . 4,939,928
FROM GRANTS AND DONATIONS TRUST FUND . . . 74,755
FROM U.S. TRUST FUND 818,131

428 OTHER PERSONAL SERVICES

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	FROM GENERAL REVENUE FUND	14,008	
	FROM FEDERAL REHABILITATION TRUST FUND . .		62,390
	FROM GRANTS AND DONATIONS TRUST FUND . . .		29,000
	FROM U.S. TRUST FUND		6,125
429	EXPENSES		
	FROM GENERAL REVENUE FUND	670,144	
	FROM FEDERAL REHABILITATION TRUST FUND . .		1,254,169
	FROM GRANTS AND DONATIONS TRUST FUND . . .		97,484
	FROM U.S. TRUST FUND		303,387
430	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - COMMUNITY REHABILITATION FACILITIES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		95,428
	FROM WORKSHOP AND FACILITIES TRUST FUND .		1,235,697
431	NOT USED		
432	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	8,548	
	FROM FEDERAL REHABILITATION TRUST FUND . .		117,125
	FROM GRANTS AND DONATIONS TRUST FUND . . .		7,000
	FROM U.S. TRUST FUND		20,086
433	FOOD PRODUCTS		
	FROM FEDERAL REHABILITATION TRUST FUND . .		59,462
434	NOT USED		
434A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CLIENT SERVICES MANAGEMENT INFORMATION SYSTEM		
	FROM FEDERAL REHABILITATION TRUST FUND . .		330,000
435	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CLIENT SERVICES		
	FROM GENERAL REVENUE FUND	514,063	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,616,518
436	SPECIAL CATEGORIES		
	GRANTS AND AIDS - VOCATIONAL REHABILITATION		
	FROM GENERAL REVENUE FUND	2,714,737	
	FROM FEDERAL REHABILITATION TRUST FUND . .		3,717,529
436A	SPECIAL CATEGORIES		
	VENDING STANDS		
	FROM GENERAL REVENUE FUND	441,106	

Funds provided in Specific Appropriation 436A shall be used to pay state retirement contributions for vending stand operators.

437	SPECIAL CATEGORIES		
	VENDING STANDS - EQUIPMENT AND SUPPLIES		
	FROM TRAINING AND OPERATING TRUST FUND . .		385,000
	FROM U.S. TRUST FUND		1,002,707

Funds in Specific Appropriation 437 may be used to pay for minor construction projects as defined by the Department of General Services.

438	DATA PROCESSING SERVICES		
	KNOTT DATA CENTER - DEPARTMENT OF EDUCATION		
	FROM GENERAL REVENUE FUND	21,330	
	FROM FEDERAL REHABILITATION TRUST FUND . .		162,064
439	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM U.S. TRUST FUND		7,500
440	DATA PROCESSING SERVICES		
	REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM		
	FROM GENERAL REVENUE FUND	4,620	
	FROM FEDERAL REHABILITATION TRUST FUND . .		7,930
	FROM U.S. TRUST FUND		2,200

PRIVATE COLLEGES AND UNIVERSITIES

Budget entities administering contracts which have not been reviewed and recommended by the Postsecondary Education Planning Commission shall require annual reports which include quantified fiscal and programmatic data for all such contracts at the independent institutions. Contracts which fail to meet minimum standards of quality should be visited and corrective actions identified.

441	SPECIAL CATEGORIES	
	BARRY UNIVERSITY - BACHELOR OF SCIENCE/NURSING	
	FROM GENERAL REVENUE FUND	226,123

Funds provided in Specific Appropriation 441 are for not more than 1100 credit hours or 20 FTE students.

441A	SPECIAL CATEGORIES	
	GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE CHALLENGER PROGRAM	
	FROM GENERAL REVENUE FUND	338,411
441B	SPECIAL CATEGORIES	
	GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE OF EDUCATION	
	FROM GENERAL REVENUE FUND	338,411
441C	SPECIAL CATEGORIES	
	UNIVERSITY OF MIAMI MEDICAL SCHOOL MINORITY AFFAIRS OFFICE	
	FROM GENERAL REVENUE FUND	193,378

Funds provided in Specific Appropriation 441C shall be expended with priority given to Florida students.

442	SPECIAL CATEGORIES	
	FLORIDA SOUTHERN - BACHELOR OF SCIENCE IN ACCOUNTING	
	FROM GENERAL REVENUE FUND	62,880

Funds in Specific Appropriation 442 are for not more than 600 credit hours or 20 FTE students.

443	SPECIAL CATEGORIES	
	FLORIDA INSTITUTE OF TECHNOLOGY - SCIENCE EDUCATION	
	FROM GENERAL REVENUE FUND	103,294

Funds provided in Specific Appropriation 443 are for not more than 928 credit hours or 19.00 FTE students.

444	SPECIAL CATEGORIES	
	UNIVERSITY OF MIAMI - INDUSTRIAL ENGINEERING	
	FROM GENERAL REVENUE FUND	216,712

Funds provided in Specific Appropriation 444 are for not more than 660 credit hours or 22 FTE students.

445	SPECIAL CATEGORIES	
	UNIVERSITY OF MIAMI - BACHELOR OF SCIENCE/ARCHITECTURAL ENGINEERING	
	FROM GENERAL REVENUE FUND	88,338

Funds provided in Specific Appropriation 445 are for not more than 269 credit hours or 9 FTE students.

445A	SPECIAL CATEGORIES	
	BARRY UNIVERSITY - MASTER OF SOCIAL WORK PROGRAM - FT. MYERS	
	FROM GENERAL REVENUE FUND	133,458

Funds provided in Specific Appropriation 445A are for not more than 600 credit hours or 20 FTE students.

446	SPECIAL CATEGORIES	
	FLORIDA INSTITUTE OF TECHNOLOGY - ENGINEERING CONTRACT	
	FROM GENERAL REVENUE FUND	477,677

Funds provided in Specific Appropriation 446 are for not more than 4,199 credit hours or 87.50 FTE students.

447 SPECIAL CATEGORIES

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FLORIDA SOUTHERN COLLEGE - BACHELOR OF SCIENCE/ARTS- ELEMENTARY/EARLY CHILDHOOD EDUCATION
FROM GENERAL REVENUE FUND 83,101

Funds provided in Specific Appropriation 447 are for not more than 1,072 credit hours or 35.70 FTE students.

447A SPECIAL CATEGORIES
GRANTS AND AIDS - EDWARD WATERS UPGRADE
FROM GENERAL REVENUE FUND 250,000

447B SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 200,000
FROM HISTORICALLY BLACK COLLEGE AND UNIVERSITY LIBRARY IMPROVEMENT TRUST FUND 200,000

448 SPECIAL CATEGORIES
MT SINAI RADIOLOGIC TECH CONTRACT
FROM GENERAL REVENUE FUND 45,120

Funds provided in Specific Appropriation 448 are for not more than 865 credit hours or 20 FTE students.

449 SPECIAL CATEGORIES
NURSING CONTRACT - UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 394,061

Funds provided in Specific Appropriation 449 are for not more than 1,200 credit hours or 40.00 FTE students.

450 SPECIAL CATEGORIES
SOCIAL WORK CONTRACT - BARRY UNIVERSITY
FROM GENERAL REVENUE FUND 234,136

Funds provided in Specific Appropriation 450 are for not more than 1,050 credit hours or 35.0 FTE students.

450A SPECIAL CATEGORIES
TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY
FROM GENERAL REVENUE FUND 615,800

451 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BIOMEDICAL ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 106,881

Funds provided in Specific Appropriation 451 are for not more than 279 credit hours or 9.30 FTE students.

452 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BIOMEDICAL SCIENCE DOCTORAL PROGRAMS CONTRACT
FROM GENERAL REVENUE FUND 431,120

Funds provided in Specific Appropriation 452 are for not more than 343 credit hours or 14.30 FTE students.

453 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - ROSENSTIEL PHD MARINE AND ATMOSPHERIC SCIENCE
FROM GENERAL REVENUE FUND 344,476

Funds provided in Specific Appropriation 453 are for not more than 167 credit hours or 6.96 FTE students.

454 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - ELECTRICAL ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 253,532

Funds provided in Specific Appropriation 454 are for not more than 660 credit hours or 22.00 FTE students.

455 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - MASTER OF SCIENCE IN NURSING CONTRACT

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FROM GENERAL REVENUE FUND 356,532

Funds provided in Specific Appropriation 455 are for not more than 930 credit hours or 31.00 FTE students.

456 SPECIAL CATEGORIES
GRANTS AND AIDS - NOVA UNIVERSITY
FROM GENERAL REVENUE FUND 494,867

Funds provided in Specific Appropriation 456 are for no more than 150 FTE students who are Florida residents. Eligibility shall be based on the residency requirements stipulated in s. 240.1201, Florida Statutes.
Per student funding shall not exceed the difference between the average cost of state university fees and equivalent fees for students enrolled at Nova. No student funded through Specific Appropriation 456 shall receive a tuition voucher pursuant to s. 240.605, Florida Statutes.

457 FINANCIAL ASSISTANCE PAYMENTS
PRIVATE TUITION ASSISTANCE
FROM GENERAL REVENUE FUND 18,215,531

Funds provided in Specific Appropriation 457 shall be used to provide tuition assistance to students. The maximum amount of the tuition voucher for 1991-92 shall be $1,200. If the amount in Specific Appropriation 457 is not sufficient to provide $1,200 to each eligible student, the department shall prorate the amount among all eligible students. Students enrolled in state contracted programs at private institutions whose tuition is equivalent to tuition in the State University System shall not be eligible to receive funds under the State Tuition Voucher Fund. The Commissioner shall establish a cutoff date for the submission of vouchers for each registration period. No funds provided in Specific Appropriation 457 for 1991-92 shall be used to pay any voucher submitted for 1990-91 enrollment. Handicapped students who complete a total of 24 semester hours of instruction during a twelve month period that begins at the start of the school year shall be eligible to receive a tuition voucher. No student shall receive voucher funds in excess of the difference between the average cost of state university fees and equivalent fees paid by students enrolled in the eligible independent institution.

OFFICE OF STUDENT FINANCIAL ASSISTANCE

458 SALARIES AND BENEFITS POSITIONS 106
FROM GENERAL REVENUE FUND 712,736
FROM SPECIAL TRUST FUND 2,388,056

459 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 23,664
FROM SPECIAL TRUST FUND 28,540

460 EXPENSES
FROM GENERAL REVENUE FUND 280,162
FROM SPECIAL TRUST FUND 1,040,642

461 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 12,212
FROM SPECIAL TRUST FUND 24,143

462 NOT USED

463 SPECIAL CATEGORIES
CLAIM PAYMENTS FOR GUARANTEED STUDENT LOAN PROGRAM
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 66,240,000

464 SPECIAL CATEGORIES
FINANCIAL AID CONTRACTUAL SERVICES
FROM GENERAL REVENUE FUND 51,527
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 3,941,450

464A SPECIAL CATEGORIES

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VOCATIONAL GOLD SEAL SCHOLARSHIP
FROM GENERAL REVENUE FUND 2,750,000

Funds provided in Specific Appropriation 464A shall be transfered to the Vocational Scholarship Program Trust Fund. The Department of Education is authorized to expend $2,750,000 from the trust fund pursuant to provision s.240.4021, Florida Statutes. If funds in Specific Appropriation 464A are insufficient to provide a full scholarship to each eligible recipient, the department may prorate the scholarship balances among all eligible recipients.

465 SPECIAL CATEGORIES
TRANSFER FLORIDA ACADEMIC SCHOLARS FUND
FROM FINANCIAL ASSISTANCE PAYMENTS
FROM GENERAL REVENUE FUND 25,311,563

Funds provided in Specific Appropriation 465 shall be transferred to the Florida Undergraduate Scholars' Trust Fund. The Department of Education is authorized to expend $25,311,563 from the trust fund pursuant to the provisions in s. 240.402, Florida Statutes. If funds in Specific Appropriation 465 are insufficient to provide a full scholarship to each eligible recipient, the department may prorate scholarship balances among all eligible recipients.

466 SPECIAL CATEGORIES
TRANSFER PUBLIC STUDENT ASSISTANCE GRANT
FINANCIAL ASSISTANCE PAYMENT
FROM GENERAL REVENUE FUND 17,481,209
FROM EDUCATIONAL AIDS TRUST FUND 1,048,849
FROM FLORIDA INSURED STUDENT LOAN TRUST
FUND 80,000

Funds provided in Specific Appropriation 466 shall be transferred to the Florida Public Student Assistance Grant Trust Fund. The Department of Education is authorized to expend $18,610,058 from the trust fund pursuant to the provisions of s. 240.409, Florida Statutes. The maximum grant to any student from the trust fund shall be $1,300. If funds in Specific Appropriation 466 are insufficient to provide a full scholarship to each eligible recipient, the department may prorate scholarship balances among all eligible recipients.
From the funds provided in Specific Appropriation 466, up to $1,500,000 shall be earmarked for the purpose of providing awards to community college students who apply for a student assistance grant after the existing application deadline. The Department of Education shall process all late community college applications at the close of the latest drop/add period.

467 SPECIAL CATEGORIES
TRANSFER PRIVATE STUDENT ASSISTANCE GRANT
FINANCIAL ASSISTANCE PAYMENT
FROM GENERAL REVENUE FUND 5,899,350
FROM EDUCATIONAL AIDS TRUST FUND 724,346

Funds provided in Specific Appropriation 467 shall be transferred to the Florida Private Student Assistance Grant Trust Fund. The Department of Education is authorized to expend $6,623,696 from the trust fund pursuant to the provisions of s. 240.4095, Florida Statutes. The maximum grant to any student from the trust fund shall be $1,300. If funds in Specific Appropriation 467 are insufficient to provide a full scholarship to each eligible recipient, the department may prorate scholarship balances among all eligible recipients.

468 SPECIAL CATEGORIES
TRANSFER POSTSECONDARY STUDENT ASSISTANCE
GRANT FINANCIAL ASSISTANCE PAYMENT
FROM GENERAL REVENUE FUND 1,208,409
FROM EDUCATIONAL AIDS TRUST FUND 77,874

Funds provided in Specific Appropriation 468 shall be transferred to the Florida Postsecondary Student Assistance Grant Trust Fund. The Department of Education is authorized to expend $1,286,283 from the Florida Postsecondary Student Assistance Grant Trust Fund pursuant to the provisions of s. 240.4097, Florida Statutes. The maximum grant to any student from the trust fund shall be $1,300. If funds in Specific Appropriation 468 are insufficient to provide a full scholarship to each eligible recipient, the department may prorate scholarship balances among all eligible recipients.

469 SPECIAL CATEGORIES
NEEDS ANALYSIS PROCESSING
FROM STUDENT LOAN GUARANTY RESERVE TRUST
FUND 2,349,600

Funds provided in Specific Appropriation 469 shall be used to provide need analysis services at no cost to students who apply for need-based aid through student financial assistance programs administered by the Department of Education. To provide these services, the Department of Education may negotiate with one or more federally-approved Multiple Data Entry Processors. The Department shall contract with neither a processor which guarantees student loans nor with a processor which is a party to any agreement through which the participation of the Department or its lenders in the Florida Guaranteed Loan Programs is limited, restricted, or otherwise adversely affected. The need analysis forms generated through Specific Appropriation 469 will serve as the only acceptable need analysis forms for all need-based student financial assistance administered by the Department, including guaranteed student loans, unless otherwise approved by the department.

470 FINANCIAL ASSISTANCE PAYMENTS
CHALLENGER ASTRONAUTS MEMORIAL SCHOLARSHIP
FROM CHALLENGER ASTRONAUTS MEMORIAL
SCHOLARSHIP TRUST FUND 188,000

471 FINANCIAL ASSISTANCE PAYMENTS
CHILDREN OF DECEASED AND DISABLED VETERANS
SCHOLARSHIPS
FROM GENERAL REVENUE FUND 47,755

472 FINANCIAL ASSISTANCE PAYMENTS
COLLEGE CAREER WORK EXPERIENCE PROGRAM
FROM GENERAL REVENUE FUND 551,503
FROM COLLEGE CAREER WORK EXPERIENCE
TRUST FUND 290,000

General Revenue funds provided in Specific Appropriation 472 shall be transferred to the College Career Work Experience Trust Fund. The Department of Education is authorized to expend $841,503 from the College Career Work Experience Trust Fund pursuant to the provisions of s. 240.60, Florida Statutes.

473 FINANCIAL ASSISTANCE PAYMENTS
CONFEDERATE MEMORIAL SCHOLARSHIPS
FROM EX-CONFEDERATE SOLDIERS AND SAILORS
ENDOWMENT TRUST FUND 3,300

474 FINANCIAL ASSISTANCE PAYMENTS
CRITICAL TEACHER SHORTAGE
FROM GENERAL REVENUE FUND 3,123,398
FROM CRITICAL TEACHER SHORTAGE TRUST
FUND 2,787,331

General Revenue funds provided in Specific Appropriation 474 shall be transferred to the Critical Teacher Shortage Trust Fund. The Department of Education is authorized to expend $5,910,729 from the Critical Teacher Shortage Trust Fund pursuant to the provisions of s. 240.4065, Florida Statutes.

475 FINANCIAL ASSISTANCE PAYMENTS
EXCEPTIONAL CHILD SCHOLARSHIPS
FROM GENERAL REVENUE FUND 119,000

476 FINANCIAL ASSISTANCE PAYMENTS

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STUDENT REGENT SCHOLARSHIP
FROM GENERAL REVENUE FUND 5,000

477 FINANCIAL ASSISTANCE PAYMENTS
STATE BOARD OF COMMUNITY COLLEGES STUDENT MEMBER SCHOLARSHIP
FROM GENERAL REVENUE FUND 5,000

478 FINANCIAL ASSISTANCE PAYMENTS
POSTSECONDARY EDUCATION PLANNING COMMISSION STUDENT MEMBER SCHOLARSHIP
FROM GENERAL REVENUE FUND 5,000

479 FINANCIAL ASSISTANCE PAYMENTS
FLORIDA GRADUATE SCHOLARS
FROM GENERAL REVENUE FUND 420,000

If funds in Specific Appropriation 479 are insufficient to provide a full scholarship to each eligible recipient, the department may prorate scholarship balances among all eligible recipients.

480 FINANCIAL ASSISTANCE PAYMENTS
MARY MCCLEOD BETHUNE SCHOLARSHIP
FROM GENERAL REVENUE FUND 200,000
FROM MARY MCCLEOD BETHUNE SCHOLARSHIP CHALLENGE GRANT TRUST FUND 200,000

General Revenue funds provided in Specific Appropriation 480 shall be transferred to the Mary McCleod Bethune Challenge Grant Trust Fund. The Department of Education is authorized to expend $400,000 from the Mary McCleod Bethune Challenge Grant Trust Fund pursuant to the provisions of s. 240.4125, Florida Statutes.

481 FINANCIAL ASSISTANCE PAYMENTS
NICARAGUAN/HAITIAN SCHOLARSHIPS
FROM GENERAL REVENUE FUND 9,458

482 FINANCIAL ASSISTANCE PAYMENTS
MOST PROMISING TEACHER SCHOLARSHIP
FROM GENERAL REVENUE FUND 2,199,733
FROM CRITICAL TEACHER SHORTAGE TRUST FUND 912,333

General Revenue funds provided in Specific Appropriation 482 shall be transferred to the Critical Teacher Shortage Trust Fund. The Department of Education is authorized to expend $3,112,066 from the Critical Teacher Shortage Trust Fund pursuant to the provisions of s. 240.4068, Florida Statutes.
If funds in Specific Appropriation 482 are insufficient to provide a full scholarship to each eligible recipient, the department may prorate scholarship balances among all eligible recipients.

483 FINANCIAL ASSISTANCE PAYMENTS
MASTER ASSOCIATE TEACHER SCHOLARSHIPS
FROM GENERAL REVENUE FUND 250,000

484 FINANCIAL ASSISTANCE PAYMENTS
PAUL DOUGLAS SCHOLARSHIP
FROM EDUCATIONAL AIDS TRUST FUND 865,000

485 FINANCIAL ASSISTANCE PAYMENTS
PUBLIC SCHOOL WORK EXPERIENCE PROGRAM
FROM GENERAL REVENUE FUND 66,273
FROM PUBLIC SCHOOL WORK EXPERIENCE TRUST FUND 58,726

General Revenue funds provided in Specific Appropriation 485 shall be transferred to the Public School Work Experience Trust Fund. The Department of Education is authorized to expend $124,999 from the Public School Work Experience Trust Fund pursuant to the provisions of s. 240.604, Florida Statutes.

486 FINANCIAL ASSISTANCE PAYMENTS
ROBERT C. BYRD HONORS SCHOLARSHIP
FROM EDUCATIONAL AIDS TRUST FUND 386,425

487 FINANCIAL ASSISTANCE PAYMENTS

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SEMINOLE/MICCOSUKEE INDIAN SCHOLARSHIPS
FROM GENERAL REVENUE FUND 62,928
FROM SEMINOLE/MICCOSUKEE INDIAN TRUST FUND 63,134

General Revenue funds provided in Specific Appropriation 487 shall be transferred to the Seminole/Miccosukee Indian Trust Fund. The Department of Education is authorized to expend $126,062 from the Seminole/Miccosukee Indian Trust Fund pursuant to the provisions of s. 240.413, Florida Statutes.

488 FINANCIAL ASSISTANCE PAYMENTS
TEACHER/QUEST PARTNERSHIP PROGRAM
FROM CHALLENGER ASTRONAUTS MEMORIAL SCHOLARSHIP TRUST FUND 700,000

489 FINANCIAL ASSISTANCE PAYMENTS
VIRGIL HAWKINS FELLOWSHIP PROGRAM
FROM GENERAL REVENUE FUND 300,000

490 FINANCIAL ASSISTANCE PAYMENTS
JOSE MARTI SCHOLARSHIP CHALLENGE GRANT
FROM JOSE MARTI SCHOLARSHIP CHALLENGE GRANT TRUST FUND 190,000

PROJECTS, CONTRACTS AND GRANTS

491 SALARIES AND BENEFITS POSITIONS 202
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 7,177,407

492 OTHER PERSONAL SERVICES
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 1,199,169

493 EXPENSES
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 4,125,048

494 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 37,175,079

495 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - JOINT TRAINING PARTNERSHIP PROGRAM
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 6,000,000

496 OPERATING CAPITAL OUTLAY
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 92,920

497 SPECIAL CATEGORIES
GRANTS AND AIDS - BUILDING CONSTRUCTION INDUSTRY RESEARCH PROJECTS
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 327,963

498 SPECIAL CATEGORIES
COOPERATIVE ASSOCIATION SCHOLARSHIPS
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 120,000

499 SPECIAL CATEGORIES
GRANTS AND AIDS - CHOICES PRODUCT SALES
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 994,000

The Bureau of Career Development is authorized to continue the sale of products and services which are not funded by the General Revenue Fund. The bureau is authorized to collect registration fees as necessary to conduct statewide and regional workshops and conferences. Sales may be in-state or out-of-state. The revenue from sales and registration fees provided in Specific Appropriation 499 may be used to fund promotional efforts (e.g., advertising, mementos, awards, plaques, etc.).

500 SPECIAL CATEGORIES

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GRANTS AND AIDS - DRUG FREE SCHOOLS/COMMUNITY BASED PROGRAMS
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 13,748,955

501 SPECIAL CATEGORIES
GRANTS AND AIDS - INFANTS AND TODDLERS
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 2,669,107

502 SPECIAL CATEGORIES
GRANTS AND AIDS - NATIONAL GEOGRAPHIC PROJECT
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 50,000

503 SPECIAL CATEGORIES
GRANTS AND AIDS - PRIVATE GIFTS FOR RECOGNITION AWARDS
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 33,000

Funds provided in Specific Appropriation 503 shall be used to implement a program to recognize outstanding performance in education in Florida. The Commissioner of Education shall identify outstanding performance in education meriting recognition. When deemed appropriate by the Commissioner, the recognition award shall be presented by the State Board of Education. Each recognition award shall be appropriate for the performance being recognized as determined by the Commissioner (e.g., cash awards, certificates and plaques, etc.).

504 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE SATELLITE NETWORK
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 81,600

Funds provided in Specific Appropriation 504 which are paid by commercial and other users of the State Satellite Network for coffee, cola, snacks, etc. for Satellite Teleconference participants may be expended by the host conference sites for these purposes.

PUBLIC SCHOOLS, DIVISION OF

505 SALARIES AND BENEFITS POSITIONS 268
FROM GENERAL REVENUE FUND 7,323,442
FROM SPECIAL TRUST FUND 2,704,646
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 86,034

506 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 171,467
FROM SPECIAL TRUST FUND 330,980

507 EXPENSES
FROM GENERAL REVENUE FUND 3,467,687
FROM SPECIAL TRUST FUND 1,866,505
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 16,495

507A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROGRAMS OF EMPHASIS
FROM GENERAL REVENUE FUND 8,085,476
FROM EDUCATIONAL AIDS TRUST FUND 1,858,354

Funds in Specific Appropriation 507A are provided to continue state-level education initiatives and may be used to continue the following programs: (1) Pre-Kindergarten Handicapped Information System, (2) Network of Centers for Severely Emotionally Disturbed, (3) Florida Diagnostic and Learning Resource Centers, (4) Resource Materials for the Hearing Impaired, (5) Visually Handicapped Resources, (6) Governor's Summer Program for the Gifted, (7) Challenge Grant Program for the Gifted, (8) Governor's Summer Colleges, (9) Summer Camps, (10) State Science Fair, (11) Regional Centers of Excellence, (12) Youth Art Symposium, (13) Miccosukee Indian Education Program, (14) Seminole Indian Education Program, (15) Instructional Materials Management, (16) Instructional Materials

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Inservice Training, (17) MIS Council, (18) Missing Children, (19) Arts in Education, (20) Okeechobee/Dozier Supplement, and (21) Harry Anna/All Children's Hospital Supplement. The Commissioner of Education shall allocate for each of these programs an amount not less than 90 percent of the program's adjusted 1990-91 appropriation, and $250,000 is provided for Arts in Education.

508 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM EDUCATIONAL AIDS TRUST FUND 296,241,000

509 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA EDUCATIONAL FINANCE PROGRAM
FROM GENERAL REVENUE FUND 4063,108,384
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 35,500,000

From the funds provided in Specific Appropriation 509 for vocational students, districts shall spend no less than 2.78 percent of the total for repair, replacement, or updating of vocational equipment or for maintenance contracts.

The department's monthly distribution of funds provided in Specific Appropriation 509 shall be made in equal payments on or about the 10th and 26th of each month.

From the funds provided in Specific Appropriation 509, including the funds provided in s. 236.081(3), Florida Statutes, each school district may use funds to implement the beginning teacher program.

Funds provided in Specific Appropriation 509 may be used to pay the cost of school districts' required program for preparing new principals.

Funds provided in Specific Appropriation 509 shall be allocated using a base student allocation of $2,423.62.

In the event a supplemental appropriation increases total funds available for the Florida Education Finance Program, the Commissioner of Education is authorized to recalculate the base student allocation (BSA) to allocate the total amount provided in Specific Appropriation 509 and in any supplemental appropriation and to recalculate district entitlements consistent with other provisions of this act.

Funds appropriated in Specific Appropriation 509 shall be allocated using a funding adjustment calculated in the following manner: (Step 1) Each district's total 1990-91 funds available shall be divided by the district's 1990-91 weighted full-time-equivalent (FTE) student enrollment. Total available funds shall include state FEFP formula and major categorical funds, and local required and discretionary funds. (Step 2) Each district's 1990-91 total funds per weighted student calculated in Step 1 shall be multiplied by the district's 1991-92 funded weighted FTE student enrollment. (Step 3) The amounts calculated in Step 2 shall be prorated to achieve a state total amount equal to the sum of districts' 1991-92 unadjusted total potential funds. Each district's 1991-92 unadjusted total potential funds shall be the sum of state FEFP formula funds, major categorical funds, district discretionary lottery funds and local required and maximum potential discretionary effort funds. (Step 4) The prorated amount for each district calculated in Step 3 shall be subtracted from the district's 1991-92 unadjusted total potential funds amount, which is defined in Step 3. That difference shall be the district's funding adjustment amount and shall be added to the district's total unadjusted FEFP entitlement.

From the funds in Specific Appropriation 509, $20,000,000 is provided for a Sparsity Supplement as defined in s. 236.081(6), Florida Statutes for school districts of 17,000 and fewer FTE in 1991-92. The district cost differential (DCD) for each district shall be calculated pursuant to the provisions of s. 236.081(2), Florida Statutes and shall be adjusted in the following manner: (Step 1) Values calculated pursuant to the provisions of s.

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236.081, Florida Statutes, shall be indexed by dividing each district's DCD by the value of the district that has the lowest DCD; (Step 2) Each district shall be assigned to a region that corresponds to the state's judicial circuits; (Step 3) The indexed DCD that is the highest value within the region shall be assigned to all districts within the region.

Total unadjusted local effort taxes for 1991-92 shall be $2,943,840,066. The adult fee amount for resident adults for 1991-92 shall be $288; the nonresident fee amount shall be $576. The maximum nonvoted discretionary millage which may be levied pursuant to the provisions of s. 236.25(1), Florida Statutes, by district school boards in 1991-92 shall be 0.510 mills.

Districts shall assess each fee non-exempt student a financial aid fee equal to 10 percent of the student's required fee amount. The total fee amount paid by a student shall be equal to the sum of the required fee and the financial aid fee. Districts shall use funds collected from the financial aid fee assessment to waive in full or in part the fees of persons with demonstrated financial need. The State Board of Education shall promulgate rules defining the process by which districts shall establish students' financial need and the process by which districts shall account for the use of these funds. This process shall include an annual report submitted to the Department of Education in sufficient detail to allow the Department to evaluate the effectiveness of each district's financial aid program.

Funds provided in Specific Appropriation 509 are based upon program cost factors for 1991-92 as follows:

1. Basic Programs	
A. K-3 Basic	1.018
B. 4-8 Basic	1.000
C. 9-12 Basic	1.213
D. K-3 Mainstream	2.036
E. 4-8 Mainstream	2.000
F. 9-12 Mainstream	2.426
2. Special Programs for Exceptional Students	
A. Educable Mentally Retarded	2.149
B. Trainable Mentally Retarded	2.954
C. Physically Handicapped	3.569
D. Physical & Occupational Therapy Part-Time	9.049
E. Speech, Language & Hearing Part-Time	5.478
F. Speech, Language & Hearing	3.200
G. Visually Handicapped Part-Time	14.506
H. Visually Handicapped	4.417
I. Emotionally Disturbed Part-Time	3.725
J. Emotionally Disturbed	2.821
K. Specific Learning Disability Part-Time	3.001
L. Specific Learning Disability	2.078
M. Gifted Part-Time	1.918
N. Hospital & Homebound Part-Time	11.505
O. Profoundly Handicapped	4.417
3. Special Programs for At-Risk Students	
A. Dropout Prevention	1.707
B. ESOL K-3	1.692
C. ESOL 4-8	1.690
D. ESOL 9-12	1.748
4. Special Programs for Vocational Job Preparatory (7-12)	
A. Agriculture	1.711
B. Office	1.224
C. Distributive	1.124
D. Diversified	1.185
E. Health	1.563
F. Public Service	.907
G. Home Economics	1.274
H. Technical, Trade, Industrial	1.752
I. Exploratory (6-12)	1.303
J. Vocational Mainstream	2.737
5. Special Programs for Vocational Job Preparatory (Adult)	
A. Agriculture	1.559
B. Office	1.329
C. Distributive	1.398
D. Diversified	.942
E. Health	1.608
F. Public Service	1.020
G. Home Economics	1.477
H. Technical, Trade, Industrial	1.477
6. Special Programs for Vocational Adult Supplemental	
A. Agriculture	1.363
B. Office	1.142
C. Distributive	.795
D. Health	1.483
E. Public Service	.989
F. Home Economics	1.424
G. Technical, Trade, Industrial	1.294
7. Special Programs for Adult General Education	
A. Adult Basic	.780
B. Adult Secondary	.788
C. Lifelong Learning	.700
D. Adult Handicapped	1.575

From the funds provided in Specific Appropriation 509, $1,584 is provided for the education of each inmate served pursuant to contractual agreement between a school district and a federal correctional institution. To provide that amount, the following adjustment shall be calculated and made a part of districts' required local effort fee amount: (Step 1) the total number of weighted inmate students served by the district shall be multiplied by the BSA and by the district cost differential; (Step 2) the total number of unweighted inmate FTE served shall be multiplied by the adult fee amount; (Step 3) the total number of weighted inmate FTE shall be multiplied by the base student allocation and by the district cost differential; (Step 4) the amounts calculated in (Step 2) and (Step 3) above shall be subtracted from the amount calculated in (Step 1) and the difference shall be added to and made a part of the district's required local effort.

The fee waiver amount for each district for 1991-92 shall be calculated by multiplying each district's total non-fee exempt full-time equivalent enrollment in all adult programs by .08 and by the adult fee amount. This amount shall include the amount waived for senior citizens over age 65.

Any course provided by a district to satisfy the one-half credit life management skills training graduation requirements defined by s. 232.246(1)(b), Florida Statutes, shall be funded at the appropriate level for a Grades 9-12 basic education program course.

A student in cooperative education or other types of programs incorporating on-the-job training, including apprenticeship, shall not be counted for more than twenty-five (25) hours per week of membership in all programs when calculating full-time student membership as provided in s. 236.013, Florida Statutes, for funding under s. 236.081, Florida Statutes.

From the funds appropriated in Specific Appropriation 509, Dade County students enrolled in approved apprenticeship programs as defined in s. 446.021, Florida Statutes, shall not generate FEFP funding for on-the-job training activities.

Instruction of state inmates shall not be included in the full-time equivalent student enrollment for FEFP funding. No funds in Specific Appropriation 509 are provided for instruction of state inmates.

In the event that a residential care facility as provided for in s. 230.23(4)(n), Florida Statutes, is phased down or phased out during the 1991-92 fiscal year, the school district shall be held harmless for any reduction in FTE from the FTE included in the consensus Enrollment Estimating Conference Report for that facility.

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Funds provided in Specific Appropriation 509 shall be used to the extent necessary by each school district to fully implement the State Automated Student and Staff Data Base Reporting requirements.

509A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LAB SCHOOL TRANSITION
FROM GENERAL REVENUE FUND 878,796

Funds in Specific Appropriation 509A are provided for one year to assist laboratory schools' transition to public school funding. These funds shall be added to and made a part of laboratory schools' total 1991-92 funds available, and these funds shall be incorporated in the total amount of funds requested for the Florida Education Finance Program for subsequent year public school funding.

510 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISTRICT DISCRETIONARY
LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 495,369,799

Funds appropriated in Specific Appropriation 510 are provided as enhancement funds for school districts and shall be allocated by multiplying each district's weighted full-time-equivalent (FTE) student enrollment times $171.38 and times the district cost differential (DCD) and by prorating district entitlements to the amount of the appropriation.
As part of the uniform accounting system required by s. 237.01, Florida Statutes the Commissioner shall prescribe, effective July 1, 1991, a unique fund source code for accounting for the receipt and expenditure of all Educational Enhancement Trust Funds.
Prior to the expenditure of funds appropriated in Specific Appropriation 510, each school district shall establish policies and procedures that define enhancement and the types of expenditures that will be considered consistent with that definition. Districts shall provide to the Department of Education a copy of all policies and procedures that relate to the use of enhancement funds and shall annually, within a sixty day period following the end of each fiscal year, submit a report to the Department of Education showing the actual expenditure of all enhancement funds.
From the funds provided in Specific Appropriation 510, school boards shall allocate to each school not less than $9.50 per unweighted FTE student to be used at the discretion of the staff and parents of the school to develop and implement the school's improvement plan. The school's improvement plan shall be based on the needs of the students at that school and shall be consistent with the state-wide and district-wide school improvement programs.

510A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 73,816,921

Districts shall use funds appropriated in Specific Appropriation 510A for the purchase of instructional and library media materials. Before any district receives its allocation of funds it shall provide data to the Department of Education that show (1) the amount spent during 1990-91 for library media materials and (2) the amount budgeted for 1991-92 for library media materials. The expenditure of funds provided in Specific Appropriation 510A shall demonstrate that the purchase of library media materials are a high priority of each district.
From the funds provided in Specific Appropriation 510A, school districts shall pay for instructional materials used for the instruction of public high school students who are earning credit toward high school graduation under the dual enrollment program as provided in s. 236.081(1)(h), Florida Statutes.
The growth allocation per FTE student is $130.97 in 1991-92. If the funds provided in Specific Appropriation 510A are insufficient to pay in full the allocation for growth and maintenance, as provided in s. 236.122, Florida Statutes, the growth allocation shall be paid in full and the allocation for the maintenance allocation shall be prorated among all eligible FTE. These funds may be used for dual enrollment as provided in s. 236.081(1)(h), Florida Statutes. These funds shall be distributed to school districts as follows: 50% on or about July 10, 1991; 35% on or about October 10, 1991; 10% on or about January 10, 1992 and the balance on or about June 10, 1992.
From the funds provided in Specific Appropriation 510A, $75,000 shall be to provide instructional materials for partially sighted pupils as provided in s. 233.49, Florida Statutes.
From the funds provided in Specific Appropriation 510A, the Commissioner is authorized to purchase, upon the requisition by the districts, not more than 12,000 copies of the Florida Handbook for distribution to the public schools on an equitable formula based on the number of students in the respective districts.

511 NOT USED

511A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SAFE SCHOOLS
FROM GENERAL REVENUE FUND 10,000,000

512 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM
FROM GENERAL REVENUE FUND 11,965,197
FROM FOOD AND NUTRITION SERVICES TRUST FUND 208,730,240

From the funds provided in Specific Appropriation 512, $2,800,000 shall be used for the purposes described in s. 228.195(5), Florida Statutes.

513 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT TRANSPORTATION
FROM GENERAL REVENUE FUND 234,614,818

514 NOT USED

515 NOT USED

515A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL TECHNOLOGY
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 8,857,846
FROM QUALITY INSTRUCTION INCENTIVES TRUST FUND 1,142,154

From the funds in Specific Appropriation 515A, $1,000,000 is provided for Model Technology Schools; $650,000 is provided to begin implementation of a scientifically developed, technology-based model of schooling; $450,000 is provided for ITV Program Acquisition; $350,000 is provided for the Uniform Library Database; and $7,550,000 is provided for the purposes defined in s. 229.603, Florida Statutes. Priority shall be given to districts that have already begun to implement state of the art instructional technology programs based on demonstrated successful strategies, including those demonstrated by Model Technology Schools. These funds shall be matched with district funds and private contributions. To be eligible to receive funds a district shall demonstrate a viable plan for achieving a comprehensive instructional technology program.

516 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 322,920
FROM SPECIAL TRUST FUND 94,628

517 NOT USED

518 NOT USED

519 SPECIAL CATEGORIES
ASSESSMENT AND EVALUATION
FROM GENERAL REVENUE FUND 4,766,704

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FROM SOPHOMORE LEVEL TEST TRUST FUND . . . 104,270
FROM TEACHER CERTIFICATION EXAMINATION TRUST FUND 1,147,357

Funds provided in Specific Appropriation 519 shall be used by the State Board of Education in 1991-92 upon the recommendation of the Commissioner of Education, to enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in one fiscal year and continue into the next, and may be paid from the appropriations of either or both fiscal years.
The Commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services and related materials developed pursuant to state statutes. The proceeds from such sale or lease shall be deposited into a trust account entitled "Florida Educational Examination Development Fund" and shall be used by the Department of Education for activities related to the testing programs specified in state statute.
Funds provided in Specific Appropriation 519 may be used for research and analyses of existing data available through Florida's education, evaluation and assessment programs.

520 NOT USED

521 NOT USED

522 SPECIAL CATEGORIES
GRANTS AND AIDS - DRUG ABUSE EDUCATION
FROM DRUG ABUSE EDUCATION TRUST FUND . . . 1,403,000

523 SPECIAL CATEGORIES
GRANTS AND AIDS - PRE-SCHOOL PROJECTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 78,572,355

From the funds in Specific Appropriation 523, $3,295,172 is provided to continue the Migrant Education 3 and 4 Year Old's Program.
From funds provided in Specific Appropriation 523, $77,500 shall be used for the operation of a State Coordinating Council on Early Childhood Services.
Funds in Specific Appropriation 523 shall be allocated to each eligible school district on the basis of full-time equivalent (FTE) students served consistent with the provisions of s. 230.2305, Florida Statutes. For the purpose of this appropriation, an FTE is defined as six hours per day of quality contact time in a developmentally appropriate program for 180 days. The program shall be administered in accordance with the 1990-91 guidelines, except that at least 70 percent of the total funds allocated to each district shall be used for implementing and conducting a prekindergarten early intervention program or contracting with other public or nonpublic entities for programs to serve eligible children and no more than 30 percent of the funds allocated to each school district may be used to enhance existing public and nonpublic programs for eligible children, to provide before-school and after-school care for children served by this program.
Funds provided above the 1990-91 adjusted appropriation are intended to serve additional eligible children at the rate of $3,600 per FTE. Funds required for start-up costs may be allowed upon justification by the district.

524 NOT USED

525 SPECIAL CATEGORIES
GRANTS AND AIDS - HIGH PERFORMANCE INCENTIVES PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 10,000,000

526 NOT USED

527 SPECIAL CATEGORIES
FULL SERVICE SCHOOLS - INTERAGENCY COOPERATION

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FROM GENERAL REVENUE FUND 1,256,984
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 5,800,000

Funds appropriated in Specific Appropriation 527 are provided for comprehensive services that are delivered pursuant to interagency partnerships and collaborative arrangements among state and local public and private entities. These services shall emphasize treatment and support services for children and parents.
Funds in Specific Appropriation 527 may be used to continue the following programs: (1) Cities in Schools, (2) School Volunteers, (3) Contracted Services, (4) In-School Child Care, and (5) Dropout Prevention. Funds provided in Specific Appropriation 527 shall be used for community based prevention projects as provided by s. 230.2316(11), Florida Statutes, or similar legislation. Such projects, where appropriate, shall utilize funds provided by the Job Training Partnership Act for school-to-work transition programs, or other comprehensive dropout prevention approaches.
From the funds in Specific Appropriation 527, $550,000 is provided for regional technical assistance and staff development services to school districts to improve programming for at-risk students. Services shall be provided through grants to school districts in each of the five geographical DOE regions.
From the funds in Specific Appropriation 527, $16,000 is provided for support of the Florida Council for Student Services.

528 NOT USED

529 NOT USED

530 SPECIAL CATEGORIES
TRANSFER FROM PSC TELECOMMUNICATIONS DEVICES FOR DEAF
FROM TELECOMMUNICATION DEVICES FOR THE DEAF TRUST FUND 586,702

531 NOT USED

VOCATIONAL, ADULT, AND COMMUNITY EDUCATION, DIVISION OF

The Division of Vocational Education, working cooperatively with staff from the Florida School for the Deaf and Blind, shall evaluate current vocational programs at the School and shall recommend for immediate implementation any changes necessary to increase the effectiveness and efficiency of the School's programs and to conform those programs to objectives defined in the State's Blueprint for Career Preparation. The Division of Vocational Education shall report its findings and recommendations to the Governor, the President of the Senate and the Speaker of the House of Representatives no later than October 1, 1991.
As authorized in Section 230.645(5), Florida Statutes, fees for postsecondary adult vocational and supplemental vocational instruction shall be no less than $0.31 per hour and no more than $0.77 per hour for Florida residents. Each community college board of trustees and district school board shall adopt policies relating to the determination of fees for individual courses.

532 SALARIES AND BENEFITS POSITIONS 157
FROM GENERAL REVENUE FUND 3,040,691
FROM EDUCATIONAL AIDS TRUST FUND 2,732,854

Funds provided in Specific Appropriations 532 and 534 shall be used by the Division of Vocational, Adult and Community Education (DVACE) to conduct reviews of supplemental vocational education in at least 25 percent of the school districts and community colleges. These reviews shall determine the extent to which each supplemental vocational education course is designed to enable persons who are or have been employed in a specific occupation to upgrade their competencies in order to reenter,

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maintain stability or advance within their occupations; the extent to which each course conforms to approved program course standards and the extent to which the students reported as supplemental vocational students in each course meet the requirements for enrollment. Any discrepancies shall be reported by the DVACE to the Department of Education's Bureau of Auditing Services and Division of Community Colleges. A report of the findings of these reviews shall be submitted to the Executive Office of the Governor and to the Legislature at least one month prior to the beginning of the 1992 Session of the Legislature.

533	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	3,256	
	FROM EDUCATIONAL AIDS TRUST FUND		190,916
534	EXPENSES		
	FROM GENERAL REVENUE FUND	811,954	
	FROM EDUCATIONAL AIDS TRUST FUND		1,877,140
	FROM EDUCATIONAL MEDIA AND TECHNOLOGY TRUST FUND		30,500
534A	AID TO LOCAL GOVERNMENTS CENTERS OF EXCELLENCE		
	FROM GENERAL REVENUE FUND	400,000	
535	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ADULT BASIC EDUCATION FEDERAL FLOW-THROUGH FUNDS		
	FROM EDUCATIONAL AIDS TRUST FUND		8,371,000
536	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - COMMUNITY SCHOOLS		
	FROM GENERAL REVENUE FUND	4,124,229	

From the funds in Specific Appropriation 536, $100,000 shall be allocated for four Centers for Community Education.

536A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ADULT LITERACY CENTERS		
	FROM GENERAL REVENUE FUND	283,744	

Funds in Specific Appropriation 536A are provided for model non-instructional adult literacy centers to complement existing public and private instructional adult literacy programs.

537	NOT USED		
538	NOT USED		
539	NOT USED		
540	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - VOCATIONAL FORMULA FUNDS		
	FROM EDUCATIONAL AIDS TRUST FUND		40,971,000
541	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	3,073	
	FROM EDUCATIONAL AIDS TRUST FUND		1,773
542	NOT USED		
543	SPECIAL CATEGORIES BLUEPRINT FOR CAREER PREPARATION		
	FROM GENERAL REVENUE FUND	3,800,000	
543A	SPECIAL CATEGORIES GRANTS AND AIDS - INDUSTRY SERVICES		
	FROM GENERAL REVENUE FUND	600,000	

Funds provided in Specific Appropriation 543A are designated for use with specific programs identified by the Department of Commerce, Division of Economic Development. The Division of Vocational Education shall administer these programs in accordance with the guidelines set forth in s. 230.66, Florida Statutes. The funds provided shall be used for short-term training programs when no other similar training program exists. At least 80 percent of the funds provided shall be for purposes that are directly related to specific training projects in

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which jobs are created or anticipated. Funds provided are not to be used to augment any program activity or function other than those specified in s. 230.66, Florida Statutes.

COMMUNITY COLLEGES, DIVISION OF

The funds in Specific Appropriation 547 shall be used to serve the following assigned FTE enrollments:

	1991-92
Advanced and Professional	100,091
Postsecondary Vocational	39,124
Postsecondary Adult Vocational	11,182
Supplemental Vocational	6,117
College and Vocational Preparatory	13,075
Adult Basic & High School	13,781
Total	183,370

FTE enrollment counts for funding purposes will be based only on fee-paying students, except as provided by law. Furthermore, enrollment projections, the annual cost analysis, and CO&DS instructional unit determinations shall only include such students. Enrollments of non-fee paying students shall be reported and projected separately. Except for dually-enrolled students, students in advanced and professional programs or related college preparatory programs who have acquired a high school certificate of completion or attendance and do not have a high school diploma or general equivalency diploma shall not earn FTE's for funding purposes. All enrollment estimating conference FTE reports shall reflect by college all fee paying FTE for the following programs: advanced and professional, postsecondary vocational, postsecondary adult vocational, supplemental vocational, college and vocational preparatory, adult basic and high school and lifelong learning. There shall be a direct correlation with the seven programs in reporting actual, assigned, estimated, and projected FTE. All state and federal inmate education provided by community colleges in 1991-92 shall be reported by program, FTE expenditure and revenue source. These enrollments, revenues and expenditures shall be reported and projected separately. Except as provided by law, instruction of state or federal inmates shall not be included in the full-time equivalent student enrollment for Community College Program Fund funding. No funds in Specific Appropriation 547 are provided for instruction of state or federal inmates; funds in this appropriation shall not be used to offer college level courses to inmates who do not pay their own fees.

Community colleges may generate an additional one-fourth (.25) of a full-time equivalent for dually-enrolled students.

Funds provided in Specific Appropriation 547 contemplate that each board of trustees shall have authority to designate that funds due it be placed for investment in its account with the State Board of Administration, rather than be deposited, and the board of trustees may direct those persons having money due to the board of trustees to pay such funds to the State Board of Administration to make authorized investments for its accounts.

The Division of Community Colleges shall have the authority to distribute the funds provided in Specific Appropriation 547 in 12 unequal installments as may be necessary to provide for the resolution of any cash flow problems in the community college system.

No funds shall be expended from Specific Appropriation 547 for the operation of the Community Instructional Services Program or Lifelong Learning Program.

Funds provided in Specific Appropriation 547 contemplate that, except for CO&DS instructional unit calculation, the enrollment projections, estimates, and actual FTE for advanced and professional, and postsecondary vocational programs

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will be a year-round average based on total student semester hours divided by 40 with the credit hour equivalent being 30. Except for CO&DS instructional unit calculation, a full-time equivalent enrollment in the developmental program, including students enrolled in both the college and vocational preparatory program, postsecondary adult and supplemental disciplines in the vocational program and the lifelong learning program shall be defined as 900 membership hours per year. Furthermore, the annual cost analysis and all data elements required for the allocation process and legislative analysis shall reflect these definitions and be reported in the following order: summer, fall, and spring terms.

Funds provided in Specific Appropriation 547 contemplate that colleges shall continue to the extent possible to reduce the class size of college level English and mathematics courses to an average of 22 students.

Courses in the college and vocational preparatory education program shall be approved by the State Board of Community Colleges and be recorded in the statewide common course numbering system.

Funds provided in Specific Appropriation 547 reflect reductions in the Community College Program Fund of $19,431,406. The State Board of Community Colleges shall report the reductions taken by individual colleges to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Auditor General by November 1, 1991.
From the funds provided in Specific Appropriation 547, community colleges may waive fees for any non-fee exempt student provided that the total number of students for whom fees are waived shall not exceed five percent of the systemwide full-time equivalent enrollment in postsecondary adult vocational, vocational supplemental, and vocational preparatory programs. This five percent shall include any student for whom an in-kind contribution is accepted in lieu of the collection of a fee. All in-kind contributions accepted in lieu of student fees must be directly related to the instructional program to be provided. Facilities, equipment, personnel, or other resources provided by a cooperating entity for cooperative vocational education programs shall not be considered an in-kind contribution. General purpose classroom space at a site other than in a community college facility shall not be accepted as an in-kind contribution if adequate classroom space is available at a community college facility, unless the classroom space is provided at a facility operated by an approved apprenticeship program. Waivers may only be granted to students for courses within the program areas generating the fee waivers.

From funds in Specific Appropriations 544 through 546, the State Board of Community Colleges shall develop and submit a three-year Public Education Capital Outlay Legislative Budget Request within the revenue available in accordance with s. 235.41(1), Florida Statutes. Any project recommendation for new construction shall be requested over a three year period in the following phases; planning, construction and equipment. The recommendation for each phase shall represent the total projected cost for that particular phase. New construction projects that can complete all three phases within one fiscal year shall be exempt from this requirement. Within 30 days of the signing of a planning or construction contract for funded projects, the individual institution shall notify the Office of Educational Facilities of the expected contract completion date.

544 SALARIES AND BENEFITS POSITIONS 49
FROM GENERAL REVENUE FUND 2,241,472

545 OTHER PERSONAL SERVICES

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FROM GENERAL REVENUE FUND 12,882
FROM COMMUNITY COLLEGE CONFERENCE TRUST FUND 5,000

546 EXPENSES
FROM GENERAL REVENUE FUND 958,384

From funds provided in Specific Appropriations 544 and 546, the State Board of Community Colleges shall negotiate an articulation agreement with the Florida State Fire College which shall ensure that all postsecondary level training provided by the Fire College is uniformly accepted by Florida community colleges as credit toward the appropriate degrees. This will not result in individual colleges reporting these credits for FTE purposes but shall be counted as transfer credit on individual student's transcripts. This articulation agreement should function in the same fashion as s. 240.115, Florida Statutes.

546A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGE LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 123,450,000

Funds provided in Specific Appropriation 546A shall be allocated as follows:

Brevard	5,864,850
Broward	8,254,956
Central Florida	2,048,759
Chipola	1,005,864
Daytona Beach	5,693,166
Edison	2,863,415
Florida CC at Jacksonville	11,321,025
Florida Keys	607,289
Gulf Coast	1,979,412
Hillsborough	6,363,069
Indian River	4,553,321
Lake City	1,380,202
Lake-Sumter	712,319
Manatee	3,020,960
Miami-Dade	21,503,549
North Florida	640,952
Okaloosa-Walton	2,149,076
Palm Beach	5,665,562
Pasco-Hernando	1,912,758
Pensacola	4,992,292
Polk	2,121,472
St. Johns	1,179,568
St. Petersburg	6,915,150
Santa Fe	4,696,054
Seminole	4,177,636
South Florida	1,783,491
Tallahassee	3,400,684
Valencia	6,643,149

The State Board of Community Colleges shall submit a report to the Executive Office of the Governor, the President of the Senate and the Speaker of the House of Representatives reflecting how these funds were expended.

547 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGES PROGRAM FUND
FROM GENERAL REVENUE FUND 450,896,527

The average matriculation fees specified in Subsection 240.35(5), Florida Statutes, are hereby established for 1991-92 as follows:

Program	Amount Per Credit Hour
Advanced and Professional	$ 23.25
Postsecondary Vocational	23.25
Adult Vocational	13.25
Supplemental Vocational	20.75
College Preparatory	23.25

The additional tuition fee paid by out-of-state residents shall be no less than three times the matriculation fee established by each board of trustees.

Funds provided in Specific Appropriation 547 shall

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be allocated as follows:

Brevard	22,062,635
Broward	28,792,313
Central Florida	8,311,718
Chipola	4,860,342
Daytona Beach	19,140,998
Edison	8,975,455
Florida CC at Jax	41,795,902
Florida Keys	3,616,954
Gulf Coast	7,557,591
Hillsborough	21,632,585
Indian River	14,898,016
Lake City	7,297,039
Lake-Sumter	3,941,428
Manatee	10,270,970
Miami-Dade	79,863,456
North Florida	3,245,238
Okaloosa-Walton	8,053,241
Palm Beach	18,875,934
Pasco-Hernando	6,367,304
Pensacola	21,190,017
Polk	7,955,393
St. Johns River	4,897,084
St. Petersburg	24,822,654
Santa Fe	17,896,304
Seminole	15,356,680
South Florida	6,072,812
Tallahassee	11,262,111
Valencia	21,884,353

The Division of Community Colleges shall maintain a policy regarding office hours that instructional personnel will be available to students. The Auditor General shall review the implementation of the policy by the local boards of trustees in each community college's regularly assigned audit and make appropriate comments.
From the funds provided in Specific Appropriation 547, each community college may allocate from General Revenue up to $35,000 per institute for its participation in any Florida Linkage Institute created pursuant to s. 240.137, Florida Statutes.
Funds provided to individual colleges in Specific Appropriations 546A and 547 are contingent upon the college providing no employee salary increases or increases in personal service contracts in fiscal year 1991-92 from these funds or from student fees collected pursuant to s. 240.345 and s. 240.35, Florida Statutes.

548 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LIFELONG LEARNING
FROM GENERAL REVENUE FUND 2,475,426

Funds provided in Specific Appropriation 548 shall be allocated as follows:

Brevard	$ 555,354
Broward	136,472
Central Florida	37,076
Chipola	19,721
Daytona Beach	213,780
Edison	8,677
Florida CC at Jacksonville	328,164
Florida Keys	14,199
Gulf Coast	65,475
Hillsborough	58,375
Indian River	75,730
Lake City	7,889
Lake-Sumter	7,889
Miami-Dade	209,047
Okaloosa-Walton	29,976
Palm Beach	139,627
Pasco-Hernando	41,809
Pensacola	164,082
Polk	59,953
St. Petersburg	98,607
Santa Fe	14,199
Seminole	81,252
South Florida	63,108
Tallahassee	6,311
Valencia	38,654

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549A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SUNSHINE STATE SKILLS PROGRAM
FROM GENERAL REVENUE FUND 550,000

The funds provided in Specific Appropriation 549A shall be allocated by the State Board of Community Colleges.
Funds in Specific Appropriation 549A shall only be used to support those advanced technical skill training needs which are at a level commensurate with the postsecondary vocational programs offered by community colleges.
From the funds provided in Specific Appropriation 549A, up to $25,350 may be used by the division for expenses to meet the intent of s.240.356, Florida Statutes.

549B OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 186,758

550 NOT USED

551 SPECIAL CATEGORIES
GRANTS AND AIDS - EDUCATION OF FEDERAL INMATES
FROM GENERAL REVENUE FUND 365,904

Funds provided in Specific Appropriation 551 are to continue serving federal prison inmates at the same level as provided in 1990-91. Sufficient funds are provided to serve 231 FTE. Except for inmates in college credit courses who have paid their own fees, inmates served by the colleges from this appropriation through contracts with the federal prison shall not be counted as FTE by the college.

551A SPECIAL CATEGORIES
MIAMI-DADE FILM TECHNOLOGY
FROM GENERAL REVENUE FUND 475,000

552 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY COLLEGE ENDOWMENT MATCHING FUND
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,750,000

Funds provided in Specific Appropriation 552 shall be expended pursuant to Section 240.36, Florida Statutes.

552A SPECIAL CATEGORIES
GRANTS AND AIDS - LITERACY CENTERS
FROM GENERAL REVENUE FUND 472,908

553 SPECIAL CATEGORIES
GRANTS AND AIDS - LIBRARY AUTOMATION
FROM GENERAL REVENUE FUND 2,837,438

554 NOT USED

555 SPECIAL CATEGORIES
GRANTS AND AIDS - NURSING EDUCATION CHALLENGE GRANT FUND
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 800,000

555A SPECIAL CATEGORIES
GRANTS AND AIDS - SOLAR ADMINISTRATION
FROM GENERAL REVENUE FUND 58,500

555B SPECIAL CATEGORIES
APPLETON MUSEUM - CENTRAL FLORIDA COMMUNITY COLLEGE
FROM GENERAL REVENUE FUND 194,287

555C SPECIAL CATEGORIES
MILITARY-RELATED ECONOMIC DEVELOPMENT
FROM GENERAL REVENUE FUND 400,000

From funds provided in Specific Appropriation 555C the State Board of Community Colleges shall award grants to community colleges on a competitive basis. Grants shall be awarded for examining non-military application of high technology and for the technical training and placement of former military personnel.

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FLORIDA SCHOOL FOR THE DEAF AND THE BLIND

The Board of Trustees and administration of the Florida School for the Deaf and Blind shall not authorize fee waivers for out-of-state students.
From the funds provided in Specific Appropriations 556 through 559 the Florida School for the Deaf and Blind shall plan for and fully implement in the 1991-92 fiscal year a statewide interpreter training program. The planning phase for this program shall involve representatives from the Department of Education as well as representatives from school district exceptional child programs.

556 SALARIES AND BENEFITS POSITIONS 533
FROM GENERAL REVENUE FUND 14,214,770
FROM GRANTS AND DONATIONS TRUST FUND . . . 631,709

557 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 340,698
FROM GRANTS AND DONATIONS TRUST FUND . . . 85,000

558 EXPENSES
FROM GENERAL REVENUE FUND 2,285,337
FROM GRANTS AND DONATIONS TRUST FUND . . . 156,863

Funds provided in Specific Appropriation 558 for outreach services to school districts shall be released based on a written agreement with the Division of Public Schools designating the services as a component of the system of diagnostic and learning resource centers authorized in s. 229.832 - 229.834, Florida Statutes.
The Board of Trustees for the Florida School for the Deaf and the Blind and the State Board of Education shall jointly develop and adopt rules for quality standards for the educational and residential programs of the school. The Department of Education is directed to implement a system for regular auditing and monitoring for compliance with the quality standards established by the Board of Trustees and the State Board of Education.

559 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 171,833
FROM GRANTS AND DONATIONS TRUST FUND . . . 110,000

560 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 282,656
FROM GRANTS AND DONATIONS TRUST FUND . . . 50,000

561 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 111,990

562 SPECIAL CATEGORIES
SUMMER PROGRAMS
FROM GENERAL REVENUE FUND 176,337

The funds provided in Specific Appropriation 562 are provided only for the purpose of conducting a Summer Program at the Florida School for the Deaf and the Blind. At the conclusion of the Summer Program, and no later than September 30, the President of the Florida School for the Deaf and the Blind shall submit to the Department of Education, performance, evaluation and financial/statistical reports. The reports shall include the total amount expended for the program and the source of these funds.

563 SPECIAL CATEGORIES
STUDENTS HOME ON WEEKENDS PROGRAM
FROM GENERAL REVENUE FUND 416,946

The funds provided in Specific Appropriation 563 are provided only for the purpose of transporting students home on the weekends. At the conclusion of the school year, and no later than September 30, the President of the Florida School for the Deaf and Blind shall sumbit to the Speaker of the House and the President of the Senate a report detailing the amount expended for the program and the source of funds.

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564 SPECIAL CATEGORIES
TEACHER EDUCATION
FROM GENERAL REVENUE FUND 7,866

Funds provided in Specific Appropriation 564 shall be used for the direct support of non-credit teacher education activities.

565 SPECIAL CATEGORIES
MAINSTREAMING
FROM GENERAL REVENUE FUND 85,200

566 SPECIAL CATEGORIES
COMMUNICATION PHILOSOPHY
FROM GENERAL REVENUE FUND 30,000

KNOTT DATA CENTER

567 SALARIES AND BENEFITS POSITIONS 71
FROM WORKING CAPITAL TRUST FUND 2,397,655

568 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 2,995

569 EXPENSES
FROM WORKING CAPITAL TRUST FUND 776,294

570 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 24,859

571 NOT USED

572 SPECIAL CATEGORIES
OVERTIME
FROM WORKING CAPITAL TRUST FUND 20,000

POSTSECONDARY EDUCATION PLANNING COMMISSION

573 SALARIES AND BENEFITS POSITIONS 10
FROM GENERAL REVENUE FUND 509,815

574 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 35,462

575 EXPENSES
FROM GENERAL REVENUE FUND 116,276

576 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 978

577 NOT USED

577A SPECIAL CATEGORIES
SPECIAL STUDIES
FROM GENERAL REVENUE FUND 95,000

From funds in Specific Appropriations 573 through 576, the Postsecondary Education Planning Commission shall proceed with development of a comprehensive revision of the Master Plan for Florida Postsecondary Education. The Master Plan shall be completed for submission to the State Board of Education and the Legislature on or before January 15, 1993.
From funds in Specific Appropriations 573 through 576, the Postsecondary Education Planning Commission shall conduct a review of the status of outcomes assessment in Florida in comparison with model practices in place in other states, individual institutions and accrediting bodies. The Commission shall identify policies and procedures designed to encourage improvements in student learning and overall institutional effectiveness. The review shall also include recommendations regarding the use of outcomes assessment information in such areas as program reviews and incentive funding; and recommended approaches to measuring student and institutional outcomes. A report and recommendations shall be submitted to the State Board of Education and the Legislature upon completion.

From the funds provided in Specific Appropriation 577A, the Postsecondary Education Planning

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Commission shall conduct a review of community college courses and programs offered in academic year 1990-91 which were reported to the State for FTE funding purposes. Working in conjunction with the Commission, the following information shall be collected by the Division of Community Colleges from each community college:

(1) All courses and programs in which the instructor was not paid directly as a salaried employee of the college;

(2) All courses and programs in which the majority of the direct instructional costs (salaries, expenses and/or equipment) were not paid from either the Community College Program Fund, student fees, or a specific categorical appropriation administered by the Division of Community Colleges;

(3) For each course or program identified in (1) or (2) above, the college shall report the purpose of the instruction; the clientele served; whether the class included students not employed by the agency paying the salary or costs and the number of such students as compared with the total enrollment in the course or program; the assignment of authority for curriculum design; whether successful completion of the course for in-service credit, advancement, pay adjustment, or for certification was determined by meeting requirements of a non-college agency; and the specific benefit to the student, college and the agency paying the salary of the instructor or other expenses.

The format of the individual college reports shall be designed by the Division in consultation with the Commission.

Based on the data compiled, the Commission shall determine whether the courses were educational activities fully under the control of the college. Based upon its conclusions, the Commission shall recommend to the Legislature, the Governor and to the Division a policy identifying the conditions under which courses should generate FTE funding through the Community College Program Fund and identify those courses which do not meet this criteria.

The individual college reports shall be submitted by October 1, 1991, and a final report and recommendations shall be presented to the Legislature by January 15, 1992.

From funds provided in Specific Appropriation 577A, the Postsecondary Education Planning Commission shall conduct an analysis of the debt incurred by the college graduates from student loans and of the ability of Florida residents who graduate from state institutions to service this debt within discretionary income.

The study shall provide recommendations for a systematic procedure for determining the need for increased funding of need-based student financial aid. The procedure shall estimate the financial aid funding necessary to allow student debt to be contained within limits determined by the study and shall recognize and respond to increases in student educational costs.

The Commission shall submit its findings and recommendations to the Legislature on or before January 15, 1992.

From the funds in Specific Appropriation 577A the Postsecondary Education Planning Commission shall conduct a study of the process used by the Board of Regents for developing its legislative budget request as well as the process used by the Board of Regents for allocating appropriations among the universities. As a part of this study the Postsecondary Education Planning Commission shall

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evaluate the legislative funding formulas as well as the various formulas within the Board of Regents new funding methodology. These generational formulas shall be compared to actual expenditures. The study shall include an assessment of the extent to which funds are allocated on an equitable basis for comparable programs across the State University System, including the special unit entities. The study shall also assess the extent to which the need for facilities is being addressed on an equitable basis for each university. To the extent that necessary supporting data are available, the study shall examine allocation patterns and practices over a period of years. All supporting information provided as a result of this study shall be reviewed by the Office of the Auditor General. The Postsecondary Education Planning Commission shall submit a report of its findings to the Governor, the President of the Senate and the Speaker of the House of Representatives by January 15, 1992.

From the funds provided in Specific Appropriation 577A the Postsecondary Education Planning Commission shall conduct a study of the funding for University of Florida Health Center, University of South Florida Medical Center and the First Accredited Medical School. To the extent that necessary supporting data are available, the study shall examine expenditures over a period of years. The study shall include, but not be limited to, an analysis of the funds which are expended to support students in medicine, dentistry and veterinary medicine by fund source on a per student basis as well as an analysis of the various activities or cost objectives which are funded by college and fund source. As a basis for this study, the commission shall use the cost accounting procedure which was developed by the Board of Regents as a result of proviso language in the 1985 and 1986 General Appropriations Acts. The commission, in consultation with the Office of the Auditor General, shall expand or revise this cost accounting procedure, as required, to implement the provisions of this study. The Commission shall submit a report of its findings to the President of the Senate and the Speaker of the House of Representatives on or before January 15, 1992.

UNIVERSITIES, DIVISION OF

Funds in Specific Appropriations 579A through 582D contemplate that the matriculation and tuition fees collected for Summer Term 1992 enrollments shall not be expended during the 1991-92 fiscal year.

From the funds in Specific Appropriations 577B through 598, the Board of Regents shall allocate monies necessary for the development of a State University System personnel data system. The system shall be developed in a manner to provide the Legislature and the Statewide Payroll System with appropriate data, as well as providing the universities with a personnel data system. The Board of Regents shall use university personnel in developing this system and shall consult with the Appropriations Committees and the State Comptroller to ensure that the necessary information is provided timely and effectively.

The positions included in Specific Appropriations 577B through 598 in the Division of Universities represent man-years.

From the funds in Specific Appropriations 577B through 587, the salary rate shall be consistent with legislative workpapers that support the General Appropriations Act.

Universities shall not expend matriculation and tuition fees collected in excess of the amounts appropriated in the General Appropriations Act.

Funds provided in Specific Appropriations 579A through 580D reflect reductions of $36,975,400 for productivity adjustments and program reductions and may be allocated, at the discretion of the Board of Regents, among Specific Appropriations 579A through 580D. In administering these reductions, the Board of Regents shall not reduce Type I institutes and

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research centers by an amount which is greater than the average percentage reduction to be taken in the Instruction and Research and University Support appropriation categories for the Educational and General activities. The Board of Regents shall submit a report to the President of the Senate and the Speaker of the House of Representatives on or before November 1, 1991, that identifies the specific reductions made.

EDUCATIONAL AND GENERAL ACTIVITIES

577B LUMP SUM
STATE UNIVERSITY SYSTEM LOTTERY FUNDS
POSITIONS 1,575
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 112,041,421

From the funds in Specific Appropriation 577B for lottery enhancements, the Board of Regents shall allocate to each university its proportional share to be used for enhanced programs to be determined by each respective university. The Board of Regents may allocate up to $500,000 of these funds (off-the-top) for implementing systemwide or statewide priorities. Funds appropriated herein may be transferred to one or more appropriation categories for expenditure; however, the Board of Regents shall establish a mechanism for tracking such transferred funds back to the original appropriation. The Board of Regents shall submit an annual report reflecting how these funds were expended.

578 NOT USED

579 NOT USED

579A LUMP SUM
INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES OPERATIONS
POSITIONS 2,156
FROM GENERAL REVENUE FUND 91,548,734
FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND 2,790,640
FROM EXPERIMENT STATION INCIDENTAL TRUST FUND 1,099,091
FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND 3,358,452
FROM EXTENSION SERVICE INCIDENTAL TRUST FUND 839,767
FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES STUDENT FEE TRUST FUND 3,062,270

580 NOT USED

580A LUMP SUM
UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER OPERATIONS
POSITIONS 669
FROM GENERAL REVENUE FUND 35,685,893
FROM UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER STUDENT FEE TRUST FUND 3,525,936
FROM MEDICAL CENTER - PROFESSIONAL MEDICAL LIABILITY SELF INSURANCE TRUST FUND 1,139,953
FROM OPERATION AND MAINTENANCE TRUST FUND 2,695,346

580B LUMP SUM
UNIVERSITY OF FLORIDA HEALTH CENTER OPERATIONS
POSITIONS 1,668
FROM GENERAL REVENUE FUND 73,889,730
FROM INCIDENTAL TRUST FUND 13,096,279
FROM UNIVERSITY OF FLORIDA HEALTH SCIENCES CENTER STUDENT FEE .TRUST FUND . 8,619,812
FROM LIABILITY INSURANCE TRUST FUND . . . 4,553,365
FROM OPERATIONS AND MAINTENANCE TRUST FUND 3,450,198
FROM UNIVERSITY OF FLORIDA HEALTH SCIENCE CENTER/JACKSONVILLE TRUST FUND . 2,644,249

Funds in Specific Appropriation 580B for the Incidental Trust Fund anticipate the transfer of

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$250,000 from the Impaired Drivers and Speeders Trust Fund in the Division of Vocational Rehabilitation, Specific Appropriation 1488A, for the purpose of Spinal Cord Research.

580C LUMP SUM
UNIVERSITY SUPPORT/EDUCATIONAL AND GENERAL
POSITIONS 7,128
FROM GENERAL REVENUE FUND 301,482,778
FROM ENGINEERING INDUSTRIAL EXPERIMENT STATION TRUST FUND 7,413

Funds provided in Specific Appropriation 580C include no more than that amount which the Board of Regents and the City of Gainesville agree represents the cost of service for water provided by the City to the University of Florida. The amount charged shall reflect a cost-based rate only and shall be determined through a cost of service study completed annually by the City and reviewed by the University. The costs of any General Fund Transfer to the City of Gainesville from Gainesville Regional Utilities or any profit to the City or Utility shall be specifically excluded as costs allocable to the University. The cost-based rate shall include charges for only those water services actually provided by the City to the University and shall not include charges for services furnished by the University.

580D LUMP SUM
INSTRUCTION AND RESEARCH/EDUCATIONAL AND GENERAL
POSITIONS 9,289
FROM GENERAL REVENUE FUND 342,460,606
FROM ENGINEERING INDUSTRIAL EXPERIMENT STATION TRUST FUND 28,984,091
FROM INCIDENTAL TRUST FUND 229,154,366
FROM OPERATION AND MAINTENANCE TRUST FUND 55,040

The allocation of the funds provided in Specific Appropriation 580D for enrollment growth shall be based on the following planned FTE enrollment:

Lower Level	29,918
Upper Level	56,158
Graduate Classroom	16,246
Thesis/Dissertation	1,360
Total	103,682

In establishing the 1992-93 and subsequent enrollment plans, the Board of Regents shall consider the same policies which were used to fund the 1991-92 enrollment plan.

Funds provided in Specific Appropriation 580D include $494,000 for Florida Agricultural and Mechanical University, contingent upon approval and receipt of a grant from the United States Department of Agriculture.

From the funds in Specific Appropriation 580C and 580D, Florida Atlantic University shall develop and administer a separate budget for FAU Broward for the purpose of establishing a complete university presence in Broward County. The FAU Broward budget shall include all revenues generated locally by the Broward campuses, all positions associated with specially legislated Broward programs from current and previous years, and all additional faculty, staff, and other resources allocated to the university on the basis of Broward enrollments or facilities. In administering its budget, FAU Broward shall make all assignments of Broward faculty and staff, schedule all Broward classes, and evaluate Broward faculty and staff performance.

From the funds provided in Specific Appropriation 580D, the Board of Regents may allocate up to $250,000 from general revenue to fund state university participation in Florida Linkage Institutes created pursuant to s.240.137, Florida Statutes.

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From the funds provided in Specific Appropriation 580D for enhancing undergraduate education, the universities shall provide for nonrecurring awards of no more than $7,500 each for outstanding undergraduate teaching or advising or both. Each university president may submit a proposal to the Board of Regents that delineates the manner in which the respective university will administer its award program. The Board shall fund such proposals on a competitive basis. Any such proposals that fail to provide an award for outstanding undergraduate teaching performance shall not be funded. Such awards shall not be granted within the Meritorious Service Awards Program pursuant to s.240.2111, Florida Statutes, nor shall such awards be subject to the collective bargaining process pursuant to Chapter 447.

From funds provided in Specific Appropriation 580D, each state university president may submit to the Board of Regents a proposal for undergraduate enhancement grants. Programs funded must be designed to increase the quality and amount of academic and career advisement or to improve undergraduate instruction, or both. Proposals will be funded on a competitive basis. Funding priorities should address innovative programs designed to enhance the student advisement process including, but not limited to, courses intended to orient students to academic and career experiences, as well as student mentor programs.

Funds provided in Specific Appropriation 580D for the Institute of Government shall support state university and community college research training and technical assistance which address problems of state and local governments. The Institute of Government may disburse funding for approved proposals to a Grants and Donations Trust Fund. The Institute of Government may not retain any portion of moneys for approved proposals.
From the funds in Specific Appropriation 580D which are provided for the Center for Affordable Housing, the Center shall consult with the Department of Community Affairs as it develops its research and work plan for the 1991-92 fiscal year in order that issues of statewide concern related to the provision of affordable housing in the state of Florida may be addressed.

581 NOT USED

581A SPECIAL CATEGORIES
GRANTS AND AIDS - CANCER CENTER OPERATION
FROM GENERAL REVENUE FUND 9,205,071

Funds in Specific Appropriation 581A may be disbursed in advance to the contractor on a quarterly basis.

582 NOT USED

582A SPECIAL CATEGORIES
GRANTS AND AIDS - SHANDS TEACHING HOSPITAL
FROM GENERAL REVENUE FUND 10,589,891

Funds in Specific Appropriation 582A may be disbursed in advance to the contractor on a quarterly basis.

582B SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 13,921,998
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 3,258,579

582C SPECIAL CATEGORIES
OUT-OF-STATE FEE WAIVERS
FROM GENERAL REVENUE FUND 16,631,130

582D SPECIAL CATEGORIES
STUDENT FINANCIAL AID
FROM GENERAL REVENUE FUND 2,730,856
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 8,300,000
FROM INCIDENTAL TRUST FUND 1,947,508

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A minimum of 71 percent of the funds provided in Specific Appropriation 582D shall be allocated for need-based financial aid.

582E SPECIAL CATEGORIES
GRADUATE ASSISTANT MATRICULATION FEE WAIVERS
FROM GENERAL REVENUE FUND 9,862,233

INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES

583 NOT USED

584 NOT USED

UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER

585 NOT USED

586 NOT USED

BOARD OF REGENTS GENERAL OFFICE

587 SALARIES AND BENEFITS POSITIONS 175
FROM GENERAL REVENUE FUND 5,669,564
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 725,209
FROM PHOSPHATE RESEARCH TRUST FUND 697,776
FROM STATE UNIVERSITY SYSTEM PERSONNEL TRUST FUND 410,905

588 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 346,856
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 26,907
FROM PHOSPHATE RESEARCH TRUST FUND 10,250
FROM STATE UNIVERSITY SYSTEM PERSONNEL TRUST FUND 60,500

589 EXPENSES
FROM GENERAL REVENUE FUND 1,656,858
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 12,000
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 143,435
FROM PHOSPHATE RESEARCH TRUST FUND 222,975
FROM STATE UNIVERSITY SYSTEM PERSONNEL TRUST FUND 95,469

590 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 21,819
FROM PHOSPHATE RESEARCH TRUST FUND 76,695

591 NOT USED

592 NOT USED

592A SPECIAL CATEGORIES
GOOD-GULFSTREAM SCHOLARSHIP MATCHING
FROM GOOD-GULFSTREAM TRUST FUND 350,000

592B SPECIAL CATEGORIES
CHALLENGE GRANTS
FROM EMINENT SCHOLARS TRUST FUND 10,960,000
FROM EQUIPMENT MATCHING TRUST FUND 3,000,000
FROM MAJOR GIFTS TRUST FUND 10,000,000
FROM NEW DONORS TRUST FUND 189,110

From the funds in Specific Appropriation 592B, the Board of Regents shall establish an equipment matching program for equipment matching grants from private sources. A match of $50,000 in state funds will be made for each $100,000 from private sources. In order to qualify for state matching, private source donations will be monetary. Donations of property or equipment, letters of credit and offers of equipment discounts shall not qualify for state matching funds. Funds provided by other governmental entities shall similarly not qualify for state matching funds. The appropriated funds shall be transferred to an Equipment Matching Trust Fund. The matching funds may be transferred to the universities' Contracts and Grants Trust Funds.

From the funds in Specific Appropriation 592B,

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$2,000,000 shall be transferred to the Board of Regents Foundation contingent upon the receipt and deposit of at least $1,000,000 from private sources into the Collins Center Endowment, and signed pledges for the donation of at least $1,000,000 in additional private funds over the next five years. No foundation management fee or assessment of overhead charges may be made against the endowment or revenue generated from the investment of the endowment established from this Specific Appropriation and associated private matching. Upon receipt of the total private matching, funds may be transferred to the Florida State University Foundation.

592C SPECIAL CATEGORIES
COMMUNITY HOSPITAL EDUCATION PROGRAM
FROM GENERAL REVENUE FUND 5,800,630

From funds provided in Specific Appropriation 592C, all programs funded pursuant to Section 381.503, Florida Statutes, shall be reduced proportionately, on a per position basis. Residency programs funded by the Community Hospital Education Program for emergency physicians and psychiatrists shall be continued for the number of positions for which funding was provided on July 1, 1989.

592D SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY
FROM GENERAL REVENUE FUND 965,991

Funds in Specific Appropriation 592D may be advance funded on a quarterly basis.

593 SPECIAL CATEGORIES
PLANNING FOR A TENTH UNIVERSITY
FROM GENERAL REVENUE FUND 200,000

594 NOT USED

594A SPECIAL CATEGORIES
DISTRIBUTION TO UNIVERSITIES
FROM RACING SCHOLARSHIP TRUST FUND 204,544

594B SPECIAL CATEGORIES
GRANTS AND AIDS - FIRST ACCREDITED MEDICAL SCHOOL
FROM GENERAL REVENUE FUND 11,918,681

Funds provided in Specific Appropriation 594B provide $23,837.36 for 500 Florida residents attending the University of Miami Medical School. Students admitted during or after Fall 1991 shall meet the residency requirements of s. 240.1201, Florida Statutes. Students admitted prior to Fall 1991 shall be certified as Florida residents based on the criteria stipulated at the time of admission. The residency requirement shall not apply to the students granted admission to the School of Medicine prior to June, 1990, in the Medical Scholars Program, the Honors Program in Medical Education, or the Honors Program in Engineering and Medicine.

595 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INSTITUTE OF PHOSPHATE RESEARCH
FROM PHOSPHATE RESEARCH TRUST FUND 3,500,000

595A SPECIAL CATEGORIES
GRANTS AND AIDS - HIGH TECHNOLOGY RESEARCH AND DEVELOPMENT
FROM GENERAL REVENUE FUND 2,075,952

Funds in Specific Appropriation 595A may be advance funded.

596 SPECIAL CATEGORIES
TAXATION AND BUDGET REFORM COMMISSION
FROM GENERAL REVENUE FUND 691,054

Funds provided in Specific Appropriation 596 shall be transferred to the Sponsored Research Trust Fund at Florida State University.

596A SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - OSTEOPATHY
FROM GENERAL REVENUE FUND 1,546,865

Funds in Specific Appropriation 596A are for 297 osteopathic students at $5,200 per Florida resident as defined in Section 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its osteopathic program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

596B SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - PHARMACY
FROM GENERAL REVENUE FUND 557,760

Funds in Specific Appropriation 596B are for 223 pharmacy students at $2,500 per Florida resident as defined in Section 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its pharmacy program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

596C SPECIAL CATEGORIES
SOUTHEASTERN UNIVERSITY - OPTOMETRY
FROM GENERAL REVENUE FUND 82,278

Funds in Specific Appropriation 596C are for 14 optometry students at $5,900 per Florida resident as defined in Section 240.1201, Florida Statutes, and may be released in the first and third quarters. To be considered for state funding of its optometry program in subsequent years, Southeastern University shall annually submit its budget request in accordance with the policies and procedures established by the State Board of Education for contracting with independent institutions.

596D SPECIAL CATEGORIES
PAYMENTS TO STATE BOARD OF ADMINISTRATION
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 15,500,000

596E SPECIAL CATEGORIES
PUBLIC SECTOR URBAN, RURAL AND UNMET NEEDS
FROM GENERAL REVENUE FUND 96,290

Funds in Specific Appropriation 596E are provided to the Southeastern University of Health Sciences to continue the training program dealing with the public sector, rural and unmet medical needs.

596F SPECIAL CATEGORIES
REGIONAL EDUCATION
FROM GENERAL REVENUE FUND 447,689

Funds in Specific Appropriation 596F are for no more than 50 optometry students at $5,900 per Florida resident as defined in Section 240.1201, Florida Statutes. The Board of Regents is directed to notify the Southern Regional Education Board of the intent to continue to phase down the contract programs at Southern College and the University of Houston. Funds for administration may be advance funded entirely in the first quarter and funds for contracted spaces shall be released in the first and third quarters.

597 SPECIAL CATEGORIES
SOLID AND HAZARDOUS WASTE MANAGEMENT RESEARCH CENTER
FROM GRANTS AND DONATIONS TRUST FUND . . . 500,000

597A SPECIAL CATEGORIES
GRANTS AND AIDS - SPINAL CORD

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	RESEARCH/UNIVERSITY OF MIAMI		
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		250,000

Funds in Specific Appropriation 597A anticipate the transfer of $250,000 from the Impaired Drivers and Speeders Trust Fund in the Division of Vocational Rehabilitation, Specific Appropriation 1488A, for the purpose of spinal cord research.

597B	SPECIAL CATEGORIES		
	FLORIDA'S OFFICE FOR CAMPUS VOLUNTEERS		
	FROM GENERAL REVENUE FUND	143,000	
598	DATA PROCESSING SERVICES		
	REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM		
	FROM GENERAL REVENUE FUND	336,388	
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		1,965
	FROM STATE UNIVERSITY SYSTEM PERSONNEL TRUST FUND		3,276

UNIVERSITY OF FLORIDA HEALTH CENTER - EDUCATIONAL AND GENERAL

599 NOT USED

600 NOT USED

ENVIRONMENTAL REGULATION, DEPARTMENT OF

601	SALARIES AND BENEFITS POSITIONS	1,433	
	FROM GENERAL REVENUE FUND	16,502,516	
	FROM AIR POLLUTION CONTROL TRUST FUND		5,025,856
	FROM ENVIRONMENTAL LABORATORY TRUST FUND		228,641
	FROM INLAND PROTECTION TRUST FUND		6,032,197
	FROM HAZARDOUS WASTE MANAGEMENT TRUST FUND		314,274
	FROM OPERATING TRUST FUND		6,106,566
	FROM PERMIT FEE TRUST FUND		7,444,643
	FROM POLLUTION RECOVERY TRUST FUND		251,734
	FROM SOLID WASTE MANAGEMENT TRUST FUND		2,056,130
	FROM WATER QUALITY ASSURANCE TRUST FUND		7,227,931
	FROM WATER RESOURCE RESTORATION AND PRESERVATION TRUST FUND		5,032
602	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	77,373	
	FROM AIR POLLUTION CONTROL TRUST FUND		983,600
	FROM INLAND PROTECTION TRUST FUND		205,000
	FROM OPERATING TRUST FUND		8,032,280
	FROM PERMIT FEE TRUST FUND		276,450
	FROM POLLUTION RECOVERY TRUST FUND		55,000
	FROM SOLID WASTE MANAGEMENT TRUST FUND		200,000
	FROM WATER QUALITY ASSURANCE TRUST FUND		1,073,000
603	EXPENSES		
	FROM GENERAL REVENUE FUND	4,206,702	
	FROM AIR POLLUTION CONTROL TRUST FUND		813,112
	FROM ENVIRONMENTAL LABORATORY TRUST FUND		100,000
	FROM INLAND PROTECTION TRUST FUND		870,142
	FROM HAZARDOUS WASTE MANAGEMENT TRUST FUND		13,082
	FROM OPERATING TRUST FUND		3,960,480
	FROM PERMIT FEE TRUST FUND		493,693
	FROM POLLUTION RECOVERY TRUST FUND		270,443
	FROM SOLID WASTE MANAGEMENT TRUST FUND		493,676
	FROM WATER QUALITY ASSURANCE TRUST FUND		1,552,705
	FROM WATER RESOURCE RESTORATION AND PRESERVATION TRUST FUND		27,133

Funds in Specific Appropriation 603 from the Solid Waste Management Trust Fund in the amount of $200,000 shall not be released until the Information Resource Commission approves a capacity plan submitted by the Department of Environmental Regulation justifying the acquisition of a mainframe computer.

604	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT OPERATIONS		
	FROM GENERAL REVENUE FUND	817,219	

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605	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - NW FLORIDA WATER MANAGEMENT DISTRICT OPERATIONS		
	FROM GENERAL REVENUE FUND	965,922	
606	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - WATER MANAGEMENT DISTRICT PERMITTING ASSISTANCE		
	FROM WATER QUALITY ASSURANCE TRUST FUND		250,000
607	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO COUNTIES - MOTOR VEHICLE REGISTRATION PROCEEDS		
	FROM AIR POLLUTION CONTROL TRUST FUND		3,941,024
608	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LOCAL HAZARDOUS WASTE COLLECTION		
	FROM WATER QUALITY ASSURANCE TRUST FUND		1,500,000
609	AID TO LOCAL GOVERNMENTS		
	SEWAGE TREATMENT CONSTRUCTION GRANT PROGRAM		
	FROM SMALL COMMUNITIES SEWER CONSTRUCTION ASSISTANCE TRUST FUND		9,687,875
	FROM STATE WATER POLLUTION CONTROL TRUST FUND		9,784,578
610	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - SEWAGE TREATMENT CONSTRUCTION GRANT PROGRAM		
	FROM APALACHICOLA BAY PROTECTION TRUST FUND		918,437
611	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - WATER MANAGEMENT DISTRICTS - WETLANDS PROTECTION		
	FROM GENERAL REVENUE FUND	494,000	

From funds in Specific Appropriation 611, $247,000 shall be used by the Northwest Florida Water Management District and $247,000 by the Suwannee River Water Management District to implement their surface water management permitting programs. Such permitting shall be carried out in a manner consistent with the standards established in the Warren S. Henderson Wetland Protection Act of 1984 and with the jurisdiction and authority of the districts as established by Chapter 373, Florida Statutes.

612	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	53,999	
	FROM AIR POLLUTION CONTROL TRUST FUND		1,808,556
	FROM ENVIRONMENTAL LABORATORY TRUST FUND		121,000
	FROM INLAND PROTECTION TRUST FUND		812,011
	FROM OPERATING TRUST FUND		967,838
	FROM PERMIT FEE TRUST FUND		161,255
	FROM SOLID WASTE MANAGEMENT TRUST FUND		15,934
	FROM WATER QUALITY ASSURANCE TRUST FUND		23,750

Funds in Specific Appropriation 612 from the Air Pollution Control Trust Fund and the Inland Protection Trust Fund in the amounts of $1,300,000 and $500,000 respectively, shall not be released until the Information Resource Commission approves a capacity plan submitted by the Department of Environmental Regulation justifying the acquisition of a mainframe computer.

613 NOT USED

614	SPECIAL CATEGORIES		
	ABANDONED TANK RESTORATION PROGRAM		
	FROM INLAND PROTECTION TRUST FUND		5,000,000
615	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	34,257	
	FROM INLAND PROTECTION TRUST FUND		100,000
615A	SPECIAL CATEGORIES		
	GROUND WATER QUALITY MONITORING NETWORK		

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FROM WATER QUALITY ASSURANCE TRUST FUND . 1,424,027

615B SPECIAL CATEGORIES
STORAGE TANK COMPLIANCE VERIFICATION
FROM INLAND PROTECTION TRUST FUND 8,000,000

615C SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES
FROM POLLUTION RECOVERY TRUST FUND 520,000

615D SPECIAL CATEGORIES
GRANTS AND AIDS - CLEAN FLORIDA COMMISSION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 600,000

615E SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION FOR ADOPT-A-HIGHWAY PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 100,000

615F SPECIAL CATEGORIES
GRANTS AND AIDS - WATER CONSERVATION COMPOSTING PROJECTS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 150,000

From funds in Specific Appropriation 615F the Department of Environmental Regulation shall consider funding melaleuca composting projects.

615G SPECIAL CATEGORIES
TRANSFER TO INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES (IFAS) - GYPSUM RESEARCH
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 100,000

616 NOT USED

617 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM OPERATING TRUST FUND 331,522

618 NOT USED

619 SPECIAL CATEGORIES
LAKEWATCH PROGRAM/INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES (IFAS)
FROM WATER QUALITY ASSURANCE TRUST FUND . 215,040

620 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 17,600,000

621 SPECIAL CATEGORIES
HAZARDOUS WASTE SITES RESTORATION
FROM HAZARDOUS WASTE MANAGEMENT TRUST FUND 2,000,000

622 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION/RESEARCH AND DEMONSTRATION PROJECTS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 150,000

623 SPECIAL CATEGORIES
POLLUTION RESTORATION CONTRACTS
FROM POLLUTION RECOVERY TRUST FUND 3,952,538

624 NOT USED

625 SPECIAL CATEGORIES
TRANSFER TO OTHER AGENCIES FOR IMPLEMENTATION OF HOUSE BILL 1671
FROM WATER QUALITY ASSURANCE TRUST FUND . 281,092

626 SPECIAL CATEGORIES
TRANSFER TO HEALTH AND REHABILITATIVE SERVICES FOR STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE ACT
FROM INLAND PROTECTION TRUST FUND 1,285,197

627 SPECIAL CATEGORIES
TRANSFER TO BOARD OF REGENTS - RESEARCH AND TESTING
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 500,000

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Funds in Specific Appropriation 627 shall not be transferred until the Solid and Hazardous Waste Management Research Center has submitted to the Department of Environmental Regulation for review and comment a proposed work program for fiscal year 1991-92. The Solid and Hazardous Waste Management Research Center shall give priority to the issues identified by the Department of Environmental Regulation as the most important to the State of Florida relative to solid and hazardous waste management.

628 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF GENERAL SERVICES - RECYCLABLE MATERIALS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 291,014

629 SPECIAL CATEGORIES
TRANSFER TO HEALTH AND REHABILITATIVE SERVICES - BIOHAZARDOUS WASTE
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 620,854

The transfer provided in Specific Appropriation 629 to fund the cost of the biohazardous waste program shall be reduced by the amount of fees collected by the Department of Health and Rehabilitative Services, contingent on legislation becoming law to establish such fees.

630 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF REVENUE - SOLID WASTE TAX COLLECTION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 110,000

631 NOT USED

632 NOT USED

632A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF EDUCATION SOLID WASTE PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 117,743

633 SPECIAL CATEGORIES
U.S. GEOLOGIC SURVEY COOPERATIVE AGREEMENT
FROM OPERATING TRUST FUND 78,500
FROM WATER QUALITY ASSURANCE TRUST FUND . 214,897

634 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 58,950,000

635 SPECIAL CATEGORIES
WATER WELL CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,889,202

The Department of Environmental Regulation or other administrative agency shall, prior to the distribution of funds in Specific Appropriation 635, require the recipient to release the State and its agencies absolutely from liability as to damage to real and personal property caused by the past application or use by the State or its agencies of EDB or the installation, maintenance, and disposal by the State or its agencies of filter systems.

636 SPECIAL CATEGORIES
GRANTS AND AIDS - PETROLEUM SITE CLEANUP
FROM INLAND PROTECTION TRUST FUND 1,350,000

637 SPECIAL CATEGORIES
RESEARCH, DEVELOPMENT AND TECHNICAL ASSISTANCE - WASTE TIRE ABATEMENT PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 7,975,000

637A SPECIAL CATEGORIES
ELECTRIC AND MAGNETIC FIELDS RESEARCH
FROM OPERATING TRUST FUND 325,598

638 DATA PROCESSING SERVICES
ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES
FROM GENERAL REVENUE FUND 94,194

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	FROM AIR POLLUTION CONTROL TRUST FUND . .		61,815
	FROM INLAND PROTECTION TRUST FUND		499,540
	FROM OPERATING TRUST FUND		25,820
	FROM POLLUTION RECOVERY TRUST FUND		46,046
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		39,736
	FROM WATER QUALITY ASSURANCE TRUST FUND .		633,027
639	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	111,700	
640	DATA PROCESSING SERVICES		
	REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM		
	FROM AIR POLLUTION CONTROL TRUST FUND . .		5,000
	FROM OPERATING TRUST FUND		50,000

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

641	SALARIES AND BENEFITS POSITIONS	148	
	FROM GENERAL REVENUE FUND	725,747	
	FROM NON-GAME WILDLIFE TRUST FUND		357,018
	FROM STATE GAME TRUST FUND		3,748,595
642	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,500	
	FROM STATE GAME TRUST FUND		282,433
643	EXPENSES		
	FROM GENERAL REVENUE FUND	2,000	
	FROM NON-GAME WILDLIFE TRUST FUND		267,651
	FROM STATE GAME TRUST FUND		1,961,065
644	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	31,762	
	FROM STATE GAME TRUST FUND		67,546
645	NOT USED		
646	SPECIAL CATEGORIES		
	PAYMENT OF REWARDS		
	FROM ENDANGERED AND THREATENED SPECIES REWARD TRUST FUND		5,000
647	DATA PROCESSING SERVICES		
	ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES		
	FROM STATE GAME TRUST FUND		37,048

LAW ENFORCEMENT, DIVISION OF

648	SALARIES AND BENEFITS POSITIONS	435	
	FROM GENERAL REVENUE FUND	15,504,782	
	FROM STATE GAME TRUST FUND		2,447,783
649	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,451	
	FROM STATE GAME TRUST FUND		35,000
650	EXPENSES		
	FROM GENERAL REVENUE FUND	662,432	
	FROM STATE GAME TRUST FUND		1,020,942
651	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	19,628	
	FROM STATE GAME TRUST FUND		1,092
652	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF PATROL VEHICLES		
	FROM STATE GAME TRUST FUND		649,953
653	SPECIAL CATEGORIES		
	OPERATION AND MAINTENANCE OF PATROL VEHICLES		
	FROM GENERAL REVENUE FUND	1,390,909	
	FROM STATE GAME TRUST FUND		459,585
654	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	241,866	
	FROM STATE GAME TRUST FUND		73,620

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655	DATA PROCESSING SERVICES		
	ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES		
	FROM GENERAL REVENUE FUND	30,637	

WILDLIFE, DIVISION OF

656	SALARIES AND BENEFITS POSITIONS	167	
	FROM GENERAL REVENUE FUND	737,458	
	FROM NON-GAME WILDLIFE TRUST FUND		1,041,002
	FROM STATE GAME TRUST FUND		3,722,665
657	OTHER PERSONAL SERVICES		
	FROM NON-GAME WILDLIFE TRUST FUND		819,200
	FROM STATE GAME TRUST FUND		475,185
658	EXPENSES		
	FROM GENERAL REVENUE FUND	94,275	
	FROM NON-GAME WILDLIFE TRUST FUND		736,112
	FROM STATE GAME TRUST FUND		2,090,851
659	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	139,652	
	FROM NON-GAME WILDLIFE TRUST FUND		84,001
	FROM STATE GAME TRUST FUND		98,164
660	SPECIAL CATEGORIES		
	ENHANCED WILDLIFE MANAGEMENT		
	FROM STATE GAME TRUST FUND		400,000
661	SPECIAL CATEGORIES		
	MANAGEMENT AREA LEASE PAYMENTS		
	FROM STATE GAME TRUST FUND		1,100,000
662	DATA PROCESSING SERVICES		
	ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES		
	FROM STATE GAME TRUST FUND		72,875

FISHERIES, DIVISION OF

663	SALARIES AND BENEFITS POSITIONS	168	
	FROM GENERAL REVENUE FUND	41,152	
	FROM STATE GAME TRUST FUND		5,507,856
664	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,025,000
	FROM STATE GAME TRUST FUND		1,749,176
665	EXPENSES		
	FROM STATE GAME TRUST FUND		2,355,217
666	OPERATING CAPITAL OUTLAY		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		25,000
	FROM STATE GAME TRUST FUND		310,680

GENERAL SERVICES, DEPARTMENT OF

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATION

667	SALARIES AND BENEFITS POSITIONS	122	
	FROM GENERAL REVENUE FUND	683,806	
	FROM ADMINISTRATIVE TRUST FUND		3,310,429
668	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	7,500	
	FROM ADMINISTRATIVE TRUST FUND		19,310
669	EXPENSES		
	FROM GENERAL REVENUE FUND	213,579	
	FROM ADMINISTRATIVE TRUST FUND		678,066
670	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	11,060	
	FROM ADMINISTRATIVE TRUST FUND		70,872
671	NOT USED		
672	NOT USED		
673	DATA PROCESSING SERVICES		
	ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES		

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	FROM ADMINISTRATIVE TRUST FUND		41,279
	PURCHASING, DIVISION OF		
674	SALARIES AND BENEFITS POSITIONS	85	
	FROM GENERAL REVENUE FUND	2,727,500	
	FROM RECYCLABLE MATERIALS TRUST FUND . . .		151,806
675	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	4,000	
676	EXPENSES		
	FROM GENERAL REVENUE FUND	822,588	
	FROM RECYCLABLE MATERIALS TRUST FUND . . .		93,806
677	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	71,453	
678	NOT USED		
679	SPECIAL CATEGORIES		
	LABORATORY CONTRACT		
	FROM GENERAL REVENUE FUND	148,466	
	FROM RECYCLABLE MATERIALS TRUST FUND . . .		100,000
680	DATA PROCESSING SERVICES		
	STATE COMPTROLLER'S DATA CENTER -		
	DEPARTMENT OF BANKING AND FINANCE		
	FROM GENERAL REVENUE FUND	3,500	
681	DATA PROCESSING SERVICES		
	ADMINISTRATIVE MANAGEMENT INFORMATION		
	CENTER - DEPARTMENT OF GENERAL SERVICES		
	FROM GENERAL REVENUE FUND	71,508	
	INFORMATION SERVICES, DIVISION OF		
682	SALARIES AND BENEFITS POSITIONS	102	
	FROM GENERAL REVENUE FUND	384,025	
	FROM WORKING CAPITAL TRUST FUND		3,289,239
683	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND		82,880
684	EXPENSES		
	FROM GENERAL REVENUE FUND	941,449	
	FROM WORKING CAPITAL TRUST FUND		3,889,981
685	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,097,289	
	FROM WORKING CAPITAL TRUST FUND		3,234,143

Funds in Specific Appropriation 682 through 685 may be adjusted by the Executive Office of the Governor to provide services to users as appropriated. The Division of Information Services shall submit a budget amendment to the Executive Office of the Governor by October 1, 1991 to request admendments necessary to balance the funds budgeted in Specific Appropriations 682 through 685 to those appropriations made to user agencies.

686 NOT USED

FACILITIES MANAGEMENT, DIVISION OF

687	SALARIES AND BENEFITS POSITIONS	579	
	FROM GENERAL REVENUE FUND	155,012	
	FROM PAID PARKING TRUST FUND		171,099
	FROM SUPERVISION TRUST FUND		12,015,090
688	OTHER PERSONAL SERVICES		
	FROM SUPERVISION TRUST FUND		411,624
689	EXPENSES		
	FROM GENERAL REVENUE FUND	167,656	
	FROM PAID PARKING TRUST FUND		97,450
	FROM SUPERVISION TRUST FUND		6,419,494
690	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	4,279	
	FROM PAID PARKING TRUST FUND		2,582
	FROM SUPERVISION TRUST FUND		207,131
691	NOT USED		

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692	SPECIAL CATEGORIES		
	STATE UTILITY PAYMENTS		
	FROM GENERAL REVENUE FUND	4,452	
	FROM PAID PARKING TRUST FUND		256,253
	FROM SUPERVISION TRUST FUND		10,845,381
693	SPECIAL CATEGORIES		
	TRANSFER TO SUPERVISION TRUST FUND FOR		
	NONRECOVERABLE SERVICES		
	FROM GENERAL REVENUE FUND	98,981	
694	DATA PROCESSING SERVICES		
	ADMINISTRATIVE MANAGEMENT INFORMATION		
	CENTER - DEPARTMENT OF GENERAL SERVICES		
	FROM PAID PARKING TRUST FUND		45,032
	FROM SUPERVISION TRUST FUND		18,404
	BUILDING CONSTRUCTION, DIVISION OF		
695	SALARIES AND BENEFITS POSITIONS	64	
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		2,554,086
696	OTHER PERSONAL SERVICES		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		196,120
697	EXPENSES		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		726,959
698	OPERATING CAPITAL OUTLAY		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		4,744
699	DATA PROCESSING SERVICES		
	BURNS DATA CENTER - DEPARTMENT OF		
	TRANSPORTATION		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		27,000

Funds in Specific Appropriations 695 through 699, for the operation of the Division of Building Construction, are based on an assessment against each fixed capital outlay appropriation in which the division serves as owner-representative on behalf of the State in accordance with a formula approved by the Executive Office of the Governor on October 3, 1986 after consultation with the House and Senate Appropriations Committees. The Division of Building Construction shall prepare an analysis of this assessment and, if necessary, recommend changes to the Executive Office of the Governor, and the House and Senate Appropriations Committees by October 1, 1991 for use during 1992-93 fiscal year.

SAFETY AND CRIME PREVENTION, DIVISION OF

700	SALARIES AND BENEFITS POSITIONS	169	
	FROM SUPERVISION TRUST FUND		3,776,013
701	EXPENSES		
	FROM SUPERVISION TRUST FUND		660,286
702	OPERATING CAPITAL OUTLAY		
	FROM SUPERVISION TRUST FUND		23,654
703	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM SUPERVISION TRUST FUND		36,301
	MOTOR POOL, DIVISION OF		
704	SALARIES AND BENEFITS POSITIONS	51	
	FROM GENERAL REVENUE FUND	321,063	
	FROM BUREAU OF AIRCRAFT TRUST FUND		713,052
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		655,515
705	OTHER PERSONAL SERVICES		
	FROM BUREAU OF AIRCRAFT TRUST FUND		10,337
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		4,368
706	EXPENSES		
	FROM GENERAL REVENUE FUND	67,642	
	FROM BUREAU OF AIRCRAFT TRUST FUND		1,024,893
	FROM MOTOR VEHICLE OPERATING TRUST FUND .		1,144,588
707	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	386	

SECTION 1 SPECIFIC APPROPRIATION			
	FROM BUREAU OF AIRCRAFT TRUST FUND		2,921
	FROM MOTOR VEHICLE OPERATING TRUST FUND		290,986
708	SPECIAL CATEGORIES		
	TRANSFER TO BUREAU OF AIRCRAFT TRUST FUND		
	FROM GENERAL REVENUE FUND	1,028,751	
709	DATA PROCESSING SERVICES		
	ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES		
	FROM BUREAU OF AIRCRAFT TRUST FUND		8,489
	FROM MOTOR VEHICLE OPERATING TRUST FUND		264,544
SURPLUS PROPERTY, DIVISION OF			
710	SALARIES AND BENEFITS POSITIONS	26	
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		72,132
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		570,284
711	OTHER PERSONAL SERVICES		
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		10,400
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		13,400
712	EXPENSES		
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		96,547
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		229,689
713	OPERATING CAPITAL OUTLAY		
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		18,612
714	SPECIAL CATEGORIES		
	REFURBISH SURPLUS PROPERTY		
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		50,000
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		10,000
715	DATA PROCESSING SERVICES		
	ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES		
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		29,536
BOND FINANCE, DIVISION OF			
716	SALARIES AND BENEFITS POSITIONS	23	
	FROM GENERAL REVENUE FUND	102,315	
	FROM ARBITRAGE COMPLIANCE TRUST FUND		214,343
	FROM REVENUE BOND FEE REVOLVING TRUST FUND		679,581
717	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,169	
	FROM ARBITRAGE COMPLIANCE TRUST FUND		54,000
	FROM REVENUE BOND FEE REVOLVING TRUST FUND		747,332
718	EXPENSES		
	FROM GENERAL REVENUE FUND	50,655	
	FROM ARBITRAGE COMPLIANCE TRUST FUND		85,157
	FROM REVENUE BOND FEE REVOLVING TRUST FUND		437,270
719	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	767	
	FROM REVENUE BOND FEE REVOLVING TRUST FUND		2,897
COMMUNICATIONS, DIVISION OF			
720	SALARIES AND BENEFITS POSITIONS	119	
	FROM GENERAL REVENUE FUND	690,515	
	FROM COMMUNICATIONS SURVEY TRUST FUND		84,375
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		3,105,328
	FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		558,990
721	OTHER PERSONAL SERVICES		

SECTION 1 SPECIFIC APPROPRIATION			
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		46,700
722	EXPENSES		
	FROM GENERAL REVENUE FUND	116,654	
	FROM COMMUNICATIONS SURVEY TRUST FUND		72,681
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		1,516,735
	FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		2,017,624
723	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	9,924	
	FROM COMMUNICATIONS SURVEY TRUST FUND		1,089
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		238,279
	FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		53,535
724	NOT USED		
725	SPECIAL CATEGORIES		
	CENTREX AND SUNCOM PAYMENTS		
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		45,636,876
726	SPECIAL CATEGORIES		
	MAINTENANCE OF EXISTING LAW ENFORCEMENT RADIO SYSTEM		
	FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		2,000,000
727	SPECIAL CATEGORIES		
	GENERAL REVENUE TRANSFER TO COMMUNICATIONS WORKING CAPITAL TRUST FUND FOR NON-RECOVERABLE (CATEGORY I) SERVICES		
	FROM GENERAL REVENUE FUND	404,387	
728	DATA PROCESSING SERVICES		
	ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES		
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		674,289
729	NOT USED		
GOVERNOR, EXECUTIVE OFFICE OF THE			
GENERAL OFFICE			
729A	SALARIES AND BENEFITS POSITIONS	121	
	FROM GENERAL REVENUE FUND	4,215,840	
	FROM GRANTS AND DONATIONS TRUST FUND		44,288
	FROM PLANNING AND BUDGETING SYSTEM TRUST FUND		1,187,145
729B	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	13,900	
	FROM PLANNING AND BUDGETING SYSTEM TRUST FUND		21,396
729C	EXPENSES		
	FROM GENERAL REVENUE FUND	714,314	
	FROM PLANNING AND BUDGETING SYSTEM TRUST FUND		284,089
729D	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	605	
	FROM PLANNING AND BUDGETING SYSTEM TRUST FUND		3,644
729E	LUMP SUM		
	EXECUTIVE OFFICE OF THE GOVERNOR - REORGANIZATION		
	FROM GENERAL REVENUE FUND	7,082,226	
	FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND		510,000
	FROM GRANTS AND DONATIONS TRUST FUND		570,198
	FROM SAVE OUR STATE ENVIRONMENTAL EDUCATION TRUST FUND		124,432

From the funds provided in Specific Appropriation 729E, one motor vehicle may be purchased for replacement of the vehicle at the Governor's mansion.

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APPROPRIATION

730 NOT USED

731 LUMP SUM
LEGISLATIVE APPROPRIATION SYSTEM/PLANNING AND BUDGETING SUBSYSTEM
POSITIONS 1
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 133,505

732 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY AND STATEWIDE DRUG ABUSE PREVENTION PROGRAM
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,262,920

733 SPECIAL CATEGORIES
GRANTS AND AIDS - PROJECT DARE
FROM GRANTS AND DONATIONS TRUST FUND . . . 323,171

734 SPECIAL CATEGORIES
COST-OF-LIVING PRICE SURVEY
FROM GENERAL REVENUE FUND 217,000

735 NOT USED

736 SPECIAL CATEGORIES
GRANTS AND AIDS - GOVERNOR'S COUNCIL ON INDIAN AFFAIRS
FROM GENERAL REVENUE FUND 109,367

737 SPECIAL CATEGORIES
GRANTS AND AIDS - NORTHWEST FLORIDA CREEK INDIAN COUNCIL
FROM GENERAL REVENUE FUND 41,409

738 SPECIAL CATEGORIES
NATIONAL GOVERNORS' ASSOCIATION
FROM GENERAL REVENUE FUND 133,760

738A DATA PROCESSING SERVICES
STATE COMPTROLLER'S DATA CENTER - DEPARTMENT OF BANKING AND FINANCE
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 55,000

738B DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 244,045

INFORMATION RESOURCE COMMISSION

738C SALARIES AND BENEFITS POSITIONS 17
FROM GENERAL REVENUE FUND 951,705

738D EXPENSES
FROM GENERAL REVENUE FUND 194,264

Funds and positions in Specific Appropriation 738C and 738D may be transferred from the Executive Office of the Governor to the Department of General Services contingent upon and pursuant to the provisions of CS/SB 1142 or similar legislation becoming law.

AGING, COMMISSION ON

738E SALARIES AND BENEFITS POSITIONS 9
FROM GENERAL REVENUE FUND 216,960
FROM GRANTS AND DONATIONS TRUST FUND . . . 109,068

738F OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 103,450
FROM GRANTS AND DONATIONS TRUST FUND . . . 266,544

738G EXPENSES
FROM GENERAL REVENUE FUND 102,889
FROM GRANTS AND DONATIONS TRUST FUND . . . 51,927

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

OFFICE OF THE SECRETARY

739 SALARIES AND BENEFITS POSITIONS 306
FROM GENERAL REVENUE FUND 9,665,858

SECTION 1
SPECIFIC
APPROPRIATION

FROM ADMINISTRATIVE TRUST FUND 860,594
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 51,560

740 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 39,147
FROM ADMINISTRATIVE TRUST FUND 357,729

741 EXPENSES
FROM GENERAL REVENUE FUND 2,805,796
FROM ADMINISTRATIVE TRUST FUND 487,537
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 3,411

742 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 25,049
FROM ADMINISTRATIVE TRUST FUND 1,134

743 NOT USED

743A LUMP SUM
INTEGRATED UNIT COST BUDGETING
FROM ADMINISTRATIVE TRUST FUND 750,000

From the funds in Specific Appropriation 743A, the department shall initiate a multi-year phased project leading to development and implementation of an integrated unit cost budgeting system across program areas of the department. The project shall provide for standardization and consistency for common data, especially service unit measures. The existing Developmental Services and Alcohol, Drug Abuse, and Mental Health Services data systems shall be used as prototypes in order to minimize development costs. The project shall include functions to track budgets, unit costs, client and service data, and client need data. The department shall prepare an interim report on the project and submit it to the Executive Office of the Governor and to the chairmen of the Senate and House Appropriations Committees no later than December 1, 1991. The report shall include estimates of funding requirements to complete the project in future years, as well as appropriate time schedules and workplan details.

744 NOT USED

HEALTH CARE COST CONTAINMENT BOARD

745 SALARIES AND BENEFITS POSITIONS 85
FROM HEALTH CARE COST CONTAINMENT TRUST FUND 2,755,041

746 OTHER PERSONAL SERVICES
FROM HEALTH CARE COST CONTAINMENT TRUST FUND 195,455

747 EXPENSES
FROM HEALTH CARE COST CONTAINMENT TRUST FUND 1,386,176

748 OPERATING CAPITAL OUTLAY
FROM HEALTH CARE COST CONTAINMENT TRUST FUND 140,692

749 NOT USED

DEVELOPMENTAL DISABILITIES PLANNING COUNCIL

750 SALARIES AND BENEFITS POSITIONS 12
FROM ADMINISTRATIVE TRUST FUND 445,405

751 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 751,073

752 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 1,087,214

753 NOT USED

OFFICE OF THE DEPUTY SECRETARY FOR ADMINISTRATION

754 SALARIES AND BENEFITS POSITIONS 520
FROM GENERAL REVENUE FUND 11,850,263

SECTION 1 SPECIFIC APPROPRIATION			
	FROM ADMINISTRATIVE TRUST FUND		3,997,659
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		221,747
755	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		1,872,000
756	EXPENSES		
	FROM GENERAL REVENUE FUND	3,389,313	
	FROM ADMINISTRATIVE TRUST FUND		2,097,994
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		39,510
757	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	107,369	
758	NOT USED		
759	NOT USED		
760	LUMP SUM		
	FLORIDA ON-LINE RECIPIENT INTEGRATED DATA ACCESS (FLORIDA) SYSTEM		
	FROM GENERAL REVENUE FUND	1,378,285	
761	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	991,589	
	FROM ADMINISTRATIVE TRUST FUND		297,404
762	SPECIAL CATEGORIES		
	CONTRACT NURSING HOME AUDIT PROGRAM		
	FROM GENERAL REVENUE FUND	656,779	
	FROM ADMINISTRATIVE TRUST FUND		656,779
763	SPECIAL CATEGORIES		
	FINGERPRINTING FOR DAY CARE EMPLOYEES		
	FROM GENERAL REVENUE FUND	210,539	
	FROM ADMINISTRATIVE TRUST FUND		1,512,155
764	SPECIAL CATEGORIES		
	GRANTS AND AIDS - EMERGENCY FEEDING ORGANIZATIONS		
	FROM ADMINISTRATIVE TRUST FUND		1,379,245
765	SPECIAL CATEGORIES		
	STATE INSTITUTIONAL CLAIMS		
	FROM GENERAL REVENUE FUND	15,000	
766	DATA PROCESSING SERVICES		
	HEALTH AND REHABILITATIVE SERVICES TECHNOLOGY CENTER		
	FROM GENERAL REVENUE FUND	12,026,288	
	FROM ADMINISTRATIVE TRUST FUND		19,064,068

DEPUTY SECRETARY FOR MANAGEMENT SYSTEMS

No funds shall be released or expended from Specific Appropriations 767 through 771 relating to the FLORIDA system, without the Secretary of the Department of Health and Rehabilitative Services certifying that the implementation of the FLORIDA system is in accordance with the approved Advanced Planning Document (APD). In the event current federal law governing the FLORIDA system is amended, the secretary shall prepare a report specifying how such amendments will affect the agency's APD, system design, system implementation, and the costs of implementing the system. The secretary shall prepare and submit quarterly progress reports on the implementation of the system which shall include: a detailed work plan specifying anticipated completion dates and actual dates of completion; an operating budget and actual costs incurred; problems encountered and corrective measures; and any deviations from the approved APD. This report shall be provided to the Executive Office of the Governor and the House and Senate Appropriations Committee Chairmen.

767	SALARIES AND BENEFITS POSITIONS 338		
	FROM WORKING CAPITAL TRUST FUND		11,778,713
768	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND		5,000
769	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		3,102,977
770	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		75,701
771	SPECIAL CATEGORIES		
	COMPUTER RELATED EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		41,562,068

From the funds in Specific Appropriation 771, the department may expand the distributed print project to other project sites if other surplus appropriations are identified within the department.

OFFICE OF THE DEPUTY SECRETARY FOR PROGRAMS

772	SALARIES AND BENEFITS POSITIONS 1,162		
	FROM GENERAL REVENUE FUND	16,443,769	
	FROM ADMINISTRATIVE TRUST FUND		7,172,843
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		543,138
	FROM FEDERAL GRANTS TRUST FUND		989,162
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,865,330
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		120,421
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		51,944
	FROM PLANNING AND EVALUATION TRUST FUND .		15,071,270
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		504,651
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		50,834
773	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	222,056	
	FROM ADMINISTRATIVE TRUST FUND		609,944
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		41,585
	FROM FEDERAL GRANTS TRUST FUND		72,194
	FROM GRANTS AND DONATIONS TRUST FUND . . .		817,144
	FROM PLANNING AND EVALUATION TRUST FUND .		1,286,021
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		25,053
774	EXPENSES		
	FROM GENERAL REVENUE FUND	3,569,303	
	FROM ADMINISTRATIVE TRUST FUND		2,440,024
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		318,564
	FROM FEDERAL GRANTS TRUST FUND		301,192
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,652,917
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		61,908
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		23,582
	FROM PLANNING AND EVALUATION TRUST FUND .		5,327,118
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		222,398
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		66,213
775	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LOCAL HEALTH COUNCILS		
	FROM LOCAL AND STATE HEALTH TRUST FUND . .		2,018,294
776	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	13,488	
	FROM ADMINISTRATIVE TRUST FUND		56,295
	FROM PLANNING AND EVALUATION TRUST FUND .		347,579
777	NOT USED		
778	SPECIAL CATEGORIES		
	AGING AND ADULT SERVICES TRAINING AND EDUCATION		
	FROM FEDERAL GRANTS TRUST FUND		119,358
779	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FLORIDA SMALL BUSINESS HEALTH ACCESS CORPORATION		
	FROM PUBLIC MEDICAL ASSISTANCE TRUST		

SECTION 1 SPECIFIC APPROPRIATION			
	FUND		5,797,750
780	SPECIAL CATEGORIES		
	GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM		
	FROM FEDERAL GRANTS TRUST FUND		459,340
781	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	460,000	
	FROM GRANTS AND DONATIONS TRUST FUND		1,500,000
782	SPECIAL CATEGORIES		
	EMERGENCY ALTERNATIVE PLACEMENT		
	FROM RESIDENT PROTECTION TRUST FUND		103,000
783	SPECIAL CATEGORIES		
	MEDICAID PEER REVIEW		
	FROM GENERAL REVENUE FUND	56,114	
	FROM ADMINISTRATIVE TRUST FUND		113,912
784	SPECIAL CATEGORIES		
	MEDICAID SURVEILLANCE		
	FROM PLANNING AND EVALUATION TRUST FUND		1,990,134
785	DATA PROCESSING SERVICES		
	HEALTH AND REHABILITATIVE SERVICES TECHNOLOGY CENTER		
	FROM GENERAL REVENUE FUND	7,433,691	
	FROM ADMINISTRATIVE TRUST FUND		2,023,063
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		433,562
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		1,524,977
DEPUTY SECRETARY FOR HEALTH			
786	SALARIES AND BENEFITS POSITIONS 1,064		
	FROM GENERAL REVENUE FUND	13,282,613	
	FROM ADMINISTRATIVE TRUST FUND		991,857
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		396,170
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		2,135,223
	FROM GRANTS AND DONATIONS TRUST FUND		5,903,293
	FROM LOW LEVEL RADIOACTIVE WASTE TRUST FUND		93,818
	FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		44,493
	FROM PEST CONTROL TRUST FUND		757,546
	FROM PLANNING AND EVALUATION TRUST FUND		6,050,037
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		265,307
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		755,196
	FROM RADIATION PROTECTION TRUST FUND		2,322,318
	FROM RADON TRUST FUND		462,971
787	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	41,502	
	FROM ADMINISTRATIVE TRUST FUND		7,607
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		6,704
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		159,583
	FROM GRANTS AND DONATIONS TRUST FUND		526,539
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		65,000
	FROM PEST CONTROL TRUST FUND		18,991
	FROM PLANNING AND EVALUATION TRUST FUND		520,999
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		12,322
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		113,144
	FROM RADIATION PROTECTION TRUST FUND		10,692
788	EXPENSES		
	FROM GENERAL REVENUE FUND	5,536,009	
	FROM ADMINISTRATIVE TRUST FUND		1,147,082
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		193,280
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		1,289,925
	FROM GRANTS AND DONATIONS TRUST FUND		8,821,643

SECTION 1 SPECIFIC APPROPRIATION			
	FROM LOW LEVEL RADIOACTIVE WASTE TRUST FUND		29,343
	FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		41,300
	FROM PEST CONTROL TRUST FUND		184,429
	FROM PLANNING AND EVALUATION TRUST FUND		2,753,014
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		225,869
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		243,357
	FROM RADIATION PROTECTION TRUST FUND		880,097
	FROM RADON TRUST FUND		312,560
789	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - FLUORIDATION PROJECT		
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		200,000
790	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES COUNTY GRANTS		
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		4,814,639
791	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES MATCHING GRANTS		
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		15,098,392
	From the funds in Specific Appropriation 791, $6,000,000 in non-recurring Emergency Medical Services Trust Funds shall be used for additional matching grants to local agencies, municipalities, and emergency medical service organizations pursuant to s. 401.113(2)(b), F.S.		
792	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	312,763	
	FROM ADMINISTRATIVE TRUST FUND		12,938
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		1,932
	FROM GRANTS AND DONATIONS TRUST FUND		521,655
	FROM PEST CONTROL TRUST FUND		14,452
	FROM PLANNING AND EVALUATION TRUST FUND		330,521
793	NOT USED		
793A	LUMP SUM		
	NON-THEME - IMPROVED BIOHAZARDOUS WASTE POSITIONS 2		
	FROM ADMINISTRATIVE TRUST FUND		222,960
	Funds provided in Specific Appropriation 793A from the Administrative Trust Fund are contingent upon legislation becoming law establishing fees to fund the cost of the biohazardous waste program.		
793B	LUMP SUM		
	MOSQUITO CONTROL PROGRAM POSITIONS 6		
	FROM GENERAL REVENUE FUND	1,000,000	
793C	LUMP SUM		
	DOG FLY CONTROL PROGRAM POSITIONS 3		
	FROM GENERAL REVENUE FUND	236,000	
794	SPECIAL CATEGORIES		
	AREA HEALTH EDUCATION CENTERS		
	FROM GENERAL REVENUE FUND	3,000,000	
795	SPECIAL CATEGORIES		
	GRANTS AND AIDS - OUNCE OF PREVENTION		
	FROM GENERAL REVENUE FUND	290,182	
796	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	145,091	
	FROM GRANTS AND DONATIONS TRUST FUND		260,000
797	SPECIAL CATEGORIES		
	HOSPITAL REIMBURSEMENT		
	FROM GENERAL REVENUE FUND	509,077	

SECTION 1
SPECIFIC
APPROPRIATION

798 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 307,831

799 SPECIAL CATEGORIES
GRANTS AND AIDS - TRAUMA CARE
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 93,747

800 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT
FROM RADON TRUST FUND 2,190,452

801 SPECIAL CATEGORIES
NURSING STUDENT LOAN REIMBURSEMENT
FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND 668,656

802 DATA PROCESSING SERVICES
HEALTH AND REHABILITATIVE SERVICES TECHNOLOGY CENTER
FROM GENERAL REVENUE FUND 1,247,145
FROM ADMINISTRATIVE TRUST FUND 4,648,894

DEPUTY SECRETARY FOR OPERATIONS

OFFICE OF THE DEPUTY SECRETARY FOR OPERATIONS

803 SALARIES AND BENEFITS POSITIONS 922
FROM GENERAL REVENUE FUND 4,825,159
FROM ADMINISTRATIVE TRUST FUND 2,557,305
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 20,725
FROM U.S. TRUST FUND 21,314,805

804 OTHER PERSONAL SERVICES
FROM U.S. TRUST FUND 855,399

805 EXPENSES
FROM GENERAL REVENUE FUND 1,982,512
FROM ADMINISTRATIVE TRUST FUND 968,808
FROM U.S. TRUST FUND 14,742,036

806 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,911
FROM ADMINISTRATIVE TRUST FUND 6,693
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 1,497
FROM U.S. TRUST FUND 58,209

807 NOT USED

808 LUMP SUM
COMPLETION OF FLORIDA ON-LINE RECIPIENT INTEGRATED DATA ACCESS (FLORIDA) SYSTEM CONVERSION
FROM ADMINISTRATIVE TRUST FUND 6,308,754

809 SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT
FROM GENERAL REVENUE FUND 101,429
FROM ADMINISTRATIVE TRUST FUND 2,995,227

810 DATA PROCESSING SERVICES
HEALTH AND REHABILITATIVE SERVICES TECHNOLOGY CENTER
FROM GENERAL REVENUE FUND 2,274,016
FROM ADMINISTRATIVE TRUST FUND 5,567,443

DISTRICT ADMINISTRATION

811 SALARIES AND BENEFITS POSITIONS 2,559
FROM GENERAL REVENUE FUND 28,865,733
FROM ADMINISTRATIVE TRUST FUND 42,360,669
FROM OPERATIONS AND MAINTENANCE TRUST FUND 743,386
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 201,416

812 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 535,730
FROM ADMINISTRATIVE TRUST FUND 6,000

SECTION 1
SPECIFIC
APPROPRIATION

813 EXPENSES
FROM GENERAL REVENUE FUND 8,501,675
FROM ADMINISTRATIVE TRUST FUND 8,278,922
FROM OPERATIONS AND MAINTENANCE TRUST FUND 117,971
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 43,826

814 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 51,793
FROM ADMINISTRATIVE TRUST FUND 203,226

815 NOT USED

816 SPECIAL CATEGORIES
CITIZEN ADVOCACY COMMITTEES AND ADVISORY COUNCILS - EXPENSES
FROM GENERAL REVENUE FUND 142,316

817 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 50,000

818 SPECIAL CATEGORIES
GRANTS AND AIDS - FOSTER GRANDPARENT PROGRAM
FROM GENERAL REVENUE FUND 67,709

819 SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT
FROM GENERAL REVENUE FUND 4,704,240
FROM ADMINISTRATIVE TRUST FUND 20,816,158

ECONOMIC SERVICES

820 SALARIES AND BENEFITS POSITIONS 6,771
FROM GENERAL REVENUE FUND 58,876,494
FROM ADMINISTRATIVE TRUST FUND 76,194,062
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 595,544
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 14,503,289
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 129,263
FROM SPECIAL GRANTS TRUST FUND 732,313

821 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,817,603
FROM ADMINISTRATIVE TRUST FUND 5,442,833
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 939,766
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 20,218
FROM SPECIAL GRANTS TRUST FUND 96,206

822 EXPENSES
FROM GENERAL REVENUE FUND 12,548,512
FROM ADMINISTRATIVE TRUST FUND 19,159,012
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 273,407
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 4,666,811
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 55,014
FROM SPECIAL GRANTS TRUST FUND 273,240

823 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 77,143
FROM ADMINISTRATIVE TRUST FUND 87,974
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 1,527
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 19,605

824 NOT USED

825 SPECIAL CATEGORIES
GRANTS AND AIDS - FEDERAL EMERGENCY SHELTER GRANT PROGRAM
FROM GENERAL REVENUE FUND 5,513,458
FROM ADMINISTRATIVE TRUST FUND 4,449,428
FROM SPECIAL GRANTS TRUST FUND 893,000

SECTION 1 SPECIFIC APPROPRIATION			
826	SPECIAL CATEGORIES PUBLIC ASSISTANCE FRAUD CONTRACT FROM ADMINISTRATIVE TRUST FUND		10,034,064
827	SPECIAL CATEGORIES SERVICES TO REPATRIATED AMERICANS FROM ADMINISTRATIVE TRUST FUND		130,380
828	SPECIAL CATEGORIES GRANTS AND AIDS - STATE LEGALIZATION IMPACT ASSISTANCE GRANTS FROM SPECIAL GRANTS TRUST FUND		22,931,584
829	SPECIAL CATEGORIES ECONOMIC SERVICES PRE-ENTRY TRAINING PROGRAM FROM GENERAL REVENUE FUND	1,081,490	
	FROM ADMINISTRATIVE TRUST FUND		1,553,939
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		472,449
830	SPECIAL CATEGORIES GRANTS AND AIDS - PROJECT INDEPENDENCE SUPPORT SERVICES FROM GENERAL REVENUE FUND	2,957,734	
	FROM ADMINISTRATIVE TRUST FUND		5,404,090
831	FINANCIAL ASSISTANCE PAYMENTS AID TO FAMILIES WITH DEPENDENT CHILDREN FROM GENERAL REVENUE FUND	248,742,628	
	FROM DIRECT ASSISTANCE TRUST FUND		351,286,387
	FROM SPECIAL GRANTS TRUST FUND		96,749
	From the funds provided in Specific Appropriation 831, $4,173,774 from the General Revenue Fund and $4,951,224 from the Direct Assistance Trust Fund are provided for a three percent AFDC payment level increase effective January 1, 1992.		
832	FINANCIAL ASSISTANCE PAYMENTS CHILD SUPPORT ENFORCEMENT - PAYMENT TO PUBLIC ASSISTANCE FAMILIES FROM DIRECT ASSISTANCE TRUST FUND		16,500,000
833	FINANCIAL ASSISTANCE PAYMENTS CHILD SUPPORT INCENTIVE PAYMENTS - POLITICAL SUBDIVISIONS FROM DIRECT ASSISTANCE TRUST FUND		600,000
834	FINANCIAL ASSISTANCE PAYMENTS CHILD SUPPORT FOR NON-AFDC FAMILIES FROM DIRECT ASSISTANCE TRUST FUND		235,000,000
835	FINANCIAL ASSISTANCE PAYMENTS HOME ENERGY ASSISTANCE FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		15,232,203
836	FINANCIAL ASSISTANCE PAYMENTS REFUGEE/ENTRANT ASSISTANCE FROM SPECIAL GRANTS TRUST FUND		3,040,996
AGING AND ADULT SERVICES			
837	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	1,766 19,093,519	
	FROM ADMINISTRATIVE TRUST FUND		13,669,520
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		5,579,530
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		7,501,685
838	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	272,008	
	FROM ADMINISTRATIVE TRUST FUND		746,056
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		267,783
839	EXPENSES FROM GENERAL REVENUE FUND	4,731,970	
	FROM ADMINISTRATIVE TRUST FUND		3,048,990
	FROM FEDERAL GRANTS TRUST FUND		46,681
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		1,861,742

SECTION 1 SPECIFIC APPROPRIATION			
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		696,021
840	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	18,757	
	FROM ADMINISTRATIVE TRUST FUND		6,176
840A	LUMP SUM ELDERLY AND ADULT SERVICES INITIATIVES FROM GENERAL REVENUE FUND	1,500,000	
	Funds from Specific Appropriation 840A are provided for non-recurring operating expenses or fixed capital outlay projects to non-profit community based programs, contingent upon application being made to the department. Such grants shall be awarded based on specified criteria agreed upon by the department and the Executive Office of the Governor in consultation with the legislative appropriations committees. Such evaluation and selection criteria shall take into account the availability of local match, public benefits accrued to the state, and the compatibility of the project with the goals and mission of the department. In addition, the department may also consider previous experience with a provider and previous provision of funding by the Legislature. These funds shall be awarded for FY 1991-92 only and does not commit the state to future years funding.		
841	NOT USED		
842	SPECIAL CATEGORIES GRANTS AND AIDS - ALZHEIMER'S DISEASE PROJECTS/SERVICES FROM GENERAL REVENUE FUND	1,962,911	
843	SPECIAL CATEGORIES GRANTS AND AIDS - ALZHEIMERS DISEASE RESPITE SERVICES FROM GENERAL REVENUE FUND	2,379,598	
844	SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY CARE FOR THE ELDERLY FROM GENERAL REVENUE FUND	42,086,281	
	FROM FEDERAL GRANTS TRUST FUND		231,014
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,233,478
	From the funds in Specific Appropriation 844, each Area Agency on Aging may retain a maximum of $25,000 for administrative costs associated with implementing Community Care for the Elderly.		
845	SPECIAL CATEGORIES HOME CARE FOR THE ELDERLY FROM GENERAL REVENUE FUND	12,095,970	
846	SPECIAL CATEGORIES GRANTS AND AIDS - HOME ENERGY ASSISTANCE FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		795,184
847	SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY CARE FOR DISABLED ADULTS FROM GENERAL REVENUE FUND	5,022,676	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		439,076
848	SPECIAL CATEGORIES GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM FROM GENERAL REVENUE FUND	374,670	
	FROM FEDERAL GRANTS TRUST FUND		52,535,279
849	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND	99,532	
850	SPECIAL CATEGORIES ADULT CONGREGATE LIVING FACILITY STAFF TRAINING		

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	FROM OPERATIONS AND MAINTENANCE TRUST FUND		107,030
851	SPECIAL CATEGORIES GRANTS AND AIDS - DISPLACED HOMEMAKERS FROM DISPLACED HOMEMAKER TRUST FUND		1,401,088
852	SPECIAL CATEGORIES GRANTS AND AIDS - DOMESTIC VIOLENCE PROGRAM FROM FEDERAL GRANTS TRUST FUND FROM MARRIAGE LICENSE FEES TRUST FUND		337,184 3,085,560
853	SPECIAL CATEGORIES GRANTS AND AIDS - ELDERLY MEALS PROGRAMS FROM GENERAL REVENUE FUND	224,206	
854	SPECIAL CATEGORIES GRANTS AND AIDS - LOCAL SERVICES PROGRAMS FROM GENERAL REVENUE FUND FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND	2,434,949	876,082
855	SPECIAL CATEGORIES GRANTS AND AIDS - STATE LEGALIZATION IMPACT ASSISTANCE GRANTS FROM ADMINISTRATIVE TRUST FUND		286,774
856	SPECIAL CATEGORIES TEMPORARY EMERGENCY SHELTER SERVICES FROM GENERAL REVENUE FUND	224,114	
857	FINANCIAL ASSISTANCE PAYMENTS ADULT CONGREGATE LIVING FACILITY CARE SUPPLEMENT FROM GENERAL REVENUE FUND	19,107,998	
858	FINANCIAL ASSISTANCE PAYMENTS FOSTER HOME CARE SUPPLEMENT FROM GENERAL REVENUE FUND	1,854,227	
859	FINANCIAL ASSISTANCE PAYMENTS PERSONAL CARE ALLOWANCE FROM GENERAL REVENUE FUND	315,352	
	ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES		
860	SALARIES AND BENEFITS POSITIONS 141 FROM GENERAL REVENUE FUND FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND	4,280,263	 266,885 488,798
861	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	130,424	 17,500
862	EXPENSES FROM GENERAL REVENUE FUND FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND	1,014,842	 135,264 29,129
863	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	12,903	
863A	LUMP SUM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH INITIATIVES FROM GENERAL REVENUE FUND	250,000	

Funds from Specific Appropriation 863A are provided for non-recurring operating expenses or fixed capital outlay projects to non-profit community based programs, contingent upon application being made to the department. Such grants shall be awarded based on specified criteria agreed upon by the department and the Executive Office of the Governor in consultation with the legislative appropriations committees. Such evaluation and selection criteria shall take into account the availability of local match, public benefits accrued to the state, and the compatibility of the project with the goals and mission of the department. In addition, the department may also consider previous experience with a provider and previous provision of funding by the Legislature. These funds shall be awarded for FY 1991-92 only and does not commit the state to future years funding.

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863B	LUMP SUM MENTAL HEALTH DEINSTITUTIONALIZATION FROM GENERAL REVENUE FUND	2,000,000	

Funds in Specific Appropriation 863B shall be used to provide community mental health residential and non-residential services appropriate for clients currently residing in state mental health institutions. The department shall allocate the funds to districts and to types of services in a way that best accommodates the bed reductions in the state facilities resulting from budget reductions and specified phasedowns, taking into account other new funding issues that also provide for expanded community services.

864	NOT USED		
865	SPECIAL CATEGORIES GRANTS AND AIDS - CHILDREN AND ADOLESCENT SUBSTANCE ABUSE SERVICES FROM GENERAL REVENUE FUND FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND FROM CHILDREN AND ADOLESCENTS SUBSTANCE ABUSE TRUST FUND	14,971,847	 9,635,903 9,600,000

From the funds in Specific Appropriations 865 through 869, and 876, the department shall ensure that all contracts separately identify projected Medicaid earnings from other funds in order to facilitate auditing of local match requirements.

866	SPECIAL CATEGORIES GRANTS AND AIDS - CHILDREN'S MENTAL HEALTH SERVICES FROM GENERAL REVENUE FUND FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND FROM SERVICES TRUST FUND	12,401,890	 2,186,236 572,658 1,126,214
867	SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES FROM GENERAL REVENUE FUND FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND	82,531,009	 17,983,791 2,673,668
868	SPECIAL CATEGORIES GRANTS AND AIDS - BAKER ACT SERVICES FROM GENERAL REVENUE FUND FROM GRANTS AND DONATIONS TRUST FUND	49,925,444	 162,837
869	SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY SUBSTANCE ABUSE SERVICES FROM GENERAL REVENUE FUND FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND FROM ALCOHOLISM RESOURCE LICENSING TRUST FUND FROM GRANTS AND DONATIONS TRUST FUND FROM OPERATIONS AND MAINTENANCE TRUST FUND	30,132,535	 41,000,744 20,880 8,938,483 297,300
869A	SPECIAL CATEGORIES COMMUNITY MENTAL HEALTH GROUP HOME DEVELOPMENT FROM GENERAL REVENUE FUND	1,500,000	

Funds in Specific Appropriation 869A shall be used to develop new group homes for community mental health services. Funds may be used by the department for construction, renovations, and one time start-up costs of private, non-profit providers or municipal or other government entities as authorized pursuant to section 394.76(8), F.S. The

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department shall submit to the Executive Office of the Governor and the House and Senate Appropriations Committees a report by January 10, 1992 on how these funds are to be allocated.

870 NOT USED

871 NOT USED

872 SPECIAL CATEGORIES
GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM
FROM GENERAL REVENUE FUND 3,076,513

873 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASED RESIDENTIAL TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH
FROM GENERAL REVENUE FUND 19,036,847

874 NOT USED

875 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES - CONTINUITY OF CARE MANAGEMENT SYSTEM
FROM GENERAL REVENUE FUND 980,994
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 61,440

876 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN'S BAKER ACT SERVICES
FROM GENERAL REVENUE FUND 5,704,962

MENTAL HEALTH - INSTITUTIONS

877 SALARIES AND BENEFITS POSITIONS 6,784
FROM GENERAL REVENUE FUND 158,815,690
FROM GRANTS AND DONATIONS TRUST FUND . . . 99,967
FROM OPERATIONS AND MAINTENANCE TRUST FUND 22,526,271

878 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,093,989

879 EXPENSES
FROM GENERAL REVENUE FUND 27,093,667
FROM GRANTS AND DONATIONS TRUST FUND . . . 924,579
FROM OPERATIONS AND MAINTENANCE TRUST FUND 2,733,798

880 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,002,748
FROM GRANTS AND DONATIONS TRUST FUND . . . 17,775

881 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 4,042,199
FROM GRANTS AND DONATIONS TRUST FUND . . . 546,270
FROM OPERATIONS AND MAINTENANCE TRUST FUND 308,559

882 NOT USED

883 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 3,894,950

884 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 67,131

CHILDREN, YOUTH AND FAMILY SERVICES

885 SALARIES AND BENEFITS POSITIONS 7,295
FROM GENERAL REVENUE FUND 142,213,961
FROM DIRECT ASSISTANCE TRUST FUND 1,432,177
FROM GRANTS AND DONATIONS TRUST FUND . . . 917,112
FROM SERVICES TRUST FUND 5,115,037
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 40,138,443

886 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 868,016
FROM CHILD WELFARE TRAINING TRUST FUND . . 5,714

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FROM GRANTS AND DONATIONS TRUST FUND . . . 215,711
FROM JUVENILE JUSTICE TRAINING TRUST FUND 11,712
FROM SERVICES TRUST FUND 20,000

887 EXPENSES
FROM GENERAL REVENUE FUND 32,253,614
FROM CHILD WELFARE TRAINING TRUST FUND . . 404,351
FROM DIRECT ASSISTANCE TRUST FUND 456,763
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,505,833
FROM JUVENILE JUSTICE TRAINING TRUST FUND 262,350
FROM SERVICES TRUST FUND 1,514,715
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 5,435,463

888 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 369,080

889 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 2,207,673
FROM GRANTS AND DONATIONS TRUST FUND . . . 678,331

889A LUMP SUM
CHILDREN AND YOUTH INITIATIVES
FROM GENERAL REVENUE FUND 1,500,000

Funds from Specific Appropriation 889A are provided for non-recurring operating expenses or fixed capital outlay projects to non-profit community based programs, contingent upon application being made to the department. Such grants shall be awarded based on specified criteria agreed upon by the department and the Executive Office of the Governor in consultation with the legislative appropriations committees. Such evaluation and selection criteria shall take into account the availability of local match, public benefits accrued to the state, and the compatibility of the project with the goals and mission of the department. In addition, the department may also consider previous experience with a provider and previous provision of funding by the Legislature. These funds shall be awarded for FY 1991-92 only and does not commit the state to future years funding.

890 NOT USED

891 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD ABUSE PROGRAM
FROM GENERAL REVENUE FUND 3,093,771
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 62,760

892 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD DAY CARE
FROM GENERAL REVENUE FUND 30,104,355
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 29,900,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 34,157,550
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 56,490,804

From funds in Specific Appropriation 892, $13,254,000 from the Grants and Donations Trust Fund shall provide for day care expansion for the working poor and shall be distributed based on an equity index developed by the department and approved by the Executive Office of the Governor in consultation with the chairmen of the House and Senate Appropriations Committees.
From funds in Specific Appropriation 892, $29,900,000 from the Child Care and Development Block Grant Trust Fund shall be distributed according to a plan which is to be reviewed by the Executive Office of the Governor in consultation with the chairmen of the House and Senate Appropriations Committees before submittal to the federal government for release of funds. The plan should consider utilization of block grant funding to increase the availability of child day care. To the greatest extent possible, the state plan should also consider the needs of serving children with disabilities in integrated child care settings.

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Funds in Specific Appropriation 892 shall require an 8 percent match from local sources. In-kind match is allowable provided there is no reduction in the number of slots or level of services due to accepting in-kind match. The match requirement shall not apply to funding specifically targeted for federally entitled child care.

893 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD ABUSE/DAY CARE TRAINING
FROM GENERAL REVENUE FUND 882,000

894 NOT USED

895 NOT USED

896 SPECIAL CATEGORIES
CLIENT TRANSPORTATION
FROM GENERAL REVENUE FUND 360,787

897 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 42,235,405
FROM CHILD WELFARE TRAINING TRUST FUND . . 4,271,127
FROM DIRECT ASSISTANCE TRUST FUND 100,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,649,831
FROM JUVENILE JUSTICE TRAINING TRUST FUND 2,711,386
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 282,793

From the funds in Specific Appropriation 897, $455,000 from General Revenue Fund is provided for six months funding of an Early Delinquency Intervention Program (EDIP) pursuant to the provisions of section 39.056, Florida Statutes.

898 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY SHELTER FOR CHILDREN
FROM GENERAL REVENUE FUND 18,233,555
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,161,309

Specific Appropriation 898 may be used to meet the needs of children in their own homes or those of relatives if the children can be safely served in their own homes, or the homes of relatives, and the expenditure of funds in such manner is calculated by the department to be a cost savings over placement of children so long as such expenditures do not result in a budget deficit.

899 SPECIAL CATEGORIES
FOSTER HOME CARE FOR CHILDREN
FROM GENERAL REVENUE FUND 19,180,822
FROM DIRECT ASSISTANCE TRUST FUND 21,809,341
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,695,205
FROM SERVICES TRUST FUND 2,799,169
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,000,000

From the funds in Specific Appropriation 899, $16,000,000 from the General Revenue Fund is provided for the foster care deficit and anticipated increase in placements. If additional funds are received under Title IV-E, the department shall immediately request budget authority for these funds under the provisions of Chapter 216, F.S. The additional Title IV-E funds shall be used before general revenue funds. To the extent that additional Title IV-E funds are used for this purpose, a corresponding amount in general revenue funds shall be placed in reserve by the Executive Office of the Governor.

900 SPECIAL CATEGORIES
HOUSEKEEPER SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 328,335

901 SPECIAL CATEGORIES
GRANTS AND AIDS - INTENSIVE CRISIS COUNSELING
FROM GENERAL REVENUE FUND 3,872,644
FROM DEPENDENCY CHILD SUPPORT TRUST FUND . 279,972
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 635,636

902 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAM
FROM GENERAL REVENUE FUND 919,141
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,559,028
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 63,564

From funds in Specific Appropriation 902, $919,141 from the General Revenue Fund shall require a 25 percent match from local sources. In-kind match is allowable provided there is no reduction in the number of slots or level of services due to accepting in-kind match.
Funds in Specific Appropriations 900 and 902 may be utilized in a flexible, cost effective manner by the department to improve client services. The department may submit a plan to the Administration Commission for its approval to consolidate these appropriation categories which describes in detail the types and manner of service provision, cost benefits, and accountability mechanisms to track expenditures by service type.

903 SPECIAL CATEGORIES
MAINTENANCE ADOPTION SUBSIDY
FROM GENERAL REVENUE FUND 4,667,135
FROM DIRECT ASSISTANCE TRUST FUND 4,612,295

904 SPECIAL CATEGORIES
MEDICAL COST OF SUBSIDIZED ADOPTIONS
FROM GENERAL REVENUE FUND 706,342
FROM SERVICES TRUST FUND 65,573

905 SPECIAL CATEGORIES
PURCHASE OF ADOPTION SERVICES
FROM GENERAL REVENUE FUND 103,594
FROM GRANTS AND DONATIONS TRUST FUND . . . 157,524
FROM SERVICES TRUST FUND 41,712

906 SPECIAL CATEGORIES
PURCHASE OF RESIDENTIAL GROUP CARE
FROM GENERAL REVENUE FUND 16,428,333
FROM DIRECT ASSISTANCE TRUST FUND 539,848
FROM GRANTS AND DONATIONS TRUST FUND . . . 111,112
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 1,135,967

907 NOT USED

908 SPECIAL CATEGORIES
GRANTS AND AIDS - RUNAWAY SHELTER PROGRAM
FROM GENERAL REVENUE FUND 11,288,215
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 14,339

909 SPECIAL CATEGORIES
GRANTS AND AIDS - SPECIAL PROGRAMS FOR STATUS OFFENDERS
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 404,061

910 SPECIAL CATEGORIES
GRANTS AND AIDS - WILDERNESS THERAPEUTIC SERVICES
FROM GENERAL REVENUE FUND 5,421,323

CHILDREN AND YOUTH - INSTITUTIONS

911 SALARIES AND BENEFITS POSITIONS 219
FROM GENERAL REVENUE FUND 3,841,936
FROM GRANTS AND DONATIONS TRUST FUND . . . 52,462
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 1,892,930

912 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 28,142

913 EXPENSES

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	FROM GENERAL REVENUE FUND	944,277	
914	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	46,645	
915	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	78,361	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		90,053
916	NOT USED		
917	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTUAL SERVICES-DOZIER TRAINING SCHOOL		
	FROM GENERAL REVENUE FUND	369,853	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		105,187
918	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTUAL SERVICES-OKEECHOBEE TRAINING SCHOOL		
	FROM GENERAL REVENUE FUND	5,329,473	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		32,088
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,546,273

DEVELOPMENTAL SERVICES

919	SALARIES AND BENEFITS POSITIONS	502	
	FROM GENERAL REVENUE FUND	9,762,904	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		362,019
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,845,248
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,540,618
920	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	13,804	
921	EXPENSES		
	FROM GENERAL REVENUE FUND	2,537,954	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		601,266
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		34,782
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		271,624
922	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	168,270	
922A	LUMP SUM		
	DEVELOPMENTAL SERVICES INITIATIVES		
	FROM GENERAL REVENUE FUND	1,500,000	

Funds from Specific Appropriation 922A are provided for non-recurring operating expenses or fixed capital outlay projects to non-profit community based programs contingent upon application being made to the department. Such grants shall be awarded based on specified criteria agreed upon by the department and the Executive Office of the Governor in consultation with the legislative appropriations committees. Such evaluation and selection criteria shall take into account the availability of local match, public benefits accrued to the state, and the compatibility of the project with the goals and mission of the department. In addition, the department may also consider previous experience with a provider and previous provision of funding by the Legislature. These funds shall be awarded for FY 1991-92 only and does not commit the state to future years funding.

923	NOT USED		
923A	LUMP SUM		
	COMMUNITY BASED PROGRAMS TO OFFSET INSTITUTIONL PHASE-DOWN		
	FROM GENERAL REVENUE FUND	3,300,000	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		318,000

Funds in Specific Appropriation 923A are provided to develop 106 Community Residential Training beds for developmentally disabled individuals at an average annual general revenue cost not to exceed $27,000. Occupancy of these beds is limited to clients who presently reside in beds not certified for Medicaid reimbursement in the Developmental Services Institutions. The capacity of the institutions shall be reduced by the same number.

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924	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY RESIDENTIAL TRAINING		
	FROM GENERAL REVENUE FUND	55,578,575	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		12,567,061
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		6,720,740

Funds from Specific Appropriations 924 and 929 for Developmental Training Programs shall require a 12.5 percent match from local sources. In-kind match is allowable provided there is no reduction in the number of slots or level of service due to accepting in-kind match.

From the funds in Specific Appropriation 924, $1,000,000 in recurring general revenue is provided to fund 100 new Supported Living slots for twelve months.

925	SPECIAL CATEGORIES		
	CONTRACTED CASEWORK SERVICES		
	FROM GENERAL REVENUE FUND	463,410	
926	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY RETARDATION SERVICES		
	FROM GENERAL REVENUE FUND	476,365	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,925,731
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		30,799
926A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - DEVELOPMENTAL DISABILITIES		
	FROM GENERAL REVENUE FUND	3,129,540	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		296,939
927	SPECIAL CATEGORIES		
	EXTENDED EMPLOYMENT FOR THE DEVELOPMENTALLY DISABLED		
	FROM GENERAL REVENUE FUND	344,042	
928	SPECIAL CATEGORIES		
	GROUP HOMES - TEMPORARY LOANS		
	FROM INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED/GROUP LIVING HOME REVOLVING TRUST FUND		160,000
928A	SPECIAL CATEGORIES		
	INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - COMMUNITY		
	FROM GENERAL REVENUE FUND	28,763,200	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		34,244,835

From the funds provided in Specific Appropriation 928A, $1,025,355 of recurring general revenue and $1,237,387 of the Operations and Maintenance Trust Fund is provided to establish a total of 258 beds in Six-Bed ICF/DD homes over a two-year period. Occupancy of 202 of these beds is limited to clients who reside in beds not certified for Medicaid reimbursement in the Developmental Services Institutions. The capacity of the institutions shall be reduced by the same number. The remaining Six-Bed ICF/DD beds shall be occupied by individuals who reside in higher-cost general revenue funded Community Residential Training placements as compared to the general revenue contribution for a Six-Bed ICF/DD placement.
Funding for these beds is not to be an acceptance of or an agreement with the Targeted Bed Need methodology published in the Florida Administrative Weekly on March 1, 1991, or similar Targeted Bed

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Need methodologies.

Further, funds provided in Specific Appropriation 928A are contingent upon:
(1) The nullification of the previously published Targeted Bed Need published pursuant to s. 393.067(17), F.S.;
(2) The rescission of any licenses which may have been granted pursuant to publication of the Targeted Bed Need referenced above;
(3) The assistance of the Department of Health and Rehabilitative Services to the joint House/Senate study commission in the examination of the system of residential care for the developmentally disabled; and
(4) The prohibition of the Department of Health and Rehabilitative Services from licensing any new ICF/DD beds, with the exception of the 258 beds provided for in the above paragraph, until a revised rule concerning Targeted Bed Need has been approved by the above referenced House/Senate study group and has been formally adopted into the Florida Administrative Code.

929 SPECIAL CATEGORIES
GRANTS AND AIDS - INDEPENDENT/FAMILY LIVING
FROM GENERAL REVENUE FUND 26,316,642
FROM OPERATIONS AND MAINTENANCE TRUST FUND 4,888,146
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 6,630,371

930 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES-SPINA BIFIDA
FROM GENERAL REVENUE FUND 445,247
FROM OPERATIONS AND MAINTENANCE TRUST FUND 33,076

Funds in Specific Appropriation 930 shall provide for incidental, nonmedical expenditures incurred by persons with spina bifida.

931 SPECIAL CATEGORIES
PURCHASED CLUSTER SERVICES
FROM GENERAL REVENUE FUND 16,855,723
FROM OPERATIONS AND MAINTENANCE TRUST FUND 20,722,460

932 SPECIAL CATEGORIES
PURCHASED REFUGEE SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 11,300

933 SPECIAL CATEGORIES
START-UP FUNDS/GROUP HOMES
FROM GENERAL REVENUE FUND 76,800
FROM INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED/GROUP LIVING HOME REVOLVING TRUST FUND 80,000

DEVELOPMENTAL SERVICES - INSTITUTIONS

934 SALARIES AND BENEFITS POSITIONS 4,015
FROM GENERAL REVENUE FUND 58,026,714
FROM OPERATIONS AND MAINTENANCE TRUST FUND 37,291,055

From the funds provided in Specific Appropriation 934, no more than $20,000 of general revenue is provided to settle litigation entitled FARF et al. v. State of Florida et al., (Case No. 89-0894). A settlement reached pursuant to this proviso shall not be considered to limit the future policy options of the Legislature, and shall be considered to have met the appropriate notice requirements of section 45.067, F.S., without requiring additional approval.

935 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,114,758

936 EXPENSES
FROM GENERAL REVENUE FUND 11,368,391
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,625,537

937 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 415,451

938 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 2,359,334
FROM GRANTS AND DONATIONS TRUST FUND . . . 289,588
FROM OPERATIONS AND MAINTENANCE TRUST FUND 12,768

939 NOT USED

940 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 3,330,125
FROM OPERATIONS AND MAINTENANCE TRUST FUND 651,900

HEALTH SERVICES

941 SALARIES AND BENEFITS POSITIONS 132
FROM GENERAL REVENUE FUND 4,185,165
FROM COUNTY HEALTH UNIT TRUST FUND 229,116,329
FROM GRANTS AND DONATIONS TRUST FUND . . . 837,005
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 18,204
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 102,012
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 290,477

942 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 23,213
FROM COUNTY HEALTH UNIT TRUST FUND 24,623,064
FROM GRANTS AND DONATIONS TRUST FUND . . . 58,154
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 35,000

943 EXPENSES
FROM GENERAL REVENUE FUND 3,535,679
FROM COUNTY HEALTH UNIT TRUST FUND 60,372,034
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,833,890
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 1,256,164
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 22,937
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 59,671

944 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FAMILY PLANNING SERVICES
FROM GENERAL REVENUE FUND 3,396,060
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,910,925

945 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - AIDS PATIENT CARE
FROM GENERAL REVENUE FUND 252,449
FROM COUNTY HEALTH UNIT TRUST FUND 2,593,879

945A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - RYAN WHITE CONSORTIA
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,068,633

946 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CONSTRUCTION AND RENOVATION OF COUNTY HEALTH UNIT FACILITIES
FROM COUNTY HEALTH UNIT TRUST FUND 14,533,960

947 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 93,783,053
FROM COUNTY HEALTH UNIT TRUST FUND 550,626
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,030,895

948 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PRIMARY CARE PROGRAM
FROM COUNTY HEALTH UNIT TRUST FUND 6,548,687
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 30,029,150

949 AID TO LOCAL GOVERNMENTS

SECTION 1 SPECIFIC APPROPRIATION			
	GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORK - DADE COUNTY		
	FROM GENERAL REVENUE FUND	6,344,274	
950	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORK - DADE COUNTY HOSPICE		
	FROM GENERAL REVENUE FUND	1,372,000	
951	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORK - PALM BEACH COUNTY DEMONSTRATION		
	FROM GENERAL REVENUE FUND	236,982	
952	AID TO LOCAL GOVERNMENTS		
	IMPACT AID		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		7,440,000
953	AID TO LOCAL GOVERNMENTS		
	IMPROVED PREGNANCY OUTCOME PROGRAM		
	FROM GENERAL REVENUE FUND	9,578,445	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		7,000,000
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		2,707,849

Of the funds in Specific Appropriation 953, $7,000,000 from the Grants and Donations Trust Fund is contingent upon receipt from the Department of Highway Safety and Motor Vehicles, funds from the Disney World Commemorative License Tag for Kids Program. These funds shall be used only for the purpose of enhancing services to pregnant women and children in order to reduce the incidence of low birth weight babies.

954	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORK - SUNCOAST AIDS NETWORK		
	FROM GENERAL REVENUE FUND	426,567	
955	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORK - EAST CENTRAL FLORIDA		
	FROM GENERAL REVENUE FUND	343,000	
956	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORK - NORTHEAST FLORIDA		
	FROM GENERAL REVENUE FUND	147,000	
957	AID TO LOCAL GOVERNMENTS		
	MATERNAL AND CHILD HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	1,004,614	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		4,887,597
958	AID TO LOCAL GOVERNMENTS		
	SCHOOL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	14,865,138	
959	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	26,606	
	FROM COUNTY HEALTH UNIT TRUST FUND		6,368,658
	FROM GRANTS AND DONATIONS TRUST FUND . . .		571
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		9,200
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		285
959A	LUMP SUM		
	BIOHAZARDOUS WASTE GENERATORS - COUNTY PUBLIC HEALTH UNITS		
	FROM COUNTY HEALTH UNIT TRUST FUND		1,482,298

Funds provided in Specific Appropriation 959A from the County Health Unit Trust fund are contingent upon legislation becoming law establishing fees to fund the cost of the biohazardous waste program.

SECTION 1 SPECIFIC APPROPRIATION			
960	NOT USED		
960A	LUMP SUM		
	ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) WORKLOAD		
	FROM GENERAL REVENUE FUND	500,000	
961	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	209,276	
962	SPECIAL CATEGORIES		
	GRANTS AND AIDS - EPILEPSY SERVICES		
	FROM GENERAL REVENUE FUND	2,164,437	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		52,450
963	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) INSURANCE COVERAGE DEMONSTRATION		
	FROM GENERAL REVENUE FUND	341,254	
964	SPECIAL CATEGORIES		
	DRUGS, VACCINES AND OTHER BIOLOGICALS		
	FROM GENERAL REVENUE FUND	11,672,118	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		7,773,839
965	SPECIAL CATEGORIES		
	GRANTS AND AIDS - RURAL HEALTH		
	FROM GENERAL REVENUE FUND	362,496	
966	SPECIAL CATEGORIES		
	HEALTH EDUCATION RISK REDUCTION PROJECT		
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		576,183
967	SPECIAL CATEGORIES		
	KIDNEY DISEASE PROGRAM		
	FROM GENERAL REVENUE FUND	407,410	
967A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - EPILEPSY PREVENTION AND EDUCATION ACTIVITIES		
	FROM EPILEPSY SERVICES TRUST FUND		1,340,000
968	SPECIAL CATEGORIES		
	REGIONAL DIABETES CENTERS		
	FROM GENERAL REVENUE FUND	1,109,375	
969	SPECIAL CATEGORIES		
	WOMEN, INFANTS AND CHILDREN (WIC)		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		116,152,842
970	SPECIAL CATEGORIES		
	STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE (SUPER) ACT REIMBURSEMENT		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		414,775
	HEALTH - TUBERCULOSIS HOSPITAL		
971	SALARIES AND BENEFITS POSITIONS	213	
	FROM GENERAL REVENUE FUND	4,483,084	
	FROM HOSPITAL MAINTENANCE TRUST FUND . . .		864,536
972	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	36,643	
973	EXPENSES		
	FROM GENERAL REVENUE FUND	1,813,586	
	FROM HOSPITAL MAINTENANCE TRUST FUND . . .		282,155
974	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	38,295	
975	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	92,548	
	FROM HOSPITAL MAINTENANCE TRUST FUND . . .		442,509
976	NOT USED		
977	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES		
	FROM GENERAL REVENUE FUND	136,600	

SECTION 1
SPECIFIC
APPROPRIATION

CHILDREN'S MEDICAL SERVICES

978 SALARIES AND BENEFITS POSITIONS 523
FROM GENERAL REVENUE FUND 8,554,093
FROM DONATIONS TRUST FUND 3,850,860
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 802,142
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,127,116

979 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 219,576
FROM DONATIONS TRUST FUND 76,800

980 EXPENSES
FROM GENERAL REVENUE FUND 1,443,906
FROM DONATIONS TRUST FUND 1,399,404
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 168,971
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 818,995

981 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 58,337

982 NOT USED

983 SPECIAL CATEGORIES
CATASTROPHIC MEDICAL SERVICES
FROM GENERAL REVENUE FUND 2,900,000
FROM DONATIONS TRUST FUND 2,000,000

Funds in Specific Appropriation 983 are to be retained by the department in a reserve account to be used for catastrophic services to CMS-sponsored children whose medical expenses exceed $25,000 or more.

984 SPECIAL CATEGORIES
CLEFT LIP, CLEFT PALATE AND CRANIO-FACIAL ANOMALY PROGRAM
FROM GENERAL REVENUE FUND 103,364

985 SPECIAL CATEGORIES
REGIONAL GENETICS PROGRAM
FROM GENERAL REVENUE FUND 1,156,728
FROM DONATIONS TRUST FUND 194,926

986 SPECIAL CATEGORIES
SICKLE CELL EDUCATION AND SCREENING
FROM GENERAL REVENUE FUND 395,527
FROM DONATIONS TRUST FUND 50,000

987 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL SERVICES FOR ABUSED/NEGLECTED CHILDREN
FROM GENERAL REVENUE FUND 7,453,785

988 SPECIAL CATEGORIES
GRANTS AND AIDS - PRIMARY CARE PROGRAM
FROM GENERAL REVENUE FUND 1,350,190

989 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 6,307,974
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 612,153
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 97,943

990 SPECIAL CATEGORIES
MASTER CONTRACTS
FROM GENERAL REVENUE FUND 6,762,000

991 NOT USED

992 SPECIAL CATEGORIES
GRANTS AND AIDS - INFANT/TODDLERS STEP-DOWN
FROM GENERAL REVENUE FUND 529,129

993 SPECIAL CATEGORIES
INFANT HEARING SCREENING
FROM GENERAL REVENUE FUND 338,255

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FROM DONATIONS TRUST FUND 334,159

994 SPECIAL CATEGORIES
KIDNEY DISEASE PROGRAM FOR CHILDREN
FROM GENERAL REVENUE FUND 927,226

995 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES - IMPACT AID
FROM DONATIONS TRUST FUND 470,000

996 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICE - CLINIC AND FIELD OPERATIONS
FROM GENERAL REVENUE FUND 11,518,265
FROM DONATIONS TRUST FUND 2,212,442
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 4,254,889
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 1,591,271

Funds in Specific Appropriation 996 are to be used for clinic and field services to CMS-sponsored children for any necessary medically related service ordered as part of a patient's treatment plan. Based on administrative efficiencies to field staff, a variety of payment mechanisms may be utilized, such as fee-for-service, capitated payments, OPS mechanisms or local contracts administered through the districts.

997 SPECIAL CATEGORIES
POISON CONTROL CENTER
FROM GENERAL REVENUE FUND 842,777

998 SPECIAL CATEGORIES
RHEUMATIC FEVER
FROM GENERAL REVENUE FUND 98,474

999 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER DEVELOPMENTAL EVALUATION AND INTERVENTION
FROM GENERAL REVENUE FUND 5,463,576

1000 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER/ PERINATAL SUPPORT SERVICES
FROM GENERAL REVENUE FUND 1,445,196

From the funds in Specific Appropriation 1000, $313,296 is provided for 6 Regional Perinatal Intensive Care Center satellite obstetric clinics for high risk pregnant women. The department's selection of clinic locations shall be guided by the number and percentage of low birth weight babies in a geographical area and the distance from existing RPICC center obstetric services.

1001 NOT USED

1002 SPECIAL CATEGORIES
CHILDREN'S CARDIAC PROGRAM
FROM GENERAL REVENUE FUND 392,000

MEDICAID SERVICES

1003 SALARIES AND BENEFITS POSITIONS 425
FROM GENERAL REVENUE FUND 3,132,286
FROM ADMINISTRATIVE TRUST FUND 5,996,220
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 2,051,125

1004 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 321,912
FROM ADMINISTRATIVE TRUST FUND 965,736

1005 EXPENSES
FROM GENERAL REVENUE FUND 1,763,835
FROM ADMINISTRATIVE TRUST FUND 2,667,693
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 827,216

1006 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 12,747

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FROM ADMINISTRATIVE TRUST FUND 7,674

1007 NOT USED

1008 LUMP SUM
TRANSFER TO PUBLIC MEDICAL ASSISTANCE TRUST FUND
FROM GENERAL REVENUE FUND 237,000,000

1009 LUMP SUM
MEDICAID ELIGIBILITY TO PREGNANT WOMEN AND CHILDREN WITH INCOMES UP TO 185% POVERTY
POSITIONS 73
FROM ADMINISTRATIVE TRUST FUND 495,193
FROM MEDICAL CARE TRUST FUND 12,068,701
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 10,500,695

Funds in Specific Appropriation 1009 are to expand Medicaid Services to pregnant women and children up to age one with family incomes up to 185 per cent of the federal poverty level beginning January 1, 1992.

1010 SPECIAL CATEGORIES
ADULT DENTAL, VISUAL AND HEARING SERVICES
FROM GENERAL REVENUE FUND 6,540,006
FROM MEDICAL CARE TRUST FUND 10,297,982
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 1,971,322
FROM SPECIAL GRANTS TRUST FUND 175,463

1011 SPECIAL CATEGORIES
CASE MANAGEMENT
FROM GENERAL REVENUE FUND 6,529,169
FROM MEDICAL CARE TRUST FUND 7,906,116

If the Mental Health Targeted Case Management program results in state match requirements exceeding the $3,146,445 transferred to Specific Appropriation 1011 for this purpose, the department shall transfer additional amounts of general revenue as necessary from Specific Appropriation 867. The department shall insure that all funds provided for mental health targeted case management are used to provide services solely to priority clients as specified in Administrative Code 10E-15.

1012 SPECIAL CATEGORIES
COMMUNITY MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 14,675,542
FROM MEDICAL CARE TRUST FUND 19,436,466
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 1,435,114
FROM SPECIAL GRANTS TRUST FUND 5,222

1013 SPECIAL CATEGORIES
EARLY AND PERIODIC SCREENING OF CHILDREN
FROM GENERAL REVENUE FUND 13,997,261
FROM MEDICAL CARE TRUST FUND 21,780,517
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 4,003,816
FROM SPECIAL GRANTS TRUST FUND 214,067

1014 SPECIAL CATEGORIES
FAMILY PLANNING
FROM GENERAL REVENUE FUND 615,446
FROM MEDICAL CARE TRUST FUND 8,578,290
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 336,700
FROM SPECIAL GRANTS TRUST FUND 6,233

1015 SPECIAL CATEGORIES
GRADUATE MEDICAL EDUCATION
FROM GENERAL REVENUE FUND 7,600,000
FROM MEDICAL CARE TRUST FUND 9,030,197

Funds in Specific Appropriation 1015 are for Medicaid disproportionate share payments to statutory teaching hospitals as defined in section 407.002, F.S. Funds shall be distributed to each hospital pursuant to the allocation formula in section 395.63, F.S., and expended by the respective hospitals in consultation with the affiliated college of medicine. In the event that federal matching funds are not forthcoming, the state general revenue shall be distributed on a pro rata basis of the total amount earned by the allocation formula in section 395.63, F.S.

1016 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES
FROM GENERAL REVENUE FUND 17,694,805
FROM MEDICAL CARE TRUST FUND 52,688,282
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 5,796,836
FROM SPECIAL GRANTS TRUST FUND 410,900

Of the funds in Specific Appropriation 1016, $3,000,000 from the General Revenue Fund and $3,564,551 from the Medical Care Trust Fund are contingent upon the department incorporating in the certificate of need procedures for establishing the number of nursing home beds, an allowance for or a recognition of the nursing home diversion programs funded by the state.

1017 SPECIAL CATEGORIES
HOME HEALTH SERVICES
FROM GENERAL REVENUE FUND 13,415,066
FROM MEDICAL CARE TRUST FUND 19,367,935
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 2,642,437
FROM SPECIAL GRANTS TRUST FUND 80,008

1018 SPECIAL CATEGORIES
HOSPICE SERVICES
FROM GENERAL REVENUE FUND 6,067,998
FROM MEDICAL CARE TRUST FUND 8,235,127
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 760,214

1019 SPECIAL CATEGORIES
HOSPITAL INPATIENT SERVICES
FROM GENERAL REVENUE FUND 294,803,951
FROM MEDICAL CARE TRUST FUND 664,824,862
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 252,241,913
FROM SPECIAL GRANTS TRUST FUND 4,697,087

From the funds in Specific Appropriation 1019, $12,000,000 in Public Medical Assistance Trust Fund, and $14,484,220 from the Medical Care Trust Fund are for the disproportionate share program. If the total amount earned by all hospitals under this section exceeds the amount appropriated, each hospital's share shall be reduced on a pro rata basis so that the total dollars distributed do not exceed the total amount appropriated. One fourth of the total amount shall be distributed at the end of each quarter of Fiscal Year 1991-92.
From the funds in Specific Appropriation 1019, the department shall limit the rate of increase in hospital inpatient per diems between rate periods beginning July 1, 1991 to the allowable rate of increase utilized by the Medicare inpatient hospital program. For state fiscal year 1991-92, the allowable rate of increase shall be 3.3%.

1020 SPECIAL CATEGORIES
HOSPITAL INSURANCE BENEFITS
FROM GENERAL REVENUE FUND 15,105,992
FROM MEDICAL CARE TRUST FUND 27,029,172
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 7,304,888
FROM SPECIAL GRANTS TRUST FUND 541

1021 SPECIAL CATEGORIES
HOSPITAL OUTPATIENT SERVICES
FROM GENERAL REVENUE FUND 34,282,900
FROM MEDICAL CARE TRUST FUND 119,239,664
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 64,427,253
FROM SPECIAL GRANTS TRUST FUND 651,959

1022 SPECIAL CATEGORIES
INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - COMMUNITY
FROM MEDICAL CARE TRUST FUND 100,539,413

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	FROM SPECIAL GRANTS TRUST FUND		46,805
1023	SPECIAL CATEGORIES		
	RESPIRATORY THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	1,042,003	
	FROM MEDICAL CARE TRUST FUND		1,696,143
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		362,239
	FROM SPECIAL GRANTS TRUST FUND		6,687
1024	SPECIAL CATEGORIES		
	MEDICAID FISCAL CONTRACT		
	FROM GENERAL REVENUE FUND	3,778,975	
	FROM ADMINISTRATIVE TRUST FUND		14,127,853
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		1,856,749
	FROM SPECIAL GRANTS TRUST FUND		54,298
1025	SPECIAL CATEGORIES		
	NURSE PRACTITIONER SERVICES		
	FROM GENERAL REVENUE FUND	1,036,328	
	FROM MEDICAL CARE TRUST FUND		2,833,875
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		1,304,234
	FROM SPECIAL GRANTS TRUST FUND		23,566
1026	SPECIAL CATEGORIES		
	NURSING HOME CARE		
	FROM GENERAL REVENUE FUND	426,479,746	
	FROM MEDICAL CARE TRUST FUND		515,706,461
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		1,043,939
	FROM SPECIAL GRANTS TRUST FUND		70,192

From the funds in Specific Appropriation 1026, the department shall reduce nursing home per diem reimbursement by amending the Title XIX Long Term Care Reimbursement Plan to implement changes in property and return on equity policies and to limit the per diem for new facilities or new providers resulting from change of ownerships which will result in a savings of $4,538,906 in general revenue.

From the funds in Specific Appropriation 1026, on January 1, 1992, the department is authorized to adjust nursing home rates to reflect all allowable costs, subject to cost based class ceilings, as determined utilizing cost reports ending in state fiscal year 1990-91.

1027	SPECIAL CATEGORIES		
	BIRTHING CENTER SERVICES		
	FROM GENERAL REVENUE FUND	440,932	
	FROM MEDICAL CARE TRUST FUND		1,071,108
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		447,185
1028	SPECIAL CATEGORIES		
	OTHER LAB AND X-RAY SERVICES		
	FROM GENERAL REVENUE FUND	4,359,948	
	FROM MEDICAL CARE TRUST FUND		7,176,359
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		1,579,029
	FROM SPECIAL GRANTS TRUST FUND		90,907
1029	SPECIAL CATEGORIES		
	PATIENT TRANSPORTATION		
	FROM GENERAL REVENUE FUND	12,490,453	
	FROM ADMINISTRATIVE TRUST FUND		404,543
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		2,500,000
	FROM MEDICAL CARE TRUST FUND		25,762,127
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		6,772,719
	FROM SPECIAL GRANTS TRUST FUND		18,250
1030	SPECIAL CATEGORIES		
	PERSONAL CARE SERVICES		
	FROM GENERAL REVENUE FUND	10,321,155	
	FROM MEDICAL CARE TRUST FUND		16,644,936
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		3,459,256
	FROM SPECIAL GRANTS TRUST FUND		65,580
1031	SPECIAL CATEGORIES		
	PHYSICAL REHABILITATION THERAPY		
	FROM GENERAL REVENUE FUND	7,121,724	
	FROM MEDICAL CARE TRUST FUND		11,592,529
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		2,475,773
	FROM SPECIAL GRANTS TRUST FUND		45,698
1032	SPECIAL CATEGORIES		
	PHYSICIAN SERVICES		
	FROM GENERAL REVENUE FUND	119,836,217	
	FROM MEDICAL CARE TRUST FUND		238,377,657
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		77,546,011
	FROM SPECIAL GRANTS TRUST FUND		2,044,394

Of the funds in Specific Appropriation 1032, $4,053,516 from the Public Medical Assistance Trust Fund and $3,387,318 from the Medical Care Trust Fund is provided for the increase of obstetrical fees for Medicaid providers beginning April 1, 1992.

1033	SPECIAL CATEGORIES		
	CHIROPRACTIC SERVICES		
	FROM GENERAL REVENUE FUND	139,199	
	FROM MEDICAL CARE TRUST FUND		217,937
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		39,437
	FROM SPECIAL GRANTS TRUST FUND		3,507
1034	SPECIAL CATEGORIES		
	PREPAID HEALTH PLANS/HEALTH MAINTENANCE ORGANIZATION		
	FROM GENERAL REVENUE FUND	55,024,818	
	FROM MEDICAL CARE TRUST FUND		70,692,871
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		3,534,776
	FROM SPECIAL GRANTS TRUST FUND		251,991
1035	SPECIAL CATEGORIES		
	PRESCRIBED MEDICINE/DRUGS		
	FROM GENERAL REVENUE FUND	107,517,815	
	FROM MEDICAL CARE TRUST FUND		198,471,752
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		30,556,125
	FROM SPECIAL GRANTS TRUST FUND		787,430
1036	SPECIAL CATEGORIES		
	PRIVATE DUTY NURSING SERVICES		
	FROM GENERAL REVENUE FUND	1,130,858	
	FROM MEDICAL CARE TRUST FUND		1,657,516
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		241,417
	FROM SPECIAL GRANTS TRUST FUND		6,498
1037	SPECIAL CATEGORIES		
	RURAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	2,549,352	
	FROM MEDICAL CARE TRUST FUND		4,818,523
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		1,436,665
	FROM SPECIAL GRANTS TRUST FUND		41,025
1038	SPECIAL CATEGORIES		
	SPEECH THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	418,442	
	FROM MEDICAL CARE TRUST FUND		681,129
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		145,466
	FROM SPECIAL GRANTS TRUST FUND		2,684
1039	SPECIAL CATEGORIES		
	STATE MENTAL HEALTH HOSPITAL PROGRAM		
	FROM MEDICAL CARE TRUST FUND		11,678,274
1040	SPECIAL CATEGORIES		
	MEDIPASS SERVICES		
	FROM GENERAL REVENUE FUND	1,125,114	
	FROM MEDICAL CARE TRUST FUND		1,333,614
1041	SPECIAL CATEGORIES		
	GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER DISPROPORTIONATE SHARE		
	FROM GENERAL REVENUE FUND	3,000,000	

SECTION 1 SPECIFIC APPROPRIATION			
	FROM MEDICAL CARE TRUST FUND		3,700,795
1042	SPECIAL CATEGORIES		
	SUPPLEMENTAL MEDICAL INSURANCE		
	FROM GENERAL REVENUE FUND	77,347,300	
	FROM MEDICAL CARE TRUST FUND		88,253,175
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		8,742,708
	FROM SPECIAL GRANTS TRUST FUND		1,466
1043	SPECIAL CATEGORIES		
	OCCUPATIONAL THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	623,561	
	FROM MEDICAL CARE TRUST FUND		1,015,013
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		216,773
	FROM SPECIAL GRANTS TRUST FUND		4,001
HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF			
OFFICE OF EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES			
1044	SALARIES AND BENEFITS POSITIONS	405	
	FROM ACCIDENT REPORTS TRUST FUND		318,731
	FROM GRANTS AND DONATIONS TRUST FUND . . .		88,559
	FROM LAW ENFORCEMENT TRUST FUND		78,075
	FROM MOBILE HOME AND RECREATIONAL VEHICLE PROTECTION TRUST FUND		27,041
	FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND		9,346,342
	FROM ODOMETER FRAUD PREVENTION AND DETECTION TRUST FUND		108,231
1045	OTHER PERSONAL SERVICES		
	FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND		56,900
1046	EXPENSES		
	FROM ACCIDENT REPORTS TRUST FUND		49,600
	FROM GRANTS AND DONATIONS TRUST FUND . . .		25,467
	FROM LAW ENFORCEMENT TRUST FUND		7,651
	FROM MOBILE HOME AND RECREATIONAL VEHICLE PROTECTION TRUST FUND		7,921
	FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND		1,569,869
	FROM ODOMETER FRAUD PREVENTION AND DETECTION TRUST FUND		54,000
1047	OPERATING CAPITAL OUTLAY		
	FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND		87,365
1048	NOT USED		
1049	NOT USED		
1050	SPECIAL CATEGORIES		
	PAYMENT OF DEATH AND DISMEMBERMENT CLAIMS		
	FROM HIGHWAY PATROL INSURANCE TRUST FUND .		152,000
1051	SPECIAL CATEGORIES		
	TRANSFER TO HIGHWAY PATROL INSURANCE TRUST FUND		
	FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND		40,000
1052	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM LAW ENFORCEMENT TRUST FUND		4,011
	FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND		1,436,725
FLORIDA HIGHWAY PATROL, DIVISION OF			
1053	SALARIES AND BENEFITS POSITIONS	2,202	
	FROM GENERAL REVENUE FUND	69,836,436	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		353,045
	FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND		8,810,000
	FROM REIMBURSEMENT TRUST FUND		6,275,114
	FROM ODOMETER FRAUD PREVENTION AND DETECTION TRUST FUND		658,169
1054	OTHER PERSONAL SERVICES		

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	FROM GENERAL REVENUE FUND	448,531	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,300,000
	FROM REIMBURSEMENT TRUST FUND		1,000
1055	EXPENSES		
	FROM GENERAL REVENUE FUND	6,825,016	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		64,370
	FROM REIMBURSEMENT TRUST FUND		422,044
	FROM ODOMETER FRAUD PREVENTION AND DETECTION TRUST FUND		69,059
1056	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	541,331	
	FROM REIMBURSEMENT TRUST FUND		45,008
1057	NOT USED		
1058	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	4,096,187	
	FROM REIMBURSEMENT TRUST FUND		391,520
	FROM ODOMETER FRAUD PREVENTION AND DETECTION TRUST FUND		39,690
1059	SPECIAL CATEGORIES		
	OPERATION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	5,775,824	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		111,341
	FROM REIMBURSEMENT TRUST FUND		653,082
	FROM ODOMETER FRAUD PREVENTION AND DETECTION TRUST FUND		46,178
1060	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	1,178,047	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,780
	FROM REIMBURSEMENT TRUST FUND		96,171
	FROM ODOMETER FRAUD PREVENTION AND DETECTION TRUST FUND		4,158

From funds and positions provided in Specific Appropriations 1053 through 1060, 10 positions and $420,773 from the Grants and Donations Trust Fund, are contingent upon the receipt of federal funds for the "Driving Under the Influence Program".

1061	DATA PROCESSING SERVICES		
	KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	903,500	
	FROM REIMBURSEMENT TRUST FUND		95,788

From funds in Specific Appropriation 1053 through 1061, the Department of Highway Safety and Motor Vehicles shall develop a new Florida Highway Patrol Trooper Allocation Formula, and submit the plan to the Legislature, Governor and Cabinet no later than November 1, 1991.

DRIVER LICENSES, DIVISION OF			
1062	SALARIES AND BENEFITS POSITIONS	1,657	
	FROM GENERAL REVENUE FUND	4,356,940	
	FROM ACCIDENT REPORTS TRUST FUND		28,639,946
	FROM MOTOR VEHICLE INSPECTION TRUST FUND .		5,014,994
1063	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	654,516	
	FROM ACCIDENT REPORTS TRUST FUND		352,230
	FROM GRANTS AND DONATIONS TRUST FUND . . .		25,000
1064	EXPENSES		
	FROM GENERAL REVENUE FUND	1,491,876	
	FROM ACCIDENT REPORTS TRUST FUND		3,995,255
	FROM MOTOR VEHICLE INSPECTION TRUST FUND .		3,000,000
1065	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	165,823	
	FROM ACCIDENT REPORTS TRUST FUND		820,495

From funds and positions in Specific Appropriations 1062 through 1065, 10 positions and $359,863 from the Accident Reports Trust Fund are contingent on CS/CS/CS/HB 1767 or similar legislation becoming law

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which requires the department to oversee driver improvement schools.

1066 NOT USED

1067 SPECIAL CATEGORIES
PURCHASE OF DRIVER LICENSES
FROM GENERAL REVENUE FUND 1,901,612
FROM ACCIDENT REPORTS TRUST FUND 278,317

1068 DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
FROM GENERAL REVENUE FUND 7,305,911
FROM ACCIDENT REPORTS TRUST FUND 221,834
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 1,200,000

MOTOR VEHICLES, DIVISION OF

1069 SALARIES AND BENEFITS POSITIONS 595
FROM GAS TAX COLLECTION TRUST FUND 1,244,834
FROM MOBILE HOME AND RECREATIONAL VEHICLE PROTECTION TRUST FUND 20,401
FROM MOTOR VEHICLE INSPECTION TRUST FUND . 1,622,039
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 8,460,607
FROM ODOMETER FRAUD PREVENTION AND DETECTION TRUST FUND 2,801,562

1070 OTHER PERSONAL SERVICES
FROM MOTOR VEHICLE INSPECTION TRUST FUND . 376,266
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 38,914

1071 EXPENSES
FROM GAS TAX COLLECTION TRUST FUND 318,487
FROM MOBILE HOME AND RECREATIONAL VEHICLE PROTECTION TRUST FUND 2,097
FROM MOTOR VEHICLE INSPECTION TRUST FUND . 524,458
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 3,389,701
FROM ODOMETER FRAUD PREVENTION AND DETECTION TRUST FUND 314,304

1072 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO SCHOOLS - MOBILE HOME DECAL REVENUE
FROM LICENSE TAX COLLECTION TRUST FUND . . 10,500,000

1073 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO COUNTIES - MOBILE HOME DECAL REVENUE
FROM LICENSE TAX COLLECTION TRUST FUND . . 7,632,000

1074 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO CITIES - MOBILE HOME DECAL REVENUE
FROM LICENSE TAX COLLECTION TRUST FUND . . 3,368,000

1075 OPERATING CAPITAL OUTLAY
FROM MOTOR VEHICLE INSPECTION TRUST FUND . 98,148
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 162,268

1076 NOT USED

1076A SPECIAL CATEGORIES
AUTOMATED REGISTRATION SYSTEM
FROM FLORIDA REAL TIME VEHICLE INFORMATION SYSTEM TRUST FUND 750,000

1077 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASE OF LICENSE PLATES
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 8,036,749

1077A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF ENVIRONMENTAL REGULATION EMISSIONS PROGRAM
FROM MOTOR VEHICLE INSPECTION TRUST FUND . 950,000

1077B DATA PROCESSING SERVICES
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 200,006

1078 DATA PROCESSING SERVICES
KIRKMAN DATA CENTER - DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
FROM FLORIDA REAL TIME VEHICLE INFORMATION SYSTEM TRUST FUND 5,498,547
FROM GAS TAX COLLECTION TRUST FUND 140,422
FROM MOTOR VEHICLE INSPECTION TRUST FUND . 693,708
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 2,731,555

KIRKMAN DATA CENTER

1079 SALARIES AND BENEFITS POSITIONS 251
FROM WORKING CAPITAL TRUST FUND 7,279,608

1080 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 10,000

1081 EXPENSES
FROM WORKING CAPITAL TRUST FUND 5,913,155

1082 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 3,293,495

1082A SPECIAL CATEGORIES
AUTOMATED REGISTRATION SYSTEM
FROM WORKING CAPITAL TRUST FUND 750,000

1082B SPECIAL CATEGORIES
CONTRACTUAL DATA ENTRY SERVICES
FROM WORKING CAPITAL TRUST FUND 62,608

1083 SPECIAL CATEGORIES
TAX COLLECTOR NETWORK - COUNTY SYSTEMS
FROM WORKING CAPITAL TRUST FUND 3,497,100

INSURANCE, DEPARTMENT OF, AND TREASURER

OFFICE OF THE TREASURER AND DIVISION OF ADMINISTRATION

1084 SALARIES AND BENEFITS POSITIONS 146
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,065,404

1085 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 224,621

1086 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,705,318

1087 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 24,602

1088 NOT USED

1088A SPECIAL CATEGORIES
TRANSFER TO THE WORKING CAPITAL FUND
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,237,722

1089 NOT USED

1090 SPECIAL CATEGORIES
FLORIDA HEALTHY KIDS CORPORATION
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,200,000

1091 DATA PROCESSING SERVICES
TREASURER'S MANAGEMENT INFORMATION CENTER - DEPARTMENT OF INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,438,316

DIVISION OF BENEFITS

1091A SALARIES AND BENEFITS POSITIONS 22
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 494,373
FROM PREPAID POSTSECONDARY EDUCATION

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	EXPENSE TRUST FUND		283,535
1091B	OTHER PERSONAL SERVICES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		7,550
	FROM PREPAID POSTSECONDARY EDUCATION EXPENSE TRUST FUND		616,000
1091C	EXPENSES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		102,283
	FROM PREPAID POSTSECONDARY EDUCATION EXPENSE TRUST FUND		151,366
1091D	AID TO LOCAL GOVERNMENTS TWO PERCENT PREMIUM TAX TO CITIES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		48,000,000
1091E	OPERATING CAPITAL OUTLAY		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		368
	FROM PREPAID POSTSECONDARY EDUCATION EXPENSE TRUST FUND		6,078
1091F	DATA PROCESSING SERVICES TREASURER'S MANAGEMENT INFORMATION CENTER - DEPARTMENT OF INSURANCE		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		101,619
	FROM PREPAID POSTSECONDARY EDUCATION EXPENSE TRUST FUND		56,761
TREASURY, DIVISION OF			
1092	SALARIES AND BENEFITS POSITIONS	62	
	FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND		1,974,977
1093	EXPENSES		
	FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND		539,400
1094	OPERATING CAPITAL OUTLAY		
	FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND		10,926
1095	DATA PROCESSING SERVICES TREASURER'S MANAGEMENT INFORMATION CENTER - DEPARTMENT OF INSURANCE		
	FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND		767,297
AGENTS AND AGENCIES SERVICES, DIVISION OF			
1096	SALARIES AND BENEFITS POSITIONS	121	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		3,334,829
1097	OTHER PERSONAL SERVICES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		2,153,000
1098	EXPENSES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		1,262,191
1099	AID TO LOCAL GOVERNMENTS INSURANCE LICENSE TAX TO COUNTIES		
	FROM AGENTS AND SOLICITORS COUNTY LICENSE TAX TRUST FUND		3,000,000
1100	OPERATING CAPITAL OUTLAY		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		37,014
1100A	SPECIAL CATEGORIES FINGERPRINTING OF APPLICANTS		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		1,749,000
1101	DATA PROCESSING SERVICES TREASURER'S MANAGEMENT INFORMATION CENTER - DEPARTMENT OF INSURANCE		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		664,283
INSURER SERVICES, DIVISION OF			
1102	SALARIES AND BENEFITS POSITIONS	284	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		10,430,404
1103	OTHER PERSONAL SERVICES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		275,000
1104	EXPENSES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		3,224,142
1105	OPERATING CAPITAL OUTLAY		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		10,193
1106	DATA PROCESSING SERVICES TREASURER'S MANAGEMENT INFORMATION CENTER - DEPARTMENT OF INSURANCE		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		2,011,727
REHABILITATION AND LIQUIDATION, DIVISION OF			
1107	SALARIES AND BENEFITS POSITIONS	19	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		826,080
1108	OTHER PERSONAL SERVICES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		300,000
1109	EXPENSES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		477,120
1110	NOT USED		
1111	DATA PROCESSING SERVICES TREASURER'S MANAGEMENT INFORMATION CENTER - DEPARTMENT OF INSURANCE		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		122,852
INSURANCE CONSUMER SERVICES, DIVISION OF			
1112	SALARIES AND BENEFITS POSITIONS	143	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		4,080,489
1113	OTHER PERSONAL SERVICES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		175,000
1114	EXPENSES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		1,769,752
1115	OPERATING CAPITAL OUTLAY		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		27,088
1116	DATA PROCESSING SERVICES TREASURER'S MANAGEMENT INFORMATION CENTER - DEPARTMENT OF INSURANCE		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		578,042
STATE FIRE MARSHAL, DIVISION OF			
1117	SALARIES AND BENEFITS POSITIONS	196	
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		6,844,326
1118	OTHER PERSONAL SERVICES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		102,000
1119	EXPENSES		
	FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND		2,493,950

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1120 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 490,500

1121 NOT USED

1122 SPECIAL CATEGORIES
ON-CALL FEES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 121,509

1123 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 56,670

1124 DATA PROCESSING SERVICES
TREASURER'S MANAGEMENT INFORMATION CENTER - DEPARTMENT OF INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,394,228

RISK MANAGEMENT, DIVISION OF

1125 SALARIES AND BENEFITS POSITIONS 92
FROM CASUALTY INSURANCE TRUST FUND 2,544,081
FROM FIRE INSURANCE TRUST FUND 169,022

1126 EXPENSES
FROM CASUALTY INSURANCE TRUST FUND 743,178
FROM FIRE INSURANCE TRUST FUND 20,137

1127 OPERATING CAPITAL OUTLAY
FROM CASUALTY INSURANCE TRUST FUND 70,296

1128 SPECIAL CATEGORIES
EXCESS INSURANCE AND CLAIM SERVICE
FROM CASUALTY INSURANCE TRUST FUND 3,010,044
FROM FIRE INSURANCE TRUST FUND 1,600,000

1129 DATA PROCESSING SERVICES
TREASURER'S MANAGEMENT INFORMATION CENTER - DEPARTMENT OF INSURANCE
FROM CASUALTY INSURANCE TRUST FUND 118,894
FROM FIRE INSURANCE TRUST FUND 75,729

INSURANCE FRAUD, DIVISION OF

1130 SALARIES AND BENEFITS POSITIONS 67
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 2,338,524

1131 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 632,786

1132 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 43,765

1133 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 42,000

1134 DATA PROCESSING SERVICES
TREASURER'S MANAGEMENT INFORMATION CENTER - DEPARTMENT OF INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 185,566

LIQUEFIED PETROLEUM GAS, DIVISION OF

1135 SALARIES AND BENEFITS POSITIONS 25
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 800,379

1136 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 3,915

1137 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 424,576

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1138 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 14,240

1139 DATA PROCESSING SERVICES
TREASURER'S MANAGEMENT INFORMATION CENTER - DEPARTMENT OF INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 193,691

TREASURER'S MANAGEMENT INFORMATION CENTER

1140 SALARIES AND BENEFITS POSITIONS 73
FROM WORKING CAPITAL TRUST FUND 2,539,394

1141 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 200,000

1142 EXPENSES
FROM WORKING CAPITAL TRUST FUND 2,804,651

1143 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 2,354,950

LEGAL SERVICES, DIVISION OF

1144 SALARIES AND BENEFITS POSITIONS 41
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,653,023

1145 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 105,000

1146 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 458,682

1147 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 10,815

1148 DATA PROCESSING SERVICES
TREASURER'S MANAGEMENT INFORMATION CENTER - DEPARTMENT OF INSURANCE
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 312,307

JUDICIAL BRANCH

SUPREME COURT

Pursuant to sections 119.07 and 119.085, Florida Statutes, the Supreme Court is authorized to establish an appellate opinion distribution trust fund, for the purpose of developing and maintaining systems for the automated distribution of appellate opinions.

1149 SALARIES AND BENEFITS POSITIONS 161
FROM GENERAL REVENUE FUND 6,503,761
FROM COURT EDUCATION TRUST FUND 302,992
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND 249,409
FROM MEDIATION AND ARBITRATION TRUST FUND 108,258
FROM COURT REPORTER CERTIFICATION TRUST FUND 137,513

1150 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 227,850
FROM COURT EDUCATION TRUST FUND 132,000
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND 35,000
FROM MEDIATION AND ARBITRATION TRUST FUND 60,000
FROM COURT REPORTER CERTIFICATION TRUST FUND 50,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 13,720

1151 EXPENSES
FROM GENERAL REVENUE FUND 1,241,304
FROM COURT EDUCATION TRUST FUND 1,087,390
FROM DRIVING UNDER THE INFLUENCE (DUI)

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	SCHOOL COORDINATION TRUST FUND	82,230
	FROM MEDIATION AND ARBITRATION TRUST FUND	91,340
	FROM COURT REPORTER CERTIFICATION TRUST FUND	48,030
	FROM APPELLATE OPINION DISTRIBUTION TRUST FUND	12,563
	FROM GRANTS AND DONATIONS TRUST FUND . . .	10,000

No general revenue funds in Specific Appropriation 1151 shall be used for out-of-state judicial education programs.
From the funds in Specific Appropriations 1150 and 1151 up to $5,000 and $130,000, respectively, from the Court Education Trust Fund, may be used to fund a spring conference for the Florida Conference of Circuit Judges, as approved by the Chief Justice. The conference shall include educational components concerning the findings and recommendations of the Racial and Ethnic Bias Study Commission and the Gender Bias Study Commission.

1152	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	34,199	
	FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND		8,580
	FROM MEDIATION AND ARBITRATION TRUST FUND		20,000
	FROM COURT REPORTER CERTIFICATION TRUST FUND		10,000
	FROM APPELLATE OPINION DISTRIBUTION TRUST FUND		17,216
1153	SPECIAL CATEGORIES		
	DISCRETIONARY FUNDS OF THE CHIEF JUSTICE		
	FROM GENERAL REVENUE FUND	5,000	

Funds in Specific Appropriation 1153 may be expended at the discretion of the Chief Justice in carrying out the official duties of the court. These funds shall be disbursed by the Comptroller upon receipt of vouchers authorized by the Chief Justice. The Chief Justice shall submit a report to the Legislature by September 1 of each year which states the specific expenses paid with these funds in the prior year.

1154	SPECIAL CATEGORIES	
	SUPREME COURT LAW LIBRARY	
	FROM GENERAL REVENUE FUND	247,749
1155	SPECIAL CATEGORIES	
	COMPUTER SUBSCRIPTION SERVICES	
	FROM GENERAL REVENUE FUND	115,000
1156	DATA PROCESSING SERVICES	
	JUSTICE DATA CENTER	
	FROM GENERAL REVENUE FUND	342,670

From the General Revenue funds in Specific Appropriation 1156, $342,670 is provided for the Court's share of continuation and enhancement of the Justice Data Center and may only be released by journal transfer to the Working Capital Trust Fund of the Justice Data Center. Any funds not expended through journal transfer shall revert at the close of fiscal year 1991-92.

ADMINISTERED FUNDS - JUDICIAL

In the event of a General Revenue Fund shortfall, as provided in Chapter 216, Florida Statutes, funds in Specific Appropriation 1161 shall not be reserved in excess of the amount obtained by multiplying the overall percentage reduction factor required times the amount in Specific Appropriation 1161 unless all other General Revenue Funds in Specific Appropriations 1149 through 1180 have been exhausted.

1157 NOT USED

1158	SPECIAL CATEGORIES	
	COMPENSATION TO RETIRED JUDGES	
	FROM GENERAL REVENUE FUND	974,400

The funds in Specific Appropriation 1158 are calculated at a rate of $200 per judge day. The Chief Justice shall report quarterly to the chairmen of the appropriations committees any exercise of his discretion pursuant to HB 433 or similar legislation compensating retired judges in the courts at a rate higher than $200 per day. The report shall include the rate paid per judge per day, the number of days purchased, and a calcuation of any corresponding reduction in the ability to purchase judge days.

1159	SPECIAL CATEGORIES	
	COMPENSATION AND EXPENSES OF COURT REPORTERS	
	FROM GENERAL REVENUE FUND	1,236,635
1160	SPECIAL CATEGORIES	
	JUDICIAL NOMINATING COMMISSION - EXPENSES	
	FROM GENERAL REVENUE FUND	13,690
1161	SPECIAL CATEGORIES	
	GRANTS AND AIDS - PAYMENT TO JURORS AND WITNESSES	
	FROM GENERAL REVENUE FUND	8,090,245

Funds in Specific Appropriation 1161 shall be used solely for the payment of jurors and witnesses.

1162	SPECIAL CATEGORIES	
	MEALS AND LODGING FOR JURORS	
	FROM GENERAL REVENUE FUND	265,825
1163	SPECIAL CATEGORIES	
	FLORIDA CASES SOUTHERN 2ND REPORTER	
	FROM GENERAL REVENUE FUND	454,304
1164	SPECIAL CATEGORIES	
	STATEWIDE GRAND JURY - EXPENSES	
	FROM GENERAL REVENUE FUND	158,772

JUSTICE DATA CENTER

1165	SALARIES AND BENEFITS	POSITIONS 27	
	FROM WORKING CAPITAL TRUST FUND		992,603
1166	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		2,662,896
1167	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		1,282,708

DISTRICT COURTS OF APPEAL

1168	SALARIES AND BENEFITS	POSITIONS 370	
	FROM GENERAL REVENUE FUND	20,544,807	
1169	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	277,222	
1170	EXPENSES		
	FROM GENERAL REVENUE FUND	1,505,385	
1171	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	117,655	
1172	SPECIAL CATEGORIES		
	DISTRICT COURT OF APPEAL LAW LIBRARY		
	FROM GENERAL REVENUE FUND	448,762	

CIRCUIT COURTS

1173	SALARIES AND BENEFITS	POSITIONS 1,249	
	FROM GENERAL REVENUE FUND	77,348,888	
1174	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	286,860	
1175	EXPENSES		
	FROM GENERAL REVENUE FUND	747,838	

No funds in Specific Appropriation 1175 shall be used for out-of-state judicial education programs. Funds in Specific Appropriation 1175 may be used to

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fund a spring conference for the Florida Conference of Circuit Judges, as approved by the Chief Justice. The Conference shall include educational components concerning the findings and recommendations of the Racial and Ethnic Bias Study Commission and the Gender Bias Study Commission.

1176 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC GUARDIANSHIP
FROM GENERAL REVENUE FUND 102,252

1177 SPECIAL CATEGORIES
CIRCUIT COURT LAW LIBRARY
FROM GENERAL REVENUE FUND 10,000

COUNTY COURTS

1178 SALARIES AND BENEFITS POSITIONS 482
FROM GENERAL REVENUE FUND 33,547,932

1179 EXPENSES
FROM GENERAL REVENUE FUND 120,063

No funds in Specific Appropriation 1179 shall be used for out-of-state judicial education programs.

1180 SPECIAL CATEGORIES
ADDITIONAL COMPENSATION FOR COUNTY JUDGES
FROM GENERAL REVENUE FUND 264,722

Funds are provided in Specific Appropriation 1180 for county judges assigned to active judiciary service in any of the courts created by Article V of the State Constitution. Such funds shall be paid as additional compensation for such service, and shall be computed based on the salary then currently paid to a judge of the court to which the assignment is made, and shall be computed on the basis of an eight hour day, or major fraction thereof.

JUSTICE ADMINISTRATIVE COMMISSION

1181 SALARIES AND BENEFITS POSITIONS 32
FROM GENERAL REVENUE FUND 878,648
FROM GRANTS AND DONATIONS TRUST FUND . . . 10,439

1182 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 13,886

1183 EXPENSES
FROM GENERAL REVENUE FUND 138,242
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,085

1184 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,859
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,548

1185 NOT USED

1186 SPECIAL CATEGORIES
CONTRACT WITH DEPARTMENT OF ADMINISTRATION FOR COPES
FROM GENERAL REVENUE FUND 90,125

1187 SPECIAL CATEGORIES
STATE ATTORNEYS ON EXECUTIVE ASSIGNMENT
FROM GENERAL REVENUE FUND 134,620

1188 SPECIAL CATEGORIES
STATE ATTORNEY AND PUBLIC DEFENDER TRAINING
FROM GRANTS AND DONATIONS TRUST FUND . . . 75,000

From the funds provided in Specific Appropriations 1181 through 1188, the Justice Administrative Commission shall provide, no later than December 31, 1991, to the Executive Office of the Governor, a report detailing by each circuit whether an affirmative action plan exists for each State Attorney and Public Defender and the degree of compliance with such plans.

JUDICIAL QUALIFICATIONS COMMISSION

1189 SALARIES AND BENEFITS POSITIONS 2

SECTION 1
SPECIFIC
APPROPRIATION

FROM GENERAL REVENUE FUND 80,975

1190 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 60,052

1191 EXPENSES
FROM GENERAL REVENUE FUND 51,608

1192 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 558

1193 LUMP SUM
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 58,300

Funds in Specific Appropriation 1193 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorney fees, court reporting fees, investigators fees, and similar charges associated with the adjudicatory process.

OFFICE OF CAPITAL COLLATERAL REPRESENTATIVE

1194 SALARIES AND BENEFITS POSITIONS 34
FROM GENERAL REVENUE FUND 1,349,978
FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND 20,093

1195 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 101,084
FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND 20,000

1196 EXPENSES
FROM GENERAL REVENUE FUND 491,762
FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND 25,000

1197 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,890
FROM CAPITAL COLLATERAL REPRESENTATIVE TRUST FUND 6,000

STATE ATTORNEYS

From the funds in Specific Appropriations 1198 through 1330 for the State Attorneys, no expenditures shall be made for the purchase of computers and computer related equipment unless such purchase is addressed in the IRC approved agency strategic plan or unless such purchase is recommended by the Information Resource Commission. No expenditures shall be made which would create a future year increased state obligation for funds unless such purchase has been specifically authorized by the Legislature in the General Appropriations Act.
The Prosecution Coordination Office budgetary, training and education needs may be shared by each state attorney's office within the funds provided in Specific Appropriations 1198 through 1330. The total funding for this office shall not exceed $200,000.

FIRST JUDICIAL CIRCUIT

1198 SALARIES AND BENEFITS POSITIONS 149
FROM GENERAL REVENUE FUND 5,530,305
FROM GRANTS AND DONATIONS TRUST FUND . . . 10,861

1199 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 16,750

1200 EXPENSES
FROM GENERAL REVENUE FUND 422,134
FROM GRANTS AND DONATIONS TRUST FUND . . . 55,000

1201 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 36,501
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,000

1202 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 33,000

SECTION 1 SPECIFIC APPROPRIATION			
1203	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	9,998	
1204	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	53,893	
SECOND JUDICIAL CIRCUIT			
1205	SALARIES AND BENEFITS POSITIONS	90	
	FROM GENERAL REVENUE FUND	3,387,773	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		151,044
1206	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	18,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		24,000
1207	EXPENSES		
	FROM GENERAL REVENUE FUND	269,795	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		25,765
1208	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	16,463	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000
1209	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	33,000	
1210	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	8,195	
1211	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	19,788	
THIRD JUDICIAL CIRCUIT			
1212	SALARIES AND BENEFITS POSITIONS	48	
	FROM GENERAL REVENUE FUND	1,973,870	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		55,691
1213	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	6,106	
1214	EXPENSES		
	FROM GENERAL REVENUE FUND	213,658	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,730
1215	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	13,368	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		23,850
1216	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	11,000	
1217	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,110	
1218	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	11,813	
FOURTH JUDICIAL CIRCUIT			
1219	SALARIES AND BENEFITS POSITIONS	267	
	FROM GENERAL REVENUE FUND	9,799,055	
1220	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	143,725	
	FROM CONSUMER FRAUDS TRUST FUND		30,000
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		30,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		166,730
1221	EXPENSES		
	FROM GENERAL REVENUE FUND	252,659	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		432,973
1222	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	40,839	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		19,345
1223	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	33,000	
1224	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	11,547	
1225	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	43,929	
FIFTH JUDICIAL CIRCUIT			
1226	SALARIES AND BENEFITS POSITIONS	144	
	FROM GENERAL REVENUE FUND	5,278,683	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		83,413
1227	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	10,500	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,200
1228	EXPENSES		
	FROM GENERAL REVENUE FUND	331,216	
	FROM CIVIL RICO TRUST FUND		3,307
	FROM GRANTS AND DONATIONS TRUST FUND . . .		74,454
1229	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	23,174	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		47,424
	FROM GRANTS AND DONATIONS TRUST FUND . . .		18,000
1229A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	33,000	
1230	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	15,938	
1231	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	31,857	
SIXTH JUDICIAL CIRCUIT			
1232	SALARIES AND BENEFITS POSITIONS	339	
	FROM GENERAL REVENUE FUND	12,312,956	
1233	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	44,110	
1234	EXPENSES		
	FROM GENERAL REVENUE FUND	468,106	
1235	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	7,823	
	FROM CONSUMER FRAUDS TRUST FUND		2,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		51,360
1236	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	11,000	
1237	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	23,009	
1238	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	40,561	
SEVENTH JUDICIAL CIRCUIT			
1239	SALARIES AND BENEFITS POSITIONS	172	
	FROM GENERAL REVENUE FUND	5,497,076	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		785,683
1240	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	23,976	

SECTION 1 SPECIFIC APPROPRIATION			
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,000
1241	EXPENSES		
	FROM GENERAL REVENUE FUND	356,680	
	FROM CIVIL RICO TRUST FUND		35,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		118,778
1242	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	15,705	
	FROM CIVIL RICO TRUST FUND		10,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		19,400
1243	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,171	
1244	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	12,295	
EIGHTH JUDICIAL CIRCUIT			
1245	SALARIES AND BENEFITS POSITIONS	100	
	FROM GENERAL REVENUE FUND	3,628,249	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		75,031
1246	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	8,443	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		11,482
1247	EXPENSES		
	FROM GENERAL REVENUE FUND	183,781	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,999
1248	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	34,716	
1249	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	13,676	
1250	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	25,565	
NINTH JUDICIAL CIRCUIT			
1251	SALARIES AND BENEFITS POSITIONS	229	
	FROM GENERAL REVENUE FUND	8,086,222	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		344,444
1252	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	24,671	
1253	EXPENSES		
	FROM GENERAL REVENUE FUND	263,932	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		38,929
1254	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	37,150	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		19,380
	FROM GRANTS AND DONATIONS TRUST FUND . . .		11,580
1255	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	22,000	
1256	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	22,772	
1257	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	41,544	
TENTH JUDICIAL CIRCUIT			
1258	SALARIES AND BENEFITS POSITIONS	146	
	FROM GENERAL REVENUE FUND	5,303,740	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		49,013
1259	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	16,753	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		26,520

SECTION 1 SPECIFIC APPROPRIATION			
1260	EXPENSES		
	FROM GENERAL REVENUE FUND	274,054	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		22,292
1261	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	14,747	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		41,649
1262	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	44,000	
1263	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	14,545	
1264	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	6,413	
ELEVENTH JUDICIAL CIRCUIT			
1265	SALARIES AND BENEFITS POSITIONS	894	
	FROM GENERAL REVENUE FUND	22,812,181	
	FROM CHILD SUPPORT TRUST FUND		7,330,714
	FROM GRANTS AND DONATIONS TRUST FUND . . .		520,631
1266	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	145,220	
	FROM CHILD SUPPORT TRUST FUND		151,176
	FROM GRANTS AND DONATIONS TRUST FUND . . .		13,500
1267	EXPENSES		
	FROM GENERAL REVENUE FUND	836,884	
	FROM CHILD SUPPORT TRUST FUND		1,985,041
	FROM CONSUMER FRAUDS TRUST FUND		11,220
	FROM GRANTS AND DONATIONS TRUST FUND . . .		88,205
1268	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	66,099	
1269	NOT USED		
1270	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	22,500	
1271	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	54,725	
	FROM CHILD SUPPORT TRUST FUND		3,250
TWELFTH JUDICIAL CIRCUIT			
1272	SALARIES AND BENEFITS POSITIONS	147	
	FROM GENERAL REVENUE FUND	5,227,062	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		86,248
1273	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	11,000	
1274	EXPENSES		
	FROM GENERAL REVENUE FUND	284,211	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,589
1275	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	29,280	
1276	NOT USED		
1277	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	9,580	
1278	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	35,534	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,500
THIRTEENTH JUDICIAL CIRCUIT			
1279	SALARIES AND BENEFITS POSITIONS	253	
	FROM GENERAL REVENUE FUND	9,366,137	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		32,448

SECTION 1 SPECIFIC APPROPRIATION			
1280	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	89,000	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		275,069
1281	EXPENSES		
	FROM GENERAL REVENUE FUND	403,082	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		219,331
1282	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	88,963	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		267,031
1283	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,913	
1284	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	29,604	
FOURTEENTH JUDICIAL CIRCUIT			
1285	SALARIES AND BENEFITS POSITIONS	72	
	FROM GENERAL REVENUE FUND	2,780,565	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		64,526
1286	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	14,642	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		22,000
1287	EXPENSES		
	FROM GENERAL REVENUE FUND	243,656	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		8,000
1288	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	26,347	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,000
1289	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	11,000	
1290	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	7,794	
1291	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	13,606	
FIFTEENTH JUDICIAL CIRCUIT			
1292	SALARIES AND BENEFITS POSITIONS	248	
	FROM GENERAL REVENUE FUND	8,680,870	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		279,783
1293	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	54,086	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		45,048
1294	EXPENSES		
	FROM GENERAL REVENUE FUND	612,959	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		75,515
1295	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	28,088	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,600
1296	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	22,000	
1297	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	10,702	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,000
1298	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	35,923	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,500

SECTION 1 SPECIFIC APPROPRIATION			
SIXTEENTH JUDICIAL CIRCUIT			
1299	SALARIES AND BENEFITS POSITIONS	52	
	FROM GENERAL REVENUE FUND	1,894,358	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		79,789
1300	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		56,840
1301	EXPENSES		
	FROM GENERAL REVENUE FUND	157,004	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		17,752
1302	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	7,685	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		55,000
1303	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	7,129	
1304	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	1,085	
SEVENTEENTH JUDICIAL CIRCUIT			
1305	SALARIES AND BENEFITS POSITIONS	347	
	FROM GENERAL REVENUE FUND	13,162,279	
1306	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	53,500	
1307	EXPENSES		
	FROM GENERAL REVENUE FUND	657,473	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,000
1308	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	294,825	
1309	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	20,292	
1310	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	50,019	
EIGHTEENTH JUDICIAL CIRCUIT			
1311	SALARIES AND BENEFITS POSITIONS	187	
	FROM GENERAL REVENUE FUND	6,649,572	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		154,210
1312	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	19,000	
1313	EXPENSES		
	FROM GENERAL REVENUE FUND	494,440	
	FROM CIVIL RICO TRUST FUND		600
	FROM GRANTS AND DONATIONS TRUST FUND . . .		700
1314	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	32,637	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,000
1315	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	33,000	
1316	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	11,707	
1317	SPECIAL CATEGORIES STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	40,294	
NINETEENTH JUDICIAL CIRCUIT			
1318	SALARIES AND BENEFITS POSITIONS	111	
	FROM GENERAL REVENUE FUND	3,636,186	

SECTION 1 SPECIFIC APPROPRIATION			
	FROM GRANTS AND DONATIONS TRUST FUND . . .		280,279
1319	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	19,000	
	FROM CONSUMER FRAUDS TRUST FUND		5,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,000
1320	EXPENSES		
	FROM GENERAL REVENUE FUND	264,992	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		59,651
1321	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	16,119	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		17,351
1322	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	7,874	
1323	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	16,507	
TWENTIETH JUDICIAL CIRCUIT			
1324	SALARIES AND BENEFITS POSITIONS	185	
	FROM GENERAL REVENUE FUND	6,227,469	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		431,783
1325	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	13,800	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,000
1326	EXPENSES		
	FROM GENERAL REVENUE FUND	335,424	
	FROM CIVIL RICO TRUST FUND		10,227
	FROM GRANTS AND DONATIONS TRUST FUND . . .		135,286
1327	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	35,191	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		2,474
	FROM GRANTS AND DONATIONS TRUST FUND . . .		8,191
1328	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	11,000	
1329	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	21,288	
1330	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	31,082	
PUBLIC DEFENDERS			
	The Public Defenders Coordination Office budgetary needs may be shared by each public defender's office within the funds provided in Specific Appropriations 1331 through 1432. The total funding for this office shall not exceed $245,000. From funds in Specific Appropriations 1331 through 1432 for the Public Defenders, no expenditures shall be made for the purchase of computers and computer related equipment unless such purchase is addressed in the IRC approved agency strategic plan, or unless such purchase is recommended by the Information Resource Commission. No expenditures shall be made which would create a future year increased state obligation for funds unless such purchase has been specifically authorized by the Legislature in the General Appropriations Act.		
FIRST JUDICIAL CIRCUIT			
1331	SALARIES AND BENEFITS POSITIONS	89	
	FROM GENERAL REVENUE FUND	3,374,529	
1332	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	17,934	
1333	EXPENSES		
	FROM GENERAL REVENUE FUND	203,525	
1334	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	15,274	
1335	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	27,039	
SECOND JUDICIAL CIRCUIT			
1336	SALARIES AND BENEFITS POSITIONS	91	
	FROM GENERAL REVENUE FUND	3,511,216	
1337	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	26,934	
1338	EXPENSES		
	FROM GENERAL REVENUE FUND	210,724	
1339	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	63,963	
1340	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	21,590	
THIRD JUDICIAL CIRCUIT			
1341	SALARIES AND BENEFITS POSITIONS	22	
	FROM GENERAL REVENUE FUND	995,838	
1342	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	8,467	
1343	EXPENSES		
	FROM GENERAL REVENUE FUND	129,242	
1344	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	2,701	
1345	NOT USED		
1346	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	9,368	
FOURTH JUDICIAL CIRCUIT			
1347	SALARIES AND BENEFITS POSITIONS	128	
	FROM GENERAL REVENUE FUND	4,842,530	
1348	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	21,956	
1349	EXPENSES		
	FROM GENERAL REVENUE FUND	191,057	
1350	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	20,887	
1351	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	23,353	
FIFTH JUDICIAL CIRCUIT			
1352	SALARIES AND BENEFITS POSITIONS	59	
	FROM GENERAL REVENUE FUND	2,235,733	
1353	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	11,467	
1354	EXPENSES		
	FROM GENERAL REVENUE FUND	131,918	
1355	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	7,541	
1356	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	14,997	
SIXTH JUDICIAL CIRCUIT			
1357	SALARIES AND BENEFITS POSITIONS	171	

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	FROM GENERAL REVENUE FUND		6,441,575
1358	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		80,000
1359	EXPENSES		
	FROM GENERAL REVENUE FUND		397,809
1360	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		37,350
1361	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		41,257
	SEVENTH JUDICIAL CIRCUIT		
1362	SALARIES AND BENEFITS	POSITIONS	116
	FROM GENERAL REVENUE FUND		4,434,891
1363	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		7,434
1364	EXPENSES		
	FROM GENERAL REVENUE FUND		257,481
1365	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		16,866
1366	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		31,362
	EIGHTH JUDICIAL CIRCUIT		
1367	SALARIES AND BENEFITS	POSITIONS	60
	FROM GENERAL REVENUE FUND		2,267,210
1368	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		12,664
1369	EXPENSES		
	FROM GENERAL REVENUE FUND		113,685
1370	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		3,555
1371	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		14,540
	NINTH JUDICIAL CIRCUIT		
1372	SALARIES AND BENEFITS	POSITIONS	93
	FROM GENERAL REVENUE FUND		3,519,148
1373	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		18,434
1374	EXPENSES		
	FROM GENERAL REVENUE FUND		197,271
1375	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		15,889
1376	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND		11,000
1377	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		25,577
	TENTH JUDICIAL CIRCUIT		
1378	SALARIES AND BENEFITS	POSITIONS	119
	FROM GENERAL REVENUE FUND		4,526,654
1379	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		204,834
1380	EXPENSES		
	FROM GENERAL REVENUE FUND		217,540
1381	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		20,850

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1382	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		17,481
	ELEVENTH JUDICIAL CIRCUIT		
1383	SALARIES AND BENEFITS	POSITIONS	286
	FROM GENERAL REVENUE FUND		11,820,161
1384	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		133,912
1385	EXPENSES		
	FROM GENERAL REVENUE FUND		585,773
1386	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		33,840
1387	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		98,910
	TWELFTH JUDICIAL CIRCUIT		
1388	SALARIES AND BENEFITS	POSITIONS	75
	FROM GENERAL REVENUE FUND		2,862,910
1389	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		37,467
1390	EXPENSES		
	FROM GENERAL REVENUE FUND		244,051
1391	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		19,794
1392	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		34,375
	THIRTEENTH JUDICIAL CIRCUIT		
1393	SALARIES AND BENEFITS	POSITIONS	161
	FROM GENERAL REVENUE FUND		6,013,913
1394	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		46,194
1395	EXPENSES		
	FROM GENERAL REVENUE FUND		561,797
1396	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		77,154
1397	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		23,430
	FOURTEENTH JUDICIAL CIRCUIT		
1398	SALARIES AND BENEFITS	POSITIONS	33
	FROM GENERAL REVENUE FUND		1,589,310
1399	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		6,978
1400	EXPENSES		
	FROM GENERAL REVENUE FUND		132,991
1401	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		6,021
1402	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		9,300
	FIFTEENTH JUDICIAL CIRCUIT		
1403	SALARIES AND BENEFITS	POSITIONS	178
	FROM GENERAL REVENUE FUND		6,770,020
1404	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		253,834
1405	EXPENSES		

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	FROM GENERAL REVENUE FUND		329,688
1406	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		47,910
1407	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		42,739
	SIXTEENTH JUDICIAL CIRCUIT		
1408	SALARIES AND BENEFITS	POSITIONS	32
	FROM GENERAL REVENUE FUND		1,213,252
1409	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		12,500
1410	EXPENSES		
	FROM GENERAL REVENUE FUND		73,748
1411	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		4,934
1412	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		15,586
	SEVENTEENTH JUDICIAL CIRCUIT		
1413	SALARIES AND BENEFITS	POSITIONS	161
	FROM GENERAL REVENUE FUND		6,310,950
1414	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		73,819
1415	EXPENSES		
	FROM GENERAL REVENUE FUND		419,317
1416	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		14,708
1417	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		35,176
	EIGHTEENTH JUDICIAL CIRCUIT		
1418	SALARIES AND BENEFITS	POSITIONS	66
	FROM GENERAL REVENUE FUND		2,484,127
1419	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		12,652
1420	EXPENSES		
	FROM GENERAL REVENUE FUND		159,518
1421	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		6,925
1422	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		10,782
	NINETEENTH JUDICIAL CIRCUIT		
1423	SALARIES AND BENEFITS	POSITIONS	50
	FROM GENERAL REVENUE FUND		1,885,795
1424	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		7,503
1425	EXPENSES		
	FROM GENERAL REVENUE FUND		144,846
1426	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		7,256
1427	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		18,198
	TWENTIETH JUDICIAL CIRCUIT		
1428	SALARIES AND BENEFITS	POSITIONS	54
	FROM GENERAL REVENUE FUND		2,031,211
1429	OTHER PERSONAL SERVICES		

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	FROM GENERAL REVENUE FUND		3,230
1430	EXPENSES		
	FROM GENERAL REVENUE FUND		130,835
1431	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		6,350
1432	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND		14,041
	LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF		
	OFFICES OF THE SECRETARY AND ADMINISTRATIVE SERVICES		
1433	SALARIES AND BENEFITS	POSITIONS	324
	FROM GENERAL REVENUE FUND		318,120
	FROM ADMINISTRATIVE TRUST FUND		7,614,945
	FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND		637,056
	FROM REVOLVING TRUST FUND		440,078
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		687,757
1434	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		47,837
	FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND		10,500
	FROM REVOLVING TRUST FUND		218,714
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		4,500
1435	EXPENSES		
	FROM GENERAL REVENUE FUND		18,220
	FROM ADMINISTRATIVE TRUST FUND		1,966,290
	FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND		267,347
	FROM REVOLVING TRUST FUND		1,966,799
	FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND		39,711
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		194,162
1436	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		216,127
	FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND		9,688
	FROM REVOLVING TRUST FUND		474,218
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		17,500

From funds in Specific Appropriations 1433 through 1436, from the Labor, Employment and Training Trust Fund, the State Job Training Coordinating Council shall develop a comprehensive job training plan to be submitted to the Legislature by January 1, 1992. The plan shall include provisions for emphasis on long term training with placement criteria of 90 days or more prior to payment.

1437	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM ADMINISTRATIVE TRUST FUND		30,000
1438	SPECIAL CATEGORIES		
	REIMBURSEMENT OF EMPLOYERS		
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		63,551,440
1439	DATA PROCESSING SERVICES		
	CALDWELL DATA CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
	FROM ADMINISTRATIVE TRUST FUND		300,241
	PUBLIC EMPLOYEES RELATIONS COMMISSION		
1440	SALARIES AND BENEFITS	POSITIONS	41
	FROM GENERAL REVENUE FUND		1,608,565
1441	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		101,000
	FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND		5,000

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1442	EXPENSES		
	FROM GENERAL REVENUE FUND	322,619	
	FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND		49,895
1443	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	8,736	
	OFFICE OF THE JUDGES OF COMPENSATION CLAIMS		
1444	SALARIES AND BENEFITS POSITIONS	111	
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		5,494,718
1445	OTHER PERSONAL SERVICES		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		393,362
1446	EXPENSES		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		1,316,867
1447	OPERATING CAPITAL OUTLAY		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		16,804
	WORKERS' COMPENSATION, DIVISION OF		
1448	SALARIES AND BENEFITS POSITIONS	542	
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		14,939,853
1449	OTHER PERSONAL SERVICES		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		2,765,301
1450	EXPENSES		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		4,047,695
1451	OPERATING CAPITAL OUTLAY		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		289,724
1452	NOT USED		
1453	FINANCIAL ASSISTANCE PAYMENTS		
	PAYMENTS TO CLAIMANTS		
	FROM SELF INSURANCE ASSESSMENT TRUST FUND		75,000
1454	FINANCIAL ASSISTANCE PAYMENTS		
	SUPPLEMENTAL WORKERS' COMPENSATION BENEFITS		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		17,611,200
1455	DATA PROCESSING SERVICES		
	CALDWELL DATA CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		2,153,352
	DIVISION OF SAFETY		
1456	SALARIES AND BENEFITS POSITIONS	132	
	FROM GENERAL REVENUE FUND	564,707	
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		4,407,738
1457	OTHER PERSONAL SERVICES		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		51,200
1458	EXPENSES		
	FROM GENERAL REVENUE FUND	11,855	
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		1,007,552
1459	OPERATING CAPITAL OUTLAY		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		241,921
1460	DATA PROCESSING SERVICES		
	CALDWELL DATA CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		29,979
	LABOR, EMPLOYMENT AND TRAINING, DIVISION OF		
1461	SALARIES AND BENEFITS POSITIONS	1,516	
	FROM GENERAL REVENUE FUND	1,081,565	
	FROM CREW CHIEF REGISTRATION TRUST FUND		339,527
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		39,724,534
1462	OTHER PERSONAL SERVICES		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		2,017,316
1463	EXPENSES		
	FROM GENERAL REVENUE FUND	330,077	
	FROM CREW CHIEF REGISTRATION TRUST FUND		67,357
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		8,914,564
1464	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - GOVERNMENTAL UNITS		
	SPECIAL EMPLOYMENT PLACEMENT SERVICES		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		583,297
1465	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - JOB TRAINING PARTNERSHIP ACT SUMMER YOUTH - TEMPORARY EMPLOYMENT		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		33,579,170
1466	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	18,067	
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		1,427,113
1467	NOT USED		
1468	NOT USED		
1469	SPECIAL CATEGORIES		
	GRANTS AND AIDS - JOB TRAINING PARTNERSHIP ACT SERVICE DELIVERY AREA ALLOTMENTS		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		123,732,375
	From funds in Specific Appropriation 1469, up to $500,000 may be utilized to match available state dropout prevention funds to establish Jobs for America's Graduates programs.		
1470	SPECIAL CATEGORIES		
	CONTRACT PAYMENTS		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		2,779,943
1470A	SPECIAL CATEGORIES		
	REIMBURSEMENT TO FEDERAL GOVERNMENT		
	FROM GENERAL REVENUE FUND	800,000	
1471	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PRIVATE ORGANIZATIONS		
	SPECIAL EMPLOYMENT PLACEMENT SERVICES		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		3,305,347
1471A	DATA PROCESSING SERVICES		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		10,000
1472	DATA PROCESSING SERVICES		
	CALDWELL DATA CENTER - DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY		
	FROM GENERAL REVENUE FUND	1,584	
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		3,837,331
1473	DATA PROCESSING SERVICES		
	REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM		
	FROM EMPLOYMENT SECURITY ADMINISTRATION		

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TRUST FUND 75,000

UNEMPLOYMENT COMPENSATION, DIVISION OF

1474 SALARIES AND BENEFITS POSITIONS 1,272
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 33,816,364

1475 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 3,336,039

1476 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 7,026,450

1477 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 709,286

1478 NOT USED

1479 FINANCIAL ASSISTANCE PAYMENTS
UNEMPLOYMENT COMPENSATION BENEFITS
FROM UNEMPLOYMENT COMPENSATION BENEFIT
TRUST FUND 660,102,622

1480 DATA PROCESSING SERVICES
CALDWELL DATA CENTER - DEPARTMENT OF LABOR
AND EMPLOYMENT SECURITY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 7,274,273

CALDWELL DATA CENTER

1481 SALARIES AND BENEFITS POSITIONS 173
FROM WORKING CAPITAL TRUST FUND 5,361,499

1482 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 510,430

1483 EXPENSES
FROM WORKING CAPITAL TRUST FUND 3,056,419

1484 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 5,743,079

VOCATIONAL REHABILITATION, DIVISION OF

1485 SALARIES AND BENEFITS POSITIONS 1,055
FROM GENERAL REVENUE FUND 5,860,616
FROM FEDERAL REHABILITATION TRUST FUND . . 21,136,293
FROM POSTAL WORKERS' REHABILITATION
TRUST FUND 609,112
FROM IMPAIRED DRIVERS AND SPEEDERS TRUST
FUND 1,213,152

1486 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 26,644
FROM FEDERAL REHABILITATION TRUST FUND . . 110,657

1487 EXPENSES
FROM GENERAL REVENUE FUND 1,113,066
FROM FEDERAL REHABILITATION TRUST FUND . . 4,813,726
FROM POSTAL WORKERS' REHABILITATION
TRUST FUND 141,444
FROM IMPAIRED DRIVERS AND SPEEDERS TRUST
FUND 434,410

1488 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 30,269
FROM FEDERAL REHABILITATION TRUST FUND . . 1,412,652
FROM IMPAIRED DRIVERS AND SPEEDERS TRUST
FUND 26,000

1488A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF EDUCATION -
SPINAL CORD RESEARCH
FROM IMPAIRED DRIVERS AND SPEEDERS TRUST
FUND 500,000

1489 SPECIAL CATEGORIES
COMMUNITY FACILITIES GRANTS
FROM WORKSHOP AND FACILITIES TRUST FUND . 675,881

1490 NOT USED

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1491 SPECIAL CATEGORIES
INDEPENDENT LIVING SERVICES
FROM GENERAL REVENUE FUND 965,632
FROM FEDERAL REHABILITATION TRUST FUND . . 919,704

From funds in Specific Appropriation 1491, $50,000 from the General Revenue Fund shall be allocated to each of the new centers for independent living requested in the department's legislative budget request. The remaining general revenue funds shall be allocated using the following criteria: the number of clients provided direct services, number of hours of community services provided, the severely disabled population, and prior year general revenue funding.
In addition, the department shall conduct a comprehensive study of the Center for Independent Living Program. The study shall include but not be limited to a review of department policy, analysis of historical state and federal funding allocations, methods used for allocating funds, and the feasibility of providing funding for personal care attendants. In the review, the department shall analyze the number of clients served; disabled population; other similar services available in each particular community; ability to obtain funds from other sources in the community; and make recommendations for future funding that would allocate general revenue funds based on established criteria. The results of the study shall be furnished to the Legislative Appropriations Committees no later than February 1, 1992.

1492 SPECIAL CATEGORIES
PATIENT SERVICES
FROM POSTAL WORKERS' REHABILITATION
TRUST FUND 990,000

1493 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 8,899,253
FROM FEDERAL REHABILITATION TRUST FUND . . 41,217,465
FROM IMPAIRED DRIVERS AND SPEEDERS TRUST
FUND 13,341,204

1494 DATA PROCESSING SERVICES
CALDWELL DATA CENTER - DEPARTMENT OF LABOR
AND EMPLOYMENT SECURITY
FROM GENERAL REVENUE FUND 145,474
FROM FEDERAL REHABILITATION TRUST FUND . . 886,142

Funds in Specific Appropriations 1485 through 1494 from the General Revenue Fund that are for matching federal funds are contingent upon the receipt of those federal funds. State funds provided for matching federal funds shall be placed in reserve by the Executive Office of the Governor if the federal funds are not received.

UNEMPLOYMENT APPEALS COMMISSION

1495 SALARIES AND BENEFITS POSITIONS 31
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,218,129

1496 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 26,000

1497 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 204,359

1498 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 16,362

LAW ENFORCEMENT, DEPARTMENT OF

STAFF SERVICES, DIVISION OF

1499 SALARIES AND BENEFITS POSITIONS 142
FROM GENERAL REVENUE FUND 5,421,318

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	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		246,121
	FROM GRANTS AND DONATIONS TRUST FUND . . .		43,712
	FROM OPERATING TRUST FUND		125,078
1500	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	45,630	
	FROM FLORIDA LAW ENFORCEMENT ACADEMY TRUST FUND		10,560
1501	EXPENSES		
	FROM GENERAL REVENUE FUND	1,195,308	
	FROM FLORIDA LAW ENFORCEMENT ACADEMY TRUST FUND		48,000
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		20,687
	FROM GRANTS AND DONATIONS TRUST FUND . . .		17,168
	FROM OPERATING TRUST FUND		34,149
	FROM REVOLVING TRUST FUND		1,000,000
1502	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	37,843	
	FROM FLORIDA LAW ENFORCEMENT ACADEMY TRUST FUND		48,090
1503	NOT USED		
1503A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	33,600	
1504	NOT USED		
1505	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	54,447	
1506	DATA PROCESSING SERVICES LAW ENFORCEMENT DATA CENTER		
	FROM GENERAL REVENUE FUND	31,112	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,000
CRIMINAL INVESTIGATIONS, DIVISION OF			
1507	SALARIES AND BENEFITS POSITIONS	542	
	FROM GENERAL REVENUE FUND	22,759,877	
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		538,525
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		956,317
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,343,492
1508	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	40,587	
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		78,750
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		100,000
1509	EXPENSES		
	FROM GENERAL REVENUE FUND	5,019,584	
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		141,075
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		1,247,698
	FROM GRANTS AND DONATIONS TRUST FUND . . .		571,565
	From the funds provided in Specific Appropriation 1509 from the Forfeiture and Investigative Support Trust Fund, up to $25,000 may be expended for rewards leading to the capture of fugitives, if such funds are available.		
1510	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	117,223	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		993,509
1511	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	277,983	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		500,000
1512	SPECIAL CATEGORIES		

SECTION 1 SPECIFIC APPROPRIATION			
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	428,201	
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		6,240
	FROM GRANTS AND DONATIONS TRUST FUND . . .		45,500
1513	DATA PROCESSING SERVICES LAW ENFORCEMENT DATA CENTER		
	FROM GENERAL REVENUE FUND	660,040	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		1,550,648
CRIMINAL JUSTICE STANDARDS AND TRAINING, DIVISION OF			
1514	SALARIES AND BENEFITS POSITIONS	84	
	FROM ADMINISTRATIVE TRUST FUND		2,146,005
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		440,065
1515	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		153,179
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		220,600
	FROM CRIMINAL JUSTICE TRAINING IMPROVEMENT TRUST FUND		234,000
1516	EXPENSES		
	FROM ADMINISTRATIVE TRUST FUND		478,954
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		536,784
	FROM CRIMINAL JUSTICE TRAINING IMPROVEMENT TRUST FUND		16,000
1517	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		47,157
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		122,924
1518	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM ADMINISTRATIVE TRUST FUND		10,990
1519	SPECIAL CATEGORIES GRANTS AND AIDS - SPECIAL EDUCATION AND TECHNICAL TRAINING		
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		4,721,885
1520	DATA PROCESSING SERVICES LAW ENFORCEMENT DATA CENTER		
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		80,865
CRIMINAL JUSTICE INFORMATION SYSTEMS, DIVISION OF			
	Funds in Specific Appropriations 1521 through 1526 from the Operating Trust Fund are derived from fees for criminal history checks. Such fees charged to the Department of Health and Rehabilitative Services' vendors shall not exceed $5.		
1521	SALARIES AND BENEFITS POSITIONS	253	
	FROM GENERAL REVENUE FUND	2,747,896	
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		122,470
	FROM OPERATING TRUST FUND		3,613,338
1521A	OTHER PERSONAL SERVICES		
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		296,245
	FROM GRANTS AND DONATIONS TRUST FUND . . .		73,764
1522	EXPENSES		
	FROM GENERAL REVENUE FUND	489,680	
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		44,479
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		50,000
	FROM OPERATING TRUST FUND		1,101,637
1523	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	13,225	
	FROM FORFEITURE AND INVESTIGATIVE		

SECTION 1
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	SUPPORT TRUST FUND	78,755
	FROM OPERATING TRUST FUND	1,161,552

From the funds provided in Specific Appropriations 1521A, 1522, and 1523, $296,245, $50,000 and $78,755, respectively, from the Forfeiture and Investigative Support Trust Fund is provided to purchase microcomputers, software and technical support for local law enforcement agencies that currently submit non-automated Uniform Crime Reporting data to the Florida Department of Law Enforcement to convert to automated submission.

1524	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	11,200	
1525	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	2,100	
1526	DATA PROCESSING SERVICES		
	LAW ENFORCEMENT DATA CENTER		
	FROM GENERAL REVENUE FUND	5,446,770	
	FROM OPERATING TRUST FUND		2,437,108

LAW ENFORCEMENT DATA CENTER

1527	SALARIES AND BENEFITS POSITIONS	89	
	FROM WORKING CAPITAL TRUST FUND		2,808,717
1528	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		5,086,754
1529	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		2,729,206

LOCAL LAW ENFORCEMENT ASSISTANCE, DIVISION OF

1530	SALARIES AND BENEFITS POSITIONS	267	
	FROM GENERAL REVENUE FUND	10,342,547	
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		1,922
	FROM GRANTS AND DONATIONS TRUST FUND		136,642
1531	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	128,100	
	FROM FLORIDA LAW ENFORCEMENT ACADEMY TRUST FUND		277,224
1532	EXPENSES		
	FROM GENERAL REVENUE FUND	2,098,861	
	FROM FLORIDA LAW ENFORCEMENT ACADEMY TRUST FUND		153,375
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		387,184
	FROM GRANTS AND DONATIONS TRUST FUND		17,719
	FROM OPERATING TRUST FUND		16,643
1533	AID TO LOCAL GOVERNMENTS		
	LOCAL LABORATORY SERVICES		
	FROM OPERATING TRUST FUND		2,379,702
1534	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	221,952	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		959,036
	FROM GRANTS AND DONATIONS TRUST FUND		161,355
1535	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	68,130	
1536	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	13,029	

1537 NOT USED

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

State agencies requesting approval for the use of private legal services pursuant to s. 287.059, Florida Statutes, shall contract with the Department of Legal Affairs for such legal services at a cost to be mutually agreed upon. The Attorney General may decide on a case-by-case basis to accept or decline such litigation as staffing and expertise permit.
The Department of Legal Affairs shall submit a report to the legislative appropriations committees itemizing attorney hours and expenditures for all state agency representation for the previous fiscal year, by September 1 of each year.

OFFICE OF ATTORNEY GENERAL

1538	SALARIES AND BENEFITS POSITIONS	592	
	FROM GENERAL REVENUE FUND	14,793,480	
	FROM ADMINISTRATIVE TRUST FUND		286,752
	FROM CRIMES COMPENSATION TRUST FUND		2,133,785
	FROM GRANTS AND DONATIONS TRUST FUND		92,585
	FROM LEGAL SERVICES TRUST FUND		4,119,099
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND		1,274,022
	FROM MOTOR VEHICLE WARRANTY TRUST FUND		748,543
1539	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	66,132	
	FROM ADMINISTRATIVE TRUST FUND		35,360
	FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		95,000
	FROM GRANTS AND DONATIONS TRUST FUND		62,400
	FROM LEGAL SERVICES TRUST FUND		170,340
	FROM MOTOR VEHICLE WARRANTY TRUST FUND		278,000
1540	EXPENSES		
	FROM GENERAL REVENUE FUND	2,651,233	
	FROM ADMINISTRATIVE TRUST FUND		167,357
	FROM CRIMES COMPENSATION TRUST FUND		377,239
	FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		110,102
	FROM GRANTS AND DONATIONS TRUST FUND		40,798
	FROM LEGAL SERVICES TRUST FUND		981,333
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND		9,141
	FROM MOTOR VEHICLE WARRANTY TRUST FUND		749,192

From the funds in Specific Appropriations 1538 and 1540, $170,000 and $30,000 respectively, is provided for the Department of Legal Affairs to report on the status of public and private legal representation on behalf of state agencies and multi-county special districts from July 1, 1989 to June 30, 1991. No later than January 1, 1992, the Department of Legal Affairs shall submit the report to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The report shall address:
1) The use of private legal representation by state agencies and multi-county special districts.
2) A review of all contracts and invoices for private legal services in excess of $10,000 by state agencies and multi-county special districts.
3) An inventory and assessment of the availability, type and location of legal services currently provided by state agencies and multi-county special districts.
All state agencies and governmental entities are directed to cooperate with the Department of Legal Affairs in the preparation and compilation of data for this report.

1541	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	119,153	
	FROM ADMINISTRATIVE TRUST FUND		221,581
	FROM CRIMES COMPENSATION TRUST FUND		7,892

Funds provided in Specific Appropriations 1538, 1540 and 1541, 69 positions and $2,133,785, $377,239, and $7,892 respectively, from the Crimes Compensation Trust Fund are contingent upon passage of SB 920 or similar legislation.
From the funds provided in Specific Appropriations 1538, 1539, 1540 and 1541, $146,290, $3,000 $34,500 and $16,210, respectively, from the General Revenue Fund are for establishment of a civil rights division contingent upon passage of HB 1453, SB 1074 or similar legislation.

1541A LUMP SUM
LITIGATION EXPENSES

SECTION 1
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POSITIONS 2
FROM GENERAL REVENUE FUND 100,000

1542 NOT USED

1543 SPECIAL CATEGORIES
ATTORNEY GENERAL'S LAW LIBRARY
FROM GENERAL REVENUE FUND 160,553

1544 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE TO CITIZEN CRIME PREVENTION ORGANIZATIONS
FROM GENERAL REVENUE FUND 67,639

From funds in Specific Appropriation 1544, the department shall contract for a financial audit by an independent CPA and a performance audit. The audit results shall be reported to the Executive Office of the Governor and chairmen of the legislative appropriations committees.

1545 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE FOR CRIME PREVENTION IN THE BLACK COMMUNITY
FROM GENERAL REVENUE FUND 178,794

From the funds in Specific Appropriation 1545, the department shall contract for a financial audit by an independent CPA and a performance audit. The audit results shall be reported to the Executive Office of the Governor and the chairmen of the legislative appropriations committees.

1546 SPECIAL CATEGORIES
ANTITRUST INVESTIGATIONS
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 1,467,229

1547 SPECIAL CATEGORIES
CONSUMER FRAUD INVESTIGATIONS
FROM CONSUMER FRAUDS TRUST FUND 275,000
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 251,586

1548 SPECIAL CATEGORIES
AWARDS TO CLAIMANTS
FROM CRIMES COMPENSATION TRUST FUND . . . 7,765,632

From funds provided in Specific Appropriation 1548, $7,765,632 from the Crimes Compensation Trust Fund is contingent upon passage of SB 920 or similar legislation.

1549 NOT USED

1550 SPECIAL CATEGORIES
RICO INVESTIGATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 25,000
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 689,132

1551 SPECIAL CATEGORIES
GRANTS AND AIDS - VICTIM ASSISTANCE SERVICES
FROM CRIMES COMPENSATION TRUST FUND . . . 1,855,000

From funds provided in Specific Appropriation 1551, $1,855,000 from the Crimes Compensation Trust Fund is contingent upon passage of SB 920 or similar legislation.

OFFICE OF STATEWIDE PROSECUTION

1552 SALARIES AND BENEFITS POSITIONS 32
FROM GENERAL REVENUE FUND 1,455,970
FROM GRANTS AND DONATIONS TRUST FUND . . . 278,778

1553 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,280

1554 EXPENSES
FROM GENERAL REVENUE FUND 251,899
FROM GRANTS AND DONATIONS TRUST FUND . . . 55,458

1555 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,126

LEGISLATIVE BRANCH

SECTION 1
SPECIFIC
APPROPRIATION

The amount of $40,000 per day is hereby appropriated from the General Revenue Fund to supplement the amounts provided in Specific Appropriations 1556 and 1557 for each day of any special, extended, or extra session of the Legislature, pursuant to the provisions of Chapter 11, Florida Statutes.
From the amount provided in Specific Appropriations 1556 and 1557 $1,500 shall be paid to each member of the Florida Legislature each month during fiscal year 1991-92 as the intradistrict expense allowance and, in addition to the funds contained in any other proviso, $250 shall be paid to the President of the Florida Senate and the Speaker of the House of Representatives each month during fiscal year 1991-92 as an additional supplemental intradistrict expense allowance. This expense allowance and additional supplemental was approved by the Joint Legislative Management Committee on January 7, 1991, pursuant to s. 11.13(4), Florida Statutes.
No funds are provided in Specific Appropriation 1556 and 1557 for pay adjustments to legislators' salaries.

SENATE

1556 LUMP SUM
SENATE
FROM GENERAL REVENUE FUND 28,730,543

From the amount provided in Specific Appropriation 1556, $250 shall be paid each month during Fiscal Year 1991-92 as a supplemental intradistrict expense allowance to each member of the Florida Senate who, in addition to two full time district staff employees, has a third district staff employee on 16 or more calendar days in any such month. This supplement was approved by the Joint Legislative Management Committee on January 7, 1991, pursuant to s. 11.13(4), Florida Statutes.

HOUSE OF REPRESENTATIVES

1557 LUMP SUM
HOUSE
FROM GENERAL REVENUE FUND 45,515,937

Funds in Specific Appropriation 1557 include a reduction of $318,358 to the House of Representative's budget in accordance with the general guidelines on productivity enhancements.

JOINT MANAGEMENT

1558 LUMP SUM
JLMC
FROM GENERAL REVENUE FUND 20,960,524

The sum of $145,430 from the General Revenue Fund in Specific Appropriation 1558 is provided for the Legislative Lobbyist Registration Office. To the extent trust funds are received to finance the operations of this office, the General Revenue funds shall be reduced.

ADMINISTRATIVE PROCEDURES COMMITTEE

1559 LUMP SUM
ADMINISTRATIVE PROCEDURES
FROM GENERAL REVENUE FUND 1,047,952

LEGISLATIVE INFORMATION TECHNOLOGY RESOURCE COMMITTEE

1560 LUMP SUM
IRC
FROM GENERAL REVENUE FUND 441,518

ENVIRONMENTAL EDUCATION, ADVISORY COUNCIL ON

1561 LUMP SUM
ENVIRONMENTAL EDUCATION
FROM SAVE OUR STATE ENVIRONMENTAL EDUCATION TRUST FUND 355,000

SECTION 1
SPECIFIC
APPROPRIATION

WORKERS' COMPENSATION OVERSIGHT BOARD

1562 NOT USED

COMMISSION ON JUVENILE JUSTICE

1563 LUMP SUM
JUVENILE JUSTICE REFORM - BOBBY M ASSESSMENT AND CONTINUUM IMPLEMENTATION, PHASE-IN
FROM GENERAL REVENUE FUND 269,560

INTERGOVERNMENTAL RELATIONS, ADVISORY COUNCIL ON

1564 LUMP SUM
ACIR
FROM GENERAL REVENUE FUND 623,411

OFFICE OF PUBLIC COUNSEL

1565 LUMP SUM
PUBLIC COUNSEL
FROM GENERAL REVENUE FUND 2,535,243

ETHICS, COMMISSION ON

1566 LUMP SUM
LOBBY REGISTRATION
FROM EXECUTIVE BRANCH LOBBY REGISTRATION TRUST FUND 108,691

1567 LUMP SUM
ETHICS COMMISSION
FROM GENERAL REVENUE FUND 1,115,173

AUDITOR GENERAL

1568 LUMP SUM
AUDITOR GENERAL
FROM GENERAL REVENUE FUND 34,707,678
FROM FEDERAL REIMBURSEMENT TRUST FUND . . 5,653,986

AUDITING COMMITTEE

1569 LUMP SUM
AUDITING COMMITTEE
FROM GENERAL REVENUE FUND 248,631

LOTTERY, DEPARTMENT OF THE

1570 SALARIES AND BENEFITS POSITIONS 776
FROM ADMINISTRATIVE TRUST FUND 24,527,665

1571 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,433,324

1572 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 14,760,762

1573 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 4,501,724

1574 NOT USED

1574A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF GENERAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 3,000,000

1575 SPECIAL CATEGORIES
INSTANT TICKET PURCHASE
FROM ADMINISTRATIVE TRUST FUND 8,498,851

1576 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM ADMINISTRATIVE TRUST FUND 31,792,961

1577 SPECIAL CATEGORIES
ONLINE GAMES CONTRACT
FROM ADMINISTRATIVE TRUST FUND 49,505,700

1578 SPECIAL CATEGORIES
SUBSCRIPTION SALES
FROM ADMINISTRATIVE TRUST FUND 400,000

1579 SPECIAL CATEGORIES
RETAILER INCENTIVES
FROM ADMINISTRATIVE TRUST FUND 1,743,633

1580 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 22,380

1581 DATA PROCESSING SERVICES
ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 25,000

MILITARY AFFAIRS, DEPARTMENT OF

GENERAL ACTIVITIES

1582 SALARIES AND BENEFITS POSITIONS 157
FROM GENERAL REVENUE FUND 3,374,669
FROM ARMORY BOARD TRUST FUND 1,289,678

1582A OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,992

1583 EXPENSES
FROM GENERAL REVENUE FUND 3,466,281
FROM ARMORY BOARD TRUST FUND 161,331

1584 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 66,000

1585 NOT USED

1585A SPECIAL CATEGORIES
NATIONAL GUARD EMERGENCIES
FROM GENERAL REVENUE FUND 75,000

Funds in Specific Appropriation 1585A shall be held in reserve and released only for state active duty planning in the event of an emergency involving national guard personnel or equipment.

CAMP BLANDING MANAGEMENT

1586 SALARIES AND BENEFITS POSITIONS 112
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 2,622,931

1587 OTHER PERSONAL SERVICES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 121,427

1588 EXPENSES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 872,881

1589 OPERATING CAPITAL OUTLAY
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 248,137

1589A DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 40,480

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

1590 EXPENSES
FROM GENERAL REVENUE FUND 46,600

Prior to February 1, 1992, a report shall be submitted to the Governor, President of the Senate and Speaker of the House of Representatives detailing the expenditure of funds in Specific Appropriation 1590. The report shall also identify the specific bills filed and those which passed as a result of the expenditure of these funds for each of the 1985-91 Sessions and those bills proposed or filed for the 1992 Session.

NATURAL RESOURCES, DEPARTMENT OF

OFFICE OF EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1591 SALARIES AND BENEFITS POSITIONS 184
FROM GENERAL REVENUE FUND 859,231
FROM ADMINISTRATIVE TRUST FUND 5,211,344
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 77,007

SECTION 1 SPECIFIC APPROPRIATION			
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		176,143
1592	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	998,332	
	FROM ADMINISTRATIVE TRUST FUND		254,080
	FROM YOUTH CONSERVATION CORPS TRUST FUND		425,000
1593	EXPENSES		
	FROM GENERAL REVENUE FUND	198,982	
	FROM ADMINISTRATIVE TRUST FUND		1,195,369
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		28,594
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		119,392
1594	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	38,655	
	FROM ADMINISTRATIVE TRUST FUND		86,598
1595	NOT USED		
1596	NOT USED		
1597	NOT USED		
1598	SPECIAL CATEGORIES GULF STATES MARINE FISHERIES		
	FROM GENERAL REVENUE FUND	22,500	
1599	SPECIAL CATEGORIES TRANSFER TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR ENVIRONMENTAL EDUCATION STAFF		
	FROM SAVE OUR STATE ENVIRONMENTAL EDUCATION TRUST FUND		125,000
1600	SPECIAL CATEGORIES TRANSFER TO ADVISORY COUNCIL ON ENVIRONMENTAL EDUCATION FOR ENVIRONMENTAL EDUCATION STAFF		
	FROM SAVE OUR STATE ENVIRONMENTAL EDUCATION TRUST FUND		355,000
1601	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF EDUCATION FOR ENVIRONMENTAL EDUCATION STAFF AND REGIONAL SERVICE PROJECTS		
	FROM SAVE OUR STATE ENVIRONMENTAL EDUCATION TRUST FUND		663,844
1601A	SPECIAL CATEGORIES GRANTS AND AIDS - ENVIRONMENTAL EDUCATION GRANTS		
	FROM SAVE OUR STATE ENVIRONMENTAL EDUCATION TRUST FUND		1,500,000
1602	SPECIAL CATEGORIES NATURAL AREAS INVENTORY		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		562,873
STATE LANDS, DIVISION OF			
1603	SALARIES AND BENEFITS POSITIONS	189	
	FROM GENERAL REVENUE FUND	13,820	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		715,034
	FROM FORFEITED PROPERTY TRUST FUND		130,768
	FROM INTERNAL IMPROVEMENT TRUST FUND		5,603,512
1604	OTHER PERSONAL SERVICES		
	FROM FORFEITED PROPERTY TRUST FUND		91,030
	FROM INTERNAL IMPROVEMENT TRUST FUND		1,122,573
1605	EXPENSES		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		182,345
	FROM FORFEITED PROPERTY TRUST FUND		350,155
	FROM INTERNAL IMPROVEMENT TRUST FUND		1,720,982
1606	NOT USED		
1607	OPERATING CAPITAL OUTLAY		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		2,672

SECTION 1 SPECIFIC APPROPRIATION			
	FROM INTERNAL IMPROVEMENT TRUST FUND		261,749
1608	SPECIAL CATEGORIES NATIONAL OCEAN SURVEY		
	FROM INTERNAL IMPROVEMENT TRUST FUND		56,000
1609	SPECIAL CATEGORIES RICO ACT- DISTRIBUTION OF PROCEEDS FROM PROPERTY SALES		
	FROM FORFEITED PROPERTY TRUST FUND		757,586
1610	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM INTERNAL IMPROVEMENT TRUST FUND		676
1611	SPECIAL CATEGORIES TOPOGRAPHIC MAPPING		
	FROM INTERNAL IMPROVEMENT TRUST FUND		400,000
1612	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ARCHIVES, HISTORY AND RECORDS MANAGEMENT FOR HISTORIC RESOURCES INVENTORY		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		86,613
1613	SPECIAL CATEGORIES TRANSFER/ARCHIVES, HISTORY AND RECORDS MANAGEMENT/SAN LUIS FORT AND MISSION		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		217,947
1614	SPECIAL CATEGORIES TRANSFER - DIVISION OF FORESTRY INCIDENTAL TRUST FUND		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		141,771
1615	SPECIAL CATEGORIES TRANSFER TO GAME AND FRESH WATER FISH COMMISSION FOR MANAGEMENT OF CARL LANDS		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		1,846,114
1616	SPECIAL CATEGORIES WATER MANAGEMENT DISTRICT PROPERTY TAXES		
	FROM INTERNAL IMPROVEMENT TRUST FUND		50,000
1617	DATA PROCESSING SERVICES NATURAL RESOURCES MANAGEMENT INFORMATION CENTER		
	FROM INTERNAL IMPROVEMENT TRUST FUND		648,397
MARINE RESOURCES, DIVISION OF			
1618	SALARIES AND BENEFITS POSITIONS	309	
	FROM GENERAL REVENUE FUND	4,726,668	
	FROM COASTAL PROTECTION TRUST FUND		54,322
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,276,365
	FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		3,183,460
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		707,466
	FROM SAVE THE MANATEE TRUST FUND		887,644
1619	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	242,328	
	FROM COASTAL PROTECTION TRUST FUND		331,670
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		2,487,460
	FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		1,143,430
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		98,456
	FROM SAVE THE MANATEE TRUST FUND		604,728
1620	EXPENSES		
	FROM GENERAL REVENUE FUND	1,372,306	
	FROM COASTAL PROTECTION TRUST FUND		318,808
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		2,869,882
	FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		1,328,225

SECTION 1 SPECIFIC APPROPRIATION			
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		247,441
	FROM SAVE THE MANATEE TRUST FUND		383,930
1621	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	276,876	
	FROM COASTAL PROTECTION TRUST FUND		51,434
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		794,103
	FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		451,062
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		151,423
	FROM SAVE THE MANATEE TRUST FUND		310,614
1621A	LUMP SUM IMPLEMENTATION OF NATURAL RESOURCE RESTORATION/ MITIGATION PLAN FROM MAVRO VETRANIC SETTLEMENT FUNDS FROM FLORIDA AREA OF CRITICAL STATE CONCERN RESTORATION TRUST FUND		1,120,000
	Funds provided in Specific Appropriation 1621A shall be disbursed in accordance with a plan approved by the Governor and Cabinet consistent with the provisions of Section 380.0558, Florida Statutes, and subject to legislative consultation pursuant to Section 216.177(2), Florida Statutes.		
1621B	SPECIAL CATEGORIES DEVELOP MARINE FISHERIES ENHANCEMENT PLAN FROM MARINE RESOURCES CONSERVATION TRUST FUND		75,000
1621C	SPECIAL CATEGORIES MARINE RESEARCH GRANTS FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,900,000
1621D	SPECIAL CATEGORIES OYSTER PLANTING		
	FROM GENERAL REVENUE FUND	325,000	
	FROM APALACHICOLA BAY PROTECTION TRUST FUND		104,400
1622	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		3,476
1623	DATA PROCESSING SERVICES NATURAL RESOURCES MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	718,581	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		283,414
	BEACHES AND SHORES, DIVISION OF		
1624	SALARIES AND BENEFITS POSITIONS	70	
	FROM GENERAL REVENUE FUND	2,223,938	
	FROM BEACH MANAGEMENT TRUST FUND		139,028
1625	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	638,400	
	FROM BEACH MANAGEMENT TRUST FUND		726,741
1626	EXPENSES		
	FROM GENERAL REVENUE FUND	495,994	
	FROM BEACH MANAGEMENT TRUST FUND		332,155
1627	OPERATING CAPITAL OUTLAY FROM BEACH MANAGEMENT TRUST FUND		85,204
1628	DATA PROCESSING SERVICES NATURAL RESOURCES MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	1,627	
	RESOURCE MANAGEMENT, DIVISION OF		
1629	SALARIES AND BENEFITS POSITIONS	102	
	FROM GENERAL REVENUE FUND	798,638	
	FROM AQUATIC PLANT CONTROL TRUST FUND		1,167,158
	FROM LAND RECLAMATION ADMINISTRATION TRUST FUND		1,740,858
	FROM PETROLEUM EXPLORATION AND PRODUCTION BOND TRUST FUND		33,652
1630	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	13,842	
	FROM AQUATIC PLANT CONTROL TRUST FUND		574,539
	FROM GRANTS AND DONATIONS TRUST FUND		143,000
	FROM LAND RECLAMATION ADMINISTRATION TRUST FUND		194,422
1631	EXPENSES		
	FROM GENERAL REVENUE FUND	154,611	
	FROM AQUATIC PLANT CONTROL TRUST FUND		825,766
	FROM GRANTS AND DONATIONS TRUST FUND		68,500
	FROM LAND RECLAMATION ADMINISTRATION TRUST FUND		618,606
	FROM PETROLEUM EXPLORATION AND PRODUCTION BOND TRUST FUND		14,000
1632	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	52,263	
	FROM AQUATIC PLANT CONTROL TRUST FUND		211,607
	FROM GRANTS AND DONATIONS TRUST FUND		16,000
	FROM LAND RECLAMATION ADMINISTRATION TRUST FUND		58,803
1633	SPECIAL CATEGORIES TRANSFER TO GAME AND FRESH WATER FISH COMMISSION FOR ADMINISTRATIVE OVERHEAD FROM AQUATIC PLANT CONTROL TRUST FUND		880,000
1634	SPECIAL CATEGORIES TRANSFER TO THE UNIVERSITY OF FLORIDA - COOPERATIVE AQUATIC PLANT EDUCATION PROGRAM FROM AQUATIC PLANT CONTROL TRUST FUND		130,000
1634A	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ECONOMIC DEVELOPMENT FOR FLORIDA PORTS DATA ACQUISITION FROM PORT TRUST FUND		172,000
1635	DATA PROCESSING SERVICES NATURAL RESOURCES MANAGEMENT INFORMATION CENTER FROM AQUATIC PLANT CONTROL TRUST FUND		1,567
	RECREATION AND PARKS, DIVISION OF		
1636	SALARIES AND BENEFITS POSITIONS	1,115	
	FROM GENERAL REVENUE FUND	65,048	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		788,992
	FROM STATE PARK TRUST FUND		28,684,868
1637	OTHER PERSONAL SERVICES FROM STATE PARK TRUST FUND		2,023,261
1638	EXPENSES		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		389,485
	FROM STATE PARK TRUST FUND		9,992,103
1639	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - REMOVAL OF DERELICT VESSELS FROM COASTAL PROTECTION TRUST FUND		250,000
1640	OPERATING CAPITAL OUTLAY FROM STATE PARK TRUST FUND		764,627
1641	SPECIAL CATEGORIES DISTRIBUTION OF SURCHARGE FEES FROM STATE PARK TRUST FUND		650,000
1642	SPECIAL CATEGORIES DISBURSE DONATIONS FROM STATE PARK TRUST FUND		130,000
1642A	SPECIAL CATEGORIES PURCHASES FOR RESALE FROM STATE PARK TRUST FUND		468,420
1643	SPECIAL CATEGORIES		

SECTION 1 SPECIFIC APPROPRIATION			
	SALARY INCENTIVE PAYMENTS		
	FROM STATE PARK TRUST FUND		93,000
1644	DATA PROCESSING SERVICES		
	NATURAL RESOURCES MANAGEMENT INFORMATION CENTER		
	FROM STATE PARK TRUST FUND		51,401
	LAW ENFORCEMENT, DIVISION OF		
1645	SALARIES AND BENEFITS POSITIONS	571	
	FROM GENERAL REVENUE FUND	14,596,672	
	FROM COASTAL PROTECTION TRUST FUND		839,958
	FROM GRANTS AND DONATIONS TRUST FUND . . .		842,437
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		269,415
	FROM MOTORBOAT REVOLVING TRUST FUND . . .		4,665,238
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		385,026
1646	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	87,914	
	FROM COASTAL PROTECTION TRUST FUND		6,045
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		2,000
	FROM MOTORBOAT REVOLVING TRUST FUND . . .		84,955
1647	EXPENSES		
	FROM GENERAL REVENUE FUND	1,502,444	
	FROM COASTAL PROTECTION TRUST FUND		179,860
	FROM GRANTS AND DONATIONS TRUST FUND . . .		147,462
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		159,408
	FROM MOTORBOAT REVOLVING TRUST FUND . . .		467,254
1648	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	5,859	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		229,514
1648A	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF PATROL VEHICLES		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		2,590,023
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		36,021
	Funds provided in Specific Appropriation 1648A may be used to replace two fixed wing amphibious airplanes with two single engine helicopters. Funds obtained from the sale or trade-in of such fixed wing amphibious aircraft shall be used to support the acquisition of replacement helicopters.		
1649	SPECIAL CATEGORIES		
	OPERATION AND MAINTENANCE OF PATROL VEHICLES		
	FROM GENERAL REVENUE FUND	1,693,172	
	FROM COASTAL PROTECTION TRUST FUND		55,412
	FROM GRANTS AND DONATIONS TRUST FUND . . .		817,605
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		126,550
	FROM MOTORBOAT REVOLVING TRUST FUND . . .		1,728,064
1650	SPECIAL CATEGORIES		
	PAYMENTS FOR RESTORATION AND DAMAGE		
	FROM COASTAL PROTECTION TRUST FUND		50,000
1651	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	188,196	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		16,260
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		10,870
	FROM MOTORBOAT REVOLVING TRUST FUND . . .		102,178
1651A	SPECIAL CATEGORIES		
	TRANSFER TO SAVE OUR STATE ENVIRONMENTAL EDUCATION TRUST FUND		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		118,363
1652	DATA PROCESSING SERVICES		

SECTION 1 SPECIFIC APPROPRIATION			
	NATURAL RESOURCES MANAGEMENT INFORMATION CENTER		
	FROM GENERAL REVENUE FUND	165,325	
	FROM MOTORBOAT REVOLVING TRUST FUND . . .		473,728
	NATURAL RESOURCES INFORMATION CENTER		
1653	SALARIES AND BENEFITS POSITIONS	24	
	FROM WORKING CAPITAL TRUST FUND		885,101
1654	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND		5,519
1655	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		811,389
1656	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		653,632
	MARINE FISHERIES COMMISSION		
1657	SALARIES AND BENEFITS POSITIONS	11	
	FROM MARINE FISHERIES COMMISSION TRUST FUND		464,585
1658	OTHER PERSONAL SERVICES		
	FROM MARINE FISHERIES COMMISSION TRUST FUND		30,000
1659	EXPENSES		
	FROM MARINE FISHERIES COMMISSION TRUST FUND		159,890
1660	OPERATING CAPITAL OUTLAY		
	FROM MARINE FISHERIES COMMISSION TRUST FUND		1,246
1661	SPECIAL CATEGORIES		
	TARPON MANAGEMENT		
	FROM MARINE FISHERIES COMMISSION TRUST FUND		200,000
1662	DATA PROCESSING SERVICES		
	NATURAL RESOURCES MANAGEMENT INFORMATION CENTER		
	FROM MARINE FISHERIES COMMISSION TRUST FUND		11,601
	PAROLE COMMISSION		
1663	SALARIES AND BENEFITS POSITIONS	193	
	FROM GENERAL REVENUE FUND	6,339,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		38,032
1664	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	87,010	
1665	EXPENSES		
	FROM GENERAL REVENUE FUND	1,272,069	
1666	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	122,125	
1667	NOT USED		
1668	DATA PROCESSING SERVICES		
	LAW ENFORCEMENT DATA CENTER		
	FROM GENERAL REVENUE FUND	2,562	
	PROFESSIONAL REGULATION, DEPARTMENT OF		
1669	SALARIES AND BENEFITS POSITIONS	851	
	FROM PROFESSIONAL REGULATION TRUST FUND .		23,671,454
1670	OTHER PERSONAL SERVICES		
	FROM PROFESSIONAL REGULATION TRUST FUND .		8,699,319
1671	EXPENSES		
	FROM EDUCATION AND RESEARCH FOUNDATION TRUST FUND		17,691
	FROM PROFESSIONAL REGULATION TRUST FUND .		12,447,427
1672	OPERATING CAPITAL OUTLAY		
	FROM PROFESSIONAL REGULATION TRUST FUND .		1,353,923
1673	NOT USED		

SECTION 1
SPECIFIC
APPROPRIATION

1674 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PROFESSIONAL REGULATION TRUST FUND . 78,300

1675 NOT USED

1676 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM PROFESSIONAL REGULATION TRUST FUND . 1,153,477

1677 SPECIAL CATEGORIES
CONTINUING EDUCATION
FROM PROFESSIONAL REGULATION TRUST FUND . 20,500

1678 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS FOR FLORIDA BUILDING CODES AND STANDARDS
FROM PROFESSIONAL REGULATION TRUST FUND . 90,975

1679 FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS AND REAL ESTATE RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 620,000

1680 DATA PROCESSING SERVICES
HEALTH AND REHABILITATIVE SERVICES TECHNOLOGY CENTER
FROM PROFESSIONAL REGULATION TRUST FUND . 451,975

1681 DATA PROCESSING SERVICES
ADMINISTRATIVE MANAGEMENT INFORMATION CENTER - DEPARTMENT OF GENERAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 500,000

1682 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM PROFESSIONAL REGULATION TRUST FUND . 50,000

No funds are provided in Specific Appropriations 1669 through 1682 for the lease or acquisition of any space for office or any other use in Innovation Park, notwithstanding any leasehold provisions to the contrary.

PUBLIC SERVICE COMMISSION

1683 SALARIES AND BENEFITS POSITIONS 391
FROM REGULATORY TRUST FUND 15,733,168

1684 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 383,584

1685 EXPENSES
FROM REGULATORY TRUST FUND 3,781,024

1686 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 433,692

1687 NOT USED

1688 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM REGULATORY TRUST FUND 48,475

1689 NOT USED

1690 SPECIAL CATEGORIES
TRANSFER ENERGY CONSERVATION LOAN PROGRAM SURPLUS TO THE GENERAL REVENUE FUND
FROM FLORIDA ENERGY TRUST FUND 1,639,603

1691 SPECIAL CATEGORIES
THERMAL EFFICIENCY CODE SUPPORT
FROM REGULATORY TRUST FUND 161,264

Funds in Specific Appropriation 1691 shall be transferred to the Department of Community Affairs to provide partial support for administration of the Thermal Efficiency Code Program established in sections 553.900 - 553.912, Florida Statutes.

1692 DATA PROCESSING SERVICES

SECTION 1
SPECIFIC
APPROPRIATION

OTHER DATA PROCESSING SERVICES
FROM REGULATORY TRUST FUND 84,887

REVENUE, DEPARTMENT OF

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATION

1693 SALARIES AND BENEFITS POSITIONS 142
FROM GENERAL REVENUE FUND 2,824,878
FROM ADMINISTRATIVE TRUST FUND 2,051,240
FROM CORPORATION TAX ADMINISTRATION TRUST FUND 12,988

1694 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 109,508

1695 EXPENSES
FROM GENERAL REVENUE FUND 41,686
FROM ADMINISTRATIVE TRUST FUND 1,144,228

1696 AID TO LOCAL GOVERNMENTS
CIGARETTE TAX TO MUNICIPALITIES
FROM MUNICIPAL FINANCIAL ASSISTANCE TRUST FUND 23,700,000

1697 AID TO LOCAL GOVERNMENTS
COUNTY REVENUE SHARING
FROM COUNTY REVENUE SHARING TRUST FUND . . 236,900,000

1698 AID TO LOCAL GOVERNMENTS
MUNICIPAL REVENUE SHARING
FROM MUNICIPAL REVENUE SHARING TRUST FUND 196,340,000

1699 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 247,779

1700 NOT USED

1701 SPECIAL CATEGORIES
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 200,000

1702 SPECIAL CATEGORIES
TRANSFER TO LOCAL GOVERNMENT HALF CENT SALES TAX CLEARING TRUST FUND
FROM GENERAL REVENUE FUND 5,314,602

1703 DATA PROCESSING SERVICES
REVENUE MANAGEMENT INFORMATION CENTER
FROM ADMINISTRATIVE TRUST FUND 773,551

AD VALOREM TAX, DIVISION OF

1704 SALARIES AND BENEFITS POSITIONS 157
FROM INTANGIBLE TAX TRUST FUND 5,651,912

1705 OTHER PERSONAL SERVICES
FROM INTANGIBLE TAX TRUST FUND 276,431

1706 EXPENSES
FROM INTANGIBLE TAX TRUST FUND 1,272,837

1706A AID TO LOCAL GOVERNMENTS
AERIAL PHOTOGRAPHY AND MAPPING
FROM INTANGIBLE TAX TRUST FUND 489,738

1706B AID TO LOCAL GOVERNMENTS
COUNTY TAX FORMS
FROM INTANGIBLE TAX TRUST FUND 825,000

Funds in Specific Appropriations 1706A and 1706B are contingent upon legislation not becoming law deleting the requirement that the Department of Revenue provide such items to local governments.

1707 OPERATING CAPITAL OUTLAY
FROM INTANGIBLE TAX TRUST FUND 7,805

1707A SPECIAL CATEGORIES
PROPERTY APPRAISER AND TAX COLLECTOR CERTIFICATION PROGRAM
FROM CERTIFICATION PROGRAM TRUST FUND . . 500,000

1708 DATA PROCESSING SERVICES

SECTION 1 SPECIFIC APPROPRIATION			
	REVENUE MANAGEMENT INFORMATION CENTER		
	FROM INTANGIBLE TAX TRUST FUND		232,321
	AUDITS, DIVISION OF		
1709	SALARIES AND BENEFITS POSITIONS	947	
	FROM GENERAL REVENUE FUND	23,468,928	
	FROM ADMINISTRATIVE TRUST FUND		9,878,782
1710	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		350,000
1711	EXPENSES		
	FROM GENERAL REVENUE FUND	3,054,113	
	FROM ADMINISTRATIVE TRUST FUND		1,914,943
1712	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	8,434	
	FROM ADMINISTRATIVE TRUST FUND		27,250
1712A	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	8,000	
1713	DATA PROCESSING SERVICES		
	REVENUE MANAGEMENT INFORMATION CENTER		
	FROM ADMINISTRATIVE TRUST FUND		1,332,007
	COLLECTION AND ENFORCEMENT, DIVISION OF		
1714	SALARIES AND BENEFITS POSITIONS	793	
	FROM GENERAL REVENUE FUND	15,957,078	
	FROM ADMINISTRATIVE TRUST FUND		5,095,881
1715	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		2,846,334
1716	EXPENSES		
	FROM GENERAL REVENUE FUND	2,156,141	
	FROM ADMINISTRATIVE TRUST FUND		2,960,300
1717	AID TO LOCAL GOVERNMENTS		
	CONTINUATION OF SOLID MINERAL SEVERANCE TAX TO COUNTIES		
	FROM SEVERANCE TAX SOLID MINERAL TRUST FUND		4,940,000
1718	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION TO COUNTIES - OIL AND GAS TAX		
	FROM OIL AND GAS TAX TRUST FUND		1,540,000
1719	AID TO LOCAL GOVERNMENTS		
	DISTRIBUTION OF LOCAL GOVERNMENT HALF-CENT SALES TAX		
	FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		774,100,000
1720	AID TO LOCAL GOVERNMENTS		
	EMERGENCY DISTRIBUTIONS		
	FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		5,314,602
1721	NOT USED		
1722	AID TO LOCAL GOVERNMENTS		
	FIFTH & SIXTH CENT SBA/COUNTY/MOTOR FUEL		
	FROM GAS TAX COLLECTION TRUST FUND		140,300,000
1723	AID TO LOCAL GOVERNMENTS		
	SEVENTH CENT/COUNTIES/MOTOR FUEL		
	FROM GAS TAX COLLECTION TRUST FUND		53,600,000
1724	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	17,719	
	FROM ADMINISTRATIVE TRUST FUND		44,375
1724A	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	30,000	
1725	DATA PROCESSING SERVICES		
	REVENUE MANAGEMENT INFORMATION CENTER		
	FROM ADMINISTRATIVE TRUST FUND		1,189,143
	REVENUE MANAGEMENT INFORMATION CENTER		
1726	SALARIES AND BENEFITS POSITIONS	31	
	FROM WORKING CAPITAL TRUST FUND		856,683

SECTION 1 SPECIFIC APPROPRIATION			
1727	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND		8,500
1728	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		2,197,976
1729	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		3,561,391
	INFORMATION SYSTEMS AND SERVICES, DIVISION OF		
1730	SALARIES AND BENEFITS POSITIONS	87	
	FROM GENERAL REVENUE FUND	1,620,159	
	FROM ADMINISTRATIVE TRUST FUND		870,287
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		284,611
1731	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		213,500
1732	EXPENSES		
	FROM GENERAL REVENUE FUND	292,081	
	FROM ADMINISTRATIVE TRUST FUND		517,300
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		48,456
1733	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		3,329
1733A	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	6,000	
1734	DATA PROCESSING SERVICES		
	REVENUE MANAGEMENT INFORMATION CENTER		
	FROM ADMINISTRATIVE TRUST FUND		1,489,710
	TECHNICAL ASSISTANCE, DIVISION OF		
1735	SALARIES AND BENEFITS POSITIONS	136	
	FROM GENERAL REVENUE FUND	3,279,924	
	FROM ADMINISTRATIVE TRUST FUND		1,460,978
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		121,684
1736	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		16,900
1737	EXPENSES		
	FROM GENERAL REVENUE FUND	298,661	
	FROM ADMINISTRATIVE TRUST FUND		932,659
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		9,125
1738	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		34,266
1739	DATA PROCESSING SERVICES		
	REVENUE MANAGEMENT INFORMATION CENTER		
	FROM ADMINISTRATIVE TRUST FUND		96,658
	DIVISION OF TAX PROCESSING		
1740	SALARIES AND BENEFITS POSITIONS	351	
	FROM GENERAL REVENUE FUND	4,585,839	
	FROM ADMINISTRATIVE TRUST FUND		2,157,299
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		1,001,811
1741	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,000	
	FROM ADMINISTRATIVE TRUST FUND		381,584
1742	EXPENSES		
	FROM GENERAL REVENUE FUND	1,952,943	
	FROM ADMINISTRATIVE TRUST FUND		2,406,276
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		259,777

From funds in Specific Appropriation 1742, $100,000 from the General Revenue Fund are contingent on legislation becoming law regarding a change in the dealer collection allowance.

1743 OPERATING CAPITAL OUTLAY

SECTION 1 SPECIFIC APPROPRIATION			
	FROM GENERAL REVENUE FUND	3,095	
	FROM ADMINISTRATIVE TRUST FUND		821,645
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		69,179
1743A	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	102,623	
1744	DATA PROCESSING SERVICES REVENUE MANAGEMENT INFORMATION CENTER		
	FROM ADMINISTRATIVE TRUST FUND		1,510,710

From funds and positions in Specific Appropriations 1709 through 1744, 38 positions and $1,107,855 provided for vending machine compliance from the General Revenue Fund are contingent on CS/HB 1981 or similar legislation becoming law pertaining to vending machine compliance.

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATIVE SERVICES

1745	SALARIES AND BENEFITS POSITIONS	79	
	FROM GENERAL REVENUE FUND	2,506,248	
	FROM PUBLICATIONS REVOLVING TRUST FUND		80,829
1746	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,850	
1747	EXPENSES		
	FROM GENERAL REVENUE FUND	570,847	
	FROM FLAG TRUST FUND		8,120
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		41,275
1748	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	49,006	
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		73,960
1749	NOT USED		
1750	NOT USED		
1751	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES		
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		16,603

ELECTIONS, DIVISION OF

1752	SALARIES AND BENEFITS POSITIONS	69	
	FROM GENERAL REVENUE FUND	1,355,230	
	FROM ELECTIONS COMMISSION TRUST FUND		307,559
	FROM PUBLICATIONS REVOLVING TRUST FUND		223,436
1753	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	57,306	
	FROM PUBLICATIONS REVOLVING TRUST FUND		8,400
1754	EXPENSES		
	FROM GENERAL REVENUE FUND	627,347	
	FROM OPERATING TRUST FUND		25,521
	FROM ELECTIONS COMMISSION TRUST FUND		240,971
	FROM PUBLICATIONS REVOLVING TRUST FUND		361,679
1755	AID TO LOCAL GOVERNMENTS SPECIAL ELECTIONS		
	FROM GENERAL REVENUE FUND	400,000	

Funds in Specific Appropriation 1755 are provided for the reimbursement to counties for special elections held between July 1, 1989 and June 30, 1990. The Department of State shall prorate funds to each county for the reimbursement of special elections.

1756	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	10,762	
	FROM ELECTIONS COMMISSION TRUST FUND		17,151
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		907,500
	FROM PUBLICATIONS REVOLVING TRUST FUND		12,950

SECTION 1 SPECIFIC APPROPRIATION			
1757	NOT USED		
1758	NOT USED		
1759	NOT USED		

HISTORICAL RESOURCES, DIVISION OF

1760	SALARIES AND BENEFITS POSITIONS	102	
	FROM GENERAL REVENUE FUND	2,494,244	
	FROM FLORIDA FOLKLIFE TRUST FUND		53,996
	FROM GRANTS AND DONATIONS TRUST FUND		178,038
	FROM HISTORIC PRESERVATION TRUST FUND		7,087
	FROM MUSEUM OF FLORIDA HISTORY TRUST FUND		78,077
	FROM OPERATING TRUST FUND		114,218
1761	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	105,122	
	FROM FLORIDA FOLKLIFE TRUST FUND		102,300
	FROM GRANTS AND DONATIONS TRUST FUND		75,000
	FROM MUSEUM OF FLORIDA HISTORY TRUST FUND		11,900
	FROM OPERATING TRUST FUND		60,000
1762	EXPENSES		
	FROM GENERAL REVENUE FUND	1,485,468	
	FROM FLORIDA FOLKLIFE TRUST FUND		90,686
	FROM GRANTS AND DONATIONS TRUST FUND		73,804
	FROM HISTORIC PRESERVATION TRUST FUND		1,835
	FROM MUSEUM OF FLORIDA HISTORY TRUST FUND		93,616
	FROM OPERATING TRUST FUND		109,261
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		23,095
1763	OPERATING CAPITAL OUTLAY		
	FROM OPERATING TRUST FUND		5,000
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		55,105
1764	NOT USED		
1765	NOT USED		
1766	SPECIAL CATEGORIES GRANTS AND AIDS - HISTORIC MUSEUM GRANTS		
	FROM MUSEUM OF FLORIDA HISTORY TRUST FUND		500,000
1767	SPECIAL CATEGORIES HISTORIC PRESERVATION GRANTS		
	FROM HISTORIC PRESERVATION TRUST FUND		2,349,276
1768	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	34,746	

CORPORATIONS, DIVISION OF

1769	SALARIES AND BENEFITS POSITIONS	184	
	FROM CORPORATIONS TRUST FUND		4,512,950
1770	EXPENSES		
	FROM CORPORATIONS TRUST FUND		2,460,362
1771	OPERATING CAPITAL OUTLAY		
	FROM CORPORATIONS TRUST FUND		973,055
1772	NOT USED		
1773	SPECIAL CATEGORIES RICO ACT - ALIEN CORPORATIONS		
	FROM CORPORATIONS TRUST FUND		506,262

LIBRARY AND INFORMATION SERVICES, DIVISION OF

1774	SALARIES AND BENEFITS POSITIONS	119	
	FROM GENERAL REVENUE FUND	2,115,541	
	FROM LIBRARY SERVICES TRUST FUND		462,870
	FROM RECORDS MANAGEMENT TRUST FUND		780,504
1775	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	28,542	

SECTION 1 SPECIFIC APPROPRIATION			
	FROM LIBRARY SERVICES TRUST FUND		94,500
	FROM RECORDS MANAGEMENT TRUST FUND		22,511
1776	EXPENSES		
	FROM GENERAL REVENUE FUND	1,750,427	
	FROM LIBRARY SERVICES TRUST FUND		494,313
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		266,250
	FROM RECORDS MANAGEMENT TRUST FUND		429,812
1777	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LIBRARY GRANTS		
	FROM GENERAL REVENUE FUND	17,335,757	
	FROM LIBRARY SERVICES TRUST FUND		3,390,043
1778	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	23,550	
	FROM LIBRARY SERVICES TRUST FUND		48,413
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		254,175
	FROM RECORDS MANAGEMENT TRUST FUND		80,996
1779	NOT USED		
1780	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES		
	FROM RECORDS MANAGEMENT TRUST FUND		11,880
1781	SPECIAL CATEGORIES LIBRARY RESOURCES		
	FROM GENERAL REVENUE FUND	89,648	
	FROM LIBRARY SERVICES TRUST FUND		308,352
1782	NOT USED		
CULTURAL AFFAIRS, DIVISION OF			
1783	SALARIES AND BENEFITS POSITIONS	22	
	FROM GENERAL REVENUE FUND	470,002	
	FROM FINE ARTS COUNCIL TRUST FUND		189,074
1784	OTHER PERSONAL SERVICES		
	FROM FINE ARTS COUNCIL TRUST FUND		22,324
	FROM MAJOR CULTURAL INSTITUTION TRUST FUND		21,577
	FROM SCIENCE MUSEUM TRUST FUND		21,000
1785	EXPENSES		
	FROM GENERAL REVENUE FUND	157,900	
	FROM COCONUT GROVE PLAYHOUSE TRUST FUND .		211,837
	FROM FINE ARTS COUNCIL TRUST FUND		175,879
	FROM MAJOR CULTURAL INSTITUTION TRUST FUND		21,580
	FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		22,500
	FROM SCIENCE MUSEUM TRUST FUND		29,000
	FROM YOUTH AND CHILDREN'S MUSEUM TRUST FUND		4,500
1786	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ARTS GRANTS		
	FROM GENERAL REVENUE FUND	2,173,800	
	FROM FINE ARTS COUNCIL TRUST FUND		377,279
1787	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SCIENCES GRANTS		
	FROM SCIENCE MUSEUM TRUST FUND		500,000
1788	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FLORIDA'S CROSS AND SWORD		
	FROM GENERAL REVENUE FUND	69,690	
1788A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - YOUTH AND CHILDREN'S MUSEUMS GRANTS FROM YOUTH AND CHILDREN'S MUSEUM TRUST FUND		250,000

From funds provided in Specific Appropriation 1788A, the Department shall first fund all qualified Children and Youth Museum applications. In the event there are any funds remaining after funding all qualified Children and Youth Museum applications, the remaining balance of Specific Appropriation 1788A may be allocated to Arts in Education Grant applicants.

SECTION 1 SPECIFIC APPROPRIATION			
1789	OPERATING CAPITAL OUTLAY FROM PUBLIC ACCESS DATA SYSTEMS TRUST FUND		69,200
1790	SPECIAL CATEGORIES GRANTS AND AIDS - ART ENDOWMENT GRANTS FROM FINE ARTS ENDOWMENT TRUST FUND . . .		1,962,140
1790A	SPECIAL CATEGORIES GRANTS AND AIDS - CHALLENGE GRANTS FROM GENERAL REVENUE FUND	300,000	
1791	SPECIAL CATEGORIES GRANTS AND AIDS - ARTS MAJOR INSTITUTIONS/LOCAL INTEREST FROM MAJOR CULTURAL INSTITUTION TRUST FUND		5,995,872

From funds provided in Specific Appropriation 1791, a maximum of $200,000 shall be used to fund additional Vital Local Cultural Programs that have submitted applications and meet the program requirements specified in s. 265.286(7). Additional Vital Local Programs shall be funded in priority order as recommended by the department in an amount not to exceed $100,000 per institution.

1792	SPECIAL CATEGORIES GRANTS AND AIDS - STATE TOURING PROGRAM FROM GENERAL REVENUE FUND	150,000	
LICENSING, DIVISION OF			
1793	SALARIES AND BENEFITS POSITIONS	135	
	FROM DIVISION OF LICENSING TRUST FUND . .		3,488,646
1793A	OTHER PERSONAL SERVICES FROM DIVISION OF LICENSING TRUST FUND . .		179,293
1794	EXPENSES FROM DIVISION OF LICENSING TRUST FUND . .		3,620,123
1795	OPERATING CAPITAL OUTLAY FROM DIVISION OF LICENSING TRUST FUND . .		396,010
1796	NOT USED		
1797	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM DIVISION OF LICENSING TRUST FUND . .		8,445
1797A	SPECIAL CATEGORIES FINGER PRINT PROCESSING FROM DIVISION OF LICENSING TRUST FUND . .		990,000
1798	NOT USED		
HISTORIC PRESERVATION BOARDS			
HISTORIC PENSACOLA PRESERVATION BOARD			
1799	SALARIES AND BENEFITS POSITIONS	15	
	FROM GENERAL REVENUE FUND	415,028	
1800	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	42,366	
	FROM OPERATING TRUST FUND		49,390
1801	EXPENSES		
	FROM GENERAL REVENUE FUND	41,510	
	FROM OPERATING TRUST FUND		167,272
1802	OPERATING CAPITAL OUTLAY FROM OPERATING TRUST FUND		7,750
HISTORIC ST AUGUSTINE PRESERVATION BOARD			
1803	SALARIES AND BENEFITS POSITIONS	27	
	FROM GENERAL REVENUE FUND	615,303	
	FROM OPERATING TRUST FUND		139,144
1804	OTHER PERSONAL SERVICES FROM OPERATING TRUST FUND		177,580

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1805 EXPENSES
FROM OPERATING TRUST FUND 201,476

1806 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 57,462

HISTORIC TALLAHASSEE PRESERVATION BOARD

1806A SALARIES AND BENEFITS POSITIONS 5
FROM GENERAL REVENUE FUND 157,845

1806B OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 4,275

1806C EXPENSES
FROM GENERAL REVENUE FUND 10,209
FROM OPERATING TRUST FUND 72,864

1806D OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 6,852

HISTORIC FLORIDA KEYS PRESERVATION BOARD

1806E SALARIES AND BENEFITS POSITIONS 3
FROM GENERAL REVENUE FUND 76,712
FROM OPERATING TRUST FUND 7,716

1806F OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 12,000

1806G EXPENSES
FROM GENERAL REVENUE FUND 3,362
FROM OPERATING TRUST FUND 43,171

1806H OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 2,750

HISTORIC TAMPA/HILLSBOROUGH COUNTY PRESERVATION BOARD

1806I SALARIES AND BENEFITS POSITIONS 6
FROM GENERAL REVENUE FUND 134,436
FROM OPERATING TRUST FUND 62,228

1806J OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 85,690

1806K EXPENSES
FROM OPERATING TRUST FUND 74,797

1806L OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 1,050

HISTORIC PALM BEACH COUNTY PRESERVATION BOARD

1806M SALARIES AND BENEFITS POSITIONS 2
FROM GENERAL REVENUE FUND 49,563
FROM OPERATING TRUST FUND 2,497

1806N EXPENSES
FROM GENERAL REVENUE FUND 804
FROM OPERATING TRUST FUND 8,072

1806O OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 7,113

HISTORIC BROWARD COUNTY PRESERVATION BOARD OF TRUSTEES

1806P OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 9,525
FROM OPERATING TRUST FUND 12,980

1806Q EXPENSES
FROM OPERATING TRUST FUND 1,402

RINGLING MUSEUM OF ART, BOARD OF TRUSTEES OF THE JOHN AND MABLE

1807 SALARIES AND BENEFITS POSITIONS 89
FROM GENERAL REVENUE FUND 2,295,767

1808 NOT USED

1809 SPECIAL CATEGORIES

SECTION 1
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APPROPRIATION

RESTORATION/CONSERVATION - ART ACQUISITION - JOHN AND MABLE RINGLING MUSEUM OF ART
FROM INVESTMENT TRUST FUND 125,000

TRANSPORTATION, DEPARTMENT OF

Funds in Specific Appropriations 1810 through 1891 from the State Transportation (Primary) Trust Fund for anticipated federal grant funds shall not be utilized to disburse state funds if the federal grants do not materialize.

FINANCE AND ADMINISTRATION

1810 SALARIES AND BENEFITS POSITIONS 2,222
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 50,936,761
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 47,382
FROM TRANSPORTATION DISADVANTAGED TRUST FUND 364,388
FROM WORKING CAPITAL TRUST FUND 5,142,120

From funds and positions in Specific Appropriation 1810, 53 toll collector positions and $986,044 from the State Transportation (Primary) Trust Fund shall be placed in reserve by the Executive Office of the Governor. The positions and related funds shall not be released until the department demonstrates the need based upon a schedule of actual toll facility opening dates.

1811 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 8,774,402
FROM TRANSPORTATION DISADVANTAGED TRUST FUND 40,500
FROM WORKING CAPITAL TRUST FUND 100,000

1812 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 17,361,794
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 2,000
FROM TRANSPORTATION DISADVANTAGED TRUST FUND 64,434
FROM WORKING CAPITAL TRUST FUND 7,631,406

From funds and positions in Specific Appropriations 1810 and 1812, one position and $47,382 and $2,000 respectively, from the Solid Waste Management Trust Fund shall administer the Adopt-A-Highway Program pursuant to s. 403.4131, F.S. The Secretary of the Department of Transportation shall coordinate the program in conjunction with the Clean Florida Commission.

1813 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,364,089
FROM TRANSPORTATION DISADVANTAGED TRUST FUND 40,000
FROM WORKING CAPITAL TRUST FUND 8,068,443

1814 NOT USED

1814A SPECIAL CATEGORIES
TRANSFER TO WORKING CAPITAL FUND
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 15,000,000

Funds in Specific Appropriation 1814A shall reimburse the General Revenue Fund for funds contributed to replace the Skyway Bridge. These funds shall be transferred as soon as possible but, no later than 6/30/92. The legislature approves the issuance of bonds to refund the Skyway Bridge bonds, including authorization to remove restrictive covenants.

1815 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 148,524

1816 SPECIAL CATEGORIES

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CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,632,000
FROM TRANSPORTATION DISADVANTAGED TRUST FUND 100,000
FROM WORKING CAPITAL TRUST FUND 3,965,000

1817 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 109,255
FROM WORKING CAPITAL TRUST FUND 45,000

1818 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 257,394

1819 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 3,056,558
FROM TRANSPORTATION DISADVANTAGED TRUST FUND 4,216
FROM WORKING CAPITAL TRUST FUND 43,702

1820 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 8,983,856

1821 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS - CONSISTENCY REVIEW OF STATE TRANSPORTATION PLAN
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 266,831

1822 DATA PROCESSING SERVICES
BURNS DATA CENTER - DEPARTMENT OF TRANSPORTATION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 3,933,930
FROM TRANSPORTATION DISADVANTAGED TRUST FUND 12,000

CENTRALIZED MOBILE EQUIPMENT AND WAREHOUSE OPERATIONS

1823 SALARIES AND BENEFITS POSITIONS 377
FROM ADMINISTRATIVE TRUST FUND 9,345,287

1824 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 21,932,153

1825 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 1,644,352

1826 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 7,399,311

1827 SPECIAL CATEGORIES
ACQUISITION OF MAINTENANCE AND HEAVY EQUIPMENT
FROM ADMINISTRATIVE TRUST FUND 12,870,000

1828 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM ADMINISTRATIVE TRUST FUND 10,000

1829 SPECIAL CATEGORIES
OVERTIME
FROM ADMINISTRATIVE TRUST FUND 59,550

1830 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 546,778

1831 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM ADMINISTRATIVE TRUST FUND 15,710,730

1832 DATA PROCESSING SERVICES
BURNS DATA CENTER - DEPARTMENT OF TRANSPORTATION
FROM ADMINISTRATIVE TRUST FUND 772,346

PLANNING AND ENGINEERING

1833 SALARIES AND BENEFITS POSITIONS 1,054
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 43,128,983

1834 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 347,785

1835 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 6,250,705

1836 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,704,623

From funds in Specific Appropriations 1833, 1834, 1835, 1836, 9 positions and $353,238, $50,000, $295,947, and $1,605 respectively, are for a transfer of the Highway Safety Program by a Type Four transfer from the Department of Community Affairs to the Department of Transportation.

1837 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 4,458,500
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 150,000

1837A SPECIAL CATEGORIES
OIL ROYALTIES - SANTA ROSA COUNTY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 571,591

1838 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,096,673

1839 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 203,000

1840 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 3,909,756

1841 SPECIAL CATEGORIES
PURCHASE OF RAILROAD RIGHT-OF-WAY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 25,000,000

1842 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 111,000

1843 NOT USED

1844 NOT USED

1845 NOT USED

1846 DATA PROCESSING SERVICES
BURNS DATA CENTER - DEPARTMENT OF TRANSPORTATION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 8,576,981

TURNPIKE OPERATIONS

1847 SALARIES AND BENEFITS POSITIONS 149
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 6,074,475

1848 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 205,000

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1849 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,150,194

1850 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 206,869

1851 SPECIAL CATEGORIES
FLORIDA HIGHWAY PATROL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,979,230

1851A SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 63,000

1852 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,440

1853 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 837,118

1854 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 647,036

1855 DATA PROCESSING SERVICES
BURNS DATA CENTER - DEPARTMENT OF TRANSPORTATION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 137,231

DISTRICT ADMINISTRATION

1856 SALARIES AND BENEFITS POSITIONS 304
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,206,054

1857 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 180,021

1858 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,503,356

1859 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 161,671

1860 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 26,800

1861 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,000

1862 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 607,504

1863 DATA PROCESSING SERVICES
BURNS DATA CENTER - DEPARTMENT OF TRANSPORTATION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 813,403

DISTRICT PLANNING AND PUBLIC TRANSIT

1864 SALARIES AND BENEFITS POSITIONS 293
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 11,986,233

1865 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 937,383

1866 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 252,243

1867 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 9,500

1868 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 521,341

1869 DATA PROCESSING SERVICES
BURNS DATA CENTER - DEPARTMENT OF TRANSPORTATION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 510,923

DISTRICT PRODUCTION

1870 SALARIES AND BENEFITS POSITIONS 1,577
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 60,845,055

1871 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 69,507

1872 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,832,402

1873 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,391,723

1874 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 200,000

1875 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 91,700

1876 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 250,000

1877 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,305,025

1878 DATA PROCESSING SERVICES
BURNS DATA CENTER - DEPARTMENT OF TRANSPORTATION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 8,772,689

DISTRICT OPERATIONS

1879 SALARIES AND BENEFITS POSITIONS 4,962
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 138,817,088

1880 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,420,883

1881 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,847,887

1882 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,150,691

1883 SPECIAL CATEGORIES

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FAIRBANKS HAZARDOUS WASTE SITE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 900,000

1884 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 301,200

1885 SPECIAL CATEGORIES
CONTRACT MAINTENANCE WITH DEPARTMENT OF CORRECTIONS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 9,235,196

Funds in Specific Appropriation 1885 are for contracts with the Department of Corrections for the provision of inmate labor in the Highway Maintenance Program. The Executive Office of the Governor shall not release these funds until contracts have been signed pursuant to s. 339.08(3), F.S.

1886 SPECIAL CATEGORIES
EMERGENCY STRUCTURE REPAIRS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,000,000

1887 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 246,223

1888 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,980,036

1889 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 59,781,363

1890 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,493,097

From funds in Specific Appropriations 1810, 1812, 1879 through 1882 and 1888 through 1890, 2 positions and $32,000, $1,000, 28 positions and $668,595, $66,464, $476,000, $10,850, $10,000, $30,000, and $3,000 respectively, are provided contingent on the following plan to reduce the department's subsidy of the Mayport Ferry: 1) The Jacksonville Transportation Authority shall provide up to $435,000 not to exceed one-third of the annual cost to operate the ferry; 2) Local Chambers of Commerce will promote the ferry to increase ridership; 3) The department shall increase the tolls to provide an additional $200,000 in toll revenue; 4) The department shall provide $435,000 not to exceed one-third of annual cost of operations from district 2 allocations of state transportation funds. If, by June 30, 1993 the ferry is not self-sufficient, it shall no longer be operated by the department.

1891 DATA PROCESSING SERVICES
BURNS DATA CENTER - DEPARTMENT OF TRANSPORTATION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,649,555

VETERANS' AFFAIRS, DEPARTMENT OF

1892 SALARIES AND BENEFITS POSITIONS 141
FROM GENERAL REVENUE FUND 2,248,280
FROM ADMINISTRATIVE TRUST FUND 1,097,462
FROM OPERATIONS AND MAINTENANCE TRUST FUND 368,687

1893 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 40,000

1894 EXPENSES
FROM GENERAL REVENUE FUND 308,647
FROM ADMINISTRATIVE TRUST FUND 489,262
FROM OPERATIONS AND MAINTENANCE TRUST FUND 98,821
FROM STATE HOMES FOR VETERANS TRUST FUND . 71,200

1895 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 8,434
FROM ADMINISTRATIVE TRUST FUND 38,400
FROM OPERATIONS AND MAINTENANCE TRUST FUND 2,000

1896 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 104,000
FROM ADMINISTRATIVE TRUST FUND 100,000

1897 NOT USED

1898 SPECIAL CATEGORIES
RECREATIONAL EQUIPMENT AND SUPPLIES
FROM GENERAL HOME TRUST FUND 21,000

1899 SPECIAL CATEGORIES
TRANSFER TO ADMINISTRATIVE TRUST FUND FOR ADMINISTRATIVE COSTS
FROM GENERAL REVENUE FUND 1,281,077

TOTAL OF SECTION 1 POSITIONS 135,779

FROM GENERAL REVENUE FUND 11450,392,560

FROM TRUST FUNDS 13102,213,562

TOTAL ALL FUNDS 24552,606,122

SECTION 1.1 - SALARIES AND BENEFITS

1. Salaries

A. EXEMPT FROM CAREER SERVICE

1) Elected Officers and Full-time Members of Boards and Commissions shall be paid at the annual rate shown below. However, these salaries may be reduced on a voluntary basis:

	1/1/92
Governor	95,000
Lieutenant Governor	91,000
Secretary of State	94,040
Comptroller	94,040
Treasurer	94,040
Attorney General	94,040
Education, Commissioner of	94,040
Agriculture, Commissioner of	94,040
Supreme Court Justice	100,444
Judges--District Courts of Appeal	95,421
Judges--Circuit Courts	90,399
Judges--County Courts	80,354
Commissioner--Public Service Commission	90,026
Public Employees Relations Commission-Chairman	67,871
Public Employees Relations Commission-Commissioners	64,224
Commissioner--Parole and Probation	64,224
State Attorneys:	
Circuits with 1,000,000 population or less	86,046
Circuits over 1,000,000	91,786
Public Defenders:	
Circuits with 1,000,000 population or less	80,937
Circuits over 1,000,000	87,023

All population figures relating to the state attorneys' and public defenders' salaries shall be based on the most recent population estimates prepared pursuant to the provisions of s. 186.901, F.S. These population estimates shall become effective July 1, 1991 and shall not be adjusted subsequently.

None of the officers whose salaries have been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

2. Benefits

A. HEALTH, LIFE AND DISABILITY INSURANCE

Funds are provided in Specific Appropriation 5 to fund the state's share of increased State Group Health Self-Insurance Program premiums. Additionally, funds are provided in each agency's budget to continue paying the current state share of the State Group Health Self-Insurance premiums, approved Health Maintenance Organizations, and life and disability insurance premiums.

Beginning July 1, 1991, the following changes in the State's contributions to the State Group Health Insurance Program shall be in

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effect for an August premium:

1) A twenty-eight dollar and seventy-six cent ($28.76) increase in the premium for subscribers enrolled in the State Group Health Insurance Plan under Individual Coverage; from $97.80 to $126.56 per month.

2) A fifty-four dollar and eighteen cent ($54.18) increase in the premium for subscribers enrolled in the State Group Health Insurance Plan under Family Coverage; from $184.20 to $238.38 per month.

3) All other subscriber premiums shall be adjusted accordingly.

The State Group Health Self-Insurance Plan Benefits in effect on June 1, 1991, as provided by this Act, shall not be amended without appropriate legislative review in accordance with s. 110.123(5), F.S. Prior to submission of the Governor's budget recommendations to the Legislature pursuant to s. 216.162, F.S., and again prior to each Regular Session of the Legislature, the Consensus Estimating Conference shall evaluate and project the financial condition of the employee group health self-insurance plan. This analysis shall also consider any financial impact of the State's use of health maintenance organizations on the funding of the self-insurance plan. The conference shall indicate whether the current plan premium rates are sufficient to fund projected plan claims and other expenses during the biennial budget period.

Any proposed changes in the benefits provided under the state employee group health self-insurance plan shall be accompanied by a statement signed by an actuary indicating the amount by which monthly premiums would need to change if the proposal were enacted and the benefit changes were to be exclusively funded by a change in plan premiums, unless the Economic Estimating Conference determines that the plan modification is minor enough that such a statement is not necessary.

3. Other Provisions

The following items shall be implemented in accordance with the provisions of this act and with the collective bargaining agreements between the Governor and the respective bargaining agents, except as noted:

A. Continue to provide up to six (6) credit hours of tuition-free courses per term to all full-time employees on a space-available basis.

B. Continue to reimburse employees, at current levels, for replacement of personal property.

C. Continue to provide, at the current level, uniform maintenance and shoe allowances.

D. Continue to extend a personal holiday on a pro-rata basis to part-time employees who occupy authorized part-time positions.

E. Continue to pay employees on-call fees at the current level.

4. Collective Bargaining Issues at Impasse.

All other collective bargaining issues at impasse which are not contained in this act shall be resolved by maintaining the status quo under the language of the current Collective Bargaining Agreements.

5. Studies and Reports and Other Provisions

A. The Department of Administration shall continue administering the claims adjudication of currently contracted state health care providers and shall conduct a pilot program establishing and administering a claims adjudication system for participants of the State Group Self-Insurance plan who reside in Leon County. This program shall begin no later than January 1, 1992.

This program may also be utilized by State employees who reside outside the State of Florida due to their State employment or who reside in counties other than Leon where there is not a Preferred Provider Care organization available to the employee. Additionally, the Department of Administration is authorized to directly contract with HMO's and other Health Care Providers on behalf of state employees who are required to live out of state as a condition of employment provided that the costs to the State remain the same as for other state employees.

In order to carry out the provisions of this section, the Department of Administration shall negotiate contracts with health care provider networks or health care providers to provide services to members of the state group health insurance plan including specialty hospitals on a regional basis, at reduced physician and hospital charges including providers who service State Group Self-insured Plan participants residing outside Florida. The Department is further authorized to adjust the current State Group Self Insurance Plan Administrative Service Agreement to accomplish this pilot program.

The Department shall submit a report and recommendations to the Legislature no later than January 1, 1992.

B. The Department of Administration shall not authorize any agency head to approve lump sum bonus payments to employees for purposes of incentive rewards for performance or productivity improvement programs unless otherwise provided herein.

C. Section 110.21, F.S., provides that each employing state agency may convert up to 10 percent of its Career Service positions to shared positions to provide part-time employment opportunities for employees. Records reflect that agency participation in the shared employment program ranges from 0 percent to 1.71 percent. The Legislature regards

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the creation of shared positions and the conversion of full-time positions to shared positions to be an exemplary personnel practice and establishes a goal for each agency to participate at a rate of no less than one percent of its Career Service positions by December 31, 1991. The Department of Administration shall report to the Legislature by January 15, 1992, the number and percentage of positions, by agency, which are filled by employees on a shared basis. Also, if indicated, the report shall include explanations should goals not be reached.

D. All state branches, departments, and agencies which have established or approved personnel policies for employees relating to the payment of accumulated and unused annual leave shall not provide payment which exceeds a maximum of 480 hours of actual payment to each employee for accumulated and unused annual leave.

E. The Attorney General is authorized to continue to exceed the maximum of the pay range for the six Assistant Attorney General positions.

FIXED CAPITAL OUTLAY

SECTION 2A - DEPARTMENT OF GENERAL SERVICES MANAGED CONSTRUCTION

The moneys contained herein are appropriated from the named funds to the Department of General Services, Division of Construction, for fixed capital outlay for the state agencies indicated.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

MARKETING, DIVISION OF

1899A	FIXED CAPITAL OUTLAY CODE CORRECTIONS TO STATE FARMERS' MARKETS - STATEWIDE FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		130,500
1899B	FIXED CAPITAL OUTLAY MAINTENANCE AND REPAIR, STATE FARMERS' MARKET FACILITIES STATEWIDE FROM GENERAL REVENUE FUND	894,688	
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		320,000

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

BLIND SERVICES, DIVISION OF

1900	FIXED CAPITAL OUTLAY INTERSTATE VENDING PAVILIONS FROM GENERAL REVENUE FUND	100,000	
	FROM TRAINING AND OPERATING TRUST FUND . .		50,000
	FROM U.S. TRUST FUND		200,000

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1900A	FIXED CAPITAL OUTLAY CONSTRUCTION - SHOOTING RANGES - PENSACOLA AND TAMPA FROM STATE GAME TRUST FUND		100,000

WILDLIFE, DIVISION OF

1900B	FIXED CAPITAL OUTLAY DUCKS UNLIMITED MARSH PROJECT - ST. JOHNS RIVER FROM STATE GAME TRUST FUND		70,000

GENERAL SERVICES, DEPARTMENT OF

INFORMATION SERVICES, DIVISION OF

1900C	FIXED CAPITAL OUTLAY UNINTERRUPTIBLE POWER SUPPLY - ADMINISTRATIVE MANAGEMENT INFORMATION CENTER FROM WORKING CAPITAL TRUST FUND		450,000

FACILITIES MANAGEMENT, DIVISION OF

1900D FIXED CAPITAL OUTLAY

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PURCHASE/LEASE PURCHASE EVALUATION OF BUILDINGS - HRS, CORRECTIONS AND PAROLE COMMISSION
FROM GENERAL REVENUE FUND 38,000

From funds provided in Specific Appropriation 1900D the Department of General Services shall evaluate for purchasing or lease-purchasing buildings located at 340 N.W. Beal Parkway and 1415 Highway 52 in Fort Walton Beach and Dade City respectively and the current headquarters building of the Department of Corrections and the Parole Commission including up to an additional 125,000 square feet at the same location. The exercise of purchase or lease purchase is conditioned upon the following occurences:
1. The Department of General Services performing or having performed a life-cycle cost analysis and evaluation as set forth in Section 255.255, Florida Statutes, and determining that the acquisition of the property will be economically feasible.
2. That an asbestos survey be made available as provided for in Chapter 255, Florida Statutes.
3. The Department of General Services certifies that the properties proposed for purchase or lease purchase will be appropriate for inclusion in the Florida Facilities Pool as set forth in Sections 255.501-255.525, Florida Statutes, and will not adversely affect the current existing pool of state buildings.

1900E FIXED CAPITAL OUTLAY
CARPET REPLACEMENT - HOUSE OFFICE BUILDING
FROM GENERAL REVENUE FUND 232,000

1901 FIXED CAPITAL OUTLAY
LIFE SAFETY CODE COMPLIANCE PROJECTS STATEWIDE
FROM SUPERVISION TRUST FUND 3,171,711

1902 NOT USED

1903 FIXED CAPITAL OUTLAY
REPAIR CENTRAL HEATING GENERATION AND DISTRIBUTION SYSTEMS
FROM SUPERVISION TRUST FUND 488,628

1904 FIXED CAPITAL OUTLAY
ELECTRICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE
FROM SUPERVISION TRUST FUND 44,073

1905 FIXED CAPITAL OUTLAY
BUILDING ENVELOPE MAINTENANCE AND REPAIR STATEWIDE
FROM GENERAL REVENUE FUND 163,891
FROM SUPERVISION TRUST FUND 295,113

1906 FIXED CAPITAL OUTLAY
BUILDING INTERIOR MAINTENANCE AND REPAIR STATEWIDE
FROM SUPERVISION TRUST FUND 261,601

1907 FIXED CAPITAL OUTLAY
MECHANICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE
FROM SUPERVISION TRUST FUND 589,396

1908 FIXED CAPITAL OUTLAY
PLUMBING SYSTEM MAINTENANCE AND REPAIR STATEWIDE
FROM SUPERVISION TRUST FUND 26,231

1909 FIXED CAPITAL OUTLAY
ROOF REPAIRS/REPLACEMENT STATEWIDE
FROM SUPERVISION TRUST FUND 26,598

1910 FIXED CAPITAL OUTLAY
SPECIALIZED BUILDING EQUIPMENT MAINTENANCE AND REPAIR STATEWIDE
FROM SUPERVISION TRUST FUND 22,477

1910A FIXED CAPITAL OUTLAY
ELEVATOR REPAIR - HOUSE OFFICE BUILDING
FROM GENERAL REVENUE FUND 170,000

1911 NOT USED

1912 FIXED CAPITAL OUTLAY
STATEWIDE CAPITAL DEPRECIATION - GENERAL
FROM SUPERVISION TRUST FUND 503,282

1912A FIXED CAPITAL OUTLAY
HISTORIC CAPITOL DOME REPAIRS
FROM GENERAL REVENUE FUND 300,000

1912B FIXED CAPITAL OUTLAY
PARKING STRUCTURE REPAIRS AND MAINTENANCE - STATEWIDE
FROM PAID PARKING TRUST FUND 750,000

BUILDING CONSTRUCTION, DIVISION OF

1913 FIXED CAPITAL OUTLAY
SUPPLEMENTAL CONTRACTS - PROJECTS LESS THAN $100,000 STATEWIDE
FROM SUPPLEMENTAL CONTRACTS TRUST FUND . . 1,500,000

MOTOR POOL, DIVISION OF

1914 NOT USED

SURPLUS PROPERTY, DIVISION OF

1915 NOT USED

COMMUNICATIONS, DIVISION OF

1915A FIXED CAPITAL OUTLAY
STATEWIDE LAW ENFORCEMENT RADIO SYSTEM
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 703,800

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

OFFICE OF THE DEPUTY SECRETARY FOR ADMINISTRATION

1916 NOT USED

1917 NOT USED

1918 NOT USED

1919 NOT USED

DEPUTY SECRETARY FOR OPERATIONS

CHILDREN, YOUTH AND FAMILY SERVICES

1920 NOT USED

CHILDREN'S MEDICAL SERVICES

1920A FIXED CAPITAL OUTLAY
CHILDREN'S MEDICAL SERVICES CLINICS
FROM GENERAL REVENUE FUND 1,500,000

1921 NOT USED

INSURANCE, DEPARTMENT OF, AND TREASURER

OFFICE OF THE TREASURER AND DIVISION OF ADMINISTRATION

1922 NOT USED

MILITARY AFFAIRS, DEPARTMENT OF

GENERAL ACTIVITIES

1923 FIXED CAPITAL OUTLAY
ARMORY RANGE HOODS WITH FIRE SUPPRESSION - AGENCYWIDE
FROM GENERAL REVENUE FUND 201,250

1924 FIXED CAPITAL OUTLAY
ROOF INSPECTION/REPAIRS - AGENCYWIDE
FROM GENERAL REVENUE FUND 674,000

1924A FIXED CAPITAL OUTLAY
NEW NATIONAL GUARD ARMORY - WAUCHULA

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	FROM GENERAL REVENUE FUND	400,000
	NATURAL RESOURCES, DEPARTMENT OF	
	MARINE RESOURCES, DIVISION OF	
1924B	FIXED CAPITAL OUTLAY PLANNING FLORIDA MARINE RESEARCH INSTITUTE - EAST COAST REGIONAL LABORATORY FROM MARINE RESOURCES CONSERVATION TRUST FUND	300,000
1924C	FIXED CAPITAL OUTLAY PLANNING FLORIDA MARINE RESEARCH INSTITUTE - NORTHWEST FLORIDA REGIONAL LABORATORY FROM MARINE RESOURCES CONSERVATION TRUST FUND	100,000
1924D	FIXED CAPITAL OUTLAY CONSTRUCTION - JOINT USE MARINE RESEARCH FACILITY - DEPARTMENT OF NATURAL RESOURCES/UNIVERSITY OF SOUTH FLORIDA FROM GENERAL REVENUE FUND . . . . . 5,000,000 FROM MARINE RESOURCES CONSERVATION TRUST FUND	1,000,000
	LAW ENFORCEMENT, DIVISION OF	
1924E	FIXED CAPITAL OUTLAY PLANNING AND CONSTRUCTION - FLORIDA MARINE PATROL FACILITIES - STATEWIDE FROM MARINE RESOURCES CONSERVATION TRUST FUND	1,000,000
	VETERANS' AFFAIRS, DEPARTMENT OF	
1925	FIXED CAPITAL OUTLAY STATE DOMICILIARY HOME FOR VETERANS FROM STATE HOMES FOR VETERANS TRUST FUND .	58,930
1926	FIXED CAPITAL OUTLAY STATE NURSING HOME FOR VETERANS FROM GENERAL REVENUE FUND . . . . . 1,739,422 FROM VETERANS' AFFAIRS DESIGN AND CONSTRUCTION TRUST FUND	3,230,353
	TOTAL OF SECTION 2A	
	FROM GENERAL REVENUE FUND	11,413,251
	FROM TRUST FUNDS	15,392,693
	TOTAL ALL FUNDS	26,805,944

SECTION 2B - AGENCY MANAGED CONSTRUCTION

The moneys contained herein are appropriated from the named funds to the state agencies indicated, as amounts for fixed capital outlay.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

FORESTRY, DIVISION OF

1926A FIXED CAPITAL OUTLAY
LAND ACQUISITION - SECOND SERIES OF PRESERVATION 2000 BONDS
FROM FLORIDA PRESERVATION 2000 TRUST FUND 8,700,000

Funds in Specific Appropriation 1926A are contingent upon CS/CS/SB 2242 or similar legislation becoming law.

1926B FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM FLORIDA PRESERVATION 2000 TRUST FUND 8,700,000

Funds in Specific Appropriation 1926B are contingent on the unexpended balance of funds appropriated in Section 22(1)(e) of Chapter 90-217, Laws of Florida, reverting to the Florida Preservation 2000 Trust Fund on June 30, 1991.

1927 FIXED CAPITAL OUTLAY
RELOCATE AND REPLACE TALLAHASSE DISTRICT HEADQUARTERS FACILITY - LEON COUNTY
FROM RELOCATION AND CONSTRUCTION TRUST FUND 861,000

1928 FIXED CAPITAL OUTLAY
RELOCATE SOUTHSIDE FIRE LOOKOUT TOWER FACILITY - DUVAL COUNTY
FROM RELOCATION AND CONSTRUCTION TRUST FUND 30,600

1929 FIXED CAPITAL OUTLAY
REPLACE FORESTRY STATIONS - MULTIPLE LOCATIONS
FROM RELOCATION AND CONSTRUCTION TRUST FUND 436,705

1929A FIXED CAPITAL OUTLAY
FORESTRY LAND ACQUISITION - STATEWIDE
FROM INCIDENTAL TRUST FUND 70,000

COMMUNITY AFFAIRS, DEPARTMENT OF

OFFICE OF THE SECRETARY

1929B FIXED CAPITAL OUTLAY
LAND ACQUISITION - SECOND SERIES OF PRESERVATION 2000 BONDS
FROM FLORIDA PRESERVATION 2000 TRUST FUND 30,000,000

Funds in Specific Appropriation 1929B are contingent upon CS/CS/SB 2242 or similar legislation becoming law.

1930 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM FLORIDA PRESERVATION 2000 TRUST FUND 30,000,000

Funds in Specific Appropriation 1930 are contingent on the unexpended balance of funds appropriated in section 22(1)(c) of Chapter 90-217, Laws of Florida, reverting to the Florida Preservation 2000 Trust Fund on June 30, 1991.

HOUSING FINANCE AGENCY

1931 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - STATE APARTMENT INCENTIVE LOAN PROGRAM
FROM STATE APARTMENT INCENTIVE LOAN TRUST FUND 8,800,000

1932 FIXED CAPITAL OUTLAY
TRANSFER TO STATE APARTMENT INCENTIVE LOAN TRUST FUND
FROM GENERAL REVENUE FUND 4,000,000

1933 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - HOMEOWNERSHIP ASSISTANCE PROGRAM
FROM FLORIDA HOMEOWNERSHIP ASSISTANCE TRUST FUND 2,000,000

1934 FIXED CAPITAL OUTLAY
TRANSFER TO HOMEOWNERSHIP ASSISTANCE TRUST FUND
FROM GENERAL REVENUE FUND 1,700,000

CORRECTIONS, DEPARTMENT OF

ASSISTANT SECRETARY FOR HEALTH SERVICES

1934A FIXED CAPITAL OUTLAY
ADDITIONAL CAPACITY MENTAL HEALTH FACILITIES
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,091,293
FROM SALE OF GOODS AND SERVICES CLEARING TRUST FUND 408,707

Funds are provided in Specific Appropriation 1934A to the Department of Corrections for construction of a 50-bed transitional care unit for physical and mental health services for inmates in its custody

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subject to a formal plan on its administration acceptable to the Correctional Medical Authority for oversight and compliance monitoring.

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

MAJOR INSTITUTIONS

1934B FIXED CAPITAL OUTLAY
ADDITIONAL CAPACITY, EXISTING FACILITIES
FROM GENERAL REVENUE FUND 600,000

From the funds in Specific Appropriation 1934B, $300,000 is provided for the replacement of existing capacity at Avon Park Correctional Institution and is contingent upon the reversion of $300,000 from Specific Appropriation 2082 included in Chapter 90-209, Laws of Florida.

1934C FIXED CAPITAL OUTLAY
REQUEST FOR PROPOSALS FOR PRIVATE ADULT CORRECTIONAL FACILITY
FROM GENERAL REVENUE FUND 140,000

From the funds provided in Specific Appropriation 1934C, the Board of County Commissioners of Gadsden County shall be provided $120,000 and the Department of Corrections shall be provided $20,000 in order to carry out their respective obligations. None of these funds shall be used for lobbying services.

The Board of County Commissioners of Gadsden County shall be delegated, subject to the conditions contained herein, the authority to issue a Request for Proposals and select a private vendor to construct and operate a correctional facility for those inmates only who are sentenced to or placed in the custody of the Department of Corrections. The institution shall be a model rehabilitative facility emphasizing innovative programs relating to drug treatment, education and vocational training with the goal of decreasing inmate recommitment. The facility shall house minimum and medium custody inmates with a system maximum capacity not less than 600 beds but not more than 896 beds and shall be located within close proximity to the City of Gretna. The selected site and construction design shall allow for expansion of the facility in terms of additional inmate beds and program space.

The Department of Corrections shall enter into a lease purchase agreement and a separate management agreement, as provided herein, with the private vendor selected by the procurement and agreed to by the Department of Corrections. The management agreement shall be for a term of 5 years, but may be renewed for three additional five-year terms at the option of the Department of Corrections. The lease purchase agreement shall state separately the interest component. The performance and obligation of the Department of Corrections to pay under either of these agreements shall be contingent upon an annual appropriation by the Legislature.

The Request for Proposals, and all contracts executed with the private vendor, shall require compliance with all Department of Corrections rules, policies and procedures, and any federal, state or local law or regulation or court order applicable to the Department of Corrections; including, but not limited to, Florida Statutes, Sections 944.105 and 944.710, and 944.712 through 944.719. The Department of Corrections shall provide to all bidders a list or actual copies of all department rules, policies, and federal, state or local laws or regulations or court orders applicable to it. In order to demonstrate "substantial savings" to the state, as defined in s. 944.105(1)(a) and s. 944.714, bidders must submit price proposals for operational expenses with a per diem rate at least ten percent less than the Department of Corrections' rate for per diem operations. All direct and indirect components of the per diem calculation shall be aggregated and quantified and the per diem

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figure shall be disclosed within 30 days of the issuance of the Request for Proposals. "Substantial savings" to the state on construction costs shall be defined as described in s.944.105(1)(a) and s. 944.714. The Department shall include in its cost of construction the estimated cost for land, taxes and financing of construction. Construction financing costs shall include interest, which shall be equal to the rate that the state would pay for tax-exempt full faith and credit bonds issued on the date of issuance of the Request for Proposals. Financing costs shall be provided by the Department of General Services, Division of Bond Finance.

The Request for Proposals shall invite innovation in the design, construction and management of the facility, along with innovative programs. Proposals submitted shall be graded on a point value system weighted as follows: 50% of the points representing the price component of the operating costs; 10% of the points representing the rehabilitative component; 25% of the points representing the construction and management team qualifications and experience; 15% of the points on the technical proposal including local business components. Any proposal received by the Board of County Commissioners of Gadsden County for lease purchase, which includes the components of financing, design and construction of the facility shall include minority business enterprises as defined under s. 288.703, Florida Statutes. In addition, any bidder who includes local businesses as part of the financing, design and construction components of its proposal shall be given additional points during the County's evaluation of the proposals.

The successful bidder shall be required to indemnify and hold harmless the State of Florida, to the maximum extent permitted by law, for all liabilities, damages, costs and expenses incurred by the state as a result of the performance of the agreements by the successful bidder. The successful bidder shall also be required to provide a liability insurance policy, or the equivalent protection, in an amount no less than $5 million per each occurrence not to total more than $12 million aggregate pursuant to s.944.713.

The successful bidder shall not use any funds paid to it under the agreements for lobbying services. Appropriate remedies shall be included in the agreements to address a violation of this provision. Vendors shall be required to list in their proposals all fees and expenses incurred by them for lobbying services in relation to bidding, the procurement, or this proviso, and the names and addresses of the lobbyists performing such services. In addition, no agent, employee, or officer of any bidder or potential bidder shall be permitted to have any contact with any officer, employee or agent of Gadsden County or the Department of Corrections regarding this project, except where such contact is incidental and necessary to a clarification of this proviso or of any technical element of the Request for Proposal. Contact, however, may also occur at duly noticed and scheduled meetings of the Board of County Commissioners of Gadsden County or at any other meeting which is noticed in the same manner as county commission meetings. Any and all contacts described above shall be in writing and fully documented by the person instituting such contact, shall be acknowledged, and shall be submitted to the Department of Corrections as part of the official public record of this project. All contacts shall be public records at all times and made available to all bidders or potential bidders. These restrictions shall apply from the effective date of this proviso and through the time that the final contract is awarded and any appeals or litigation concerning that award are exhausted. Any party who violates this provision directly or through the use of a third-party will be precluded from participation in or bidding on this project or have

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the resulting agreements terminated, if it is the successful bidder.

The Board of County Commissioners of Gadsden County and the Department of Corrections shall cooperate in the preparation of the request for proposals and in the evaluation of the proposals, and the county shall have the sole and exclusive authority to draft and prepare such document. The Department of Corrections will provide input and assistance in the drafting of the Request for Proposals and provide one representative who shall be a member of the County's evaluation team. Upon completion of the preliminary draft of the Request for Proposals and prior to its final adoption, the Board of County Commissioners of Gadsden County shall forward it to the Department of Corrections for review and comment. The Department of Corrections shall have 30 calendar days from the date of receipt to review and, in writing, approve or object to its contents. Any objections shall be described in detail. After the Request for Proposals issues, and bids are submitted, the county shall review the bids and forward to the Department of Corrections those bids which it has determined meet the specifications of the Request for Proposals. The Department shall, within 30 days of receipt and in writing, approve or object to those bids, and describe in detail any objections thereto.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

OFFICE OF EDUCATIONAL FACILITIES

1934D FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM FACILITY ENHANCEMENT - CHALLENGE GRANT PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 3,400,000

The following university projects are included in the funds provided in Specific Appropriation 1934D in accordance with the provisions of s. 240.2601, Florida Statutes. If acquisition or additions to existing facilities are included in the project, the existing facility must be certified to be free of asbestos or other hazardous building materials.
UF - Turf Grass Environtron.....350,000
UF - Urban Entomology.....100,000
FSU - Tennis Court Complex.....600,000
FSU - Appleton Museum Expansion.....2,000,000
USF - Caples Fine Arts Project.....250,000
FIU - Greenhouse Research Lab.....100,000

1934E FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM -UNIVERSITY OF FLORIDA VET MEDICINE CHALLENGE GRANT PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,750,000

The appropriation provided in Specific Appropriation 1934E is contingent upon the reversion of an appropriation for the named project included within item 2042E of Chapter 89-253, Laws of Florida.
UF - Vet Medicine Teaching Hospital Expansion Phase II.....1,750,000

1934F FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM CAPITAL IMPROVEMENT FEE PROJECTS
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 1,942,795

The following projects for the State University System are included in the funds appropriated in Specific Appropriation 1934F.
UCF - Completion of additional space in the Student Union Project.....1,171,263
FIU - Student Health Services Center..... 771,532
The project appropriations included within Specific Appropriation 1934F are contingent upon the reversion of appropriations provided for the named projects within item 2094A of Chapter 89-253, Laws of Florida.

1934G FIXED CAPITAL OUTLAY

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STATE UNIVERSITY SYSTEM - UNIVERSITY OF SOUTH FLORIDA SARASOTA CAPLES CHALLENGE GRANT PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 450,000

The following University project is provided in Specific Appropriation 1934G in accordance with the provisions of s 240.2601, Florida Statutes.
USF - Sarasota Caples Fine Arts Projects.....450,000
The project provided in Specific Appropriation 1934G is contingent upon the reversion of the Sarasota Caples Project Completion project within item 2042E of Chapter 89-253, Laws of Florida.

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1934H FIXED CAPITAL OUTLAY
LAND ACQUISITION - SECOND SERIES OF PRESERVATION 2000 BONDS
FROM FLORIDA PRESERVATION 2000 TRUST FUND 8,700,000

Funds in Specific Appropriation 1934H are contingent upon CS/CS/SB 2242 or similar legislation becoming law.

1935 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM FLORIDA PRESERVATION 2000 TRUST FUND 8,700,000
FROM LAND ACQUISITION TRUST FUND 2,000,000

Funds in Specific Appropriation 1935 from the Florida Preservation 2000 Trust Fund are contingent upon the unexpended balance of funds appropriated in section 22(1)(f) of Chapter 90-217, Laws of Florida, reverting to the Florida Preservation 2000 Trust Fund on June 30, 1991.

GENERAL SERVICES, DEPARTMENT OF

FACILITIES MANAGEMENT, DIVISION OF

1936 FIXED CAPITAL OUTLAY
INTERIOR REPAIRS AND MAINTENANCE OF POOL FACILITIES - LEASED SPACE
FROM SUPERVISION TRUST FUND 961,595

1936A FIXED CAPITAL OUTLAY
LAND ACQUISITION - CAPITOL CENTER AND VICINITY GOVERNOR'S MANSION AND ENVIRONS
FROM GENERAL REVENUE FUND 50,000

From Funds in Specific Appropriation 1936A, up to $25,000 may be used to develop plans for alternative uses of land in the Capitol Center Planning District currently permitted for private development as a multi-story mixed use facility to determine if such alternative use would be more consistent with Section 272.111, F.S. A portion of said funds may also be used for an option to purchase the property if it can be acquired in a land exchange of surplus state lands, and the exchange agreement provides for reimbursement to the state of said funds upon the completion of the exchange.
From Funds in Specific Appropriation 1936A, up to $25,000 may be used to study feasibility of acquiring the three parcels of land adjacent to the Governor's Mansion and bordering on North Monroe Street. A portion of said funds may also be used for an option to purchase the property if it can be acquired in a land exchange of surplus state lands, and the exchange agreement provides for reimbursement to the state of said funds upon the completion of the exchange.

1937 NOT USED

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

OFFICE OF THE DEPUTY SECRETARY FOR ADMINISTRATION

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1938 NOT USED

1938A FIXED CAPITAL OUTLAY
DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES FIXED CAPITAL NEEDS FOR CENTRALLY MANAGED FACILITIES
FROM GENERAL REVENUE FUND 6,500,000

Funds in Specific Appropriation 1938A shall be used by the department for any fixed capital requirements for which funding was requested in the department's legislative budget request in this section. The department shall prepare an allocation plan for these funds and submit it to the Executive Office of the Governor for approval, in consultation with the chairmen of the Senate and House Appropriations Committees, no later than September 16, 1991.

1939 NOT USED

DEPUTY SECRETARY FOR OPERATIONS

MENTAL HEALTH - INSTITUTIONS

1940 NOT USED

1940A FIXED CAPITAL OUTLAY
CONTAMINATED SITE CLEANUP - SOUTH FLORIDA STATE HOSPITAL
FROM GRANTS AND DONATIONS TRUST FUND . . . 520,000

HEALTH SERVICES

1941 FIXED CAPITAL OUTLAY
COUNTY HEALTH AND REHABILITATIVE SERVICES' PUBLIC HEALTH UNITS
FROM GENERAL REVENUE FUND 5,200,000

Funds in Specific Appropriation 1941 may be used for equipment, renovation, construction, operational plans, or other similar one-time start-up costs associated with the provision of public county health unit services.
Funds in Specific Appropriation 1941 shall be distributed according to the priority ranking as developed by the department in its Legislative Budget Request.

LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF

OFFICES OF THE SECRETARY AND ADMINISTRATIVE SERVICES

1941A FIXED CAPITAL OUTLAY
PILOT ONE-STOP SERVICE CENTER
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 4,600,000

1942 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM ADMINISTRATIVE TRUST FUND 93,777

1943 FIXED CAPITAL OUTLAY
REED ACT BUILDINGS STATEWIDE PROJECTS
FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND 693,201

NATURAL RESOURCES, DEPARTMENT OF

STATE LANDS, DIVISION OF

1943A FIXED CAPITAL OUTLAY
LAND ACQUISITION - SECOND SERIES OF PRESERVATION 2000 BONDS
FROM FLORIDA PRESERVATION 2000 TRUST FUND 150,000,000

Funds in Specific Appropriation 1943A are contingent upon CS/CS/SB 2242 or similar legislation becoming law.

1943B FIXED CAPITAL OUTLAY
FIRST YEAR DEBT SERVICE FOR SECOND SERIES OF PRESERVATION 2000 BONDS
FROM LAND ACQUISITION TRUST FUND 30,000,000

Funds in Specific Appropriation 1943B are for first year's debt service of the second series of Preservation 2000 bonds and are contingent upon CS/CS/SB 2242 or similar legislation becoming law.

1944 FIXED CAPITAL OUTLAY
CASCADES PARK - SITE CONTAMINATION ASSESSMENT
FROM WATER QUALITY ASSURANCE TRUST FUND . 75,000

1945 FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 41,000,000
FROM FLORIDA PRESERVATION 2000 TRUST FUND 150,000,000

Funds in Specific Appropriation 1945 from the Florida Preservation 2000 Trust Fund are contingent on the unexpended balance of funds appropriated in section 22(1)(a) of Chapter 90-217, Laws of Florida, reverting to the Florida Preservation 2000 Trust Fund on June 30, 1991.

1946 NOT USED

1947 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM GENERAL REVENUE FUND 12,834,117
FROM LAND ACQUISITION TRUST FUND 30,000,000

From the funds in Specific Appropriation 1947, $30,000,000 from the Land Acquisition Trust Fund is a reappropriation of Specific Appropriation 2108A of Chapter 90-209, Laws of Florida.

MARINE RESOURCES, DIVISION OF

1947A FIXED CAPITAL OUTLAY
BROOD STOCK FACILITY - PORT MANATEE FISH HATCHERY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 85,000

1947B FIXED CAPITAL OUTLAY
NECROPSY FACILITY - PORT MANATEE
FROM SAVE THE MANATEE TRUST FUND 175,000

BEACHES AND SHORES, DIVISION OF

1948 FIXED CAPITAL OUTLAY
INLET SAND TRANSFER PROJECTS - STATEWIDE
FROM GENERAL REVENUE FUND 2,000,000

1949 NOT USED

1949A FIXED CAPITAL OUTLAY
BEACH RESTORATION
FROM GENERAL REVENUE FUND 4,903,147

RESOURCE MANAGEMENT, DIVISION OF

1950 FIXED CAPITAL OUTLAY
SPOIL SITE ACQUISITIONS AND IMPROVEMENTS (LUMP SUM - 376.11 FS)
FROM PORT TRUST FUND 519,931

1951 FIXED CAPITAL OUTLAY
NON-MANDATORY LAND RECLAMATION PROJECTS
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND 9,141,765

Funds in Specific Appropriation 1951 shall be used for the reclamation and acquisition of nonmandatory lands in accordance with the provisions of Chapter 378, Part I, Florida Statutes.

RECREATION AND PARKS, DIVISION OF

1952 FIXED CAPITAL OUTLAY
ACQUISITION OF RAILROAD RIGHTS OF WAY

SECTION 2B
SPECIFIC
APPROPRIATION

FROM FLORIDA PRESERVATION 2000 TRUST FUND 3,900,000

Funds in Specific Appropriation 1952 are contingent on the unexpended balance of funds appropriated in section 22(1)(g) of Chapter 90-217, Laws of Florida, reverting to the Florida Preservation 2000 Trust Fund on June 30, 1991.

1952A FIXED CAPITAL OUTLAY
LAND ACQUISITION - SECOND SERIES OF PRESERVATION 2000 BONDS
FROM FLORIDA PRESERVATION 2000 TRUST FUND 8,700,000

1952B FIXED CAPITAL OUTLAY
ACQUISITION OF RAILROAD RIGHTS OF WAY - SECOND SERIES OF PRESERVATION 2000 BONDS
FROM FLORIDA PRESERVATION 2000 TRUST FUND 3,900,000

Funds in Specific Appropriation 1952A and 1952B are contingent upon CS/CS/SB 2242 or similar legislation becoming law.

1953 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM FLORIDA PRESERVATION 2000 TRUST FUND 8,700,000

Funds in Specific Appropriation 1953 are contingent on the unexpended balance of funds appropriated in section 22(1)(d) of Chapter 90-217, Laws of Florida, reverting to the Florida Preservation 2000 Trust Fund on June 30, 1991.

1953A FIXED CAPITAL OUTLAY
SAVE OUR COAST ACQUISITION PROGRAM
FROM SAVE OUR COAST PROJECT TRUST FUND . . 11,695,143

Funds in Specific Appropriation 1953A are contingent upon the reversion of funds appropriated in Specific Appropriation 2065A of Chapter 89-253, Laws of Florida.

1953B FIXED CAPITAL OUTLAY
LOVERS KEY PARK DEVELOPMENT/CARL JOHNSON SITE
FROM LAND ACQUISITION TRUST FUND 400,000

1954 FIXED CAPITAL OUTLAY
GRANTS AND DONATIONS SPENDING AUTHORITY
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,000,000

1954A FIXED CAPITAL OUTLAY
FACILITY REPAIR NEEDS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 1,500,000

1955 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 33,626,679

Funds in Specific Appropriation 1955 include Fiscal Year 1991-92 debt service on all current "Save Our Coast" and Conservation and Recreational Lands Bonds, which may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies due to a change in the interest rate, timing of issuance, or other circumstances, there is hereby appropriated from the Land Acquisition Trust Fund an amount sufficient to pay such debt service as required by s. 375.051, Florida Statutes.

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

HISTORICAL RESOURCES, DIVISION OF

1956 NOT USED

1957 NOT USED

HISTORIC PRESERVATION BOARDS

HISTORIC ST AUGUSTINE PRESERVATION BOARD

SECTION 2B
SPECIFIC
APPROPRIATION

1958 NOT USED

TRANSPORTATION, DEPARTMENT OF

FINANCE AND ADMINISTRATION

1959 FIXED CAPITAL OUTLAY
RENOVATIONS - HEATING, VENTILATION AND AIR CONDITIONING - BURNS BUILDING
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,316,051

CENTRALIZED MOBILE EQUIPMENT AND WAREHOUSE OPERATIONS

1960 FIXED CAPITAL OUTLAY
UNDERGROUND STORAGE TANK PROGRAM - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,720,000

1961 FIXED CAPITAL OUTLAY
HAZARDOUS MATERIALS STORAGE BUILDINGS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 925,000

PLANNING AND ENGINEERING

1962 FIXED CAPITAL OUTLAY
ASBESTOS REMOVAL - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 4,440,000

1962A FIXED CAPITAL OUTLAY
DRAINAGE GRID RENOVATION - STATE MATERIALS OFFICE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 10,000

1962B FIXED CAPITAL OUTLAY
REPAVE PARKING LOT - STATE MATERIALS OFFICE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 35,000

1962C FIXED CAPITAL OUTLAY
INTERIOR RENOVATION - STATE MATERIALS OFFICE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 16,000

1962D FIXED CAPITAL OUTLAY
RENOVATIONS - HEATING, VENTILATION AND AIR CONDITIONING - STATE MATERIALS OFFICE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 230,000

1962E FIXED CAPITAL OUTLAY
SANITARY SEWER HOOKUPS - STATE MATERIALS OFFICE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 30,000

1963 FIXED CAPITAL OUTLAY
INSTALL ELEVATOR - STATE MATERIALS OFFICE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 98,000

1964 FIXED CAPITAL OUTLAY
RADIO COMMUNICATIONS PROGRAM (TOWERS/ANTENNAES) - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 236,111

1964A FIXED CAPITAL OUTLAY
SPACE REQUIREMENTS STUDY - STATE MATERIALS OFFICE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 25,000

DISTRICT ADMINISTRATION

1965 FIXED CAPITAL OUTLAY

SECTION 2B
SPECIFIC
APPROPRIATION

HANDICAP RENOVATIONS - CHIPLEY DISTRICTWIDE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 300,000

1966 FIXED CAPITAL OUTLAY
HURRICANE PROTECTION - SIXTH DISTRICT OFFICE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 40,000

1967 FIXED CAPITAL OUTLAY
CODE CORRECTIONS - LAKE CITY DISTRICT OFFICE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 25,000

1967A FIXED CAPITAL OUTLAY
RESURFACE PARKING LOT - BARTOW DISTRICT OFFICE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 100,000

1968 FIXED CAPITAL OUTLAY
ROOF REPLACEMENT - DISTRICT OFFICE - BARTOW (DISTRICT ONE)
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 80,000

1968A FIXED CAPITAL OUTLAY
REPLACE TELEPHONE SYSTEM - BARTOW DISTRICT OFFICE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 185,000

1968B FIXED CAPITAL OUTLAY
NEW CONSTRUCTION OR ADDITION/REMODELING - DISTRICT OFFICE - FT. LAUDERDALE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,800,000

1968C FIXED CAPITAL OUTLAY
STORAGE FACILITIES - DISTRICT OFFICE - LAKE CITY (DISTRICT TWO)
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 350,000

1968D FIXED CAPITAL OUTLAY
RENOVATIONS - DISTRICT OFFICE - LAKE CITY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 10,000

1968E FIXED CAPITAL OUTLAY
CONSTRUCTION AND TESTING LABORATORY AND OFFICE - MIAMI
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 572,000

1969 FIXED CAPITAL OUTLAY
ADDITION - DISTRICT OFFICE - DELAND
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 4,800,000

Funds in Specific Appropriations 1968B and 1969 may be used to purchase existing office space or build a new building pursuant to Chapter 337, F.S., if it is more cost effective than renovating and adding to the existing district office building. If existing office space is purchased, it will be deeded to the Broad of Trustees of the Internal Improvement Trust Fund.

1970 NOT USED

1971 FIXED CAPITAL OUTLAY
TAMPA DISTRICT OFFICE PHASE 1, 2, AND 3
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 8,000,000

Funds in Specific Appropriation 1971 may be used to purchase existing office space pursuant to Chapter 337, F.S., if it is more cost effective than constructing a new building. If existing office space is purchased, it will be deeded to the Board of Trustees of the Internal Improvement Trust Fund.

1971A FIXED CAPITAL OUTLAY
AUDITORIUM, SIXTH DISTRICT OFFICE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 475,000

DISTRICT PLANNING AND PUBLIC TRANSIT

1971B FIXED CAPITAL OUTLAY
ADDITION/RENOVATION - DISTRICT PLANNING OFFICE - CHIPLEY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 120,000

DISTRICT PRODUCTION

1971C FIXED CAPITAL OUTLAY
DISTRICT DESIGN BUILDING - CHIPLEY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 500,000

DISTRICT OPERATIONS

1972 FIXED CAPITAL OUTLAY
CODE CORRECTIONS - LAKE CITY DISTRICTWIDE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 99,000

1972A FIXED CAPITAL OUTLAY
REPAVINGS - DISTRICTWIDE - TAMPA (DISTRICT SEVEN)
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 238,006

1972B FIXED CAPITAL OUTLAY
ADDITIONAL PARKING - JACKSONVILLE MAINTENANCE OFFICE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 30,000

1972C FIXED CAPITAL OUTLAY
PAVING - ST. AUGUSTINE MAINTENANCE YARD
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 15,000

1972D FIXED CAPITAL OUTLAY
REPAVING - DELAND DISTRICTWIDE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 65,000

1972E FIXED CAPITAL OUTLAY
HEATING, VENTILATION AND AIR CONDITIONING REPLACEMENTS AND MODIFICATIONS - LAKE CITY (DISTRICT TWO)
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 53,000

1972F FIXED CAPITAL OUTLAY
AIR CONDITIONING REPLACEMENT - DELAND DISTRICTWIDE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 30,000

1973 FIXED CAPITAL OUTLAY
REROOFING - DISTRICTWIDE - LAKE CITY (DISTRICT TWO)
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 25,000

1974 FIXED CAPITAL OUTLAY
ROOFS BARTOW DISTRICTWIDE
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 40,000

1974A FIXED CAPITAL OUTLAY
ROOFING - DISTRICTWIDE - CHIPLEY (DISTRICT THREE)
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 350,000

1975 FIXED CAPITAL OUTLAY
REROOF MAINTENANCE WAREHOUSE AND SHOP - TAMPA
FROM STATE TRANSPORTATION (PRIMARY)

SECTION 2B SPECIFIC APPROPRIATION		
	TRUST FUND	110,000
1975A	FIXED CAPITAL OUTLAY RELOCATION OF DOCTORS INLET MAINTENANCE FACILITY - CLAY COUNTY FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	416,000
1975B	FIXED CAPITAL OUTLAY GAINESVILLE MAINTENANCE YARD FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	102,000
1975C	FIXED CAPITAL OUTLAY PANAMA CITY MAINTENANCE YARD FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	150,000
1975D	FIXED CAPITAL OUTLAY WAREHOUSE BUILDING - NORTH DADE MAINTENANCE (DISTRICT SIX) FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	146,000
1975E	FIXED CAPITAL OUTLAY CONSTRUCTION OFFICE - ST. AUGUSTINE (DISTRICT TWO) FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	45,000
1975F	FIXED CAPITAL OUTLAY MINI-SERVICE SHOP - BARTOW MAINTENANCE (DISTRICT ONE) FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	193,000
1975G	FIXED CAPITAL OUTLAY ADDITION - MAINTENANCE WELDING SHOP - PINELLAS (DISTRICT SEVEN) FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	80,513
1975H	FIXED CAPITAL OUTLAY ADDITION - CONSTRUCTION OFFICE - CLEARWATER (DISTRICT SEVEN) FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	17,490
1975I	FIXED CAPITAL OUTLAY STORAGE BUILDINGS - CHIEFLAND MAINTENANCE (DISTRICT TWO) FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	112,000
1975J	FIXED CAPITAL OUTLAY MAINTENANCE WELDING SHOP - BARTOW FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	182,000
1975K	FIXED CAPITAL OUTLAY CREW ROOMS AND PARKING LOT - CHIPLEY (DISTRICT THREE) FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	1,450,000
1975L	FIXED CAPITAL OUTLAY WELDING BAY - NAPLES MAINTENANCE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	35,000
1975M	FIXED CAPITAL OUTLAY OFFICE ADDITION - GAINESVILLE CONSTRUCTION/TRAFFIC OPERATIONS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	93,500
1975N	FIXED CAPITAL OUTLAY MAINTENANCE FACILITY - PERRY FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	65,000
1975O	FIXED CAPITAL OUTLAY OFFICE ADDITION - CHIEFLAND MAINTENANCE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	30,000

SECTION 2B SPECIFIC APPROPRIATION		
1975P	FIXED CAPITAL OUTLAY SHOP ADDITION - CHIEFLAND MAINTENANCE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	25,000
1975Q	FIXED CAPITAL OUTLAY EQUIPMENT AND STORAGE BUILDING (PHASE I) - ST. AUGUSTINE MAINTENANCE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	15,000
1975R	FIXED CAPITAL OUTLAY OFFICE ADDITION - PALATKA CONSTRUCTION FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	42,000
1975S	FIXED CAPITAL OUTLAY INMATE STAGING AREA - JACKSONVILLE MAINTENANCE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	27,000
1975T	FIXED CAPITAL OUTLAY EQUIPMENT AND MATERIAL STORAGE BUILDING - BRONSON SUBMAINTENANCE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	15,000
1975U	FIXED CAPITAL OUTLAY EQUIPMENT AND MATERIAL STORAGE BUILDING - TRENTON SUBMAINTENANCE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	15,000
1975V	FIXED CAPITAL OUTLAY EQUIPMENT WASHING AREA - ST. AUGUSTINE MAINTENANCE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	5,000
1975W	FIXED CAPITAL OUTLAY GUARD HOUSE AND GATE - JACKSONVILLE MAINTENANCE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	5,000
1975X	FIXED CAPITAL OUTLAY REMODEL MATERIALS LABORATORY - TROUT RIVER TOLL BUILDING - LAKE CITY FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	20,000
1975Y	FIXED CAPITAL OUTLAY RENOVATE - REFUELING STATION - LAKE CITY DISTRICT OFFICE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	51,000
1975Z	FIXED CAPITAL OUTLAY INTERIOR RENOVATIONS, BRIDGE MAINTENANCE OFFICES - LAKE CITY DISTRICTWIDE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	25,000
1975AA	FIXED CAPITAL OUTLAY REPLACE SHEET METAL - ST. AUGUSTINE MAINTENANCE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	23,500
1975AB	FIXED CAPITAL OUTLAY MAINTENANCE YARD - PHASE IV - PANAMA CITY FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	275,000
1975AC	FIXED CAPITAL OUTLAY RADIO SHOPS AND PARKING LOT - CHIPLEY DISTRICTWIDE FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	225,000
1975AD	FIXED CAPITAL OUTLAY MAINTENANCE YARD - FORT PIERCE (DISTRICT	

SECTION 2B
SPECIFIC
APPROPRIATION

FOUR)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 166,000

1975AE FIXED CAPITAL OUTLAY
RELOCATION MAINTENANCE YARD - TALLAHASSEE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 405,000

1975AF FIXED CAPITAL OUTLAY
ADDITION MAINTENANCE RESIDENT OFFICE - FT. LAUDERDALE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 52,800

1975AG FIXED CAPITAL OUTLAY
DISTRICT MATERIALS LABORATORY - PALM BEACH
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 74,000

1975AH FIXED CAPITAL OUTLAY
REFUELING STATION - PERRY MAINTENANCE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 30,000

1975AI FIXED CAPITAL OUTLAY
OFFICE BUILDING - PERRY MAINTENANCE SUPERVISOR - DISTRICT TWO
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 20,000

1975AJ FIXED CAPITAL OUTLAY
REPLACE RADIO TOWER - LEESBURG MAINTENANCE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 60,000

1975AK FIXED CAPITAL OUTLAY
REMODEL AND EXPAND MAINTENANCE SUPERVISION BUILDING - PINELLAS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 40,605

TOTAL OF SECTION 2B

FROM GENERAL REVENUE FUND 37,927,264

FROM TRUST FUNDS 644,555,767

TOTAL ALL FUNDS 682,483,031

SECTION 2C - PUBLIC EDUCATION CAPITAL OUTLAY

The moneys contained herein are appropriated from the named funds to the Department of Education, as amounts for fixed capital outlay to be expended for each specified phase from funds accruing under Section 9(a)(2), Article XII of the State Constitution, as amended. The scope of each project shall be planned in such a way as to provide that the amounts specified shall not be exceeded, or any excess in cost shall be funded by funds other than those appropriated herein. The provisions of s. 216.301(3)(a), F.S., shall apply to capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

OFFICE OF EDUCATIONAL FACILITIES

The Legislature hereby finds and determines that the items and sums designated in this section shall constitute authorized capital outlay projects within the meaning and as required by s. 9(a)(2), Article XII of the State Constitution, as amended, and any other law. In accordance therewith, the moneys in the following items are authorized to be expended for the enumerated authorized capital outlay projects.

The sum designated for each specific allocation for a project is the maximum sum to be expended for each specified phase from funds accruing under s. 9(a)(2), Article XII of the State Constitution, as amended. The scope of each project shall be planned in such a way as to provide that the amounts specified shall not be exceeded, or any excess in costs shall be funded by funds other than those appropriated herein. The provisions of s. 216.301(3)(a), Florida Statutes, shall apply to

SECTION 2B
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capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund for the Fiscal year 1991-92 appropriation.

1976 FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIR, RENOVATION, AND REMODELING
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 86,291,670

Funds provided in Specific Appropriation 1976 shall be allocated in accordance with s. 235.435(1), Florida Statutes.

Public Schools	73,847,771
Community Colleges	6,370,890
State University System	5,867,030
Developmental Research Schools	205,979

1977 FIXED CAPITAL OUTLAY
SURVEY RECOMMENDED NEEDS - PUBLIC SCHOOLS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 272,332,823

Funds provided in Specific Appropriation 1977 shall be allocated in accordance with s. 235.435(3), Florida Statutes.

1978 FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 125,686,662

The following community college projects are included in the funds provided in Specific Appropriation 1978.

SYS - Library Auto Infrast Renov(e)	1,162,562
Brevard - Ren/rem Sci/Maint bldg exp/elevs-Cocoa	2,306,400
Classroom Bldg - Mel partial (p)	500,000
Rem/ren Fac #2 Occup Bldg-Titus partial	43,600
Broward - Aviation Bldg-South partial(c)	3,509,171
Phys Ed Fac/Utils Plant-S complete(e)	450,000
Stu Svcs Bldg - South partial(p)	400,000
Gen ren, energy conservation and grds imprv/collegwide	1,121,315
Rem/ren Bldgs 49, 50 & 52 - North	880,520
BCC/FAU Library (p)	375,000
Central Florida - Site/School acq and remodeling - Ocala(s,p)	800,000
Basic Sci Bldg Addition complete(p,c,e)	1,079,630
Library addition partial(p)	156,989
Rem/Ren Basic Science and Administration Buildings - Main	325,000
Ren/rem - Fine Arts, Career center and Library	969,228
Chipola - Ren/rem exterior walls, doors windows and energy/Social Science Building	456,903
Daytona Beach - Rem/ren Student Services Building 14	547,998
Adm/Stu Services Building complete-DB(e)	300,000
Gen ren/rem HVAC-towers/DB site development/Flag	754,718
Purchase Four Towns/Deltona Project partial (s)	304,159
Classrooms/Lab/Office/Multi-Purpose Building (p)	375,000
Laboratory Building 2-S Vol partial(p)	222,920
Edison - Collier Center phase I Naples complete (p.c.e.)	3,548,888
Ren safety, handicapped and code correction - Ft. Myers partial	508,375
Florida Community College at Jacksonville	
Rem/ren Urban Resource Center Bldg	3,553,164
Ren plumbing N/S and roofs collegewide	1,299,450
Performing Arts-South partial(c)	9,515,499
Visual Arts Center - South partial(p)	747,566
Florida Keys - Ren chiller mounts, comm system, underground utilities	575,000
Physical Ed Facility and parking partial(p,c)	285,000
Gulf Coast - Land acquisition(s)	470,000
Ren HVAC Science Building	200,000

SECTION 2C
SPECIFIC
APPROPRIATION

Hillsborough - Ren energy mgt. sys/ parking/HVAC DM Central	1,019,491
Rem/ren Auto, Hort Labs - PC	810,956
DP Lab, Student Service and Library Facility - PC partial(p)	378,278
Indian River - Gen ren/rem roofs/ parking/lights - collegewide	770,463
Learning Resource Center-St. Lucie complete(c,e)	1,125,136
Rem/ren Applied Science, Fire Tower Ft. Pierce partial	154,897
Land acquisition partial	1,875,000
Science Bld - Ft. Pierce complete(c,e)	2,730,477
Classroom Building St. Lucie West complete(e)	356,719
Rem/ren Vocational Bld-Ft. Pierce cont.	396,960
Lake City - Medical Technology Building partial(p)	292,288
Ren underground pipes-HVAC system partial	729,500
Correct Training Facility complete(c,e)	545,000
Rem/ren Math and Science Facility 9...	470,743
Lake Sumter - Land acquisition	2,250,000
Rem/ren Buildings 2, 5 and P partial..	304,628
Gen ren/rem Building 2 & reroofing....	605,000
Manatee - Ren/rem heat mains & HVAC system collegewide	237,500
Rem/ren clsrms 600 & 5003-Bradenton...	484,146
Science Bld Labs Addition comp(c,e)...	2,383,619
Miami-Dade - Rem/ren classrooms/Lab support - Medical Center partial....	2,839,088
Homestead Campus Phase II partial(s,p)	3,763,000
Rem/ren classroom/labs/support partial	153,000
Wolfson Center Phase III partial(c)...	16,190,000
Ren/rem - Collegewide	4,008,614
Rem/ren classrooms/Labs/Offices South.	2,250,000
Rem/ren clsrms/Labs/Support part-North	2,314,936
Fine Arts/Hum Cntr & Garage-S part(s,p)	1,885,622
North Florida - Gen ren/rem roofing/ handicapped	226,928
Okaloosa-Walton - Land acquisition Chautauqua Center(s)	100,000
Gen ren and site improvements - collegewide	352,546
Gen rem/ren-Niceville	605,854
Performing/Fine Arts Center Aud par(p)	100,000
Palm Beach - Gen ren, roofs, safety and hazardous material removal collegewide	1,493,660
Outdoor and Physical Ed Facility South partial(p)	442,974
Gen clsrms Building 2-Eissey partial(p)	480,392
Pasco - Hernando - Ren roof and HVAC - Building 1 East	475,000
Rem/ren Occupational Bldgs-North & East	1,004,120
Pensacola - Gen ren/rem 15 Buildings and roofs - Main and War	1,303,600
Life Fitness/Health Fac-Milt partial(p)	198,744
Polk - Ren/rem-sanitary, irrigation and drainage system-WH	518,675
Rem/ren LRC Facil 2 sec fire & labs-WH	308,424
Santa Fe - Rem/ren Buildings 801 (H) 1600(R)	498,325
Gen ren/rem and roofs	604,305
Classroom Building N partial(s,p)	334,305
Childcare Center complete(p,c,e)	473,164
Land acquisition(s)	1,350,000
Parking facilities complete(p,c)	335,000
Seminole - Rem/ren Library floor 1 & 3..	698,569
Ren water and sewer system partial....	840,000
Admin Bldg Addition & ren partial(p)..	423,107
South Florida - Ren parking, paving	800,000
Horticulture lab, offices partial(p)..	116,491
Comp Science & DP Labs, offices part(p)	137,396
Stu Svcs Ctr/Clrms & rem old partial(c)	7,085,404
St. Johns River - Ren HVAC sys/waterproofing painting/parking lot	347,000
St. Petersburg - Ren/rem HVAC & 3 Bldgs exteriors SP	3,165,016
Rem/ren Science Labs & campuswide-CL...	1,540,000
LRC,Phs Ed, IMTS, Stu Svc, TS part(p).. AV, clsrms. & offices	629,000
Tallahassee - Land acquis/site improv(s).	1,500,000
Rem/ren Utilities infrastructure	750,000

SECTION 2C
SPECIFIC
APPROPRIATION

Ren fascia/HVAC/cons't utls CEP partial	916,328
Administration Bldg/clrms partial(c,e).	2,974,000
Valencia - Rem/ren floors 2, 3 & 4 Admin Building-DTC	1,610,385
Student Supp Facil-E complete(e)	1,043,698
Ren/rem Modules 2, 6 & 8 & roofs West.	335,000
Voc Clrm Bldg-E(4) con't complete(e)..	500,136

Funds in Specific Appropriation 1978 for Sys - Library Auto Infrast Renov (e) are based on the survey of construction and permanent dedicated telecommunication equipment needs for the twenty-eight community colleges at sixty-four library sites as identified in the five year Plan for Library Automation of Florida's Community Colleges System funded by the Legislature since 1989.

Funds in Specific Appropriation 1978 for Daytona Beach Community College - Purchase Four Towns/Deltona Project partial is contingent upon the Community College receiving approval for a Special Purpose Site designation through the State Board of Community Colleges, PEPC and the State Board of Education and receiving a favorable Educational Plant Survey from the Office of Educational Facilities.

No lease-purchase agreement can be entered into by a college to purchase a facility without the prior approval from the Legislature. This provision shall apply to any agreements completed after July 1, 1991.

Funds in Specific Appropriation 1978 for Palm Beach Community College for "Outdoor and Physical Ed Facility South partial" shall be used to construct facilities on land within the current leased space of Palm Beach Community College. No additional land is anticipated being added to the lease by the appropriation.

1979 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 173,705,353

The following projects for the State University System are included in the funds appropriated in Specific Appropriation 1979:

SUS- Land Acquisition(s)	21,000,000
Planning New Southwest University(p)..	1,000,000
Additional Fire Code Corrections and Capital Renewal	9,565,284
Deferred Maintenance - 1986 Task Force Report	4,000,000
Fire Code Corrections 1988 Funding Plan	1,293,700
FAMU- Ren of Jackson Davis Hall(e)	146,550
Science Research Facility(c)	6,463,615
Renovation of Lee Hall(c,e)	1,506,013
Plant Operations Building(p)	551,355
School of Business(p)	403,396
FAU - Southeast/Davie Campus(e)	1,250,000
North Palm Beach Campus Expansion(p)..	517,992
Education Building(c)	7,913,535
FAU/BCC Joint-Use Library (p)	375,000
FIU - Library Addition(c,e)	1,000,000
Arts Complex Phase I(c)	7,000,000
Education Building(p)	500,000
Hospitality Mgt/Completion(p,c,e)	2,200,000
Conference Center (p)	600,000
FSU - Utilities Improvements(p,c)	2,612,000
Renovation of Strozier Library(p)	533,000
University Center - Academic Facilities-Phase B(c)	14,932,500
Stormwater improvm.- State Share(p)	393,300
Magnet Laboratory - Phase II (p,c,e)..	19,303,000
Magnet Laboratory - Phase I (e)	2,000,000
Mildred & Claude Pepper Bldg (p)	350,000
UCF - Renovate/Remodel Administration Building(c,e)	1,575,000
Early Childhood Ed Addition(p,c,e)	450,000
Renovate/Remodel Chemistry Bld(e)	225,000
Expand Physical Plant Facilities(p,c,e)	2,300,000

SECTION 2C
SPECIFIC
APPROPRIATION

Renovate/Remodel Humanitites and Fine Arts(c,e)	1,200,000
Computer Center Expansion(p)	487,750
UF - Leigh Hall Renovation(c)	8,805,000
Wastewater Treatment Plant Phase I(c)	5,555,000
Utilities Improvements(p,c)	3,900,000
Microbiology/Cell Science Building(c)	9,504,000
Veterinary Medicine Academic Wing(p)	600,000
UF/Santa Fe Performing Arts Center Completion(p,c,e)	2,003,607
Engin. and Research Center-Eglin(p)	400,000
UNF - Campus Access Road(p,c)	1,300,000
Classroom/Lab/Office Building(p)	400,000
Teaching Gymnasium(e)	600,000
USF - Utilities Improvements(p,c)	4,624,000
St. Pete Marine Science Building(c)	7,596,100
FMHI Asbestos Correction and Roof Replacement(p,c)	3,620,000
Bio Science Academic Facility(e)	1,082,000
Science Center Renovation(p)	600,000
Communication and Info Science(e)	1,200,000
St. Pete - New Library Bld and Convert Current Libr to Admin Space(p)	840,000
Eye Institute/USF Medical Cen-Rem for. USF Eye Clinic & Moffitt Cen (p,c,e)	6,000,000
UWF - Remodel/Expand for Student Services(p,c,e)	820,514
Rem Space Vacated by Arts Program(c,e)	607,142

Funds provided in Specific Appropriation 1979 for the Magnet Laboratory, Phase I and II, for Florida State University shall not be included in the calculations to determine the average percentage of the funds appropriated by the Legislature for fixed capital outlay for the State University System as required in s.235.014(16), Florida Statutes.

Funds provided in Specific Appropriation 1979 for SUS Land Acquisition are to enhance the capability of the State University System (SUS) to improve the capability and access of the SUS. All land acquisition projects accomplished by this provision shall be approved by the Board of Regents and the State Board of Education and amended to the State University list of priority PECO projects.

Funds provided in Specific Appropriation 1979 for the UF/Santa Fe Performing Arts Center completion include up to $593,007 to reimburse Santa Fe Community College for project costs previously paid from non-project funds.

1980 FIXED CAPITAL OUTLAY
COMMUNITY EDUCATION FACILITIES
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 12,725,000

Funds provided in Specific Appropriation 1980 shall be allocated for projects which shall comply with s. 235.196, Florida Statutes.

Broward Community College/Broward County Library - North Campus(e)	650,000
Hillsborough School Board/Hillsborough County Addition to Museum of Science and Industry(c,e)	12,000,000
Hillsborough Community College/ Hillsborough County Nature Center(p)	75,000

1981 FIXED CAPITAL OUTLAY
SPECIAL FACILITY CONSTRUCTION ACCOUNT
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 28,045,809

Funds provided in Specific Appropriation 1981 shall be allocated pursuant to s. 235.435(2), Florida Statutes, as follows:

Taylor County High School(p,c,e)	14,186,201
Levy County Elementary School (p,c,e)	8,138,495
Lafayette County High School (p,c,e)	5,721,113

Each project shall comply with the provisions of s. 235.435(2), F.S., before any funds are released for that project.

Due to the emergency nature of the project, the Lafayette County project pay back years shall begin in fiscal year 1992-93 and the Levy County project pay back years shall begin in fiscal year 1993-94.

SECTION 2C
SPECIFIC
APPROPRIATION

1981A FIXED CAPITAL OUTLAY
PUBLIC SCHOOL HEALTH FACILITIES
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 16,500,000

Funds provided in Specific Appropriation 1981A shall be used to renovate or construct, including installation of appropriate equipment, space for school health clinics in public elementary schools, middle and junior high schools, high schools, and combination schools.

The Department of Education shall allocate these funds to the county school districts proportionately based upon the documented need for clinic area indicated by compiled statistics from the most recent educational plant survey performed pursuant to s. 235.15, Florida Statutes, adjusted by the construction cost indices by county calculated by the department.

Allocated funds may be used to renovate or to expand existing facilities for non-school health clinic space only after it is determined by the department that such renovation or expansion is directly necessary because existing school space is in a more appropriate location on campus for a school health clinic.

1981B FIXED CAPITAL OUTLAY
PUBLIC SCHOOL NEW CONSTRUCTION
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 75,000,000

Funds provided in Specific Appropriation 1981B shall be allocated and expended as provided in s.235.435(3), Florida Statutes, to the developmental research schools and to those public school districts who are levying a minimum of 1.5 mills against the nonexempt assessed valuation under the provisions of s.236.25(2), Florida Statutes, including that millage which is being paid for debt service under voted bond issues authorized under s.236.31 and 236.37, Florida Satutes. The total millage for capital outlay purposes shall equal or exceed 1.5 mills to be eligible for an appropriation which would be allocated under the provisions of s.235.435(3), Florida Statutes.

1982 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 228,676,169
FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 50,809,028

1983 FIXED CAPITAL OUTLAY
FLORIDA SCHOOL FOR THE DEAF AND BLIND - CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 4,036,988

Funds provided in Specific Appropriation 1983 are for the following projects:

Campus Safety related projects	683,550
Capital Asset Management projects	2,516,918
Renovations	827,700
Master Plan Update	8,820

1984 FIXED CAPITAL OUTLAY
DIVISION OF BLIND SERVICES - CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 670,135

Funds provided in Specific Appropriation 1984 are for the following projects:

Daytona Beach - Florida Regional Library Rehabilitiation Center and Tampa District Office - Library Wing Addition and dog guide washing facility/ren and rem	670,135

1985 FIXED CAPITAL OUTLAY
JOINT-USE FACILITIES PROJECTS

SECTION 2C
SPECIFIC
APPROPRIATION

FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 5,750,000

Funds provided in Specific Appropriation 1985 shall be used for joint-use facilities pursuant to s. 235.195, Florida Statutes.
Okaloosa-Walton Community College/UWF
Joint-use campus in Ft. Walton Beach
Phase II completion..... 5,000,000
Broward Community College/FAU Library(p) 750,000

1986 FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 1,990,483

Funds provided in Specific Appropriation 1986 shall be used as follows:
WUWF-FM Pensacola(e)..... 562,083
WQCS-FM Ft. Pierce (c)..... 980,900
WSRE-TV Pensacola(p)..... 447,500

1987 FIXED CAPITAL OUTLAY
SCIENCE FACILITIES
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 25,000,000

Funds provided in Specific Appropriation 1987 shall be expended for the renovation and remodeling of existing science laboratories, where needed, and construction of new science laboratories at middle schools and senior high schools. Funds shall be allocated on a pro-rata share of need per the science facilities assessment survey conducted during 1989-90 by the Office of Educational Facilities.

1988 FIXED CAPITAL OUTLAY
VOCATIONAL-TECHNICAL FACILITIES
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 600,000

Funds provided in Specific Appropriation 1988 are for the following project:
Lake School District - Lake Area
Voc-Tech Center - Public Safety
complex (p,c,e) Phase II..... 600,000
Funds in Specific Appropriation 1988 shall not require any matching funds and are the total amount provided for the stated project.

1988A FIXED CAPITAL OUTLAY
VOCATIONAL-TECHNICAL CONSTRUCTION
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 7,625,000

Funds provided in Specific Appropriation 1988A are for the following projects:
Lee School District - Constructing
and equip. of new Voc-Tech
center (c,e) Phase I..... 3,500,000
Osceola School District - Constructing
and equip area Voc-Tech Center (c,e) 4,000,000
Polk School District - Ridge Vo-Tech
Fire Program (c,e)..... 125,000
Projects in Specific Appropriation 1988A shall provide at least 50% matching funds of the amount appropriated which may include the value of land and in-kind contributions.

1989 FIXED CAPITAL OUTLAY
ASBESTOS ABATEMENT
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 34,000,000

Funds in Specific Appropriation 1989 shall be allocated among the public schools, developmental research schools, community colleges and the state university system according to the sum-of-digits formula set forth in s. 235.435(1), Florida Statutes. These funds may be expended for asbestos abatement, removal, replacement, and associated building system replacement costs.

1990 FIXED CAPITAL OUTLAY

SECTION 2C
SPECIFIC
APPROPRIATION

PLANNING - RESIDENTIAL MAGNET SCHOOL -
BREVARD COUNTY
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 1,200,000

Funds in Specific Appropriation 1990 are for a residential math/science magnet school.

1991 FIXED CAPITAL OUTLAY
CAPITAL PLANNING - KINDERGARTEN THROUGH
TWELFTH - FLEXIBLE SCHEDULES
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 1,500,000

Funds in Specific Appropriation 1991 shall be available to school districts for the development of capital outlay plans and renovations that promote a transition to alternative schedules for the school year that maximize the use of current facilities. Grants shall be awarded by the Department of Education on a competitive basis in accordance with criteria developed by the department.

1991A FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE MAINTENANCE ENHANCEMENT
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 3,142,578

Funds in Specific Appropriations 1991A through 1991C shall be allocated in accordance with the formulas provided in s.235.435(1), Florida Statutes.

1991B FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM MAINTENANCE
ENHANCEMENT
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 5,328,826

1991C FIXED CAPITAL OUTLAY
PUBLIC SCHOOL MAINTENANCE ENHANCEMENT
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 36,528,596

1991D FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM UF - VET MED TEACH
HOSP EXPAN
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 4,000,000

The appropriation provided in Specific Appropriation 1991D is contingent upon the reversion of an approriation for the named project included within item 2100 of Chapter 89-253, Laws of Florida.

1992 NOT USED

1992A FIXED CAPITAL OUTLAY
UNIVERSITY OF FLORIDA BIO TECH MATCHING
FUNDS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 1,160,000

Funds in Specific Appropriation 1992A are provided to match additional federal funds above those currently matched for Bio Tech research and administrative facilities.

1992B FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM FLORIDA
INTERNATIONAL UNIVERSITY REMODEL PHYSICAL
SCIENCES
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 1,743,000

Funds in Specific Appropriation 1992B are contingent upon the reversion of an appropriation for the named project included within Item 2100 of Chapter 89-253, Laws of Florida.

1992C FIXED CAPITAL OUTLAY
PURCHASE LEASEHOLD & POSSESSORY INTEREST
IN 16.73 ACRES AND IMPROVEMENTS (ALLSTATE
BLDG) FOR MAGNET LAB. - PHASES I & II
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND

SECTION 2C
SPECIFIC
APPROPRIATION

DEBT SERVICE TRUST FUND 14,000,000

Funds in Specific Appropriation 1992C are provided solely to obtain the assignment and transfer to the State Board of Regents of the right, title and possessory interest of the Allstate Insurance Company and the leasehold and reversionary/remainder interest of the Leon County Research and Development Authority in 16.73 acres of land and the improvements constructed thereon, being lots 4A, 5A, 6A, 7A and 8A in Innovation Park, Tallahassee, Florida for use in conjunction with the Magnet Lab - Phases I and II.

The funds appropriated for the assignment and transfer of the interests of Allstate Insurance Company and the Leon County Research and Development Authority are contingent upon the dismissal with prejudice of Case Number 88-3273 in the Second Judicial Circuit, presently pending on appeal as Docket Number 90-02358 in the District Court of Appeal, First District, State of Florida and the execution of complete and total releases from liability in favor of the State and the Authority, their departments, agencies, employees, agents, attorneys, instrumentalities, and all other persons who may be liable, for any and all claims arising out of the transactions that are the subject matters of such litigation, including without limitation, the financing, development, construction, leasing, lease purchasing and subleasing of the above described real property and improvements located thereon, and/or the non-appropriation of funds for lease of such property for use by the Department of Professional Regulation.

The funds appropriated shall revert to the Public Education Capital Outlay fund on July 2, 1991, unless all contingencies of this appropriation are met by said date.

Funds provided in Specific Appropriation 1992C for the Allstate Building project for Florida State University shall not be included in the calculations to determine the average percentage of the funds appropriated by the Legislature for fixed capital outlay for the State University System as required in s.235.014(16), Florida Statutes.

TOTAL OF SECTION 2C

FROM TRUST FUNDS 1218,048,120

TOTAL ALL FUNDS 1218,048,120

SECTION 2D - PUBLIC FACILITIES BONDING PROGRAM

The moneys contained herein are appropriated from the named funds to the Department of General Services, Division of Construction, pursuant to the Florida Building and Facilities Act, ss. 255.501-255.525, Florida Statutes.

GENERAL SERVICES, DEPARTMENT OF

FACILITIES MANAGEMENT, DIVISION OF

1993 FIXED CAPITAL OUTLAY
DEBT SERVICE 1990-91 BONDS
FROM GENERAL REVENUE FUND 5,134,200
FROM FLORIDA FACILITIES POOL WORKING
CAPITAL TRUST FUND 4,621,253

Of the funds provided in Specific Appropriation 1993 from the General Revenue Fund, $4,621,253 shall be placed in reserve by the Executive Office of the Governor if in the opinion of Bond Counsel, the funds available in the Florida Facilities Pool Working Capital Trust Fund are an appropriate use for this purpose.

1993A FIXED CAPITAL OUTLAY
LOTTERY OFFICE BUILDING -
FROM FLORIDA FACILITIES POOL WORKING
CAPITAL TRUST FUND 3,000,000
FROM LOTTERY BUILDING CONTRIBUTION TRUST
FUND 3,000,000

Funds in Specific Appropriation 1993A shall be used to pay costs related to the initial planning and preliminary design and programming in accordance with s. 255.18, Florida Statutes, and the Department of Lottery's proportionate share of the initial infrastructure and Development of Regional Impact cost of the Satellite Center Office Park in Leon County. Facilities and improvements constructed at the Satellite Center Office Park in Leon County to house the Department of Lottery shall become part of the Florida Facilities Pool as set forth in Sections 255.501-255.525, Florida Statutes.

Of the funds provided in Specific Appropriation 1993A from the Lottery Building Contribution Trust Fund, up to $3,000,000 shall be transferred to the Working Capital Fund by the Executive Office of the Governor if in the opinion of Bond Counsel, the funds available in the Florida Facilities Pool Working Capital Trust Fund are an appropriate use for this purpose.

1993B FIXED CAPITAL OUTLAY
EVALUATION/ACQUISITION AND RENOVATION OF
RESOLUTION TRUST CORPORATION (RTC)
PROPERTY - ORANGE COUNTY
FROM FLORIDA FACILITIES POOL WORKING
CAPITAL TRUST FUND 3,000,000
FROM PROFESSIONAL REGULATION TRUST FUND . 3,000,000

Funds in Specific Appropriation 1993B are to be used for the evaluation, acquisition and renovation of Resolution Trust Corporation property located in Orange County for the purposes of establishing a statewide testing and evaluation center for the Department of Professional Regulation. The acquisition of property is contingent upon the following occurrences:

1. That an asbestos survey be made available as provided for in Chapter 255, Florida Statutes. In the event the survey is positive, the Department shall obtain estimates of the cost to remove the asbestos and recondition the affected areas.
2. That the Department obtain appraisals following the guidelines in Chapter 253, Florida Statutes. The price for the purchase of the property shall follow the quidelines set forth in Chapter 253 and be approved by the Administration Commission subject to the notice, review, and objection procedures set forth in s. 216.177, Florida Statutes.
3. The Resolution Trust Corporation agrees to convey to the state fee simple title to the building, site and improvements without being subject to any encumbrance, mortgage or lease.
4. That the Department have developed estimated costs for all necessary modifications required to renovate the building to state of Florida government building standards and codes in accordance with chapter 255, Florida Statutes, and local building codes in effect on July 1, 1991 and costs associated with remodeling to meet the Departments' functional purpose for the building.
5. The property and facilities acquired from Resolution Trust Corporation becoming part of the Florida Facilities Pool as set forth in Sections 255.501-255.525, Florida Statutes.

Of the funds provided in Specific Appropriation 1993B from the Professional Regulation Trust Fund, up to $3,000,000 shall be transferred to the Working Capital Fund by the Executive Office of the Governor if in the opinion of Bond Counsel, the funds available in the Florida Facilities Pool Working Capital Trust Fund are an appropriate use for this purpose.

1993C FIXED CAPITAL OUTLAY
LARSON BUILDING RENOVATION
FROM FLORIDA FACILITIES POOL WORKING
CAPITAL TRUST FUND 5,237,722

Funds in Specific Appropriation 1993C shall be used to fund capital appreciation expenditures associated with the Larson Building renovation.

1993D FIXED CAPITAL OUTLAY

SECTION 2D
SPECIFIC
APPROPRIATION

INFRASTRUCTURE CONSTRUCTION - SATELLITE CENTER - LEON COUNTY
FROM FLORIDA FACILITIES POOL WORKING CAPITAL TRUST FUND 2,762,459

1994 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM FLORIDA FACILITIES POOL CLEARING TRUST FUND 7,812,040

1995 FIXED CAPITAL OUTLAY
DEBT SERVICE 87-88 BONDS
FROM FLORIDA FACILITIES POOL CLEARING TRUST FUND 6,062,105

1996 FIXED CAPITAL OUTLAY
DEBT SERVICE 89-90 BONDS
FROM FLORIDA FACILITIES POOL WORKING CAPITAL TRUST FUND 3,641,025

TOTAL OF SECTION 2D

FROM GENERAL REVENUE FUND 5,134,200

FROM TRUST FUNDS 42,136,604

TOTAL ALL FUNDS 47,270,804

SECTION 2E - ENERGY GRANTS

The moneys contained herein are appropriated from the named funds to the Energy Office in the Department of Community Affairs, for expenditure on energy conservation programs and fixed capital outlay projects in cooperation with the Departments of Education, Transportation, and Environmental Regulation.

COMMUNITY AFFAIRS, DEPARTMENT OF

HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF

1997 FIXED CAPITAL OUTLAY
ENERGY EFFICIENCY PROJECTS
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 7,200,000

1998 FIXED CAPITAL OUTLAY
INSTITUTIONAL ENERGY CONSERVATION PROJECTS
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 4,000,000

1999 FIXED CAPITAL OUTLAY
TRANSPORTATION ENERGY CONSERVATION PROJECTS
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 3,800,000

2000 FIXED CAPITAL OUTLAY
WEATHERIZATION PROGRAM
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 3,842,887

2001 FIXED CAPITAL OUTLAY
FLORIDAFIX PROGRAM
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 1,000,000

From funds in Specific Appropriation 2001, the Department of Community Affairs, in consultation with the Department of Health and Rehabilitative Services, shall assure that functionally impaired elderly persons, as defined in s. 410.023(4), Florida Statutes, who are at greatest risk of institutionalization shall have priority in the expenditure of funds under the FloridaFix Program.

TOTAL OF SECTION 2E

FROM TRUST FUNDS 19,842,887

TOTAL ALL FUNDS 19,842,887

SECTION 2F - DEPARTMENT OF TRANSPORTATION WORK PROGRAM

The moneys contained herein are appropriated from the named funds to the Department of Transportation to fund the 5-year work program developed pursuant to the provisions of ss. 339.135 and 339.155, F.S.

TRANSPORTATION, DEPARTMENT OF

FINANCE AND ADMINISTRATION

2001A FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION

SECTION 2E
SPECIFIC
APPROPRIATION

DISADVANTAGED
FROM TRANSPORTATION DISADVANTAGED TRUST FUND 10,310,000

2002 NOT USED

2003 NOT USED

PLANNING AND ENGINEERING

2004 FIXED CAPITAL OUTLAY
TRANSPORTATION ENERGY CONSERVATION PROJECTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,100,000

2004A FIXED CAPITAL OUTLAY
MASS TRANSIT MATCHING GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 480,000

2005 FIXED CAPITAL OUTLAY
PUBLIC TRANSPORTATION FLEET
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 460,000

2006 FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,472,000

2007 FIXED CAPITAL OUTLAY
PUBLIC TRANSPORTATION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,327,100

2008 FIXED CAPITAL OUTLAY
PUBLIC TRANSPORTATION DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 7,370,000

2009 FIXED CAPITAL OUTLAY
TRANSPORTATION TESTING AND INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 4,200,000

2010 FIXED CAPITAL OUTLAY
BRIDGE DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,400,000

2010A FIXED CAPITAL OUTLAY
HIGHWAY SAFETY PROGRAM
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 6,405,863

Funds in Specific Appropriation 2010A are for a transfer of the Highway Safety Program by a Type Four transfer from the Department of Community Affairs to the Department of Transportation.

2010B FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 200,000

2010C FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION EXPRESSWAY AUTHORITIES
FROM TOLL FACILITIES REVOLVING TRUST FUND 11,340,000

From funds in Specific Appropriation 2010C, the department may advance funds in accordance with the provisions of s. 338.251, Florida Statutes and are contingent on sufficient fund balances within the Toll Facilities Revolving Trust Fund. Funding provided by the department to eligible applicants that exceeds $500,000 shall not include funding for final design costs beyond 60 percent completion until an acceptable plan to finance total project costs, including the reimbursement of outstanding trust fund advances is approved by the department.

2011 NOT USED

SECTION 2F
SPECIFIC
APPROPRIATION

2012 NOT USED

2013 NOT USED

TURNPIKE OPERATIONS

2014 FIXED CAPITAL OUTLAY
TRANSPORTATION TESTING AND INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 250,000

2015 FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 6,599,027

2016 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY ACQUISITION CONSULTANTS
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 665,000
FROM TURNPIKE CONTROLLED ACCESS TRUST FUND 2,255,000

2017 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY OTHER PERSONAL SERVICES FEES
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 822,000
FROM TURNPIKE CONTROLLED ACCESS TRUST FUND 1,022,800

2018 FIXED CAPITAL OUTLAY
TURNPIKE CONSULTANTS
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 60,000
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 8,733,128
FROM TURNPIKE CONTROLLED ACCESS TRUST FUND 26,853,000

2019 FIXED CAPITAL OUTLAY
TURNPIKE RIGHT-OF-WAY LAND ACQUISITION
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 12,009,000
FROM TURNPIKE CONTROLLED ACCESS TRUST FUND 6,350,000

2020 FIXED CAPITAL OUTLAY
TURNPIKE CONSTRUCTION
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 23,762,352
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 10,562,000
FROM TURNPIKE CONTROLLED ACCESS TRUST FUND 44,096,155
FROM TURNPIKE 1991A BOND CONSTRUCTION TRUST FUND 290,453,591

2021 FIXED CAPITAL OUTLAY
TURNPIKE CONSTRUCTION INSPECTION CONSULTANT
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 2,783,501
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 1,422,372
FROM TURNPIKE CONTROLLED ACCESS TRUST FUND 3,381,652
FROM TURNPIKE 1991A BOND CONSTRUCTION TRUST FUND 28,604,290

2022 FIXED CAPITAL OUTLAY
TURNPIKE SYSTEM EQUIPMENT AND DEVELOPMENT
FROM TURNPIKE CONTROLLED ACCESS TRUST FUND 4,734,000

DISTRICT PLANNING AND PUBLIC TRANSIT

2022A FIXED CAPITAL OUTLAY
MASS TRANSIT MATCHING GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 20,332,733

2023 FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 5,012,000

2024 FIXED CAPITAL OUTLAY
PUBLIC TRANSPORTATION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 950,000

2025 FIXED CAPITAL OUTLAY
PUBLIC TRANSPORTATION DEVELOPMENT
FROM FLORIDA SEAPORT TRANSPORTATION AND ECONOMIC DEVELOPMENT TRUST FUND 8,000,000
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 28,636,698

2025A FIXED CAPITAL OUTLAY
AVIATION MATCH GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 73,519,844

2025B FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION DISADVANTAGED
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,062,630

2025C FIXED CAPITAL OUTLAY
PUBLIC TRANSPORTATION BLOCK GRANTS
FROM PUBLIC TRANSIT OPERATION ASSISTANCE GRANT TRUST FUND 27,399,877

2025D FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING GRANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 4,369,600

2026 NOT USED

2027 NOT USED

2028 NOT USED

2029 NOT USED

2030 NOT USED

DISTRICT PRODUCTION

2031 FIXED CAPITAL OUTLAY
BRIDGE DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 12,799,670

2032 FIXED CAPITAL OUTLAY
INTERSTATE DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 20,530,627

2033 FIXED CAPITAL OUTLAY
OTHER FEDERAL AID, DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 41,159,962

2034 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY ACQUISITION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 8,017,001
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 2,530,000

2035 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 232,916,416
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 203,088,096

From funds in Specific Appropriation 2035, an amount not to exceed $16,720,133 from the Right-of-Way Acquisition and Bridge Construction Trust Fund may be used toward the final purchase cost of the FEC Railroad from Southwest 98th Street to a point south of Florida City in Dade County under installment purchase agreement with the FEC Railroad dated February 11, 1988. These funds shall come from funds allocated to the Department of Transportation Sixth District for right-of-way acquisition.

2036 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY OTHER PERSONAL SERVICES FEES

SECTION 2F
SPECIFIC
APPROPRIATION

FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 38,231,385
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 19,677,372

2037 FIXED CAPITAL OUTLAY
STATE 100% DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 39,472,259

From funds in Specific Appropriation 2037, the department shall give high priority to the expenditure of funds not to exceed $1,000,000 per project for design and engineering costs associated with the construction of interstate projects in order to maximize the utilization of federal funds in cases where local matching funds are available. Prior to the commitment of funds, the department shall insure that each project meets the following criteria: the creation of a local agency authorized to issue bonds for the funding of all or a portion of the project; the completion of a justification report with project cost estimates; consistent with the transportation planning process pursuant to s. 339.175, F.S.; and a determination of eligibility of the project to participate in federal funding.

2038 FIXED CAPITAL OUTLAY
TRAFFIC OPERATIONS DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,535,776

DISTRICT OPERATIONS

2039 FIXED CAPITAL OUTLAY
TRANSPORTATION TESTING AND INSPECTION
CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,427,573

2040 FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE
CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 40,581,906

2041 FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 54,986,805

2042 FIXED CAPITAL OUTLAY
OTHER FEDERAL AID, ROAD CONSTRUCTION
CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 239,320,622

2043 FIXED CAPITAL OUTLAY
OTHER FEDERAL AID, TRAFFIC OPERATIONS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 23,649,716

2044 FIXED CAPITAL OUTLAY
INTERSTATE ROAD CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 279,417,196

2045 FIXED CAPITAL OUTLAY
INTERSTATE RESURFACING/REHABILITATION
CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 70,427,654

2046 FIXED CAPITAL OUTLAY
OTHER FEDERAL AID, BRIDGE CONSTRUCTION
CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 35,327,927

2047 FIXED CAPITAL OUTLAY
OTHER FEDERAL AID, RESURFACING CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 118,393,564

2048 FIXED CAPITAL OUTLAY
STATE 100% BRIDGE CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 39,967,866

2049 FIXED CAPITAL OUTLAY
STATE 100% RESURFACING CONSTRUCTION
CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 41,785,526

2050 FIXED CAPITAL OUTLAY
STATE 100% ROAD CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 50,483,175

Funds in Specific Appropriation 2050, shall not be committed or expended for major repairs and maintenance to the Mayport Ferry on work program item numbers 2114945N and 2114946N. The Jacksonville Transportation Authority shall assume all responsibilities for maintenance and repairs to the ferry.

2051 FIXED CAPITAL OUTLAY
TRAFFIC OPERATIONS CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 18,856,190

2051A FIXED CAPITAL OUTLAY
HIGHWAY BEAUTIFICATION GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,500,000

Funds in Specific Appropriation 2051A require an equal match from non-state funds by the program participants and the grant program shall be administered by the Florida Highway Beautification Council in accordance with s. 339.2405, F.S.

2052 FIXED CAPITAL OUTLAY
TRAFFIC SYSTEMS DEVELOPMENT CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 785,000

2053 FIXED CAPITAL OUTLAY
TRANSFER TO DEPARTMENT OF COMMERCE FOR
ECONOMIC DEVELOPMENT TRANSPORTATION
PROJECTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,000,000

2054 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 7,900,000

2055 NOT USED

TOTAL OF SECTION 2F

FROM TRUST FUNDS 2348,536,497

TOTAL ALL FUNDS 2348,536,497

SECTION 2G - GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NON-PROFIT ORGANIZATIONS

The moneys contained herein are appropriated from the named funds to the state agencies indicated, as amounts for capital outlay grants to local units of government and non-profit organizations.

COMMERCE, DEPARTMENT OF

ECONOMIC DEVELOPMENT, DIVISION OF

2056 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONPROFIT ORGANIZATIONS
ECONOMIC DEVELOPMENT TRANSPORTATION
PROJECTS
FROM ECONOMIC DEVELOPMENT TRANSPORTATION
TRUST FUND 7,000,000

COMMUNITY AFFAIRS, DEPARTMENT OF

EMERGENCY MANAGEMENT, DIVISION OF

2057 NOT USED

SECTION 2F
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2057A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - COMPLETION OF CONTRACTUAL OBLIGATIONS REDUCED BY MANDATORY RESERVES
FROM GENERAL REVENUE FUND 100,000

2058 NOT USED

HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF

2059 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - HOUSING PREDEVELOPMENT ASSISTANCE
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 1,500,000

2060 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
TRANSFER TO FLORIDA ELDERLY HOUSING TRUST FUND FOR FLORIDA ELDERLY HOUSING REHABILITATION PROGRAM
FROM GENERAL REVENUE FUND 810,541

2061 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - ELDERLY HOUSING REHABILITATION PROGRAM
FROM FLORIDA ELDERLY HOUSING TRUST FUND . 810,541
FROM FLORIDA AFFORDABLE HOUSING TRUST FUND 189,459

2062 NOT USED

2063 NOT USED

ENVIRONMENTAL REGULATION, DEPARTMENT OF

2063A FIXED CAPITAL OUTLAY
AID TO WATER MANAGEMENT DISTRICTS - LAND ACQUISITION - SECOND SERIES OF PRESERVATION 2000 BONDS
FROM FLORIDA PRESERVATION 2000 TRUST FUND 90,000,000

Funds in Specific Appropriation 2063A are contingent upon CS/CS/SB 2242 or similar legislation becoming law.

2064 FIXED CAPITAL OUTLAY
AID TO WATER MANAGEMENT DISTRICTS - LAND ACQUISITION
FROM FLORIDA PRESERVATION 2000 TRUST FUND 90,000,000
FROM WATER MANAGEMENT LANDS TRUST FUND . . 77,500,000

Funds in Specific Appropriation 2064 from the Florida Preservation 2000 Trust Fund are contingent on the unexpended balances of funds appropriated in section 22(1)(b) of Chapter 90-217, Laws of Florida, and Specific Appropriations 2238, 2239 and 2240 contained in Chapter 90-209, Laws of Florida, reverting to the Florida Preservation 2000 Trust Fund on June 30, 1991.

2065 FIXED CAPITAL OUTLAY
SURFACE WATER IMPROVEMENT PROJECT
FROM SURFACE WATER IMPROVEMENT AND MANAGEMENT TRUST FUND 16,622,824

Funds in Specific Appropriation 2065 shall be disbursed in a manner that is consistent with the Surface Water Improvement and Management Act of 1987. Funds shall be expended based on the priority lists established pursuant to s. 373.453, Florida Statutes, and shall be distributed to the water management districts on the following basis: 50% of the appropriation to be divided equally among the five water management districts providing $1,662,282 to each. The remaining 50% shall be distributed to the water management districts based upon determinations made by the department.

2066 FIXED CAPITAL OUTLAY

SECTION 2G
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GRANTS AND AIDS - TRANSFER TO SWIM TRUST FUND
FROM GENERAL REVENUE FUND 10,000,000

2067 FIXED CAPITAL OUTLAY
TRANSFER TO DEPARTMENT OF ENVIRONMENTAL REGULATION SEWAGE TREATMENT LOAN TRUST FUND
FROM GENERAL REVENUE FUND 12,000,000

2068 FIXED CAPITAL OUTLAY
SOLID WASTE MANAGEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 33,200,000

2069 FIXED CAPITAL OUTLAY
WASTEWATER TREATMENT FACILITY CONSTRUCTION
FROM SMALL COMMUNITIES SEWER CONSTRUCTION ASSISTANCE TRUST FUND . . . 2,420,000
FROM SEWAGE TREATMENT LOAN TRUST FUND . . 77,750,000

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

OFFICE OF THE DEPUTY SECRETARY FOR ADMINISTRATION

2070 NOT USED

LAW ENFORCEMENT, DEPARTMENT OF

CRIMINAL JUSTICE STANDARDS AND TRAINING, DIVISION OF

2071 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CRIMINAL JUSTICE TRAINING SCHOOLS
FROM CRIMINAL JUSTICE TRAINING TRUST FUND 800,115

NATURAL RESOURCES, DEPARTMENT OF

MARINE RESOURCES, DIVISION OF

2072 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
ARTIFICIAL FISHING REEF CONSTRUCTION PROGRAM
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,200,000
FROM MARINE BIOLOGICAL RESEARCH TRUST FUND 400,000

Funds provided in Specific Appropriaton 2072 from the Marine Resources Conservation Trust Fund may be used to match Federal Aid in Sport Fish Restoration Funds awarded for artificial reef construction.

2073 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - WALLOP BREAUX BOATING ACCESS PROJECTS
FROM MARINE BIOLOGICAL RESEARCH TRUST FUND 250,000

RESOURCE MANAGEMENT, DIVISION OF

2074 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - AQUATIC CONTROL MATCHING GRANTS
FROM AQUATIC PLANT CONTROL TRUST FUND . . 7,979,520

Of the funds in Specific Appropriation 2074, $1,200,000 is contingent on passage of legislation amending Section 212.69, Florida Statutes, to increase the transfer of motor fuel tax receipts to the Department of Natural Resources from $3,800,000 to $5,000,000 annually.

From the funds in Specific Appropriation 2074, an amount not to exceed $1,000,000 shall be reserved during the first three quarters of the contract year for the purpose of paying claims or judgements, not exceeding the amounts allowed under s. 768.28(5), Florida Statutes, awarded by a court of competent jurisdiction, arising from improper applications of herbicides by the Department or any governmental

SECTION 2G
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entity with which the Department has contracted for the control of plants in waters of state responsibility when such applications of herbicides were performed pursuant to a work plan approved by the Department.

RECREATION AND PARKS, DIVISION OF

2075 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
FEDERAL LAND AND WATER CONSERVATION FUND
GRANTS
FROM FEDERAL LAND AND WATER CONSERVATION TRUST FUND 3,000,000

2076 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
FLORIDA RECREATION DEVELOPMENT ASSISTANCE GRANTS
FROM LAND ACQUISITION TRUST FUND 6,742,191

Funds provided from the Land Acquisition Trust Fund in Specific Appropriation 2076 include $3,712,191 which is contingent upon the reversion of funds in this amount from Specific Appropriation 2247 of Chapter 90-209, Laws of Florida. In the event less than $3,712,191 should revert as of this date, the Executive Office of the Governor shall place the difference in reserve.

2077 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
BOATING RELATED ACTIVITIES
FROM MOTORBOAT REVOLVING TRUST FUND . . . 8,833,881

Funds provided from the Motorboat Revolving Trust Fund in Specific Appropriation 2077 include $5,075,492 which is contingent upon the reversion of this amount from Specific Appropriation 2248 of Chapter 90-209, Laws of Florida. In the event less than $5,075,492 should revert as of this date, the Executive Office of the Governor shall place the difference in reserve.

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

HISTORICAL RESOURCES, DIVISION OF

2078 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SPECIAL CATEGORIES -
ACQUISITION, RESTORATION OF HISTORIC PROPERTIES
FROM GENERAL REVENUE FUND 3,000,000

Funds in Specific Appropriation 2078 are provided for projects on the prioritized list of recommendations submitted by the Historic Preservation Advisory Council and shall be released by the Department of State upon completion of the application requirements in s. 267.0617(3), Florida Statutes. These funds may be advanced in part or in total.

LIBRARY AND INFORMATION SERVICES, DIVISION OF

2079 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - LIBRARY CONSTRUCTION GRANTS
FROM GENERAL REVENUE FUND 1,400,000
FROM LIBRARY CONSTRUCTION TRUST FUND . . . 757,382

Funds in Specific Appropriation 2079 are to be expended for library construction projects that are in compliance with s. 257.191, Florida Statutes, and S.1B-3.002 through .005, .007 through .010, Florida Administrative Code.

CULTURAL AFFAIRS, DIVISION OF

2080 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SPECIAL CATEGORIES -
CULTURAL FACILITIES DEVELOPMENT PROGRAM

SECTION 2G
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FROM GENERAL REVENUE FUND 3,000,000

Funds in Specific Appropriation 2080 are provided for projects on the prioritized list of recommendations submitted by the Florida Arts Council and shall be released by the Department of State upon completion of the application requirements in s. 265.701(3), Florida Statutes. These funds may be advanced in part or in total.

TOTAL OF SECTION 2G

FROM GENERAL REVENUE FUND 30,310,541

FROM TRUST FUNDS 426,955,913

TOTAL ALL FUNDS 457,266,454

SECTION 3. Funds provided, totaling $2 million, as a transfer from the Department of Law Enforcement's Operating Trust Fund to the Department of Transportation pursuant to Specific Appropriation 2047A of Section 2A, Chapter 90-209, Laws of Florida, are for the purpose of advancing DOT Work Program Item Number 3115867 (Capital Circle). The funds provided are identified as a loan to the Department of Transportation to be repaid beginning in the 1993-94 fiscal year. The loan is hereby forgiven and shall not be required to be repaid to the State Infrastructure Fund by the Department of Transportation, contingent on approval of a development order amendment by the City of Tallahassee, Apalachee Regional Planning Council, Department of Community Affairs, and the Department of General Services that deletes the provision providing threshold limits for vehicles entering and leaving the parking lots and imposing financial penalties (Section 7.11 of the Amended Development Order dated September 5, 1990) and relieves the Department of General Services of any financial penalties sought to be imposed prior to the effective date of the amendment.

SECTION 4. Excluding $629,255 provided in Specific Appropriation 108 from the General Revenue Fund for citrus canker court judgments, no funds appropriated in this act may be used to pay any judgment, including any interest thereon, relating to or arising out of the Citrus Canker Eradication Program.

SECTION 5. In the event that legislation intended to fund this act does not become law, or it becomes law and does not provide for sufficient revenues to fund this act, the Governor and the Cabinet in accordance with the budget reduction provisions of s. 216.221, F.S., shall reduce Specific Appropriation 1008 by a sufficient amount in order to balance the Fiscal Year 1991-92 Budget. Further, no program funded by the Public Medical Assistance Trust Fund shall be reduced until February 15, 1992.

SECTION 6. Any Section of this act, or any Specific Appropriation herein contained, if found to be invalid or vetoed by the Governor without overriding action of the Legislature shall in no way affect other Sections or Specific Appropriations contained in this act.

SECTION 7. This act shall take effect July 1, 1991, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 1991, then it shall operate retroactively to July 1, 1991.

TOTAL THIS GENERAL APPROPRIATION ACT POSITIONS 135,779

FROM GENERAL REVENUE FUND 11535,177,816

FROM TRUST FUNDS 17817,682,043

TOTAL ALL FUNDS 29352,859,859

Conference Committee Amendment 2—On page 1, strike everything before the enacting clause and insert:

A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1991, and ending June 30, 1992, to pay salaries, other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

The Conference Committee Report was read and on motion by Senator Gardner was adopted. **SB 2300** passed as recommended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40 Nays—None

The bill was ordered engrossed and then enrolled.

CONFERENCE COMMITTEE REPORT ON SB 2302

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed SB 2302, as amended by the Conference Committee Report.

John B. Phelps, Clerk

The Honorable Gwen Margolis
President of the Senate

The Honorable T. K. Wetherell
Speaker, House of Representatives

Dear Madam President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two Houses on the House amendments to Senate Bill 2302, same being:

An act relating to implementing the fiscal year 1991-1992 General Appropriations Act; providing legislative intent; requiring state attorneys and public defenders to submit a report of certain expenditures; providing the Attorney General with certain oversight responsibility relating to Department of Health and Rehabilitative Services compliance with a Florida Supreme Court decision; requiring a report; providing access to certain confidential information; requiring that certain attorneys provide legal representation in certain proceedings relating to juveniles; prohibiting the Department of Health and Rehabilitative Services from contracting for legal representation for such proceedings without prior approval from the Attorney General; authorizing expenditure of funds by the Guardian Ad Litem Program in certain dissolution proceedings; authorizing an appropriation from the Emergency Medical Services Trust Fund to fund Medicaid rate increases for patient transportation; requiring the Capital Collateral Representative to seek certain compensation and reimbursement for representing indigent persons in the federal courts; prohibiting the Department of Professional Regulation from expending funds for the lease, possession, or acquisition of specified space for office or other use; authorizing the Department of Highway Safety and Motor Vehicles to expend certain funds for operations; providing responsibility of the Fort Myers Urban Office of the Department of Transportation for transportation planning and policy for specified counties; providing for calculation of the statewide adjusted aggregate required local effort for all school districts from ad valorem taxes, under authority of the Commissioner of Education; providing for adjustment of the required local effort millage rate of certain districts; requiring the Executive Office of the Governor to establish sufficient budget authority to provide for expenditure of certain funds in the Trust Fund for Eminent Scholars and the Trust Fund for Major Gifts; providing for certain transfer of excess unencumbered funds; providing for an experimental program in the Department of Revenue for fiscal years 1991-1993 to determine the feasibility of acting outside the normal constraints on personnel, budgetary, purchasing, and leasing; providing for a Department of Revenue Productivity Advisory Group and prescribing its duties; prescribing powers and duties of the executive director of the department with respect to the experimental program; providing for executive branch agencies to notify the Executive Office of the Governor of positions that become vacant during a specified period of time and providing for such positions and funds associated with such positions to be placed in a productivity reserve; providing for removal of positions from the productivity reserve; authorizing Florida Atlantic University to designate its school of nursing as a College of Nursing; providing methods for calculation of school districts' total weighted full-time equivalent student enrollment; exempting activities of the Department of Revenue relating to implementation of the automated collection and enforcement system from certain laws regulating acquisition of goods and services and communication and data processing; authorizing the department to contract for the system; providing that specified projects at Polk Community College/University of South Florida, Florida Keys Community College, Brevard Community College, the University of Florida Health Center Academic Research Building and Medical Science Building Renovation, Capital Improvement Fee projects, and the Florida International University Arts Complex-Theatre Auditorium will not revert until specified dates; authorizing the use of unexpended balances of certain funds appropriated to Brevard Community College for planning the Hemispheric Instructional Chamber; authorizing the Board of Regents to construct housing facilities at Florida State University, Florida A & M University, Florida Atlantic University, and the University of Central Florida and parking facilities at the University of North Florida; providing that the Santa Fe Performing Arts Center will become the property of the University of Florida upon completion; providing the shared use of the center between the university and Santa Fe Community College; reducing the amount of specific appropriations to Florida Atlantic University in chapter 89-253, Laws of Florida, and providing an additional appropriation; retitling an appropriation to Florida Atlantic University contained in chapter 90-209, Laws of Florida; creating the Resolution Trust Corporation Advisory Commission to advise the Governor and Legislature with respect to purchase of properties from the Resolution Trust Corporation at prices below market value; providing that, with respect to lack of references in the 1991-1992 General Appropriations Act to vendors and contract service providers, there is no legislative intent to preclude agencies from contracting with vendors that have historically been referenced as recipients in proviso language; providing that district school boards may use ad valorem tax revenues collected for capital outlay purposes to fund classroom operations under certain circumstances; prescribing duties of the Department of Health and Rehabilitative Services with respect to withdrawing from the federal rebate program relating to Medicaid funding for prescribed medicine and developing a state program for reimbursement for prescribed medicine; providing that an appropriation for the Veterans' Memorial Park/Wall South-Escambia County shall not revert; authorizing certain statutory teaching hospitals to elect to have Health Care Cost Containment Board assessments deducted from their Medicaid disproportionate share payment; directing the Department of Transportation to enter into an agreement with the Greater Orlando Aviation Authority for the ecological preservation of certain lands; providing for refund of moneys received by the authority if the use of such lands changes in the future; authorizing Valencia Community College to acquire specified lands through the expenditure of non-PECO funds; providing for the creation and sale of a Walt Disney World Commemorative license plate for kids; establishing fees and providing for the use thereof; providing for the creation and sale of a commemorative Walt Disney World frontal plate for kids; establishing fees, and providing for the use thereof; authorizing the department to provide for private vendor sales of such frontal plates; providing an exception from trust fund service charges; authorizing the Board of Trustees of the Internal Improvement Trust Fund, on behalf of the Department of Highway Safety and Motor Vehicles, to enter into an agreement for the exchange of lands with the Greater Orlando Aviation Authority and for design and construction of a district Florida Highway Patrol station to be located at the Orlando International Tradeport; requiring the Department of Health and Rehabilitative Services to develop a plan for contracting with the service districts for specific units of service in specified program areas; providing for approval of the plan by the Executive Office of the Governor and for amending approved budgets of the agencies involved in order to provide management flexibility; authorizing the transfer of funds appropriated in chapter 90-209, Laws of Florida, between specified projects at the University of North Florida; providing that certain PECO moneys appropriated in specific appropriation 2170 of chapter 90-209, Laws of Florida, are not contingent upon matching funds; providing a retroactive effective date and an expiration date.

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses

1. Addendum to Conference Report on SB 2302 (Implementing Bill) as follows.

   a) Delete former Section 31 relating to the Walt Disney World Commemorative License Plate for kids.

b) Add a new Section 31 extending the date on which an appropriation will revert for Brevard Community College. This item was in both Implementing Bills and was inadvertently omitted. (page 15, lines 18-23)

c) Amend Section 53 to technically correct cross references to the General Appropriations Act. (page 21, lines 4-5)

d) Amend Section 59 to clarify Department of Professional Regulation authority to seek appraisals on a Resolution Trust Corporation property in Orange County. (page 22, line 7)

e) Amend Section 63 to provide for accelerated siting of the Magnet Laboratory with approval by the Department of Community Affairs and the Cabinet. (page 23, lines 18-20)

f) Amend Section 74 to maintain current commitment to comprehensive health education. (page 28, line 28)

g) Add a new Section 78 providing discretion to school districts relating to the $9.50 allocation for school improvement plans. (page 30, lines 3-15)

2. That the Senate and the House of Representatives adopt the Conference Committee amended amendments attached hereto, and by reference made a part of this report.

s/Winston W. Gardner, Jr.
Chairman
s/William G. Bankhead
s/Vince Bruner
s/Roberto Casas
s/Ander Crenshaw
s/Helen Gordon Davis
s/Lincoln Diaz-Balart
s/Jack D. Gordon
s/John Grant
s/Bob Johnson
s/Carrie P. Meek
s/Pat Thomas
s/Karen L. Thurman
s/Sherry Walker
s/Eleanor Weinstock
s/Quillian Yancey

Conferees at Large

s/James A. Scott
s/Peter M. Weinstein

Managers on the part of the Senate

s/Ron Saunders
Vice Chairman
s/George Albright
s/Corrine Brown
s/Bill Clark
s/James O. Davis, III
s/Michael Friedman
s/Rodolfo Garcia
s/Elaine Gordon
s/Lars A. Hafner
s/Edward Healey, Jr.
Betty S. Holzendorf
s/Timothy F. Ireland
s/Alfred J. Lawson, Jr.
s/John Long
s/Anne Mackenzie
s/Sam Mitchell
s/Luis C. Morse
s/Luis E. Rojas
s/Hurley W. Rudd
s/Debby P. Sanderson
s/Ronald A. Silver
s/Robert D. Trammell

Ex-Officio Members

s/Bolley L. Johnson
s/Everett A. Kelly

Managers on the part of the House of Representatives

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

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 1991-1992.

Section 2. Each state attorney and public defender shall, not later than October 1, 1991, submit a report to the legislative appropriations committees showing the amount of state funds expended during fiscal year 1990-1991 for the items enumerated in section 27.34 or section 27.54, Florida Statutes. The Comptroller shall prescribe the report format.

Section 3. The Attorney General shall have oversight responsibility to assess the extent to which the Department of Health and Rehabilitative Services is complying with the mandate of the Florida Supreme Court decision in "The Florida Bar Re: Advisory Opinion, HRS Nonlawyer Counselor," 14 F.L.W. 253 (May 25, 1989). As part of his oversight responsibility, the Attorney General shall determine whether: the attorneys funded in the November 1989 Special Session and continued in the General Appropriations Act for fiscal year 1991-1992 are utilized solely for cases involving dependency, children or families in need of services, foster care, or termination of parental rights; the attorneys and the department's protective investigators and dependency caseworkers are working together to improve handling of such cases; the attorneys are documenting time properly; the attorneys have or are receiving appropriate training; the provision of such attorneys has improved the outcomes for children and their families; and the courts are being provided all relevant information from the department to ensure informed judicial discretion. The Attorney General shall present his findings to the Legislature. Notwithstanding the provisions in chapter 415 or chapter 39, Florida Statutes, to the contrary, the Attorney General shall have access to confidential information necessary to carry out his oversight responsibility; provided, however, that public disclosure of information by the Attorney General shall not contain any client-identifying information.

Section 4. Notwithstanding the provisions of chapter 39, Florida Statutes, to the contrary, the attorneys whose compensation was provided in the November 1989 Supplemental Appropriations Act and continued in the fiscal year 1991-1992 General Appropriations Act shall provide legal representation in cases arising under part III, part IV, part V, or part VI of chapter 39, Florida Statutes.

Section 5. Notwithstanding the provisions of section 287.059, Florida Statutes, to the contrary, the Department of Health and Rehabilitative Services shall not contract for legal representation in cases arising under part III, part IV, part V, or part VI of chapter 39, Florida Statutes, without prior approval from the Attorney General.

Section 6. With funds provided in Specific Appropriations 1150, 1151, 1174, and 1175 of the fiscal year 1991-1992 General Appropriations Act, the State of Florida Guardian Ad Litem Program may represent, at the discretion of the court, children whose parents are party to a dissolution of marriage action when custody of the children is in issue and when the court determines that the best interests of the children would be protected in the action by a guardian ad litem.

Section 7. Notwithstanding the provisions of section 401.113(2), Florida Statutes, up to $2,500,000 may be appropriated from the Emergency Medical Services Trust Fund created in section 401.34(4), Florida Statutes, for the purpose of funding Medicaid rate increases for patient transportation.

Section 8. The Capital Collateral Representative shall file motions seeking compensation and reimbursement for representation and expenses pursuant to 18 U.S.C. s. 3006A when providing representation to indigent persons in the federal courts. All payments received pursuant to 18 U.S.C. s. 3006A shall be deposited into the Capital Collateral Representative Trust Fund.

Section 9. The Department of Professional Regulation is prohibited from expending funds from any specific appropriation, from any trust fund, or from any other source for the lease, possession, or acquisition of any space for office or any other use in Innovation Park in Tallahassee, notwithstanding any leasehold or contractual provision to the contrary.

Section 10. Notwithstanding the provisions of section 319.324(2), Florida Statutes, the Department of Highway Safety and Motor Vehicles is authorized to expend funds from the Odometer Fraud Prevention and Detection Trust Fund for general operations of the department.

Section 11. The district director for the Fort Myers Urban Office of the Department of Transportation shall have the responsibility for developing the 5-year Transportation Plan for Charlotte, Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort Myers Urban Office shall also have responsibility for providing policy, direction, local government coordination, and planning for those counties.

Section 12. The Commissioner of Education shall have the authority to compute a statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program (FEFP) calculation. The commissioner shall adjust the required local effort millage rate of each district which produces more than 90 percent of its total FEFP entitlement to a level which will produce only 90 percent of its FEFP entitlement.

Section 13. Notwithstanding the provisions of section 216.181(1) and (7), Florida Statutes, and pursuant to section 216.351, Florida Statutes, the Executive Office of the Governor shall establish sufficient budget authority in the original approved operating budget for the Trust Fund for Eminent Scholars and the Trust Fund for Major Gifts to allow for the expenditure of cash balances by the Board of Regents available on July 1, 1991. In the event that excess unencumbered funds exist in either the Trust Fund for Eminent Scholars or the Trust Fund for Major Gifts, such funds may be transferred between these trust funds for the purpose of matching grants on the approved priority list. The Executive Office of the Governor shall establish additional budget authority sufficient to provide for the expenditure of these funds by the Board of Regents.

Section 14. (1) LEGISLATIVE INTENT.—The Legislature intends to grant to the Department of Revenue and the Division of Workers' Compensation of the Department of Labor and Employment Security for the fiscal year 1991-1992 authority to act outside the normal personnel and budget requirements of the Florida Statutes. This extraordinary grant of flexibility is intended to improve the administration of governmental programs and permit the assessment of the concepts of increased managerial authority. This experimental approach will be closely monitored throughout the year to assess its transferability to other agencies.

(2) PRODUCTIVITY ADVISORY GROUP.—

(a) There is hereby created a Productivity Advisory Group, which shall consist of nine members, including: one person appointed by the Governor; one person appointed by the Comptroller; one person appointed by the Treasurer; one person appointed by the President of the Senate; one person appointed by the Speaker of the House of Representatives; one person appointed by the Chairman of the Commission on Government by the People; one person appointed by the Taxation and Budget Reform Commission; one person appointed by Florida Taxwatch, Inc.; and one person appointed by the American Federation of State, County, and Municipal Employees. The Secretary of the Department of Administration shall serve as an ex officio nonvoting member of the advisory group. The advisory group shall meet at the call of the chairman, who shall be elected by a majority of the members at the organizational meeting of the advisory group. Members of the advisory group shall serve without compensation, but shall be entitled to be reimbursed by the departments in equal shares for travel and per diem expenses pursuant to section 112.061, Florida Statutes.

(b) The role of the Productivity Advisory Group shall be to collect baseline data to measure increases in productivity resulting from implementation of programs and procedures authorized by subsection (3); consult with the executive director and secretary of the departments on, and monitor implementation of, programs and procedures authorized by subsection (3); and report to the Governor and Cabinet and the Legislature on progress made towards increasing productivity as a result of programs and procedures authorized by subsection (3). The advisory group shall submit an interim report to the Governor and Cabinet and the Legislature by December 2, 1991, and a final report to the Governor and Cabinet and the Legislature by November 1, 1992. The Department of Revenue and the Department of Labor and Employment Security shall provide necessary staffing assistance to the advisory group.

(3) DEPARTMENT AUTHORITY.—For purposes of authorizing this experiment, the Executive Director of the Department of Revenue and Secretary of the Department of Labor and Employment Security are hereby authorized to implement the following procedures during the 1991-1992 fiscal year, in lieu of the statutory procedures otherwise applicable to state agencies:

(a) The executive director and secretary are authorized to establish and maintain a personnel system for Department of Revenue employees and Division of Workers' Compensation employees, including a personnel classification and pay plan, notwithstanding provisions of law that grant authority to the Department of Administration or its secretary over such programs for state employees. The executive director and secretary shall consult with the Productivity Advisory Group regarding any policy changes related to classification and pay which are in conflict with those policies in effect for career service employees with similar job classifications and responsibilities.

(b) The personnel system may provide for a position classification program including the creation and deletion of classes, may allow employees to receive pay increases without the necessity of promotion into a different class, may provide for merit-based pay awards, and may provide for perquisites in addition to those authorized for employees within the Career Service System, including payment of overtime to employees who might otherwise be within an excluded class and awards of special compensatory time.

(c) The executive director and secretary may implement a program for payment of one-time bonuses or performance incentives to employees for exemplary performance that results in increases in productivity. Such bonuses and productivity enhancements shall be publicized within the department before they are paid. Such notification must identify the productivity enhancement for which the bonus is paid.

(d) The Department of Administration shall retain authority over employees for programs established in sections 110.116, 110.123, 110.1231, 110.1232, 110.1234, 110.1235, 110.1238, and 110.161 and in chapters 121 and 122, Florida Statutes.

(e) This section shall not be construed to remove employees of the department or the division from the Career Service System or abrogate the terms and conditions of the collective bargaining agreement currently in effect and applicable to these employees except those terms of the Career Service System and contract related to classification (including apprenticeships), pay (including merit pay and bonuses), and hours of employment. Notwithstanding the terms of chapter 447, Florida Statutes, the department or division shall be deemed to be the public employer for purposes of negotiating terms related to classification, pay, and hours of employment. However, the department and the division shall be authorized pursuant to the provisions of this section to provide benefits in addition to those offered career service employees under the terms of the collective bargaining agreement. Employees of the department and the division shall continue to enjoy the protection afforded by sections 110.227 and 447.209, Florida Statutes. However, the executive director and secretary are authorized to adopt emergency rules that streamline the disciplinary and grievance process, provided fundamental employee rights are preserved.

(f) The executive director and secretary may transfer funds within the department or the division without prior approval of the Executive Office of the Governor provided the department comports with legislative intent. Notice of the transfers must be provided to the Executive Office of the Governor, the Comptroller's office, and the legislative appropriations committees 7 days before the transfers take effect.

(g) Notwithstanding the provisions of section 216.181, Florida Statutes, the executive director and secretary may transfer up to 10 percent rate internally without prior approval. Notice of the transfers must be provided to the Executive Office of the Governor, the Comptroller's office, and the legislative appropriations committees 7 days before the transfers take effect.

(h) The executive director and secretary shall be authorized to add and delete positions within the department or the division, and to transfer positions between budget entities, without prior approval by the Executive Office of the Governor, provided that the department or the division remains within the total positions appropriated by the Legislature or established by the Governor and Cabinet. Notice of the transfers must be provided to the Executive Office of the Governor, the Comptroller's office, the Department of Administration, and the legislative appropriations committees 7 days before the transfers take effect.

(i) Notwithstanding the provisions of section 20.21, Florida Statutes, the Executive Director of the Department of Revenue shall be authorized to reallocate functions among divisions within the department.

(j) The executive director and secretary may privatize functions within the department or the division by contracting for outside services.

(k) The executive director and secretary shall adopt emergency rules implementing the new personnel system or any other provision of this act and promulgate permanent rules as needed.

(4) COMMISSION ON THE FLORIDA GOVERNMENT PERSONNEL SYSTEM.—

(a) There is hereby created a Commission on the Florida Government Personnel System which shall consist of nine members, including: three members appointed by the Governor; three members appointed by the President of the Senate; and three members appointed by the Speaker of the House of Representatives. The Secretary of the Department of Administration shall serve as an ex officio nonvoting member of the commission. Appointments to the commission shall be made by July 30, 1991. The commission shall meet upon the call of the chairman, who shall be elected by a majority of the members at the organizational meeting of the commission. Members of the commission shall serve without compensation, but shall be reimbursed by the Department of Administration for travel and per diem expenses pursuant to section 112.061, Florida Statutes.

(b) The commission shall conduct a comprehensive study of the state personnel, pay, and classification systems, which shall include, but not be limited to, an overall review of:

1. Employee compensation;
2. Job classifications;
3. Employee selection and recruitment;
4. Attendance and leave policies;
5. Employee performance evaluations;
6. Due process; and
7. Employee training.

Upon completion of this review, but no later than December 2, 1991, the commission shall provide a written report of its findings to the Legislature, which shall contain recommendations for solving any of the problems of the systems.

(c) The commission may appoint an advisory committee or committees comprised of representatives from executive branch state agencies to assist in the study of the systems. The Secretary of the Department of Administration shall serve as chairman of these advisory committees.

(d) The Department of Administration shall provide necessary staffing and shall assist the commission in the fulfillment of its duties and responsibilities.

(e) The commission shall continue to remain in existence until June 30, 1992.

Section 15. Pursuant to section 240.209(3)(b), Florida Statutes, Florida Atlantic University is authorized to designate its existing School of Nursing as a College of Nursing.

Section 16. School districts' maximum total weighted full-time equivalent student enrollment shall be calculated using the procedure defined in section 236.081(1)(d), Florida Statutes, and shall be adjusted by including districts' grades K-8 basic summer school enrollment in group 2.

Section 17. Effective upon this act becoming a law, and, if this act does not become a law before May 1, 1991, operating retroactively to May 1, 1991, activities of the Department of Revenue regarding the implementation of the automated collection and enforcement system are exempt from the provisions of chapter 287, Florida Statutes, relating to the purchase or lease of goods and services, and chapter 282, Florida Statutes, relating to communications and data processing. Authority is also granted to the Department of Revenue to enter into a contract during fiscal year 1990-1991 for the design and implementation of that system for which funds are appropriated by the Legislature for fiscal year 1991-1992.

Section 18. Notwithstanding the provisions of section 216.301(3)(a), Florida Statutes, the joint use project of Polk Community College and the University of South Florida contained within proviso items 2099, 2100, and 2108 of chapter 89-253, Laws of Florida, shall not revert until April 1, 1992, and funds within these items may also be used for equipment.

Section 19. Notwithstanding the provisions of section 216.301(3)(a), Florida Statutes, the Florida Keys Community College's projects entitled Building 200 Renovation, as contained within item 1972A of chapter 87-98, Laws of Florida, and the Ren Spalling Walls Project contained within item 2159 of chapter 90-209, Laws of Florida, shall not revert until June 30, 1992, and the unexpended balances of funds within these items may be used as needed to complete the Welding Lab Project.

Section 20. The Board of Regents of the State University System is hereby authorized to construct the following projects, which are to be financed from revenue bonds issued pursuant to s. 11(e), Art. VII of the State Constitution:

(1) Florida State University Renovations and Improvements to Dormitories, which may be partially financed from revenue bonds in an amount not to exceed $3,500,000.

(2) Florida A & M University Single Student Apartment Facility, which may be partially financed from revenue bonds in an amount not to exceed $7,400,000.

(3) Florida Atlantic University Expansion of Campus Housing, which may be partially financed from revenue bonds in an amount not to exceed $17,600,000.

(4) University of Central Florida Student Housing Facility, which may be partially financed from revenue bonds in an amount not to exceed $17,400,000.

(5) University of North Florida Parking Facilities, which may be partially financed from revenue bonds in an amount not to exceed $5,000,000. Notwithstanding the provisions of section 240.294, Florida Statutes, such bonds may be credit enhanced through municipal bond insurance, surety bonds, or letters of credit in order to secure the lowest net financing costs. It is understood that the state will assume no liability resulting from the use of any credit enhancement mechanism by the University of North Florida.

Section 21. Notwithstanding the provisions of section 216.301(3)(a), Florida Statutes, appropriation item 2090E of chapter 90-209, Laws of Florida, relating to the University of Florida Health Center Academic Research Building and Medical Science Building Renovation (pce), shall not revert until April 1, 1993.

Section 22. Notwithstanding the provisions of section 216.301(3)(a), Florida Statutes, appropriation item 2156 of chapter 90-209, Laws of Florida, relating to Capital Improvement Fee projects in the amount of $65,000,000, shall not revert until April 1, 1993.

Section 23. Notwithstanding the provisions of section 216.301(3)(a), Florida Statutes, appropriation item 2090E of chapter 90-209, Laws of Florida, relating to the Florida International University Arts Complex-Theatre Auditorium, shall not revert until April 1, 1993.

Section 24. Notwithstanding the provisions of section 74 of chapter 87-247, Laws of Florida, appropriation item 1973A of chapter 87-98, Laws of Florida, appropriation item 2099 of chapter 89-253, Laws of Florida, and any agreements including joint-use agreements entered into pursuant to section 235.195, Florida Statutes, as related to the Santa Fe Performing Arts Center, the center constructed with the aforementioned appropriated funds shall become the property of the University of Florida upon completion of the construction contract administered by Santa Fe Community College. The university shall be responsible for operation of the center and shall enter into an agreement with Santa Fe Community College for shared use.

Section 25. The amount of the Florida Atlantic University project entitled Science Center Renovation (c) as contained within item 2100 of chapter 89-253, Laws of Florida, is amended to read $1,737,200, and the following project is added: Florida Atlantic University - Physical Sciences Building (p) in the amount of $1,200,000.

Section 26. The title of the Florida Atlantic University project entitled Science Center Renovation (e), as contained within item 2160 of chapter 90-209, Laws of Florida, is amended to read: Science Center Renovation (c,e).

Section 27. The lack of specific references in proviso language in the 1991-1992 General Appropriations Act regarding vendors or contract service providers shall not be construed as intent to preclude agencies from contracting with vendors who have historically been referenced as recipients in proviso.

Section 28. Notwithstanding section 216.301, Florida Statutes, Specific Appropriation 2248B and accompanying proviso language of chapter 90-209, Laws of Florida, providing $1,100,000 for the Veterans' Memorial Park/Wall South-Escambia County shall not revert to the fund from which appropriated.

Section 29. A statutory teaching hospital that had Medicaid covered days of 100,000 or more during the most recent fiscal year may elect to have its Health Care Cost Containment Board assessment, that is payable on the last day of a quarter, deducted from any Medicaid disproportionate share payment due to such hospital for the quarter ending 6 months after the assessment due date. If the assessment is greater than the disproportionate share payment, or if no disproportionate share payment is due the hospital, the difference or full amount of the assessment (in cases in which no payment is due) shall be paid on or before the date the disproportionate share payment is made or would have been made.

Section 30. Pursuant to section 240.327(3), Florida Statutes, Valencia Community College is authorized to acquire property from the City of Kissimmee through the expenditure of non-PECO funds available to the college.

Section 31. Notwithstanding the provisions of section 216.301(3)(a), Florida Statutes, Specific Appropriation 2159 of chapter 90-209, Laws of Florida, relating to the Remodeling and Renovation of the Building #8 Classroom/Laboratory - Melbourne project of Brevard Community College, shall not revert until April 1, 1993.

Section 32. The Board of Trustees of the Internal Improvement Trust Fund, on behalf of the Department of Highway Safety and Motor Vehicles, is authorized to enter into an agreement for the exchange of lands with the Greater Orlando Aviation Authority and for the future design and construction of a district Florida Highway Patrol station to be located at Orlando International Tradeport.

Section 33. Notwithstanding the provisions of Specific Appropriation 2156 in section 2C of chapter 90-209, Laws of Florida, funds appropriated in the amount of $667,929 for the UNF Renovate/Remodel Bookstore project, the UNF Recreational Improvements - Housing Area Project, and the UNF Running Track project may be transferred to the UNF Teaching Gym - Supplemental Funding project.

Section 34. Notwithstanding the proviso in specific appropriation 2170 of chapter 90-209, Laws of Florida, the Public Education Capital Outlay and Debt Service Trust Fund moneys appropriated therein shall not be contingent on matching funds.

Section 35. Effective June 1, 1991, notwithstanding the provisions of section 624.523, Florida Statutes, $2 million shall be transferred from the Insurance Commissioner's Regulatory Trust Fund created in section 624.523, Florida Statutes, to the General Revenue Fund.

Section 36. Effective June 1, 1991, notwithstanding the provisions of section 376.11, Florida Statutes, $15 million shall be transferred from the Florida Coastal Protection Trust Fund created in section 376.11, Florida Statutes, to the General Revenue Fund.

Section 37. Effective June 1, 1991, notwithstanding the provisions of section 284.02, Florida Statutes, $7 million shall be transferred from the Florida Fire Insurance Trust Fund created in section 284.01, Florida Statutes, to the General Revenue Fund.

Section 38. Effective June 1, 1991, notwithstanding the provisions of section 3 of chapter 82-240, Laws of Florida, the unexpended cash balance of the Cancer and Chronic Disease Research and Treatment Center Trust Fund shall be transferred to the General Revenue Fund.

Section 39. Effective June 1, 1991, notwithstanding the provisions of section 11.514, Florida Statutes, the unexpended cash balance of the Agency Budget Sunset Trust Fund which accumulated in fiscal year 1990-1991 shall be transferred to the General Revenue Fund.

Section 40. In implementing the position reductions required by the 1991-1992 General Appropriations Act, the Department of Health and Rehabilitative Services shall identify and eliminate positions that are duplicative or not specifically authorized by state or federal law. In addition, the department shall allocate the position reductions to protect the delivery of vital state services.

Section 41. Notwithstanding any other provisions of law to the contrary, section 11.13(1)(b), Florida Statutes, shall not apply with respect to the 1991-1992 fiscal year.

Section 42. (1) Notwithstanding the provisions of section 216.301(3), Florida Statutes, funds appropriated in Specific Appropriation 2109A of chapter 89-253, Laws of Florida, shall not revert to the fund from which appropriated until June 30, 1993, if the Department of General Services acquires a construction site and executes a design contract prior to June 30, 1991.

(2) This section shall take effect upon this act becoming a law.

Section 43. Notwithstanding section 20.317(3) and 24.104(4), Florida Statutes, the Department of the Lottery shall locate its headquarters office at the Satellite Center Office Park in Leon County.

Section 44. All funds provided in Specific Appropriations 877 through 884 in the 1991-1992 General Appropriations Act shall be used solely for funding of the state mental health institutions. No funds from any fund source within these specific appropriations shall be transferred out of the Mental Health Institutions budget entity, but may be transferred among these appropriation categories within the budget entity pursuant to the provisions of chapter 216, Florida Statutes; however, funds may be transferred to the Alcohol, Drug Abuse, and Mental Health budget entity solely for the purpose of effecting cost-effective deinstitutionalization efforts where deemed appropriate by the department.

Section 45. The Department of Health and Rehabilitative Services is directed to provide the Executive Office of the Governor and the chairmen of the legislative appropriations committees by December 15, 1991, an analysis and recommendation on implementing a clinic services Medicaid reimbursement option for funding county health unit services. Specifically, the Medicaid Services Program Office, in consultation with the Health Services Program Office, shall analyze the cost implications to the state in obtaining increased federal funding of services currently provided through county health units by opting for an alternative Medicaid reimbursement plan.

Section 46. Notwithstanding the provisions of section 216.301(1)(b), Florida Statutes, the Board of Regents may transfer the unexpended balances in the Board of Regents Grants and Donations Trust Fund, Women's Athletic Trust Fund, and Good-Gulfstream Trust Fund to the Major Gifts Trust Fund.

Section 47. The Department of the Lottery may implement a sales incentive program consistent with section 24.120(8), Florida Statutes. Payments pursuant to such program shall not be construed to be lump-sum salary bonuses.

Section 48. Notwithstanding the provisions of section 216.301(3)(a), Florida Statutes, the unexpended balance on July 1, 1991, of funds appropriated in Specific Appropriation 2250 of chapter 90-209, Laws of Florida, from the State Infrastructure Fund for the City of Vernon shall be transferred to the Historic Preservation Trust Fund within the Division of Historical Resources of the Department of State.

Section 49. (1) Not later than November 1, 1991, the Department of Agriculture and Consumer Services may provide to the President of the Senate and the Speaker of the House of Representatives a reorganization plan that addresses the overall structure of the department.

(2) Notwithstanding the provisions of chapter 570, Florida Statutes, related specifically to the minimum qualifications for the division directors of the department, during the 1991-1992 fiscal year, the department may select division directors who have at least the managerial and supervisory backgrounds, training, and education generally required for division directors in other agencies of state government and who are qualified by training and experience to supervise, direct, coordinate, and administer all activities of their respective divisions.

Section 50. Pursuant to section 240.295, Florida Statutes, the Board of Regents is hereby authorized to construct the following facilities from non-PECO sources. To the extent trust funds are available for the operation of these facilities, trust funds must be used for operational expenses. If existing facilities are a part of these projects, each such building must be certified to be free of asbestos or other hazardous building materials before the facility may be accepted by the Board of Regents or the construction project initiated.

(1) UF—Health Related Professions Building; Campus Storage Facility; and Interdisciplinary Biotechnology Research Renovations.

(2) UF/IFAS—Fruit Crops Department Pole Barn; Honeybee Flight Cage Facility; Security Cottage; Greenhouse for Mosquito Research; Dairy Science Hay Storage Building; Aquatic Plants and Fisheries Aquatic Storage Buildings (2); Vegetable Crops Improvement Laboratory; Forestry Greenhouse for Pine Productivity Research; and acceptance of three Laboratory/Shop/Storage Facilities from the United States Department of Agriculture.

(3) FAMU—Cooperative Extension, Demonstration and Teleconferencing Facilities (2).

(4) USF—President's Residence and Campus Hospitality Center.

Section 51. Notwithstanding section 216.301, Florida Statutes, Specific Appropriation 2242P of chapter 90-209, Laws of Florida, providing $650,000 for Human Resources/Coastal Recovery of Sarasota Crisis Stabilization Unit shall not revert to the fund from which appropriated.

Section 52. Notwithstanding the provisions of section 338.251(5), Florida Statutes, the Secretary of the Department of Transportation is authorized to advance funds as a loan from the Toll Facilities Revolving Trust Fund to eligible applicants in amounts that exceed $500,000.

Section 53. Notwithstanding the provisions of section 216.262, Florida Statutes, and contingent upon Committee Substitute for House Bill 33 or similar legislation becoming a law, funds provided in Specific Appropriations 738E through 738G of the 1991-1992 General Appropriations Act, and 8.5 FTE positions, may be transferred to the Department of Elderly Affairs. This transfer shall be implemented in the manner described in section 20.06(4), Florida Statutes.

Section 54. Notwithstanding other provisions of law, interest earned from the investment of funds advanced to Palm Beach County from Specific Appropriation 262A of chapter 87-98, Laws of Florida, may be retained by the county to further pursue the intent of the original appropriation.

Section 55. Notwithstanding the provisions of section 240.4023, Florida Statutes, funds provided in Specific Appropriation 464A for the Vocational Gold Seal Endorsement Scholarship Program may not be used to fund the Vocational Achievement Grant Program.

Section 56. Notwithstanding the proviso language preceding Specific Appropriation 2076A of chapter 90-209, Laws of Florida, the Department of Corrections may locate a mental health facility (200 beds) at a site to be determined.

Section 57. Pursuant to the provisions of section 240.272, Florida Statutes, unexpended funds in Specific Appropriation 698B of chapter 90-209, Laws of Florida, shall be carried forward and shall be used to support contract studies as required by the Tax and Budget Reform Commission for the 1991-1992 fiscal year.

Section 58. If the requirements of chapters 228 through 237, Florida Statutes, prevent the orderly implementation of the provisions of chapter 90-49, Laws of Florida, such laws and related rules are hereby waived for the 1991-1992 fiscal year.

Section 59. Notwithstanding the provisions of sections 253.025(7)(b) and 287.057, Florida Statutes, to the contrary, the Department of Professional Regulation may enter into contracts for appraisal services related to the acquisition of a Resolution Trust Corporation property to be used as a regional testing facility in Orange County without conducting a formal advertisement or selection.

Section 60. Pursuant to section 240.327, Florida Statutes, upon review and approval by the Office of Educational Facilities based upon an educational plant survey, and after having been certified to be free of asbestos and other hazardous building materials, the stated community college is hereby authorized to acquire or construct from non-PECO sources the following facilities which will require general revenue funds for operation and maintenance:

(1) North Florida Junior College—Union Depot of Suwannee County.

(2) Santa Fe Community College—Train Depot at the Santa Fe Community Downtown Center in Gainesville.

(3) Santa Fe Community College—Jones-Rosenberg Building in Starke.

(4) Pasco-Hernando Community College—Spring Hill property.

(5) Hillsborough Community College—Relocatable buildings for the Education Center at MacDill Air Force Base.

Section 61. Notwithstanding the provisions of section 159.445, Florida Statutes, $1,100,000 shall be transferred from the Florida Seed Capital Trust Fund created in section 159.445, Florida Statutes, to the General Revenue Fund.

Section 62. The authorization to transfer funds within the Department of State from the Corporations Trust Fund of the Division of Corporations to the Division of Licensing Trust Fund, as provided in section 58(2) of chapter 87-247, Laws of Florida, is hereby extended to June 30, 1992, notwithstanding the provisions of section 215.18, Florida Statutes, and the authorized use of such funds shall be for review and appropriate action on existing gun permits and concealed weapons or firearms licenses and to create a system to reexamine each file upon renewal application.

Section 63. If the contingencies attached to Specific Appropriation 1992C, 1991-1992 General Appropriations Act, are not realized, and these funds revert on July 2, 1991, these funds are reappropriated to the Board of Regents for construction of Phase II of the Magnet Laboratory at a site on existing Board of Regents' property or other property to which fee simple title or the equivalent has been obtained by the Board of Regents. Upon recommendation of the Secretary of the Department of Community Affairs and approval by the Governor and Cabinet, all phases of this project may be exempted from the provisions of any local government comprehensive plan and from the provisions of chapter 380, Florida Statutes.

Section 64. If a district school board fails to make a timely payment for the services provided by hearing officers of the Division of Administrative Hearings as provided annually in the General Appropriations Act, the Commissioner of Education shall withhold, from any general revenue funds the district is eligible to receive, an amount sufficient to pay for the hearing officer services. The commissioner shall transfer the amount withheld to the Division of Administrative Hearings in payment of such services.

Section 65. Notwithstanding the provisions of section 265.609, Florida Statutes, the Division of Cultural Affairs of the Department of State may award grants from funds deposited into the Youth and Children's Museum Trust Fund to Arts in Education grant applicants pursuant to the provisions of Specific Appropriation 1788A of the 1991-1992 General Appropriations Act.

Section 66. Notwithstanding any provision of law to the contrary, the Board of Trustees of the Internal Improvement Trust Fund is directed to sell to the highest bidder with the current appraised value as the minimum bid, upon approval of the Board of Regents, the Florida Atlantic University TV Tower Site, a parcel of land lying within Tracts 50, 51, 52, 53 of Florida Fruit Lands Co. Subdivision No. 2 recorded in Plat Book 1, Page 102, Palm Beach County Public Records, which tracts begin in Section 1, Township 47 South, Range 41 East. The proceeds from the sale of the Florida Atlantic University TV Tower Site shall be payable to the Board of Regents for the acquisition, purchase, lease, renovation, or expansion of facilities for use by Florida Atlantic University to support the mission of the university anywhere within its service area. In addition, the proceeds from the sale of property pursuant to chapter 82-247, Laws of Florida, shall be payable to the Board of Regents for the acquisition, purchase, lease, renovation, expansion, or construction of a facility or facilities suitable for educational delivery by Florida Atlantic University north of the West Palm Beach Center.

Section 67. Notwithstanding the provisions of Specific Appropriation 2156 chapter 90-209, Laws of Florida, Capital Improvement Fee funds appropriated in the amount of $450,000 for the Florida A & M University Student Parking project may be transferred to the Florida A & M University Fire Code Corrections/Repainting-Bragg Stadium project. The university shall pursue all legal remedies necessary to deal with problems arising from repainting the stadium.

Section 68. The Department of Commerce is authorized to enter into a new contract with the City of Miami for expenditure of Specific Appropriation 2152A of chapter 89-253, Laws of Florida, relating to property acquisition for a Mini-Park in the Latin Quarter. Notwithstanding the requirements of section 216.301(3)(a) Florida Statutes, such project shall not be subject to reversion during fiscal year 1990-1991.

Section 69. Notwithstanding the provisions of section 235.435(3)(d), Florida Statutes, funds provided for vocational facilities included in the General Appropriations Act are provided from the Public Education Capital Outlay and Debt Service Trust Fund.

Section 70. The provisions of sections 27.34 and 27.54, Florida Statutes, notwithstanding, state attorneys and public defenders may expend state funds appropriated for the 1991-1992 fiscal year for items enumerated in ss. 27.34 and 27.54, Florida Statutes.

Section 71. The Division of Workers' Compensation of the Department of Labor and Employment Security shall study the issue of education and training and rehabilitation, both physical and vocational. The Florida State University Institute for Health and Human Services Research shall conduct a study of the provision, cost, and results of rehabilitative services provided in workers' compensation cases, including voluntary vocational rehabilitation services, training and education provided by the division, and the evaluations of injured employees for the appropriateness of such training and education as performed by private rehabilitation providers or by the public community colleges of Miami-Dade Community College, Florida Community College in Jacksonville, and Indian River Community College. The study shall give consideration to the cost of rehabilitative services provided in workers' compensation cases as it relates to outcome, time, and appropriateness of services provided to workers' compensation claimants, the most cost-effective method of service delivery, and the responsibility for and method of payment for such services. The division shall cooperate with the institute in the provision of data, modifying data collection as necessary, and securing any other relevant data or information. The results of the study shall be submitted to the Speaker of the House of Representatives and the President of the Senate by January 1, 1993. Funding for the study shall be from the Workers' Compensation Administration Trust Fund established by section 440.50, Florida Statutes.

Section 72. There is hereby created a Resolution Trust Corporation Advisory Commission consisting of nine members. Membership of the Advisory Commission shall consist of the heads of the Departments of General Services, Natural Resources, and Transportation or their designated representatives along with two members appointed by the Governor, two members appointed by the President of the Senate, and two members appointed by the Speaker of the House of Representatives. The chairman shall be elected by the advisory commission members. Staff and financial resources to the advisory commission shall be provided from within funds appropriated in the 1991-1992 General Appropriations Act to the Executive Office of the Governor, Senate, House of Representatives, and Departments of Natural Resources, Transportation, and General Services. The purpose of the advisory commission is to review all properties managed by Resolution Trust Corporation and make written recommendations to the Governor, President of the Senate, Speaker of the House of Representatives, and Board of Trustees of the Internal Improvement Trust Fund as to which properties are available for purchase by the state at prices below market value; assessment of the state's need and purpose for the property; estimated cost to restore and rehabilitate property to meet state standards along with the estimated annual costs to operate and maintain property; and laws, policies, and rules needing revisions to facilitate purchase below market value.

(2) Notwithstanding any other provision of law to the contrary, by an affirmative vote of five members, the Board of Trustees of the Internal Improvement Trust Fund may direct the Department of Natural Resources to purchase or lease purchase on an immediate basis lands that contain real property which are suitable for state or other governmental agency operations and that are listed or placed at auction by the Federal Government as part of the Resolution Trust Corporation sale of lands from failed savings and loan associations. For such acquisitions, the board of trustees may waive or modify all procedures required for land acquisition pursuant to chapter 253, Florida Statutes, and all competitive bid procedures required pursuant to chapters 255 and 287, Florida Statutes. Any such purchases from the Conservation and Recreation Lands Trust Fund shall be subject to reimbursement by the agency benefitting from the purchase, contingent on future appropriations.

(3) Notwithstanding any other provision of law to the contrary, the Department of General Services may enter into a a lease with the Resolution Trust Corporation for leasing an entire building controlled by the Resolution Trust Corporation. The department may sublease space therein to any private agency, person, partnership, corporation, or business entity. The Division of Facilities Management shall operate, maintain, allocate space therein, assess and collect rent, and perform all other function necessary as though the facility leased from the Resolution Trust Corporation were a state-owned facility.

Section 73. Notwithstanding the provisions of Senate Bill 2306 or similar legislation, the Department of Health and Rehabilitative Services may authorize the development and licensure of up to 258 six-bed or less Intermediate Care Facilities for the Developmentally Disabled beds as provided for in Specific Appropriation 928A of the 1991-1992 General Appropriations Act. Further, the development of criteria necessary to resume normal certification and licensure activities for Intermediate Care Facilities for the Developmentally Disabled shall be accomplished by December 1, 1991.

Section 74. It is the intent of the Legislature that funds provided in Specific Appropriation 509 of the 1991-1992 General Appropriations Act which were provided through categorical program funding prior to the 1991-1992 fiscal year shall be expended during 1991-1992 in accordance with the provisions of sections 237.34(3) and 233.067(4) and (10), Florida Statutes. In addition, it is the intent of the Legislature that the statutory requirements of categorical programs not funded by a specific line-item amount in the 1991-1992 General Appropriations Act not be mandated but shall be implemented by each district school board in combination with all other programs in a manner that results in sound educational and fiscal policy, the best possible educational practices, and the most effective use of all funds available to support an excellent educational program for all students in the district.

Section 75. (1) Notwithstanding the proviso in Specific Appropriation 236A of chapter 90-209, Laws of Florida, funds provided as loans for the 1994 World Cup Soccer Games shall be repaid to the state by the respective venues on or before August 31, 1992.

(2) This section shall take effect upon this act becoming a law.

Section 76. Notwithstanding section 944.712, Florida Statutes, a vendor responding to the Request for Proposals in Specific Appropriation 1934C of the 1991-1992 General Appropriations Act shall only be required to submit audited financial statements for its 3 previous years. Additionally, notwithstanding section 242.68, Florida Statutes, or any other provision of law, bidders shall be responsible for providing all educational and vocational training, and shall not be obligated to use, but may, contract with the Correctional Education School Authority to provide such programs.

Section 77. Notwithstanding chapter 216, Florida Statutes, the Executive Office of the Governor may approve amendments to the approved budget, may allocate lump-sum appropriations, and may establish positions from the appropriations made to the credit of the Executive Office of the Governor from Specific Appropriation 729E of the 1991-1992 General Appropriations Act and from other appropriations which may appear in substantive legislation.

Section 78. Notwithstanding any provision to the contrary in the 1991 General Appropriations Act, from the funds provided in Specific Appropriation 510 of the 1991 General Appropriations Act, school boards may allocate to each school up to a maximum of $9.50 per unweighted full-time equivalent student to be used at the discretion of the staff and parents of the school to develop and implement the school's improvement plan. The school's improvement plan shall be based on the needs of the students at that school and shall be consistent with any existing statewide and districtwide school improvement programs. This section shall prevail over any conflicting provision of Specific Appropriation 510 of the 1991 General Appropriations Act.

Section 79. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 80. Except as otherwise provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 1991, or in the event this act fails to become a law until after that date, it shall operate retroactively thereto. This act shall expire and be void and inoperative on July 1, 1992.

Conference Committee Amendment 2—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to implementing the fiscal year 1991-1992 General Appropriations Act; providing legislative intent; requiring state attorneys and public defenders to submit a report of certain expenditures; providing the Attorney General with certain oversight responsibility relating to Department of Health and Rehabilitative Services compliance with a Florida Supreme Court decision; requiring a report; providing access to certain confidential information; requiring that certain attorneys provide legal representation in certain proceedings relating to juveniles; prohibiting the Department of Health and Rehabilitative Services from contracting for legal representation for such proceedings without prior approval from the Attorney General; authorizing expenditure of funds by the Guardian Ad Litem Program in certain dissolution proceedings; authorizing an appropriation from the Emergency Medical Services Trust Fund to fund Medicaid rate increases for patient transportation; requiring the Capital Collateral Representative to seek certain compensation and reimbursement for representing indigent persons in the federal courts; prohibiting the Department of Professional Regulation from expending funds for the lease, possession, or acquisition of specified space for office or other use; authorizing the Department of Highway Safety and Motor Vehicles to expend certain funds for operations; providing responsibility of the Fort Myers Urban Office of the Department of Transportation for transportation planning and policy for specified counties; providing for calculation of the statewide adjusted aggregate required local effort for all school districts from ad valorem taxes, under authority of the Commissioner of Education; providing for adjustment of the required local effort millage rate of certain districts; requiring the Executive Office of the Governor to establish sufficient budget authority to provide for expenditure of certain funds in the Trust Fund for Eminent Scholars and the Trust Fund for Major Gifts; providing for certain transfer of excess unencumbered funds; providing for an experimental program in the Department of Revenue and in the Division of Workers' Compensation of the Department of Labor and Employment Security for fiscal year 1991-1992 to determine the feasibility of acting outside the normal constraints on personnel and budget; providing for a Productivity Advisory Group and prescribing its duties; prescribing powers and duties of the executive director and secretary of the respective departments with respect to the experimental program; creating a Commission on the Florida Government Personnel System and providing its duties; authorizing Florida Atlantic University to designate its school of nursing as a College of Nursing; providing methods for calculation of school districts' total weighted full-time equivalent student enrollment; exempting activities of the Department of Revenue relating to implementation of the automated collection and enforcement system from certain laws regulating acquisition of goods and services and communication and data processing; authorizing the department to contract for the system; providing for retroactive application; providing that specified projects at Polk Community College/University of South Florida, Florida Keys Community College, the University of Florida Health Center Academic Research Building and Medical Science Building Renovation, Capital Improvement Fee projects, and the Florida International University Arts Complex-Theatre Auditorium will not revert until specified dates; authorizing the Board of Regents to construct housing facilities at Florida State University, Florida A & M University, Florida Atlantic University, and the University of Central Florida and parking facilities at the University of North Florida; providing that the Santa Fe Performing Arts Center will become the property of the University of Florida upon completion; providing the shared use of the center between the university and Santa Fe Community College; reducing the amount of specific appropriations to Florida Atlantic University in chapter 89-253, Laws of Florida, and providing an additional appropriation; retitling an appropriation to Florida Atlantic University contained in chapter 90-209, Laws of Florida; providing that, with respect to lack of references in the 1991-1992 General Appropriations Act to vendors and contract service providers, there is no legislative intent to preclude agencies from contracting with vendors that have historically been referenced as recipients in proviso language; providing that an appropriation for the Veterans' Memorial Park/Wall South-Escambia County shall not revert; authorizing certain statutory teaching hospitals to elect to have Health Care Cost Containment Board assessments deducted from their Medicaid disproportionate share payment; authorizing Valencia Community College to acquire specified lands through the expenditure of non-PECO funds; providing that certain funds appropriated for a remodeling and renovation project at Brevard Community College shall not revert; authorizing the Board of Trustees of the Internal Improvement Trust Fund, on behalf of the Department of Highway Safety and Motor Vehicles, to enter into an agreement for the exchange of lands with the Greater Orlando Aviation Authority and for design and construction of a district Florida Highway Patrol station to be located at the Orlando International Tradeport; authorizing the transfer of funds appropriated in chapter 90-209, Laws of Florida, between specified projects at the University of North Florida; providing that certain PECO moneys appropriated in specific appropriation 2170 of chapter 90-209, Laws of Florida, are not contingent upon matching funds; transferring moneys from the Insurance Commissioner's Regulatory Trust Fund, the Florida Coastal Protection Trust Fund, the Florida Fire Insurance Trust Fund, the Cancer and Chronic Disease Research and Treatment Center Trust Fund, and the Agency Budget Trust Fund to the General Revenue Fund on June 1, 1991; prescribing duties of the Department of Health and Rehabilitative Services in implementing position reductions; eliminating a salary raise for Legislators; providing that a specific appropriation to the Department of General Services for a regional service center will not revert if specified conditions are met; providing for location of the headquarters of the Department of the Lottery; prescribing restrictions on the use of specific appropriations for mental health institutions; authorizing transfers of such funds in described circumstances; requiring the Department of Health and Rehabilitative Services to report to the Governor and Legislature with respect to a clinic services Medicaid reimbursement option for funding county health unit services; authorizing the Board of Regents to transfer certain funds to the Major Gifts Trust Fund; authorizing the Department of the Lottery to implement a sales incentive program; transferring the unexpended balance of funds appropriated to the State Infrastructure Fund for the City of Vernon to the Historic Preservation Trust Fund; authorizing the Department of Agriculture and Consumer Services to submit a reorganization plan for the department to the Legislature; prescribing minimum qualifications for division directors within the department; authorizing the Board of Regents to construct specified facilities at the University of Florida, Florida A & M University, and the University of South Florida from non-PECO funds; prescribing conditions on such construction; providing that a specific appropriation for Human Resources/Coastal Recovery of Sarasota Crisis Stabilization Unit shall not revert; authorizing the Secretary of Transportation to advance funds from the Toll Facilities Revolving Trust Fund; providing for the transfer of certain appropriations and positions to the Department of Elderly Affairs in specified circumstances; authorizing Palm Beach County to retain interest income from the investment of certain funds advanced to the county; providing a limitation on the use of moneys appropriated to the Vocational Gold Seal Endorsement Scholarship Program; authorizing the Department of Corrections to locate a mental health facility at a site to be determined; authorizing the use of funds previously appropriated to the Tax and Budget Reform Commission; providing for the implementation of chapter 90-49, Laws of Florida, relating to laboratory schools; authorizing the Department of Professional Regulation to contract for certain appraisal services without formal advertisement or selection; authorizing North Florida Junior College, Santa Fe Community College, Pasco-Hernando Community College, and Hillsborough Community College to acquire or construct specified facilities, subject to stated conditions; transferring certain moneys from the Florida Seed Capital Trust Fund to the General Revenue Fund; extending the authority of the Department of State to transfer funds from the Corporations Trust Fund to the Division of Licensing Trust Fund; providing for the reappropriation of certain funds to the Board of Regents for the Magnet Laboratory if the contingencies attached to the original appropriations are not realized; providing for payment of moneys owned by district school boards to the Division of Administrative Hearings; authorizing the Division of Cultural Affairs to award grants to Arts in Education grant applicants from moneys deposited into the Youth and Children's Museum Trust Fund; directing the Board of Regents to sell certain property of Florida Atlantic University and specifying uses of the proceeds of that sale; transferring an appropriation from a Florida A & M University Parking Project to

Fire Code Corrections/Repainting/Bragg Stadium; requiring the university to pursue legal remedies; authorizing the Department of Commerce to contract with the City of Miami for the expenditure of funds appropriated in relation to acquiring property for a specified park; providing that funds appropriated for vocational educational facilities in the General Appropriations Act come from the Public Education Capital Outlay and Debt Service Trust Fund; authorizing the expenditure of certain state funds by state attorneys and public defenders; directing the Division of Workers' Compensation to study education, training, and rehabilitation; providing duties of specified educational institutions with respect to the study; creating a Resolution Trust Corporation Advisory Committee to make recommendations to the Governor, the Legislature, and the Board of Trustees of the Internal Improvement Trust Fund with respect to acquisition of property from the corporation; providing for the purchase or lease of properties from the corporation; providing for the Department of Health and Rehabilitative Services to authorize certain intermediate care facilities for the developmentally disabled; requiring the development of criteria for resumption of normal certification and licensure of such facilities; declaring legislative intent with respect to the program expenditure requirements for specified Florida Education Finance Program appropriations; providing for the implementation of statutory requirements of categorical programs not funded by specific line-item amount in the 1991-1992 General Appropriations Act; extending the time within which funds provided as loans for the 1994 World Cup Soccer Games must be repaid; prescribing a qualification for vendors responding to a request for proposal relating to a certain appropriation for a private adult correctional facility; providing responsibilities of bidders with respect to provision of educational and vocational training; providing authority of the Executive Office of the Governor with respect to specified appropriations; providing that, from specified appropriations in the 1991-1992 General Appropriations Act, school boards may allocate funds to each school to be used to develop and implement the school's improvement plan; providing severability; providing a retroactive effective date and an expiration date.

The Conference Committee Report was read and on motion by Senator Gardner was adopted. **SB 2302** passed as recommended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40 Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 2342 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 2342—A bill to be entitled An act relating to child care; amending s. 402.301, F.S.; providing legislative intent for certain national organizations regarding an exception from licensing standards for child care facilities; amending s. 402.305, F.S.; requiring uniform licensing standards for child care facilities; revising minimum licensing standards; creating additional licensing standards; amending s. 402.313, F.S.; requiring all family day care to be licensed; providing licensing authority to the Department of Health and Rehabilitative Services; requiring the Department of Health and Rehabilitative Services to prepare a brochure on family day care for parents and prescribing its contents; changing the date by which an evaluation of the family day care system must be submitted; creating s. 402.3051, F.S.; establishing market rate reimbursement procedures for licensed child care providers; providing definitions; providing for child care grants to certain entities; creating s. 402.3052, F.S.; creating child development associate training grants; providing procedures; requiring reports; providing for child care incentive grants; amending s. 402.27, F.S.; requiring licensed child care facilities to annually provide certain information to statewide child care and resource and referral agencies; amending s. 402.302, F.S.; amending the definition of the term "child care facility"; providing an effective date.

House Amendment 1—On page 2, lines 14 and 15, strike said lines and insert: *organizations affiliated with national organizations which do not provide child care, whose primary purpose is providing*

House Amendment 2—On page 25, lines 26 through 27, strike all of said lines

House Amendment 4—On page 12, line 30, after the period (.) insert: *In the case of a child care program for school-aged children attending before and after school programs on a site operated by a municipality, the department shall adopt rules for such site and intended use.*

House Amendment 5—In title, on page 1, line 31, after the semicolon(;) through page 2, line 2, strike all of said lines and insert: providing an effective date.

House Amendment 6—On page 16, line 4, through page 20, line 4, strike all of said lines and

(Renumber subsequent sections.)

House Amendment 7—In title, on page 1, lines 10 through 18, strike said lines and insert: standards;

House Amendment 8—On page 8, line 9 after the word "personnel" insert: *and operators of family day care homes serving at risk children in a subsidized child care program pursuant to s. 402.3015*

Senator Davis moved the following amendments which were adopted:

Senate Amendment 1 to House Amendment 6—On page 1, strike line 13 and insert:

Section 3. Subsection (1) of section 402.313, Florida Statutes, 1990 Supplement, is amended to read:

402.313 Family day care homes.—

(1) Family day care homes shall be licensed under this act if they are presently being licensed under an existing county licensing ordinance, if they are participating in the subsidized child care program, or if the board of county commissioners passes a resolution that family day care homes be licensed. If no county authority exists for the licensing of a family day care home, the department shall have the authority to license family day care homes under contract for the purchase-of-service system in the subsidized child care program.

(a) If not subject to license, family day care homes shall register annually with the department, providing the following information:

1. The ~~the~~ name and address of the home,

2. The ~~the~~ name of the operator,

3. The ~~the~~ number of children served,

4. Proof of a written plan to provide at least one other competent adult to be available to substitute for the operator in an emergency. This plan shall include the name, address and telephone number of the designated substitute, ~~and the availability of emergency care.~~

5. Proof of screening and background checks,

6. Proof of completion of the three hour training course, and

7. Proof that immunization records are kept current.

(b) The department or local licensing agency may impose an administrative fine, not to exceed $100, for failure to comply with licensure or registration requirements.

(c) A family day care home not participating in the subsidized child care program may volunteer to be licensed under the provisions of this act.

(d) The department may provide technical assistance to counties and family day care home providers to enable counties and family day care providers to achieve compliance with family day care homes standards.

(Renumber subsequent sections.)

Senate Amendment 1 to House Amendment 7—In title, on page 1, strike line 12 and insert: standards; amending s. 402.313,

F.S.; revising certain registration requirements for family day care homes;

On motions by Senator Davis, the Senate concurred in **House Amendments 1, 2, 4, 5** and **8**; amended **House Amendments 6** and **7** and requested the House to concur in the Senate amendments to the House amendments.

CS for SB 2342 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36 Nays—1

RETURNING MESSAGES ON HOUSE BILLS

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2, concurred in same as amended, passed as amended, CS for HB 2309 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB 2309—A bill to be entitled An act relating to insurance; amending s. 407.07, F.S.; deleting a reference to a repealed section; amending s. 624.01, F.S.; including ch. 635, F.S., within the Florida Insurance Code; amending s. 624.031, F.S.; defining "self-insurance"; amending s. 624.125, F.S., exempting certain motor vehicle service agreements from the Insurance Code; amending s. 624.155, F.S.; providing a civil remedy for certain persons injured by insurers; amending s. 624.310, F.S.; specifying enforcement powers of the Department of Insurance; providing definitions; providing for cease and desist orders; providing for removal or restriction of affiliated parties; providing for administrative fines and suspension or revocation of authority; specifying applicable procedures; amending s. 624.313, F.S.; requiring the department to publish certain reports; amending s. 624.315, F.S.; providing for the annual report of the department; amending s. 624.316, F.S.; providing for examination of insurers; redesignating s. 627.321, F.S., as s. 624.3161, F.S., and amending said section; providing for market conduct examinations; amending s. 624.317, F.S.; providing for investigation of customer representatives; amending s. 624.320, F.S., relating to examination expenses, to conform; amending s. 624.33, F.S., relating to jurisdiction of the department, to conform; amending s. 624.401, F.S.; providing criminal penalties for acting as an insurer without a certificate of authority; amending s. 624.404, F.S.; providing eligibility criteria for issuance of a certificate of authority; amending ss. 624.407 and 624.408, F.S., specifying surplus requirements for insurers; amending s. 624.412, F.S.; specifying required deposits of alien insurers; amending s. 624.413, F.S.; specifying form for financial statements; amending s. 624.416, F.S.; providing for continuation of certificates of authority; amending s. 624.424, F.S.; requiring filing of annual statements and other information; amending s. 624.430, F.S.; providing for removal of a line of insurance from a certificate of authority; amending s. 624.436, F.S.; specifying sections included within the Florida Nonprofit Multiple-Employer Welfare Arrangement Act; creating s. 624.4361, F.S.; providing definitions; amending s. 624.437, F.S.; requiring a certificate of authority for operation of a multiple-employer welfare arrangement; amending s. 624.438, F.S.; specifying eligibility criteria for issuance of a certificate of authority to an arrangement; creating s. 624.4385, F.S.; prohibiting an arrangement from using certain words in its name; amending s. 624.439, F.S.; providing for application for certificate of authority; amending s. 624.4392, F.S.; specifying fund balance required of an arrangement; amending s. 624.44, F.S.; providing for examination by the department; amending s. 624.441, F.S.; providing for insolvency protection; creating s. 624.4411, F.S.; providing for approval of certain contracts of an arrangement by the department; amending s. 624.4415, F.S.; providing for assessments of employers; creating s. 624.4416, F.S.; providing for assessments by the receiver of an arrangement; creating s. 624.4417, F.S.; prohibiting an arrangement from selling coverage to the general public or certain employers; specifying liability for assessments of persons who sell coverage in violation of the prohibition and of persons to whom coverage was so sold; providing penalties; amending s. 624.442, F.S.; requiring annual and quarterly reports; providing administrative penalties; requiring retention of an independent certified public accountant by each authorized arrangement; providing for terms of contract; creating s. 624.4431, F.S.; specifying administrative and rulemaking authority of the department; creating s. 624.4432, F.S.; requiring arrangements to comply with specified provisions relating to assets, liabilities, and investments; amending s. 624.444, F.S.; providing for denial, suspension, or revocation of an arrangement's certificate of authority; creating s. 624.4441, F.S.; providing for fine in lieu of suspension or revocation; providing for personal imposition of fines on certain individuals affiliated with an arrangement; amending s. 624.445, F.S.; specifying provisions applicable to denial, suspension, or revocation of a certificate of authority; providing administrative penalties; amending s. 624.462, F.S.; providing criteria for establishment of commercial self-insurance funds; amending s. 624.474, F.S.; providing that the trustees or directors of a self-insurance fund may assess members; amending s. 624.482, F.S., relating to making and use of rates, to conform; amending s. 624.489, F.S.; specifying liability of directors of self-insurance funds operating as corporations; amending s. 624.523, F.S.; providing for deposit of certain moneys in the Insurance Commissioner's Regulatory Trust Fund; amending s. 624.610, F.S.; specifying entities that are approved reinsurers; limiting reinsurance agreements in certain circumstances; providing circumstances under which no credit is allowed for reinsurance; amending s. 624.80, F.S., relating to a definition of "insurer", to conform; amending s. 625.091, F.S.; specifying reserves required for losses and loss adjustment expenses; amending s. 625.121, F.S.; revising the standard valuation law for life insurance; amending s. 625.151, F.S.; providing for valuation of securities; amending s. 625.305, F.S.; providing for diversification; amending s. 625.316, F.S.; authorizing insurers to invest in certain international development banks; amending s. 625.327, F.S.; providing that said section supersedes a specified provision of federal law; amending s. 625.51, F.S.; providing for deposits of domestic insurers; amending s. 625.52, F.S.; specifying securities eligible for deposit; amending s. 625.58, F.S.; specifying actions the department may take with respect to an insurer that fails to cure a deficiency in its deposit; amending s. 625.62, F.S.; providing for holding and release of deposit; amending s. 625.63, F.S.; providing for release of deposit; amending s. 626.2815, F.S.; changing certain continuing education requirements for insurance agents and other licensees; amending s. 627.091, F.S., relating to workers' compensation and employer's liability rate filings, to conform; amending s. 627.311, F.S., relating to joint underwriters and joint reinsurers, to conform; amending s. 627.4585, F.S., relating to interest on policy loans, to conform; amending s. 627.482, F.S., relating to interest payable on cash surrender of policy, to conform; amending s. 628.051, F.S.; specifying content of application for permit to form insurer; amending s. 628.081, F.S.; specifying content of articles of incorporation of domestic insurer; amending s. 628.161, F.S.; specifying qualifications for mutual insurers; amending s. 628.171, F.S.; providing bond requirements for mutual insurers; redesignating s. 628.331, F.S., relating to enforcement of contingent liability, as s. 628.615, F.S.; amending s. 628.451, F.S.; providing for merger or share exchange of stock insurers; amending s. 628.4615, F.S.; redesignating allied lines insurers as specialty insurers; providing for acquisition of controlling stock, ownership interest, assets, or control; amending s. 628.471, F.S.; providing for mergers of mutual insurers; amending s. 628.520, F.S.; providing for change of domicile of a foreign insurer; creating ss. 628.6011, 628.6012, 628.6013, 628.6014, 628.6015, 628.6016, and 628.6017, F.S.; providing for creation, regulation, and conversion of assessable mutual insurers; amending s. 628.901, F.S.; defining "captive insurer"; amending ss. 627.944, 627.949, 627.952, 632.634, 634.171, 634.181, 634.191, 634.201, 634.211, 634.317, 634.318, 634.319, 634.320, 634.321, 634.322, 634.3225, 634.323, 634.419, 634.420, 634.421, 634.422, 634.423, 634.424, 634.425, 634.426, 635.051, 637.141, 637.143, 637.144, 637.145, 637.146, 637.301, 637.302, 637.303, 637.304, 637.305, 637.415, 638.181, 638.191, 638.201, 638.211, 638.221, 639.185, 641.386, 642.034, 642.036, 642.038, 642.041, 642.043, 642.045, and 642.047, F.S.; applying provisions relating to licensure, appointment, and discipline of insurance agents, unlawful rebating, and fees, to persons engaged in sales for risk retention and purchasing groups, fraternal benefit societies, motor vehicle service agreement companies, home warranty associations, service warranty associations, mortgage guaranty insurance, optometric service plan corporations, pharmaceutical service plan corporations, dental service plan corporations, ambulance service associations, preneed funeral merchandise or service contracts, health maintenance organizations, and legal expense insurers; amending s. 628.903, F.S.; increasing the minimum premium for certain industrial insured captive insurers; amending s. 629.261, F.S.; conforming a reference to surplus to current usage; amending s. 629.513, F.S., relating to making and use of rates of limited reciprocal insurers, to conform; creating s. 629.520, F.S.; abolishing the power of the department to issue certificates of

authority as limited reciprocal insurers; amending s. 631.011, F.S.; providing definitions; amending s. 631.041, F.S.; providing for automatic stays in delinquency proceedings; creating s. 631.112, F.S.; providing for subordination of claims for noncooperation; amending s. 631.141, F.S.; providing for disposition of records of delinquency proceedings for domestic and alien insurers; amending s. 631.152, F.S.; providing for conduct of delinquency proceedings of foreign insurers; amending s. 631.154, F.S.; providing procedures for delivery to the receiver of funds or property in the possession of third parties; amending s. 631.155, F.S.; providing for an accounting of premiums and unearned commissions collected by an agent; amending s. 631.171, F.S.; specifying rights of Florida residents with respect to liquidation proceedings in other states; amending s. 631.181, F.S.; providing for filing and proof of claims; amending s. 631.182, F.S.; providing for resolution of objections to the receiver's report; amending s. 631.221, F.S.; specifying accounting practices to be used by receivers; amending s. 631.252, F.S.; providing for continuation of coverage; amending s. 631.271, F.S.; specifying priority of distribution of claims from the insurer's estate; amending s. 631.391, F.S.; requiring officers and employees of an insurer's affiliate to cooperate with the department; amending s. 631.66, F.S.; providing immunity for members of the Florida Insurance Guaranty Association; amending s. 631.713, F.S.; revising application; amending s. 631.714, F.S.; defining "covered policy"; amending s. 631.717, F.S.; limiting liability of the Florida Life and Health Insurance Guaranty Association; amending s. 631.722, F.S.; requiring members of the Florida Life and Health Insurance Guaranty Association to pay assessments that are under appeal; providing for subsequent refund; amending s. 631.727, F.S.; providing immunity for members of the association; amending s. 631.737, F.S.; providing for review and tolling of noncontestable period; amending s. 631.814, F.S.; providing definitions; amending s. 631.816, F.S.; specifying membership of the board of the Florida Health Maintenance Organization Consumer Assistance Plan; amending s. 631.817, F.S.; specifying eligibility for coverage under the plan; amending s. 631.818, F.S.; specifying powers and duties of the plan; amending s. 631.819, F.S.; providing for assessment by board of directors; amending s. 631.820, F.S.; providing for the plan of operation of the plan; amending s. 631.821, F.S.; providing circumstances for suspension or revocation of the certificate of authority of a member health maintenance organization; amending s. 631.822, F.S.; providing for records of the plan; amending s. 641.19, F.S.; providing definitions; amending s. 641.21, F.S.; providing for application for certificate of authority to operate a health maintenance organization; creating s. 641.215, F.S.; providing conditions for issuance or maintenance of a health maintenance organization's certificate of authority; specifying effect of bankruptcy proceedings; amending s. 641.228, F.S., relating to the Florida Health Maintenance Organization Consumer Assistance Plan, to conform; amending s. 641.23, F.S.; specifying effect of denial, revocation, or nonrenewal of a Health Care Provider Certificate; amending s. 641.26, F.S.; specifying form and content of a health maintenance organization's annual report; amending s. 641.27, F.S.; providing for examination by the department; amending s. 641.28, F.S.; providing for attorney's fees and costs in certain actions against health maintenance organizations; creating s. 641.284, F.S.; specifying exclusive methods of liquidation, rehabilitation, reorganization, and conservation; amending s. 641.29, F.S.; providing fees; creating s. 641.309, F.S.; providing standards for marketing to persons eligible for Medicare; amending s. 641.31, F.S.; requiring notice of rate changes in health maintenance contracts; providing for discontinuation of disapproved rating methodologies; specifying content of contracts; requiring open enrollment periods; limiting certain defenses; requiring health maintenance organizations to make available at the option of the subscriber certain osteopathic hospital services; amending s. 641.3108, F.S.; requiring advance notice of termination, cancellation, or nonrenewal of contract; amending s. 641.311, F.S.; providing for a statewide subscriber assistance program; authorizing the Department of Health and Rehabilitative Services to impose fines on health maintenance organizations that fail to meet certain standards; amending s. 641.3111, F.S.; providing for extension of benefits; amending s. 641.315, F.S.; providing for contracts with health care providers; amending s. 641.35, F.S.; providing for assets, liabilities, and investments of health maintenance organizations; amending s. 641.36, F.S.; providing for rules; specifying sanctions for violation of rules; amending s. 641.3905, F.S.; specifying powers and duties of the department; amending s. 641.3921, F.S.; specifying limits on convertibility of contract; amending s. 641.3922, F.S.; providing for cancellation or nonrenewability clause of contracts; amending s. 642.032, F.S., relating to legal expense insurance, to conform; specifying enforcement authority of the Department of Labor and Employment Security; reenacting ss. 395.0172(2)(c), 402.48(8)(c), 404.111(2)(a), 458.320(1)(b) and (2)(a), 459.0085(1)(a) and (2)(a), 624.11(2), 624.402(4), 624.4414(1) and (2), 624.466(9)(a), 624.488(1) and (2), 624.606(2)(c), 624.609(3), 625.012(8), 626.8417(3)(g), 626.88(1)(i), 627.9403, 628.071(2), 628.261, 629.131, 631.061, 631.071(1), 631.081(1), 631.371(1), 631.828, 632.638(3), 634.052(1) and (2), 634.252, 634.253(1), 634.305(1) and (2)(a), 634.3073, 634.405(1), 634.4085, 637.153, 637.316, 637.422, 638.052, 638.081(1), 639.106, 641.255, 641.285(1), 641.35(1)(d), 641.416, 641.47(1) and (5), 642.023(1), 651.024, 651.035(7)(e), 651.071(1), 651.105(1), and 651.114(5), relating to health care utilization review, health care services pools, surety requirements, physicians' and osteopaths' financial responsibility, risk retention groups, reinsurance, employers' liability in multiple-employer welfare arrangements, commercial self-insurance funds, reinsurance, title insurance agents, administrators, long-term care insurance policies, permits to form insurers, notice of change of director or officer, attorney's deposit in lieu of bond, grounds for liquidation or conservation, seizure, assessments against health maintenance organizations, fraternal benefit societies, motor vehicle service agreement companies, home warranty associations, service warranty associations, optometric service plans, pharmaceutical service plans, dental service plans, ambulance service associations, preneed funeral contracts, health maintenance organizations, prepaid health clinics, legal expense insurance corporations, and continuing care facilities and contracts, to incorporate amendments to various provisions in references thereto; repealing ss. 624.308(3), 624.3151, 627.9301, 627.9302, 627.9303, 627.9304, 627.9305, 628.181, 628.191, 628.201, 628.311, 628.321, 628.4314, 631.243, 641.01, 641.02, 641.025, 641.03, 641.04, 641.05, 641.06, 641.08, 641.12, 641.125, 641.13, 641.14, 641.151, and 641.155, F.S., relating to administrative rules, complaint ratios, life maintenance contracts, mutual insurers, captive insurers, and health care services plan corporations; repealing ss. 629.50, 629.501, 629.502, 629.504, 629.506, 629.507, 629.508, 629.509, 629.511, 629.512, 629.513, 629.514, 629.516, 629.517, 629.518, and 629.519, F.S., relating to limited reciprocal insurers, effective October 1, 1992; saving parts I, II, III, and V of chapter 624 and chapters 625, 628, 629, 630, 631, and 641, F.S., from Sunset repeal; providing for future review and repeal; providing applicability; providing an effective date.

House Amendment 1 to Senate Amendment 1—On page 1, line 12, through page 299, line 4, strike everything and insert:

Section 1. Paragraph (c) of subsection (1) of section 407.07, Florida Statutes, is amended to read:

407.07 Health care costs and finances; analyses, studies, and reports.—

(1) The board shall have the authority to:

(c) Jointly develop, with the Department of Insurance or the Department of Health and Rehabilitative Services, criteria to analyze and study the ongoing effect upon health care costs of third-party reimbursement mechanisms, including the effects of Medicare, Medicaid, and other government reimbursement mechanisms. The board shall incorporate into its reports the findings of the Department of Insurance relating to the effect upon health care costs of third-party reimbursement mechanisms, including health insurance as defined in ss. 624.603 and 627.652, ~~health care service plans as defined in s. 641.01,~~ and health maintenance organizations as defined in s. 641.19.

Section 2. Section 624.01, Florida Statutes, 1990 Supplement, is amended to read:

624.01 Short title.—Chapters 624 through 632, 634, *635*, 637, 638, 639, 641, 642, 648, and 651 constitute the "Florida Insurance Code."

Section 3. Subsection (1) of section 624.031, Florida Statutes, is amended to read:

624.031 "Self-insurance" defined.—For the purposes of ss. 627.551 and 627.651, self-insurance includes any plan, fund, or program which is communicated or the benefits of which are described in writing to employees and which has heretofore been or is hereafter established by or on behalf of any individual, partnership, association, corporation, trustee, governmental unit, employer, or employee organization, or any other organized group, for the purpose of providing for employees or their beneficiaries through such individual, partnership, association, corporation, trustee, governmental unit, employer, or

employee organization, or any other group, benefits in the event of sickness, accident, disability, or death. Self-insurance does not include:

(1) Any plan with respect to which benefits are insured or reinsured by an insurance company ~~or a nonprofit hospital or medical service corporation~~ or are provided by a health maintenance organization.

Section 4. Subsection (1) of section 624.125, Florida Statutes, is amended to read:

624.125 Certain motor vehicle service agreements; exemption from code.—

(1) Any person may, in exchange for fees, charges, or other consideration, solicit, offer, provide, enter into, issue, or deliver a motor vehicle service agreement indemnifying the service agreement holder against loss caused by the failure of any mechanical or component part or parts of a motor vehicle listed in the agreement arising out of the ownership, operation, and use of such motor vehicle when:

(a)1. The premium charged for the motor vehicle service agreement does not exceed a total of *$50 annually or $50* ~~$25~~ for the term of the agreement; or

2. The difference in the price of substantially similar parts, or service connected therewith, sold with and without the agreement does not exceed a total of *$50 annually or $50* ~~$25~~ for the term of the agreement;

(b) The agreement is entered into incidentally to the sale of the part or parts or to the service connected therewith by the person soliciting, offering, providing, entering into, issuing, or delivering the motor vehicle service agreement; and

(c) No other agreements are solicited, offered, provided, entered into, issued, or delivered by such person at any time on any other mechanical or component part or parts or service connected therewith on the same motor vehicle where the total of all payments exceeds *$50 annually or $50* ~~$25~~ for the term of *the agreement* ~~all such agreements~~;

without being deemed an insurer and without being subject to the provisions of this code, provided that the agreement is not renewable or subject to extension or extendible.

Section 5. Section 624.310, Florida Statutes, is amended to read:

624.310 Enforcement*; cease and desist orders; removal of certain persons; fines.*—

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

(a) "Affiliated party" means any person who directs or participates in the conduct of the affairs of a licensee and who is:

1. A director, officer, employee, trustee, committee member, or controlling stockholder of a licensee or a subsidiary or service corporation of the licensee, other than a controlling stockholder which is a holding company, or an agent of a licensee or a subsidiary or service corporation of the licensee;

2. A person who has filed or is required to file a statement or any other information required to be filed under s. 628.461 or s. 628.4615;

3. A stockholder, other than a stockholder that is a holding company of the licensee, who participates in the conduct of the affairs of the licensee; or

4. An independent contractor who:

a. Renders a written opinion required by the laws of this state under his professional credentials on behalf of the licensee, which opinion is reasonably relied on by the department in the performance of its duties; or

b. Affirmatively and knowingly conceals facts, through a written misrepresentation to the department, with knowledge that such misrepresentation:

(I) Constitutes a violation of the Insurance Code or a lawful rule or order of the department; and

(II) Directly and materially endangers the ability of the licensee to meet its obligations to policyholders.

For the purposes of this subparagraph, any representation of fact made by an independent contractor on behalf of a licensee, affirmatively communicated as a representation of the licensee to the independent contractor, shall not be considered a misrepresentation by the independent contractor to the department.

(b) "Licensee" means a person issued a license or certificate of authority or approval under this code or a person registered under a provision of this code.

(2) ENFORCEMENT GENERALLY—The department may institute such suits or other legal proceedings as may be required to enforce any provision of this code. If it appears that any person has violated any provision of this code for which criminal prosecution is provided, the department shall provide the appropriate state attorney *or other prosecuting agency having jurisdiction with respect to such prosecution* with the relevant information in its possession.

(3) CEASE AND DESIST ORDERS.—

(a) The department may issue and serve a complaint stating charges upon any licensee or upon any affiliated party, whenever the department has reasonable cause to believe that the person or individual named therein is engaging in or has engaged in conduct that is:

1. An act that demonstrates a lack of fitness or trustworthiness to engage in the business of insurance, is hazardous to the insurance buying public, or constitutes business operations that are a detriment to policyholders, stockholders, investors, creditors, or the public;

2. A violation of any provision of the Florida Insurance Code;

3. A violation of any rule of the department;

4. A violation of any order of the department; or

5. A breach of any written agreement with the department.

(b) The complaint shall contain a statement of facts and notice of opportunity for a hearing pursuant to s. 120.57.

(c) If no hearing is requested within the time allowed by s. 120.57, or if a hearing is held and the department finds that any of the charges are proven, the department may enter an order directing the licensee or the affiliated party named in the complaint to cease and desist from engaging in the conduct complained of and take corrective action to remedy the effects of past improper conduct and assure future compliance.

(d) If the licensee or affiliated party named in the order fails to respond to the complaint within the time allotted by s. 120.57, the failure constitutes a default and justifies the entry of a cease and desist order.

(e) A contested or default cease and desist order is effective when reduced to writing and served upon the licensee or affiliated party named therein. An uncontested cease and desist order is effective as agreed.

(f) Whenever the department finds that conduct described in paragraph (a) is likely to cause insolvency, substantial dissipation or misvaluation of assets or earnings of the licensee, substantial inability to pay claims on a timely basis, or substantial prejudice to prospective or existing insureds, policyholders, subscribers, or the public, it may issue an emergency cease and desist order requiring the licensee or any affiliated party to immediately cease and desist from engaging in the conduct complained of and to take corrective and remedial action. The emergency order is effective immediately upon service of a copy of the order upon the licensee or affiliated party named therein and remains effective for 90 days. If the department begins nonemergency cease and desist proceedings under this subsection, the emergency order remains effective until the conclusion of the proceedings under s. 120.57. Any emergency order entered under this subsection shall be confidential until it is made permanent unless the department finds that the confidentiality will result in substantial risk of financial loss to the public.

(4) REMOVAL OF AFFILIATED PARTIES BY THE DEPARTMENT.—

(a) The department may issue and serve a complaint stating charges upon any affiliated party and upon the licensee involved, whenever the department has reason to believe that an affiliated party is engaging in or has engaged in conduct that constitutes:

1. An act that demonstrates a lack of fitness or trustworthiness to engage in the business of insurance through engaging in illegal activity or mismanagement of business activities;

2. A willful violation of any law relating to the business of insurance; however, if the violation constitutes a misdemeanor, no complaint shall be served as provided in this section until the affiliated party is notified in writing of the matter of the violation and has been afforded a reasonable period of time, as set forth in the notice, to correct the violation and has failed to do so;

3. A violation of any other law involving fraud or moral turpitude that constitutes a felony;

4. A willful violation of any rule of the department;

5. A willful violation of any order of the department;

6. A material misrepresentation of fact, made knowingly and willfully or made with reckless disregard for the truth of the matter; or

7. An act of commission or omission or a practice which is a breach of trust or a breach of fiduciary duty.

(b) The complaint shall contain a statement of facts and notice of opportunity for a hearing pursuant to s. 120.57.

(c) If no hearing is requested within the time allotted by s. 120.57, or if a hearing is held and the department finds that any of the charges in the complaint are proven true and that:

1. The licensee has suffered or will likely suffer loss or other damage;

2. The interests of the policyholders, creditors, or public are, or could be, seriously prejudiced by reason of the violation or act or breach of fiduciary duty;

3. The affiliated party has received financial gain by reason of the violation, act, or breach of fiduciary duty; or

4. The violation, act, or breach of fiduciary duty is one involving personal dishonesty on the part of the affiliated party or the conduct jeopardizes or could reasonably be anticipated to jeopardize the financial soundness of the licensee,

The department may enter an order removing the affiliated party or restricting or prohibiting participation by the person in the affairs of that particular licensee or of any other licensee.

(d) If the affiliated party fails to respond to the complaint within the time allotted by s. 120.57, the failure constitutes a default and justifies the entry of an order of removal, suspension, or restriction.

(e) A contested or default order of removal, restriction, or prohibition is effective when reduced to writing and served on the licensee and the affiliated party. An uncontested order of removal, restriction or prohibition is effective as agreed.

(f)1. The chief executive officer, or the person holding the equivalent office, of a license shall promptly notify the department if he has actual knowledge that any affiliated party is charged with a felony in a state or federal court.

2. Whenever any affiliated party is charged with a felony in a state or federal court or with the equivalent of a felony in the courts of any foreign country with which the United States maintains diplomatic relations, and the charge alleges violation of any law involving fraud, theft, or moral turpitude, the department may enter an emergency order suspending the affiliated party or restricting or prohibiting participation by the affiliated party in the affairs of the particular licensee or of any other licensee upon service of the order upon the licensee and the affiliated party charged. The order shall contain notice of opportunity for a hearing pursuant to s. 120.57, where the affiliated party may request a postsuspension hearing to show that continued service to or participation in the affairs of the licensee does not pose a threat to the interests of the licensee's policyholders or creditors and does not threaten to impair public confidence in the licensee. In accordance with applicable departmental rules, the department shall notify the affiliated party whether the order suspending or prohibiting the person from participation in the affairs of a licensee will be rescinded or otherwise modified. The emergency order remains in effect, unless otherwise modified by the department, until the criminal charge is disposed of. The acquittal of the person charged, or the final, unappealed dismissal of all charges against the person, dissolves the emergency order, but does not prohibit the department from instituting proceedings under paragraph (a). If the person charged is convicted or pleads guilty or nolo contendere, whether or not an adjudication of guilt is entered by the court, the emergency order shall become final.

(g) Any affiliated party removed from office pursuant to this section is not eligible for reelection or appointment to the position or to any other official position in any licensee in this state except upon the written consent of the department. Any affiliated party who is removed, restricted, or prohibited from participation in the affairs of a licensee pursuant to this section may petition the department for modification or termination of the removal, restriction, or prohibition.

(h) Resignation or termination of an affiliated party does not affect the department's jurisdiction to proceed under this subsection.

(5) ADMINISTRATIVE FINES; ENFORCEMENT.—

(a) The department may, in a proceeding initiated pursuant to chapter 120, impose an administrative fine against any person found in the proceeding to have violated any provision of this code, a cease and desist order of the department, or any written agreement with the department. No proceeding shall be initiated and no fine shall accrue until after the person has been notified in writing of the nature of the violation and has been afforded a reasonable period of time, as set forth in the notice, to correct the violation and has failed to do so.

(b) A fine imposed under this subsection may not exceed the amounts specified in s. 624.4211, per violation.

(c) The department may, in addition to the imposition of an administrative fine under this subsection, also suspend or revoke the license or certificate of authority of the licensee fined under this subsection.

(d) Any administrative fine levied by the department under this subsection may be enforced by the department by appropriate proceedings in the circuit court of the county in which the person resides or in which the principal office of a licensee is located, or, in the case of a foreign insurer or person not residing in this state, in Leon County. In any administrative or judicial proceeding arising under this section, a party may elect to correct the violation asserted by the department, and, upon doing so, any fine shall cease to accrue; however, the election to correct the violation does not render any administrative or judicial proceeding moot. All fines collected under this section shall be paid to the Insurance Commissioner's Regulatory Trust Fund.

(e) In imposing any administrative penalty or remedy provided for under this section, the department shall take into account the appropriateness of the penalty with respect to the size of the financial resources and the good faith of the person charged, the gravity of the violation, the history of previous violations, and other matters as justice may require.

(f) The imposition of an administrative fine under this subsection may be in addition to any other penalty or administrative fine authorized under this code.

(6) ADMINISTRATIVE PROCEDURES.—All administrative proceedings under subsections (3), (4), and (5) shall be conducted in accordance with chapter 120. Any service required or authorized to be made by the department under this code shall be made by certified mail, return receipt requested, delivered to the addressee only; by personal delivery; or in accordance with chapter 48. The service provided for herein shall be effective from the date of delivery.

(7) OTHER LAWS NOT SUPERSEDED.—The provisions of this section are in addition to other provisions of this code, and shall

not be construed to curtail, impede, replace, or delete any other similar provision or power of the department under the Insurance Code as defined in s. 624.01 or any power of the department which may exist under the common law of this state. The procedures set forth in s. 626.9581 do not apply to regulatory action taken pursuant to the provisions of this section.

Section 6. Section 624.313, Florida Statutes, is amended to read:

624.313 Publications.—

(1) As early as reasonably possible, the department shall annually have printed and made available a statistical report which must include all of the following information on either a calendar year or fiscal year basis:

(a) A summary of all information reported to the department under s. 627.915(1).

(b) The total amount of premiums written and earned by line of insurance.

(c) The total amount of losses paid and losses incurred by line of insurance.

(d) The ratio of premiums written to losses paid by line of insurance.

(e) The ratio of premiums earned to losses incurred by line of insurance.

(f) The market share of the 10 largest insurers or insurer groups by line of insurance and of each insurer or insurer group that has a market share of at least 1 percent of a line of insurance in this state.

(g) The profitability of each major line of insurance.

(h) An analysis of the impact of the insurance industry on the economy of the state.

(i) A complaint ratio by line of insurance for the insurers referred to in paragraph (f). The department shall determine the most appropriate ratio or ratios for quantifying complaints.

(j) An analysis of such lines or kinds of insurance for which the department determines that an availability problem exists in this state.

(k) A summary of the findings of market examinations performed by the department under s. 624.3161 during the preceding year.

(l) Such other information as the department deems relevant. ~~No later than September 30 of each year, the department shall have printed and made available a list of all insurers authorized to transact insurance in this state during the preceding calendar year. The list shall show, in tabular form, the insurers' assets and liabilities and such other data and information as the department deems essential and shall be based upon the insurers' financial statements filed with the department.~~

(2) The department may prepare and have printed and published in pamphlet or book form the following:

~~(a) Annually a list of all persons licensed as insurance agents in this state;~~

(a)~~(b)~~ As needed, questions and answers for the use of persons applying for an examination for licensing as agents or solicitors for property, casualty, surety, health, and miscellaneous insurers.;

(b)~~(c)~~ As needed, questions and answers for the use of persons applying for an examination for licensing as agents for life and health insurers.; ~~and~~

(c)~~(d)~~ As needed, questions and answers for the use of persons applying for an examination for licensing as adjusters.

(3) The department shall sell the publications mentioned in *subsections (1) and* ~~subsection~~ (2) to purchasers at a price fixed by it at not less than the cost of printing and binding such publications, plus packaging and postage costs for mailing; except that the department may deliver copies of such publications free of cost to state agencies and officers, insurance supervisory authorities of other states and jurisdictions, institutions of higher learning located in Florida, the Library of Congress, insurance officers of Naval, Military and Air Force bases located in Florida, and to persons serving as advisers to the department in preparation of the publications.

(4) The department may contract with outside vendors, in accordance with chapter 287, to compile data in an electronic data processing format that is compatible with the systems of the department.

Section 7. Section 624.315, Florida Statutes, 1990 Supplement, is amended to read:

624.315 Department; annual report.—

(1) As early as reasonably possible, the department shall annually prepare a report to the *Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, the Chairmen of the Legislative Committees with jurisdiction over matters of insurance,* ~~Legislature~~ and the Governor showing, with respect to the preceding calendar year:

(a) Names of the authorized insurers transacting insurance in this state, with abstracts of their financial statements including *assets, liabilities, and net worth.* ~~such summary of their financial condition as it deems proper;~~

(b) Names of insurers whose business was closed during the year, the cause thereof, and amounts of assets and liabilities as ascertainable.;

(c) Names of insurers against which delinquency or similar proceedings were instituted, and a concise statement of the circumstances and results of each such proceeding.;

(d) The receipts and estimated expenses of the department for the year.;

~~(e) The recommendations of the department as to amendments or supplementation of laws affecting insurance and as to matters affecting the department;~~

(e)~~(f)~~ Such other pertinent information and matters as the department deems to be in the public interest.;

~~(g) A summary of all information reported to the department as required by s. 627.915(1);~~

(f)~~(h)~~ Annually after each regular session of the Legislature, a compilation of the laws of this state relating to insurance. Any such publication may be printed, revised, or reprinted upon the basis of the original low bid.;

(g)~~(i)~~ An analysis and summary report of the state of the insurance industry in this state evaluated as of the end of the most recent calendar year. ~~The report shall provide an analysis of the impact of the insurance industry on the economy of the state, the market structure of the insurance industry in this state, the market performance of the insurance industry in this state, and the market conduct of the insurance industry in this state. Such analysis shall contain, in addition to any other information the department may provide to complete the analysis, the following data:~~

~~1. Impact of the insurance industry on state economy.—~~

~~a. The estimated total amount of investments in this state by type of investment, for example, bonds, mortgages, stocks in Florida corporations, and real estate.~~

~~b. The estimated total employment.~~

~~c. The total deposits in Florida financial institutions.~~

~~d. The total amount of premiums written and premiums earned.~~

~~e. The total amount of losses paid and losses incurred.~~

~~f. The total revenues to the state from premium taxes, license taxes and fees, and corporate taxes.~~

~~2. Market structure of the insurance industry.—~~

~~a. A listing of insurers by insurer group giving the market share of each insurer and insurer group by line of insurance.~~

~~b. The market share of the 10 largest insurer groups by line of insurance.~~

~~3. Market performance of the insurance industry.—~~

~~a. The profitability of each major line of insurance.~~

~~b. The ratio of premiums earned to losses paid by line of insurance.~~

~~c. The ratio of premiums earned to losses incurred by line of insurance.~~

~~4. Market conduct of the insurance industry.—The number of consumer complaints by line of insurance and type of complaint.~~

~~(2)(a) The department may also include in the annual report information regarding availability, affordability, and profitability of manually rated commercial multiperil and commercial casualty lines of insurance. The information shall encompass major sublines and related classes of business as determined by the department, including generic risk classes and other classes determined to be under stress in the voluntary market. The department may utilize all available sources of information, including reports from insurers directly to the department and reports of insurers to other agencies and organizations to which the department has access and which is not confidential or otherwise prohibited for use by the department. To effectuate the purposes of this subsection, the department may require that necessary data be submitted by insurers authorized to do business in this state or by rating organizations licensed in this state.~~

~~(b) As used in this subsection, the following terms shall have the following meanings:~~

~~1. The term "commercial casualty" includes those lines of insurance as defined in s. 624.605(1)(a), (b), and (k), but limited to coverage for commercial risks.~~

~~2. The term "commercial multiperil" shall include multiple coverages written under one policy for a commercial risk, which coverages include property insurance as defined in s. 624.604 and casualty insurance as defined in s. 624.605.~~

~~3. The term "manually rated" means insurance policies subject to the rating provisions of s. 627.062 and in addition, to the extent data is available, shall also include nonmanually rated policies and policies that are not directly regulated by the department.~~

~~(c) The annual report may include the following:~~

(2) The department shall maintain the following information and make such information available upon request:

(a)~~1.~~ Calendar year profitability, including investment income from policyholders' unearned premium and loss reserves (Florida and countrywide).

(b)~~2.~~ Aggregate Florida loss reserves.

(c)~~3.~~ Premiums written (Florida and countrywide).

(d)~~4.~~ Premiums earned (Florida and countrywide).

(e)~~5.~~ Incurred losses (Florida and countrywide).

(f)~~6.~~ Paid losses (Florida and countrywide).

(g)~~7.~~ Allocated Florida loss adjustment expenses.

(h)~~8.~~ Renewal ratio (countrywide).

(i)~~9.~~ Variation of premiums charged by the industry as compared to rates promulgated by the Insurance Services Office (Florida and countrywide).

(j)~~10.~~ An analysis of policy size limits (Florida and countrywide).

(k)~~11.~~ Insureds' selection of claims-made versus occurrence coverage (Florida and countrywide).

(l)~~12.~~ A subreport on the involuntary market in Florida encompassing such joint underwriting plans and assigned risk plans operating in the state.

(m)~~13.~~ A subreport providing information relevant to emerging markets and alternate marketing mechanisms, such as self-insured trusts, risk retention groups, purchasing groups, and the excess-surplus lines market.

(n)~~14.~~ Trends; emerging trends as exemplified by the percentage change in frequency and severity of both paid and incurred claims, and pure premium (Florida and countrywide).

(o)~~15.~~ Fast track loss ratios as defined and assimilated by the Insurance Services Office (Florida and countrywide).

(3) The department may contract with outside vendors, in accordance with chapter 287, to compile data in an electronic data processing format that is compatible with the systems of the department.

Section 8. Paragraph (c) of subsection (1) and paragraph (a) of subsection (2) of section 624.316, Florida Statutes, 1990 Supplement, are amended to read:

624.316 Examination of insurers.—

(1)

(c) The department shall examine each insurer according to accounting procedures designed to fulfill the requirements of generally accepted insurance accounting principles and practices and good internal control and in keeping with generally accepted accounting forms, accounts, records, methods, and practices relating to insurers. To facilitate uniformity in examinations, the department may adopt, by rule, the Market and Financial Conduct Examination Handbook of the National Association of Insurance Commissioners, *1990, and may adopt subsequent amendments thereto, if the examination methodology remains substantially consistent* ~~or its successor organization~~.

(2)(a) *The department may examine each insurer as often as may be warranted for the protection of the policyholders and in the public interest, and shall examine each domestic insurer not less frequently than once every 3 years. The examination shall cover the preceding 3 fiscal years of the insurer and shall be commenced within 12 months after the end of the most recent fiscal year being covered by the examination. The examination may cover any period of the insurer's operations since the last previous examination. The examination may include examination of events subsequent to the end of the most recent fiscal year and the events of any prior period that affect the present financial condition of the insurer.* ~~The department shall examine each domestic insurer not less frequently than every 3 years. The examination shall cover the 3 preceding fiscal years of the insurer and shall be commenced within 12 months of the end of the most recent fiscal year being covered by the examination. The examination may include examination of events subsequent to the end of the most recent fiscal year.~~ In lieu of making its own examination, the department may accept an independent certified public accountant's audit report prepared on a statutory basis consistent with the Florida Insurance Code *on that specific company*. The department may not accept the report in lieu of the requirement imposed by paragraph (1)(b). When an examination is conducted by the department for the sole purpose of examining the 3 preceding fiscal years of the insurer within 12 months after the opinion date of an independent certified public accountant's audit report prepared on a statutory basis *on that specific company* consistent with the Florida Insurance Code, the cost of the examination as charged to the insurer pursuant to s. 624.320 shall be reduced by the cost to the insurer of the independent certified public accountant's audit reports. Requests for the reduction in cost of examination must be submitted to the department in writing no later than 90 days after the conclusion of the examination and shall include sufficient documentation to support the charges incurred for the statutory audit performed by the independent certified public accountant.

Section 9. Section 627.321, Florida Statutes, is redesignated as section 624.3161 and is amended to read:

624.3161 ~~627.321~~ *Market conduct* examinations.—

(1) As often as it deems necessary, and not less frequently than each *5* ~~3~~ years, the department shall examine each licensed rating organization, each advisory organization, each group, association, or other organization of insurers which engages in joint underwriting or joint reinsurance, and each authorized insurer transacting in this state any class of insurance to which the provisions of ~~this~~ part *I of chap-*

ter 627 are applicable~~; however, as to any authorized insurer, if in the most recent 3 year period its average annual Florida direct written premium volume is less than $500,000 or its average annual number of Florida policyholders is less than 1,000, the department may, but shall not be required to, conduct the examination. The examination shall cover the 3 preceding years of the person examined and shall be commenced within 12 months of the end of the most recent year being covered by the examination. The examination may include examination of events subsequent to the end of the most recent year~~. The examination shall be for the purpose of ascertaining compliance by the person examined with the applicable provisions of *chapters 624, 626, 627, and 635* ~~this part. As to insurers, no such examination requirement shall be satisfied by the periodic examination of the insurer's general affairs~~.

(2) In lieu of any such examination, the department may accept the report of a similar examination made by the insurance supervisory official of another state.

(3) Upon agreement between the department and the insurer, such examination may be conducted by an independent professional examiner under contract to the department, in which case payment shall be made directly to the contracted examiner by the insurer examined in accordance with the rates and terms agreed to by the department, the insurer, and the examiner.

(4)~~(3)~~ The reasonable cost of the examination shall be paid by the person examined, and such person shall be subject, as though an insurer, to the provisions of s. 624.320.

(5)~~(4)~~ Such examinations shall also be subject to the applicable provisions of ss. 624.318, 624.319, 624.321, and 624.322.

Section 10. Subsection (2) of section 624.317, Florida Statutes, is amended to read:

624.317 Investigation of agents, adjusters, administrators, service companies, and others.—If it has reason to believe that any person has violated or is violating any provision of this code, or upon the written complaint signed by any interested person indicating that any such violation may exist, the department shall conduct such investigation as it deems necessary of the accounts, records, documents, and transactions pertaining to or affecting the insurance affairs of any:

(2) Insurance agent, *customer representative,* or solicitor, subject to the requirements of s. 626.601.

Section 11. Subsection (6) of section 624.320, Florida Statutes, is amended to read:

624.320 Examination expenses.—

(6) The provisions of this section shall apply to rate analysts and rate examiners in the discharge of their duties under s. *624.3161* ~~627.321~~.

Section 12. Subsection (5) of section 624.33, Florida Statutes, is amended to read:

624.33 Jurisdiction regarding health or life coverage.—

(5) This section does not apply to an insurer, ~~health care services plan,~~ health maintenance organization, professional service plan corporation, or person providing continuing care, which person or entity possesses a valid certificate of authority issued by the department, except to the extent that such person or entity provides the coverages described in subsection (1) to its employees other than under a policy or contract which is otherwise subject to regulation under *the Florida Insurance Code* ~~chapters 624-651~~.

Section 13. Section 624.401, Florida Statutes, is amended to read:

624.401 Certificate of authority required.—

(1) No person shall act as an insurer, and no insurer or its agents, attorneys, subscribers, or representatives shall directly or indirectly transact insurance, in this state except as authorized by a subsisting certificate of authority issued to the insurer by the department, except as to such transactions as are expressly otherwise provided for in this code.

(2) No insurer shall from offices or by personnel or facilities located in this state solicit insurance applications or otherwise transact insurance in another state or country unless it holds a subsisting certificate of authority issued to it by the department authorizing it to transact the same kind or kinds of insurance in this state.

(3) This state hereby preempts the field of regulating insurers and their agents and representatives; and no county, city, municipality, district, school district, or political subdivision shall require of any insurer, agent, or representative regulated under this code any authorization, permit, or registration of any kind for conducting transactions lawful under the authority granted by the state under this code.

(4) Any person who acts as an insurer, transacts insurance, or otherwise engages in insurance activities in this state without a certificate of authority in violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 14. Paragraph (d) is added to subsection (3) of section 624.404, Florida Statutes, and subsections (7) and (8) of said section are amended, to read:

624.404 General eligibility of insurers for certificate of authority.—To qualify for and hold authority to transact insurance in this state, an insurer must be otherwise in compliance with this code and with its charter powers and must be an incorporated stock insurer, an incorporated mutual insurer, or a reciprocal insurer, of the same general type as may be formed as a domestic insurer under this code; except that:

(3)

(d) The department may deny, suspend, or revoke the authority of an insurer to transact insurance in this state if any person, including any subscriber, stockholder, or incorporator, who exercises or has the ability to exercise effective control of the insurer, or who influences or has the ability to influence the transaction of the business of the insurer, which person the department has good reason to believe is now or was in the past affiliated directly or indirectly, through ownership interest of 10 percent or more, control, or reinsurance transactions, with any business, corporation, or other entity that has been found guilty of or has pleaded guilty or nolo contendere to any felony or crime punishable by imprisonment for 1 year or more under the laws of the United States, any state, or any other country, regardless of adjudication. However, in the case of an insurer operating under a subsisting certificate of authority, the insurer shall immediately remove such person or immediately notify the department of such person upon discovery of the conditions set forth in this paragraph, either when applicable to such person or upon order of the department; the failure to remove such person, provide such notice, or comply with such order constitutes grounds for suspension or revocation of the insurer's certificate of authority.

(7) For the purpose of satisfying the requirements of ss. 624.407 and 624.408, the investment portfolio of an insurer applying for an initial certificate of authority to do business in this state shall value its bonds and stocks in accordance with the provisions of the latest edition of the publication "Valuations of Securities" by the National Association of Insurance Commissioners, *1990, and subsequent amendments thereto, if the valuation methodology remains substantially unchanged* ~~or its successor organization, provided that such valuation methodology is substantially similar to the methodology used by the National Association of Insurance Commissioners in its 1988 edition of such publication~~.

~~(8) No insurer, the voting control or ownership of which is held in whole or substantial part by any government or governmental agency, or which is operated for or by any such government or agency, shall be authorized to transact insurance in this state. Membership in a mutual insurer, subscribership in a reciprocal insurer, ownership of stock of an insurer by the alien property custodian or similar official of the United States, or supervision of an insurer by a public insurance supervisory authority shall not be deemed to be an ownership, control, or operation of the insurer for the purposes of this subsection.~~

Section 15. Subsection (4) of section 624.407, Florida Statutes, is amended to read:

624.407 Capital funds required; new insurers.—

(4) For the purposes of this section, liabilities shall not include liabilities required under s. 625.041(4). *For purposes of computing minimum surplus as to policyholders pursuant to s. 625.305(1), liabilities shall include liabilities required under s. 625.041(4).*

Section 16. Subsection (6) of section 624.408, Florida Statutes, is amended to read:

624.408 Surplus as to policyholders required; new and existing insurers.—

(6) For purposes of this section, liabilities shall not include liabilities required under s. 625.041(4). *For purposes of computing minimum surplus as to policyholders pursuant to s. 625.305(1), liabilities shall include liabilities required under s. 625.041(4).*

Section 17. Subsections (1) and (2) of section 624.412, Florida Statutes, are amended to read:

624.412 Deposit of alien insurers.—

(1) An alien insurer shall not have authority to transact insurance in this state unless it has and maintains within the United States as trust deposits with public officials having supervision over insurers, or with trustees, public depositories, or trust institutions approved by the department, assets available for discharge of its United States insurance obligations, which assets shall be in amount not less than the outstanding reserves and other liabilities of the insurer arising out of its insurance transactions in the United States together with the amount of *surplus as to policyholders required by s. 624.408* ~~paid in capital stock required by s. 624.407~~ of a domestic stock insurer transacting like kinds of insurance.

(2) The amount so held on deposit under subsection (1) is, for the purposes of this code, deemed to be ~~the paid in capital stock, if a stock insurer, or~~ minimum surplus~~, if a mutual insurer,~~ of the insurer required to be maintained.

Section 18. Paragraphs (d) and (e) of subsection (1) of section 624.413, Florida Statutes, are amended to read:

624.413 Application for certificate of authority.—

(1) To apply for a certificate of authority, an insurer shall file its application therefor with the department, upon a form furnished by it, showing its name; location of its home office and, if an alien insurer, its principal office in the United States; kinds of insurance to be transacted; state or country of domicile; and such additional information as the department may reasonably require, together with the following documents:

(d) A copy of its financial statement as of December 31 next preceding, containing information generally included in insurer financial statements prepared in accordance with generally accepted insurance accounting principles and practices and in a form generally utilized by insurers for financial statements, sworn to by at least two executive officers of the insurer, or certified by the public official having supervision of insurance in the insurer's state of domicile or of entry into the United States. To facilitate uniformity in financial statements, the department may by rule adopt the form for financial statements approved by the National Association of Insurance Commissioners *in 1990, and may adopt subsequent amendments thereto if the form remains substantially consistent* ~~or its successor organization~~.

(e) Supplemental quarterly financial statements for each calendar quarter since the beginning of the year of its application for the certificate of authority, sworn to by at least two of its executive officers. To facilitate uniformity in financial statements, the department may by rule adopt the form for quarterly financial statements approved by the National Association of Insurance Commissioners *in 1990, and may adopt subsequent amendments thereto if the form remains substantially consistent.*

Section 19. Subsection (1) of section 624.416, Florida Statutes, is amended to read:

624.416 Continuance, expiration, reinstatement, and amendment of certificate of authority.—

(1) A certificate of authority issued ~~or renewed~~ under this code shall continue in force as long as the insurer is entitled thereto under this code and until suspended, revoked, or terminated at the request of the insurer; subject, however, to continuance of the certificate by the insurer each year by:

(a) Payment prior to June 1 of the annual license tax provided for in s. 624.501(3);

(b) Due filing by the insurer of its annual statement for the calendar year preceding as required under s. 624.424; and

(c) Payment by the insurer of applicable taxes with respect to the preceding calendar year as required under this code.

Section 20. Section 624.424, Florida Statutes, 1990 Supplement, is amended to read:

624.424 Annual statement and other information.—

(1)*(a)* Each authorized insurer shall file with the department a full and true *statements* ~~statement~~ of its financial condition, transactions, and affairs. *An annual statement covering the preceding calendar year shall be filed on or before March 1, and quarterly statements covering the periods ending on March 31, June 30, and September 30 shall be filed within 45 days after each such date. The department may, for good cause, grant an extension of time for filing of an annual or quarterly statement. The statements* ~~The statement shall be filed annually on or before March 1, or within such extension of time therefor as the department, for good cause, may have granted, and shall be for the preceding calendar year. The statement~~ shall contain information generally included in *insurers'* ~~insurer~~ financial statements prepared in accordance with generally accepted insurance accounting principles and practices and in a form generally utilized by insurers for financial statements, sworn to by at least two executive officers of the insurer or, if a reciprocal insurer, by the oath of the attorney in fact or its like officer if a corporation. To facilitate uniformity in financial statements and to facilitate department analysis, the department may by rule adopt the form for financial statements approved by the National Association of Insurance Commissioners *in 1990, and may adopt subsequent amendments thereto if the methodology remains substantially consistent,* ~~or its successor organization~~ and may by rule require each insurer to submit to the department *or such organization as the department may designate,* ~~if available,~~ all or part of the information contained in the financial statement in a computer-readable form compatible with the electronic data processing system *specified by* ~~of~~ the department.

(b) The department may, by rule, require reports or filings required under the Insurance Code to be submitted on a computer-diskette compatible with the electronic data processing equipment specified by the department.

(2) The statement of an alien insurer shall be verified by the insurer's United States manager or other officer duly authorized. It shall be a separate statement, to be known as its general statement, of its transactions, assets, and affairs within the United States unless the department requires otherwise. If the department requires a statement as to the insurer's affairs elsewhere, the insurer shall file such statement with the department as soon as reasonably possible.

(3) Each insurer having a deposit as required under s. 624.411 shall file with the department annually with its annual statement a certificate to the effect that the assets so deposited have a market value equal to or in excess of the amount of deposit so required.

(4) At the time of filing, the insurer shall pay the fee for filing its annual statement in the amount specified in s. 624.501.

(5) The department may refuse to continue, or may suspend or revoke, the certificate of authority of an insurer failing to file its annual *or quarterly statements* ~~statement~~ and accompanying certificates when due.

(6) In addition to information called for and furnished in connection with its annual *or quarterly statements* ~~statement~~, an insurer shall furnish to the department as soon as reasonably possible such information as to its transactions or affairs as the department may from time to time request in writing. All such information furnished pursuant to the department's request shall be verified by the oath of two executive officers of the insurer or, if a reciprocal insurer, by the oath of the attorney in fact or its like officers if a corporation.

(7) The signatures of all such persons when written on annual *or quarterly* statements or other reports required by this section shall be presumed to have been so written by authority of the person whose signature is affixed thereon. The affixing of any signature by anyone other than the purported signer constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8)(a) All authorized insurers must have conducted an annual audit by an independent certified public accountant and must file an audited financial report with the department on or before June 1 for the preceding year ending December 31. The department may require an insurer to file an audited financial report earlier than June 1 upon 90 days' advance notice to the insurer. The department may immediately suspend an insurer's certificate of authority by order if an insurer's failure to file required reports, financial statements, or information required by this subsection or rule adopted pursuant thereto creates a significant uncertainty as to the insurer's continuing eligibility for a certificate of authority.

(b) Any authorized insurer otherwise subject to this section having direct premiums written in this state of less than $1,000,000 in any calendar year and less than 1,000 policyholders or certificateholders of directly written policies nationwide at the end of such calendar year is exempt from this section for such year unless the department makes a specific finding that compliance is necessary in order for the department to carry out its statutory responsibilities. However, any insurer having assumed premiums pursuant to contracts or treaties or reinsurance of $1,000,000 or more is not exempt. Any insurer subject to an exemption must submit by March 1 following the year to which the exemption applies an affidavit sworn to by a responsible officer of the insurer specifying the amount of direct premiums written in this state and number of policyholders or certificateholders.

(c) The board of directors of an insurer shall hire the certified public accountant that prepares the audit required by this subsection and the board shall establish an audit committee of three or more directors of the insurer or an affiliated company. The audit committee shall be responsible for discussing audit findings and interacting with the certified public accountant with regard to his findings. The audit committee shall be comprised solely of members who are free from any relationship that, in the opinion of its board of directors, would interfere with the exercise of independent judgment as a committee member. The audit committee shall report to the board any findings of adverse financial conditions or significant deficiencies in internal controls that have been noted by the accountant. The insurer may request the department to waive this requirement of the audit committee membership based upon unusual hardship to the insurer.

(d) An insurer may not use the same accountant or partner of an accounting firm responsible for preparing the report required by this subsection for more than 5 consecutive years. Following this period, the insurer may not use such accountant or partner for a period of 2 years, but may use another accountant or partner of the same firm. An insurer may request the department to waive this prohibition based upon an unusual hardship to the insurer and a determination that the accountant is exercising independent judgment that is not unduly influenced by the insurer considering such factors as the number of partners, expertise of the partners or the number of insurance clients of the accounting firm; the premium volume of the insurer; and the number of jurisdictions in which the insurer transacts business.

(e) The department shall adopt rules to implement this subsection, which rules must be in substantial conformity with the 1990 Model Rule Requiring Annual Audited Financial Reports adopted by the National Association of Insurance Commissioners, except where inconsistent with the requirements of this subsection.

~~(8)(a) In addition to the other requirements of this section, each authorized insurer shall on or before June 30th of each year, beginning in 1986, provide the audited financial statements, opinion, and letter report of material weaknesses as required herein.~~

~~(b) Each authorized insurer shall retain an independent certified public accountant, hereinafter "CPA," who agrees by written contract with the insurer to comply with the provisions of this subsection. The contract shall specify that:~~

~~1. On or before June 30th, the CPA shall provide to the insurer audited financial statements and opinion based upon generally accepted accounting principles for the preceding calendar year; a letter report of material weaknesses in accordance with generally accepted reporting standards on the accounting procedures and internal control systems of the insurer; and a report in accordance with generally accepted auditing standards on certain supplemental information which shall include the necessary data to enable the department to convert the audited financial statements to statements prepared on a statutory basis consistent with the Florida Insurance Code.~~

~~2. In lieu of the requirements imposed by subparagraph 1., the CPA may provide to the insurer audited financial statements and opinion based upon statutory principles consistent with the Florida Insurance Code and a letter report of material weaknesses in accordance with generally accepted reporting standards on the accounting procedures and internal control systems of the insurer.~~

~~3. Any determination by the CPA that the insurer has materially misstated its financial condition as reported to the department on its most recent annual statement or that the insurer does not meet minimum capital and surplus requirements set forth in the Florida Insurance Code shall be given by the CPA, in writing, to the insurer within 15 calendar days following a final determination by the CPA firm that such a misstatement was made. For purposes of this subparagraph and subparagraph 5., material misstatement shall mean a misstatement that overstates the surplus as regards policyholders in single financial statement items by 5 percent or more or, when taken together with all financial statement items, the surplus as regards policyholders is overstated by 10 percent or more.~~

~~4. The completed workpapers and any written communications between the CPA firm and the insurer relating to the audit of the insurer shall be made available for review on a visual inspection only basis by the department at the offices of the insurer, at the department, or at any other reasonable place as mutually agreed between the department and the insurer. The CPA must retain for review the workpapers and written communications for a period of not less than 6 years.~~

~~5. The necessary data to be furnished pursuant to subparagraph 1. shall include information that will enable the department to convert the audited financial statement to a statement that is in substantial compliance with the provisions of the Florida Insurance Code. The department shall provide to the insurer a form requesting specific supplemental information and this information shall include the following items:~~

~~a. Amounts of interest, rent, and other items of investment income that are due for periods of time in excess of those specified by the Florida Insurance Code.~~

~~b. Amount of premiums in the course of collection that are more than 3 months past due.~~

~~c. Amount of premiums due from controlling or controlled persons and the amount of premiums collected and held in trust by such persons.~~

~~d. An itemized list of those reinsurers whose reinsurance business results in $500,000 or more credit on the insurer's financial statements.~~

~~e. Advances to officers, directors, and controlling stockholders.~~

~~f. Amounts by which cost of investments in stocks, mortgages, real estate, or other investments exceeds statutory restrictions.~~

~~(c) Any authorized insurer otherwise subject to this subsection with less than $500,000 in direct premiums written in this state during the subject calendar year or with less than 1,000 policyholders or certificateholders at the end of the calendar year shall, in lieu of the required submission of the audited financial statements, opinion, and evaluation as required herein, submit an affidavit sworn to by a responsible officer of the insurer specifying the amount of direct premiums written in this state and number of policyholders or certificateholders.~~

~~(d) Any insurer otherwise subject to this subsection and not eligible for an exemption under paragraph (c) may submit to the department an exemption application. The department shall grant to the insurer an exemption to requirements of this subsection if the department determines that:~~

~~1. Compliance with paragraph (a) would result in an undue financial hardship on the insurer due to the cost of preparing such statements, including the direct and indirect expenses of the holding company system if the insurer is a member of one; and~~

~~2. The insurer will file financial statements which have been reviewed or compiled by an independent certified public accountant and which the department determines are sufficiently reliable and complete for the department to evaluate the financial condition and stability of the insurer. However, if the insurer is a member of an insurance holding company system, it shall file audited consolidated financial statements and opinion based upon generally accepted accounting principles or statutory principles consistent with the Florida Insurance Code. Such statement and opinion shall be for the preceding calendar year, shall be accompanied by a letter report of material weakness as described in paragraph (b), and shall be filed as provided in paragraph (f), but no later than July 10 subsequent to the preceding calendar year. Any determination by the CPA that the holding company or anyinsurer within the holding company has materially misstated its financial condition as reported to the department on its most recent annual statement or that the insurer does not meet minimum capital and surplus requirements set forth in the Florida Insurance Code shall be made in accordance with the provisions of paragraph (b) and shall be reported to the department as provided in paragraph (f). Each entity filing a consolidated statement pursuant to this paragraph shall retain an independent certified public accountant who agrees by written contract with the entity to comply with the provisions of this subsection relating to a contract between a certified public accountant and an insurer.~~

~~An application for exemption is required each year, and must be filed with the department prior to the end of the calendar year for which the exemption is being requested. The department may accept and grant exemption applications after the end of such calendar year subject to the imposition of an administrative fine on each insurer involved in such application as provided for in s. 624.4211(2), provided such application is received by the department prior to the March 1 immediately subsequent to the end of the calendar year for which such exemption is being requested.~~

~~(c) Each CPA who enters into a contract with an insurer pursuant to this subsection shall notify the department of the date of completion of any audit, report, determination, financial statement, or other requirement of this subsection within 10 days of providing notice or other communication to the insurer as to such completion. Failure to so notify the department may subject the affected insurer or insurers to an administrative fine as provided for in s. 624.4211(2).~~

~~(f) Each authorized insurer shall, within 10 days of receipt, file with the department any report, financial statements, or determination which it receives from a CPA pursuant to this subsection. The department may immediately suspend an insurer's certificate of authority for an insurer's willful failure to so file with the department.~~

~~(g) Upon consideration and review of the information provided pursuant to subparagraph (b)5., the insurer's solvency, and the best interests of its policyholders, the department may require an insurer to file an audited financial statement for the preceding calendar year based upon statutory principles consistent with the insurance laws of its state of domicile.~~

(9)(a) Each authorized insurer shall, pursuant to s. 409.2665(22), provide records and information to the Department of Health and Rehabilitative Services to identify potential insurance coverage for claims filed with that department and its fiscal agents for payment of medical services under s. 409.266.

(b) Each authorized insurer shall, pursuant to s. 409.2561(5)(c), notify the Medicaid agency of a cancellation or discontinuance of a policy within 30 days if the insurer received notification from the Medicaid agency to do so.

(c) Any information provided by an insurer under this subsection does not violate any right of confidentiality or contract that the insurer may have with covered persons. The insurer is immune from any liability that it may otherwise incur through its release of such information to the Department of Health and Rehabilitative Services.

Section 21. Subsection (1) of section 624.430, Florida Statutes, is amended to read:

624.430 Withdrawal of insurer or discontinuance of writing certain kinds or lines of insurance.—

(1) Any insurer desiring to surrender its certificate of authority, withdraw from this state, or discontinue the writing of any one or multiple kinds or lines of insurance in this state shall give 90 days' notice in writing to the department setting forth its reasons for such action. Any insurer ~~other than a member of an insurer group which has annual direct written premiums exceeding one billion dollars in this state,~~ who does not write any premiums in a kind or line of insurance within a calendar year shall have that kind or line of insurance removed from its certificate of authority*; however, such line of insurance shall be restored to the insurer's certificate upon the insurer demonstrating that it has available the expertise necessary and meets the other requirements of this code to write that line of insurance.*

Section 22. Section 624.436, Florida Statutes, is amended to read:

624.436 Florida Nonprofit Multiple-Employer Welfare Arrangement Act.—Sections 624.436-*624.446* ~~624.44 shall be known and~~ may be cited as the "Florida Nonprofit Multiple-Employer Welfare Arrangement Act."

Section 23. Section 624.4361, Florida Statutes, is created to read:

624.4361 Definitions.—As used in ss. 624.436-624-446:

(1) "Arrangement" means a multiple-employer welfare arrangement.

(2) "Fund balance" means total statutory assets in excess of total statutory liabilities, except that assets pledged to secure debts not reflected on the books of the multiple-employer welfare arrangement shall not be included in the fund balance. "Fund balance" includes other contributed capital, retained earnings, and surplus notes.

(3) "Insolvent" or "insolvency" means that all the assets of the multiple-employer welfare arrangement, if made immediately available, would not be sufficient to discharge all of its liabilities, or that the multiple-employer welfare arrangement is unable to pay its debts as they become due in the usual course of business.

(4) "Reporting period" means the annual accounting period or fiscal year of the multiple-employer welfare arrangement.

(5) "Statutory accounting principles" means generally accepted accounting principles, except as modified by part I of chapter 625 and by rules adopted by the department which recognize the difference between an arrangement and an insurer.

(6) "Surplus notes" means funds borrowed by a multiple-employer welfare arrangement which result in a written instrument which includes all of the following:

(a) The effective date, amount, interest, and parties involved are clearly set forth.

(b) The principal sum and any interest accrued thereon are subject to and subordinate to all other liabilities of the multiple-employer welfare arrangement.

(c) The instrument states that the parties agree that the multiple-employer welfare arrangement shall satisfy the department that all claims of participants and general creditors of the organization have been paid or otherwise discharged prior to any payment of interest or repayment of principal.

(d) The instrument is executed by both parties and a certified copy of the instrument is filed with the department.

(e) The parties agree not to modify, terminate, or cancel the surplus note without the prior approval of the department.

(7) "Qualified actuary" means an actuary who is a member of the American Academy of Actuaries or the Society of Actuaries and has experience in establishing rates for a self-insured trust and the health services being provided.

Section 24. Section 624.437, Florida Statutes, is amended to read:

624.437 "Multiple-employer welfare arrangement" defined; *certificate of authority* ~~approval~~ required; penalty.—

(1) For the purposes of ss. 624.436-*624.446* ~~624.44~~, the term "multiple-employer welfare arrangement" means an employee welfare benefit plan or any other arrangement which is established or maintained for the purpose of offering or providing health insurance benefits or any other benefits described in s. 624.33, other than life insurance benefits, to the employees of two or more employers, or to their beneficiaries.

(2) No person shall *operate, maintain, or,* after October 1, 1983, establish a multiple-employer welfare arrangement unless such arrangement *has a valid certificate of authority issued* ~~is approved~~ by the department.

(3) This section does not apply to a multiple-employer welfare arrangement which offers or provides benefits which are fully insured by an authorized insurer or to an arrangement which is exempt from state insurance regulation in accordance with Pub. L. No. 93-406, the Employee Retirement Income Security Act.

(4)(a) Any person failing to hold a subsisting certificate of *authority* ~~approval~~ from the department while operating or maintaining a multiple-employer welfare arrangement shall be subject to a fine of not less than $5,000 or more than *$100,000* ~~$10,000~~ for each violation.

(b) Any person who operates or maintains a multiple-employer welfare arrangement without a subsisting certificate of *authority* ~~approval~~ from the department shall be subject to the cease and desist penalty powers of the department as set forth in ss. 626.9571, 626.9581, 626.9591, and 626.9601.

(c)1. Any person who operates or maintains a multiple-employer welfare arrangement without a subsisting certificate of *authority* ~~approval~~ as required under this section *commits* ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

2. Except as provided in subparagraph 1., any person who violates the provisions of ss. 624.437-*624.446 commits* ~~624.466 is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) In addition to the penalties and other enforcement provisions of the Florida Insurance Code, the department is vested with the power to seek both temporary and permanent injunctive relief when:

1. A multiple-employer welfare arrangement is being operated by any person or entity without a subsisting certificate of authority.

2. Any person, entity, or multiple-employer welfare arrangement has engaged in any activity prohibited by the Florida Insurance Code or by any rule adopted pursuant thereto.

3. Any multiple-employer welfare arrangement, person, or entity is renewing, issuing, or delivering a policy, contract, certificate, summary plan description, or other evidence of the benefits and coverages provided to employees or employee family members without a subsisting certificate of authority.

The department's authority to seek injunctive relief shall not be conditioned on having conducted any proceeding pursuant to chapter 120. The authority vested in the department by virtue of the operation of this section shall not act to reduce any other enforcement remedy or power to seek injunctive relief that may otherwise be available to the department.

Section 25. Section 624.438, Florida Statutes, is amended to read:

624.438 General eligibility.—

(1) To meet the requirements for *issuance of a certificate of authority* ~~approval~~ and to maintain a multiple-employer welfare arrangement, an arrangement must be:

(a) Nonprofit.~~;~~

(b) Established by a trade association, industry association, or professional association of employers or professionals which has a constitution or bylaws *specifically stating its purpose* and which has been organized and maintained in good faith for a continuous period of 1 year for purposes other than that of obtaining or providing insurance.~~;~~

(c) Operated pursuant to a trust agreement by a board of trustees which shall have complete fiscal control over the arrangement and which shall be responsible for all operations of the arrangement. The trustees selected shall be owners, partners, officers, directors, or employees of one or more employers in the arrangement. A trustee may not be an owner, officer, or employee of the administrator or service company of the arrangement. The trustees shall have the authority to approve applications of association members for participation in the arrangement and to contract with an authorized administrator or service company to administer the day-to-day affairs of the arrangement.~~;~~

(d) Neither offered nor advertised to the public generally.~~; and~~

(e) Offered only to eligible employers who have been members of the sponsoring association for at least 2 consecutive months. The requirements of this paragraph shall not apply to an arrangement that has been operating under a certificate for at least 3 years.

(f)~~(e)~~ Operated in accordance with sound actuarial principles.

(2) The arrangement shall issue to each covered employee a policy, contract, certificate, summary plan description, or other evidence of the benefits and coverages provided. This evidence of the benefits and coverages provided shall contain in boldfaced print *and in at least 12-point type* in a conspicuous location, the following statement: "The benefits and coverages described herein are provided through a trust fund established and funded by a group of employers. *It is not an insurance company and it is not protected by a guaranty fund in the event of insolvency. Participating employers are assessable for any losses incurred by the trust.*"

(3) Each arrangement shall maintain specific excess insurance with a retention level determined in accordance with *s. 624.439(6) and* sound actuarial principles.

(4) Each arrangement shall establish and maintain appropriate loss reserves determined in accordance with sound actuarial principles.

(5) The department shall not grant or continue *a certificate of authority for* ~~approval as to~~ any arrangement if the department determines any trustee, *manager, or administrator* to be incompetent, ~~or~~ untrustworthy, *or so lacking in insurance expertise as to make the operations of the arrangement hazardous to potential and existing insureds*; that any trustee, *manager, or administrator* has been found guilty of, or has pled guilty or no contest to a felony, a crime involving moral turpitude, or a crime punishable by imprisonment of 1 year or more under the law of any state, territory, or country, whether or not a judgment or conviction has been entered; that any trustee, *manager, or administrator* has had any type of insurance license revoked in this or any other state; or that the business operations of the arrangement are or have been marked, to the detriment of the employers participating in the arrangement, of persons receiving benefits from the arrangement, or of creditors or the public, by the improper manipulation of assets, accounts, or specific excess insurance or by bad faith.

(6) To qualify for and retain approval to transact business, an arrangement shall make all contracts with administrators or service companies available for inspection by the department initially, and annually thereafter upon reasonable notice.

(7) Failure to maintain compliance with the eligibility requirements established by this section and the filing requirements of ss. 624.33(1) and 624.439 shall be grounds for suspension or revocation of *the certificate of authority* ~~approval~~ of an arrangement.

Section 26. Section 624.4385, Florida Statutes, is created to read:

624.4385 Certain words prohibited in name of organization.—No entity holding a certificate as a multiple-employer welfare arrangement other than a licensed insurer may use in its name, contracts, or literature the term "insurance," "casualty," "surety," or "mutual," or any other words descriptive of the insurance, casualty, or surety business or deceptively similar to the name or description of any insurance or surety company doing business in the state.

Section 27. Section 624.439, Florida Statutes, is amended to read:

624.439 Filing of application.—The sponsoring association shall file with the department an application for *a certificate of authority* ~~approval of the arrangement~~ upon a form to be furnished by the department, *signed under oath by officers of the trust,* which shall include or have attached the following:

(1) A copy of the *articles of incorporation,* constitution, *and* ~~or~~ bylaws of the association, *if any.*

(2) A list of the names, addresses, and official capacities within the arrangement of the individuals who are to be responsible for the management of and the conduct of the affairs of the arrangement, including all trustees, officers, and directors. Such individuals shall fully disclose to the department the extent and nature of any contracts or arrangements between themselves and the arrangement, including any possible conflicts of interest.

~~(2) The names and addresses of the trustees of the arrangement.~~

(3) A copy of the *articles of incorporation,* bylaws, or trust agreement which governs the operation of the arrangement.

(4) A copy of the policy, contract, certificate, summary plan description, or other evidence of the benefits and coverages provided to covered employees, *which shall be in accordance with s. 627.651(5), and which shall include a table of the rates charged, or proposed to be charged, for each form of such contract. A qualified actuary shall certify that:*

(a) The rates are not inadequate.

(b) The rates are appropriate for the class of risks for which they have been computed.

(c) An adequate description of the rating methodology has been filed with the department and such methodology follows consistent and equitable actuarial principles.

(5) A copy of the fidelity bond in an amount equal to not less than 10 percent of the funds handled annually and issued in the name of the arrangement covering its trustees, *directors, officers,* employees, administrator, or other individuals managing or handling the funds or assets of the arrangement. In no case may such bond be less than *$50,000* ~~$1,000~~ or more than $500,000, except that the department, after due notice to all interested parties and opportunity for hearing, and after consideration of the record, may prescribe an amount in excess of $500,000, subject to the 10-percent limitation of the preceding sentence.

(6)*(a)* A copy of the arrangement's excess insurance agreement, *which shall provide that the net retention level for any one risk shall not exceed $50,000, and which shall otherwise be in accordance with sound actuarial principles.*

(b) The department may waive or modify the maximum net retention requirement if:

1. The excess insurance is not available for a reasonable cost; or

2. The arrangement:

a. Has 150 percent of the statutory reserve requirement as specified in s. 624.441;

b. Has a fund balance in excess of that required by statute; and

c. Has a ratio of current assets to current liabilities of at least 2.0 to 1.0.

(7)(a) A feasibility study, done by an independent qualified actuary and an independent certified public accountant, determined by the department to satisfactorily address market potential, market penetration, market competition, operating expenses, gross revenues, net income, total assets and liabilities, cash flow, and such other items as the department may reasonably require. The study shall be for the greater of 3 years or until the arrangement has been projected to be profitable for 12 consecutive months. The study must show that the arrangement would not, at any month-end of the projection period, have less than the minimum statutory deposit as required by s. 624.441 or have a fund balance less than the amount required by s. 624.4392.

(b) The feasibility study shall reflect and support that initial gross premiums for the first year of operation will be at least $100,000.

(8)~~(7)~~ Evidence satisfactory to the department showing that the arrangement will be operated in accordance with sound actuarial principles. The department shall not approve the arrangement unless the department determines that the plan is designed to provide sufficient revenues to pay current and future liabilities, as determined in accordance with sound actuarial principles.

(9) Confirmation of insolvency protection as required by s. 624.441.

(10) A copy of each contract between the arrangement and any administrator or service company which may be made available for review rather than filed or attached.

(11)~~(8)~~ Such additional information as the department may reasonably require.

Section 28. Section 624.4392, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 624.4392, F.S., for present text.)

624.4392 Fund balance.—

(1) Each multiple-employer welfare arrangement licensed on or after October 1, 1991, shall have a fund balance equal to $200,000 before a certificate of authority may be issued by the department. After it has received a certificate of authority, the arrangement must maintain a fund balance equal to $100,000 or 10 percent of total liabilities, whichever is greater.

(2) A multiple-employer welfare arrangement holding a certificate of authority on October 1, 1991, shall increase and maintain its fund balance as follows:

(a) As of January 1, 1992, the balance shall be equal to $75,000 or 5 percent of total liabilities, whichever is greater.

(b) As of January 1, 1993, the balance shall be equal to $100,000 or 10 percent of total liabilities, whichever is greater.

(3) The department shall order the arrangement to assess participating employers at any time the fund balance does not meet the requirements of this section.

Section 29. Section 624.44, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 624.44, F.S., for present text.)

624.44 Examination by the department.—

(1)(a) The department shall examine the affairs, transactions, accounts, business records, and assets of any multiple-employer welfare arrangement as often as it deems necessary for the protection of the people of the state, but not less frequently than once every 3 years. For the purpose of examinations, the department may administer oaths and examine the trustees, directors, officers, and agents of an arrangement concerning its business and affairs.

(b) The expenses of examination of each arrangement by the department shall be subject to the same terms and conditions as apply to insurers under part II.

(c) The department may contract, at reasonable fees for work performed, with qualified, impartial, outside sources to perform audits or examinations or portions thereof to determine continued compliance with the requirements of ss. 624.436-624.446. Any contracted assistance shall be under direct supervision of the department. The results of any contracted assistance shall be subject to review, approval, disapproval, or modification by the department.

(2) If the department preliminarily finds that an arrangement is insolvent, the department shall notify the arrangement of such insolvency. Upon being so notified, the arrangement shall within 15 days file with the department all information that proves that the arrangement is not insolvent.

(3) If the arrangement fails within the 15-day period provided in subsection (2) to supply information showing to the satisfaction of the department that the arrangement is not insolvent, the department may:

(a)1. Suspend any new enrollment;

2. Suspend or revoke the arrangement's certificate of authority; or

3. Place the arrangement in administrative supervision under s. 624.80; or

(b) For the purposes of dissolution, liquidation, or rehabilitation, place the arrangement under the supervision of the department pursuant to chapter 631.

Section 30. Section 624.441, Florida Statutes, is amended to read:

624.441 Insolvency protection.—

(1) To assure the faithful performance of its obligations to its member employers and covered employees and their dependents, every arrangement shall~~, within 30 days of the close of each fiscal year,~~ deposit with the department cash, securities of the type eligible for deposit by insurers under s. 625.52, or any combination of these ~~or other measures acceptable to the department~~, in an amount equal to 25 percent of the preceding 12 months' health care claims expenditures or 5 percent of gross annual premiums for the succeeding year, whichever is greater, *which deposit shall be made within 30 days after the close of each fiscal year*; however, in no case shall the amount of the deposit exceed *$500,000* ~~$100,000~~.

(2) All income from deposits shall belong to the depositing arrangement and shall be paid to it as it becomes available. An arrangement that has made a securities deposit may withdraw that deposit, or any part thereof, after making a substitute deposit of cash, securities, or any combination of these or other measures of equal amount and value, upon approval by the department. No judgment creditor or other claimant of a multiple-employer welfare association shall have the right to levy upon any of the assets or securities held in this state as a deposit under this section.

~~(3) In lieu of the deposit required under subsection (1), an arrangement may file with the department a surety bond in like amount. The bond shall be one issued by an authorized surety insurer, shall be for the same purpose as the deposit in lieu of which it is filed, and shall be subject to the department's approval. No bond shall be canceled or subject to cancellation unless at least 60 days' advance notice thereof in writing is filed with the department. No bond shall be approved unless it covers liabilities arising from all policies and contracts issued and entered into during the time the bond is in effect and unless the department is satisfied that the bond provides the same degree of security as would be provided by a deposit of securities.~~

(3) Deposits of securities or cash pursuant to this section shall be administered by the department in accordance with part III of chapter 625.

Section 31. Section 624.4411, Florida Statutes, is created to read:

624.4411 Administrative, provider, and management contracts.—

(1) The department may require a multiple-employer welfare arrangement to submit any contract for administrative services, contract with a provider other than an individual physician, contract for management services, or contract with an affiliated person to the department, if the department has reason to believe that the arrangement has entered into a contract which requires it to pay a fee which is unreasonably high in relation to the services provided. Multiple-employer welfare arrangements are prohibited from paying a fee to a sponsoring association unless such fee is directly related to services provided by the association for the arrangement.

(2) After review of a contract, the department may order the arrangement to cancel the contract in accordance with the terms of the contract and applicable law if the department determines that the fees to be paid by the arrangement under the contract are so unreasonably high in relation to the services provided that the contract is detrimental to the policyholders or certificateholders of the arrangement.

(3) All contracts for administrative services, management services, and provider services other than individual physician contracts, and all contracts with affiliated entities, entered into or renewed by an arrangement on or after October 1, 1991, shall contain a provision that the contract shall be canceled upon issuance of an order by the department pursuant to this section.

Section 32. Section 624.4415, Florida Statutes, is amended to read:

624.4415 Assessments.—

(1) All multiple-employer welfare arrangements ~~receiving a certificate of authority on or after October 1, 1988,~~ shall provide that employers are assessable in accordance with this section.

~~(2) For those multiple-employer welfare arrangements which have a valid certificate of authority before October 1, 1988, the arrangement shall comply with this section and s. 624.4414 by September 30, 1989.~~

(2)~~(3)~~ Each multiple-employer welfare arrangement may assess all employers if its prior fiscal year statement of operations reflected a loss ~~or its fund balance is zero or greater~~.

(3)~~(4)~~ Each multiple-employer welfare arrangement shall assess all employers if the arrangement's fund balance at the end of *any accounting period* ~~its fiscal year~~ is less than *the fund balance required by statute* ~~zero~~.

(4)~~(5)~~(a) The minimum assessment shall be the amount necessary to comply with the requirements of s. 624.4392. Each employer's assessment shall be computed by applying the earned premium for each employer's plan of benefits during the prior fiscal year as a percent of the amount of the total of all employers' earned premium for the same year. Each employer's assessment shall be that employer's percent times the total assessment levied.

(b) In the event members fail to pay assessments, the other members shall be liable on a proportionate basis for an additional assessment.

(c) The multiple-employer welfare arrangement, acting on behalf of all members who paid the additional assessment, shall institute legal action, when necessary and appropriate, to recover the assessment from the members who fail to pay their assessment.

~~(d) The department shall have the authority to assess, as set forth in this section, all employers for all necessary funds in the event of the liquidation or the rehabilitation of the multiple-employer welfare arrangement.~~

~~(6) As used in this section, "fund balance" means total assets in excess of total liabilities, except that assets pledged to secure debts not reflected on the books of the multiple-employer welfare arrangement shall not be included in the fund balance. Fund balance includes other contributed capital, retained earnings, and surplus notes.~~

Section 33. Section 624.4416, Florida Statutes, is created to read:

624.4416 Assessments by receiver.—

(1) In the event of delinquency proceedings against a multiple-employer welfare arrangement, the department as receiver may assess employer participants. Any person or entity that was an employer participant in the arrangement at any time is liable for the assessments, regardless of whether or not it was a participant during the entire assessment period. The assessment period is the 12 months immediately preceding the date of the delinquency order or the period from the date of creation of the arrangement through the date of the delinquency order, whichever is shorter. Employer participants assessed under this section shall be assessed in the amounts specified by s. 624.4415.

(2) The total assessment must equal the projected amount which the department reasonably estimates to be necessary to pay all class four claims as defined in s. 631.271, whenever accrued, together with the costs and expenses of collecting the assessments, a reasonable loading factor for uncollected assessments, and the costs and expenses of the delinquency proceeding in full.

(3) To the extent not inconsistent with this section, the assessment must follow the procedure for assessments for reciprocal insurers provided in ss. 631.311, 631.321, and 631.331.

(4) No offset may be allowed against any assessment.

(5) If an arrangement, in violation of applicable laws or rules, issues coverage to a person or entity not eligible for coverage, the insured is eligible to participate in the proceeds of the assessment, and is assessable, subject to the relief provisions of s. 624.4417, if applicable.

Section 34. Section 624.4417, Florida Statutes, is created to read:

624.4417 Certain sales prohibited.—

(1) A multiple-employer welfare arrangement may not offer, advertise, or sell insurance coverage to the general public.

(2) As used in this section, a member of the general public is a person who:

(a) Purchases insurance directly from the arrangement or an agent rather than through an employer;

(b) Makes premium payments directly to the arrangement or through an agent rather than through an employer; or

(c) Is not employed by an employer subject to assessment.

(3) A person who violates this section is jointly and severally liable for the payment of assessments on behalf of any person who is sold coverage in violation of this section. A person to whom coverage is sold in violation of this section is not subject to assessment until the department determines that the assessment is not collectible in full from the agent, trustee, officer, or other person.

(4) Any person in violation of this section commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 35. Section 624.442, Florida Statutes, is amended to read:

624.442 Annual reports; *actuarial certification; quarterly reports; penalties* ~~and triennial actuarial reports~~.—

(1) Every arrangement shall, annually within *3* 4 months *after* ~~of~~ the end of the fiscal year or within such extension of time therefor as the department for good cause may grant, file a report with the department, *on forms prescribed by the department*, verified by the oath of a member of the board of trustees *and* ~~or~~ by an administrative executive appointed by the board, showing its condition on the last day of the preceding fiscal year. The report shall contain *an audited* ~~a~~ financial statement of the arrangement *prepared in accordance with statutory accounting principles*, including its balance sheet and a statement of operations for the preceding year certified by an independent certified public accountant. The report shall also include an analysis of the adequacy of reserves and contributions or premiums charged, based on a review of past and projected claims and expenses.

(2) In addition to information called for and furnished in connection with the annual report, if reasonable grounds exist, the department may request information which summarizes paid and incurred expenses, and contributions or premiums received, and may request evidence satisfactory to the department that the arrangement is actuarially sound. Such information and evidence shall be furnished to the department by the arrangement as soon as reasonably possible after requested by the department, but not later than 30 days after such request, unless the department, for good cause, grants an extension.

(3) Annually, in conjunction with the annual report required by subsection (1), each arrangement shall submit an actuarial certification prepared by an independent actuary certifying that:

(a) The arrangement is actuarially sound. The certification shall consider the rates, benefits, and expenses of, and any other funds available for the payment of the obligations of, the arrangement.

(b) The rates being charged and to be charged for contracts are actuarially adequate through the end of the period for which rates have been guaranteed.

(c) Incurred but not reported claims and claims reported but not fully paid have been adequately provided for.

(d) Such other information relating to the performance of the arrangement as the department requires.

(4) Each arrangement shall file quarterly, within 45 days after the end of each of its four quarterly reporting periods, an unaudited financial statement of the arrangement on forms prescribed by the department, verified according to the best of their information, knowledge, and belief by the oath of a member of the board of trustees and by an administrative executive appointed by the board showing its condition on the last day of the preceding quarter.

(5) Any arrangement that fails to file an annual financial report, actuarial report, or quarterly financial report in the form and within the time required by this section shall forfeit to the department an amount set by order of the department which does not exceed $1,000 for each of the first 10 days of noncompliance and does not exceed $2,000 for each subsequent day of noncompliance. Upon notice by the department that the arrangement is not in compliance with this section, the arrangement's authority to enroll new enrollees or to do business in this state ceases until the department determines the arrangement to be in compliance. The department may not collect more than $100,000 under this paragraph with respect to any particular report.

(6) All moneys collected by the department under this section shall be deposited to the credit of the Insurance Commissioner's Regulatory Trust Fund.

(7) Each authorized arrangement must retain an independent certified public accountant, referred to in this subsection as "CPA," who agrees by written contract with the arrangement to comply with ss. 624.436-624.445. The contract must state that:

(a) The CPA will provide to the arrangement audited financial statements consistent with ss. 624.436-624.445.

(b) Any determination by the CPA that the arrangement does not meet the minimum surplus requirements set forth in ss. 624.436-624.445 will be stated by the CPA, in writing, in the audited financial statement.

(c) The completed workpapers and any written communications between the CPA and the arrangement will be made available for review on a visual inspection-only basis by the department at the offices of the arrangement, the department, or any other reasonable place agreeable to both the department and the arrangement.

(d) The CPA will retain for review the workpapers and written communications with the arrangement for not less than 6 years.

~~(3) At least once every 3 years, each arrangement shall have a report prepared by an actuary who is a member of the Society of Actuaries or the American Academy of Actuaries as to the actuarial soundness of the arrangement. The report shall be made available to the department upon request. The report shall consist of, but shall not be limited to, the following:~~

~~(a) Adequacy of contribution rates in meeting the level of benefits provided and changes, if any, needed in the contribution rates to achieve or preserve a level of funding deemed adequate to enable payment of the benefit amounts provided under the arrangement, which shall include a valuation of present assets, based on statement value, and prospective assets and liabilities of the plan and the extent of any unfunded accrued liabilities.~~

~~(b) A plan to amortize any unfunded liabilities and a description of actions taken to reduce unfunded liabilities.~~

~~(c) A description and explanation of actuarial assumptions.~~

~~(d) A schedule illustrating the amortization of any unfunded liabilities.~~

~~(e) A comparative review illustrating the level of funds available to the arrangement from rates, investment income, and other sources realized over the period covered by the report, indicating the assumptions used.~~

~~(f) A statement by the actuary that the report is complete and accurate and that in his opinion the techniques and assumptions used are reasonable and meet the requirements and intent of this subsection.~~

~~(g) Other factors or statements as may be reasonably required by the department in order to determine the actuarial soundness of the plan.~~

Section 36. Section 624.4431, Florida Statutes, is created to read:

624.4431 Administration; rules.—The administration of ss. 624.436-624.446 is vested in the department. The department may adopt reasonable rules to implement ss. 624.436-624.446.

Section 37. Section 624.4432, Florida Statutes, is created to read:

624.4432 Assets, liabilities, and investments.—Each arrangement that obtains or maintains a certificate of authority is subject to parts I and II of chapter 625 as they apply to domestic insurers.

Section 38. Section 624.444, Florida Statutes, is amended to read:

624.444 Suspension, revocation of approval.—

(1) The department shall deny, suspend, or revoke an arrangement's *certificate of authority* ~~approval~~ if it finds that the arrangement:

(a) Is *insolvent* ~~in unsound financial condition~~;

(b) Is using such methods and practices in the conduct of its business as to render its further transaction of business in this state hazardous or injurious to its participating employers, covered employees and dependents, or to the public;

(c) Has failed to pay any final judgment rendered against it in this state within 60 days after the judgment became final; ~~or~~

(d) Is in violation of any provision of this chapter, including any requirements for the granting of a certificate of authority;

(e) Is no longer actuarially sound or the arrangement does not have the minimum surplus required by this chapter; or

(f) The existing contract rates are inadequate.

~~(d) No longer meets the requirements for the authority originally granted.~~

(2) The department may, in its discretion, deny, suspend, or revoke the *certificate of authority* ~~approval~~ of any arrangement if it finds that the arrangement:

(a) Has violated any lawful order or rule of the department or any *applicable* provision of *the Florida Insurance Code* ~~this act~~; or

(b) Has refused to be examined or to produce its accounts, records, and files for examination, or if any of its officers have refused to give information with respect to its affairs or to perform any other legal obligation as to such examination, when required by the department.

(3) Whenever the financial condition of the arrangement is such that, if not modified or corrected, its continued operation would result in impairment or insolvency, the department may order the arrangement to file with the department and implement a corrective action plan designed to do one or more of the following:

(a) Reduce the total amount of present potential liability for benefits by reinsurance or other means.

(b) Reduce the volume of new business being accepted.

(c) Reduce the expenses of the arrangement by specified methods.

(d) Suspend or limit the writing of new business for a specified period of time.

(e) Require an increase in the arrangement's net worth.

If the arrangement fails to submit a plan within 30 days after the department's order, or if the plan submitted is insufficient to correct the arrangement's financial condition, the department may order the arrangement to implement one or more of the corrective actions specified in this subsection.

(4) In any order to suspend the authority of an arrangement to enroll new subscribers, the department shall specify the period during which the suspension is to be in effect and the conditions, if any, which must be met by the arrangement prior to reinstatement of its authority to enroll new subscribers. The order of suspension is subject to rescission or modification by further order of the department prior to the expiration of the suspension period. An arrangement's authority to enroll new subscribers shall not be reinstated unless it requests reinstatement, and shall not be reinstated if the department finds that the circumstances that gave rise to the suspension still exist.

Section 39. Section 624.445, Florida Statutes, is amended to read:

624.445 Order, notice, duration, effect of suspension or revocation; administrative fine.—

(1) Suspension or revocation of an arrangement's *certificate of authority* ~~approval~~ shall be in accordance with ss. 624.420 and 624.421.

(2) If the department finds that one or more grounds exist for the discretionary revocation or suspension of an arrangement's *certificate of authority* ~~approval~~ under *ss. 624.436-624.446* ~~this act~~, the department may, in lieu of or in addition to such revocation or suspension, impose a fine upon such arrangement, in accordance with s. 624.4211.

Section 40. Section 624.462, Florida Statutes, 1990 Supplement, is amended to read:

624.462 Commercial self-insurance funds.—

(1) Any group of persons may form a commercial self-insurance fund for the purpose of pooling and spreading liabilities of its group members in any commercial property or casualty risk or surety insurance. *Any fund established pursuant to subparagraph (2)(a)1. may be organized as a corporation under chapter 607.*

(2) As used in ss. 624.460-624.488, "commercial self-insurance fund" or "fund" means a group of members, operating individually and collectively through *a trust or corporation* ~~an association~~, that must be:

(a) Established by:

1. A not-for-profit trade association, industry association, or professional association of employers or professionals which has a constitution or bylaws, which is incorporated under the laws of this state, and which has been organized *for purposes other than that of obtaining or providing insurance* and *operated* ~~maintained~~ in good faith for a continuous period of 1 year ~~for purposes other than that of obtaining or providing insurance~~;

2. A self-insurance trust fund organized pursuant to s. 627.356 or s. 627.357 and maintained in good faith for a continuous period of 1 year for purposes other than that of obtaining or providing insurance pursuant to this section. Each member of a commercial self-insurance trust fund established pursuant to this subsection must maintain membership in the self-insurance trust fund organized pursuant to s. 627.356 or s. 627.357; or

3. A not-for-profit group comprised of no less than 10 condominium associations as defined in s. 718.103(2), which is incorporated under the laws of this state, which restricts its membership to condominium associations only, and which has been organized and maintained in good faith for a continuous period of 1 year for purposes other than that of obtaining or providing insurance.

(b)*1. In the case of funds established pursuant to subparagraph (a)2. or subparagraph (a)3.,* operated pursuant to a trust agreement by a board of trustees which shall have complete fiscal control over the fund and which shall be responsible for all operations of the fund. The majority of the trustees shall be owners, partners, officers, directors, or employees of one or more members of the fund. The trustees shall have the authority to approve applications of members for participation in the fund and to contract with an authorized administrator or servicing company to administer the day-to-day affairs of the fund.

2. In the case of funds established pursuant to subparagraph (a)1., operated pursuant to a trust agreement by a board of trustees or as a corporation by a board of directors which board shall:

a. Be responsible to members of the fund or beneficiaries of the trust or policyholders of the corporation;

b. Appoint independent certified public accountants, legal counsel, actuaries, investment advisors as needed;

c. Approve payment of dividends to members;

d. Approve changes in corporate structure; and

e. Have the authority to contract with an administrator authorized under s. 626.88 to administer the day-to-day affairs of the fund including, but not limited to, marketing, underwriting, billing, collection, claims administration, safety and loss prevention, reinsurance, policy issuance, accounting, regulatory reporting, and general administration. The fees or compensation for services under such contract shall be comparable to the costs for similar services incurred by insurers writing the same lines of insurance, or where available such expenses as filed by boards, bureaus, and associations designated by insurers to file such data. A majority of the trustees or directors shall be owners, partners, officers, directors, or employees of one or more members of the fund.

(3) Each member of a commercial self-insurance trust fund established pursuant to this section must maintain membership in the association or self-insurance trust fund established under s. 627.356 or s. 627.357. Membership in a not-for-profit trade association, industry association, or professional association of employers or professionals for the purpose of obtaining or providing insurance shall be in accordance with the constitution or bylaws of the association, and the dues, fees, or other costs of membership shall not be different for members obtaining insurance from the commercial self-insurance fund. *The association shall not be liable for any actions of the fund nor shall it have any responsibility for establishing or enforcing any policy of the commercial self-insurance fund. Fees, services, and other aspects of the relationship between the association and the fund shall be subject to contractual agreement.*

(4) Any financial institution may participate as a member in a commercial self-insurance fund. A financial institution may not require as a condition precedent to making a loan that the prospective borrower insure with any commercial self-insurance fund. Any financial institution participating in a commercial self-insurance fund may participate only for the purpose of providing coverage on the financial institution's direct commercial property and commercial casualty or surety insurance exposures. The financial institution may not participate for the purpose of covering the direct or indirect exposures of its customers.

(5) A commercial self-insurance fund shall not participate in the Florida Insurance Guaranty Association.

(6) A governmental self-insurance pool created pursuant to s. 768.28(14) shall not be considered a commercial self-insurance fund.

Section 41. Subsection (1) of section 624.474, Florida Statutes, is amended to read:

624.474 Assessments.—

(1) The trustees *of a self-insurance fund operating as a trust, or the corporate directors of a self-insurance fund operating as a corporation,* may assess from time to time members of a commercial self-insurance fund liable therefor under the terms of their policies and pursuant to this section, or the department may assess the members in the event of liquidation of the fund.

Section 42. Subsection (7) of section 624.482, Florida Statutes, is amended to read:

624.482 Making and use of rates.—

(7) Nothing herein shall be construed to prohibit the department from examining a fund pursuant to s. *624.3161* ~~627.321~~.

Section 43. Section 624.489, Florida Statutes, is amended to read:

624.489 Liability of trustees of self-insurance trust fund *and directors of self-insurance funds operating as corporations.*—

(1) A trustee of any self-insurance trust fund organized under the laws of this state is not personally liable for monetary damages to any person for any statement, vote, decision, or failure to act, regarding the management or policy of the fund, by a trustee, unless:

(a) The trustee breached or failed to perform his duties as a trustee; and

(b) The trustee's breach of, or failure to perform, his duties constitutes:

1. A violation of the criminal law, unless the trustee had reasonable cause to believe his conduct was lawful or had no reasonable cause to believe his conduct was unlawful. A judgment or other final adjudication against a trustee in any criminal proceeding for violation of the criminal law estops that trustee from contesting the fact that his breach, or failure to perform, constitutes a violation of the criminal law; but does not estop the trustee from establishing that he had reasonable cause to believe that his conduct was lawful or had no reasonable cause to believe that his conduct was unlawful;

2. A transaction from which the trustee derived an improper personal benefit, either directly or indirectly; or

3. Recklessness or an act or omission which was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(2) For the purposes of this section, the term "recklessness" means the acting, or omission to act, in conscious disregard of a risk:

(a) Known, or so obvious that it should have been known, to the trustee; and

(b) Known to the trustee, or so obvious that it should have been known, to be so great as to make it highly probable that harm would follow from such action or omission.

(3) The immunities from liability provided in this section with respect to trustees also apply to members of the board of directors of a commercial self-insurance fund organized as a corporation under chapter 607 if the board of directors has contracted with an administrator authorized under s. 626.88 to administer the day-to-day affairs of the fund.

Section 44. Paragraphs (e), (n), (o), (p), (q), and (r) of subsection (1) of section 624.523, Florida Statutes, are amended to read:

624.523 Insurance Commissioner's Regulatory Trust Fund.—

(1) There is created in the State Treasury a trust fund designated "Insurance Commissioner's Regulatory Trust Fund" to which shall be credited all payments received on account of the following items:

(e) All payments received on account of items provided for under respective provisions of s. 624.501, as follows:

1. Subsection (1) (certificate of authority of insurer).;

2. Subsection (2) (charter documents of insurer).;

3. Subsection (4) (annual statement of insurer).;

4. Subsection (5) (application fee for insurance representatives).;

5. The "appointment fee" portion of any appointment provided for under paragraphs (6)(a) and (b) (insurance representatives, property, marine, casualty and surety insurance, agents, and solicitors).;

6. Paragraph (6)(c) (nonresident agents).;

7. Paragraph (6)(d) (service representatives).;

8. The "appointment fee" portion of any appointment provided for under paragraph (7)(a) (life insurance agents, original appointment, and renewal or continuation of appointment).;

9. Paragraph (7)(b) (nonresident agent license).;

10. The "appointment fee" portion of any appointment provided for under paragraph (8)(a) (health insurance agents, agent's appointment, and renewal or continuation fee).;

11. Paragraph (8)(b) (nonresident agent appointment).;

12. The "appointment fee" portion of any appointment provided for under subsections (9) and (10) (limited licenses and fraternal benefit society agents).;

13. Subsection (11) (vending machines).;

14. Subsection (12) (surplus lines agent).;

15. Subsection (13) (adjusters' appointment).;

16. Subsection (14) (examination fee).;

17. Subsection (15) (temporary license and appointment as agent or adjuster).;

18. Subsection (16) (reissuance, reinstatement, etc.).;

19. Subsection (17) (additional license continuation fees).;

20. Subsection (18) (filing application for permit to form insurer).;

21. Subsection (19) (license fee of rating organization).;

22. Subsection (20) (miscellaneous services).;

23. Subsection (21) (insurance agencies).;

~~(n) All sums received under s. 641.14.~~

(n)~~(o)~~ All sums received under s. 648.27(6) (bail bondsman, limited surety agent or runner, continuation fee), the "appointment fee" portion of any license or permit provided for under s. 648.31, and the application fees provided for under ss. 648.34(3), 648.37(3), and 648.38(4).

(o)~~(p)~~ All sums received under s. 651.015.

(p)~~(q)~~ All sums received by the Insurance Commissioner and Treasurer as fees for his services as service-of-process agent.

(q)~~(r)~~ All state tax portions of agents' and solicitors' licenses collected under s. 624.501.

Section 45. Paragraph (a) of subsection (2) and subsection (9) of section 624.610, Florida Statutes, are amended, and subsections (11) and (12) are added to said section, to read:

624.610 Reinsurance.—

(2)(a) If a ceding insurer reinsures all or any part of any particular risk or class of risks with an approved reinsurer, the ceding insurer may receive credit in accounting and financial statements on account of such reinsurance ceded. An approved reinsurer is:

1. An assuming insurer authorized by the department to transact such line of insurance or reinsurance in this state. Subject to the other requirements of this code, credit may be taken for reinsurance with an authorized insurer.

2. An assuming insurer approved by the department to transact such line of reinsurance in this state. The department shall approve only solvent insurers meeting the criteria established for authorized insurers in this state. From time to time, the department shall publish a list of insurers approved pursuant to this subsection. Subject to the other requirements of this code, credit may be taken for reinsurance with an approved reinsurer.

3. An assuming underwriting member of an insurance exchange domiciled in any other state or jurisdiction in the United States provided the insurance exchange presents to the department for its approval, and maintains, satisfactory evidence that such assuming underwriting member maintains the standards and meets the financial requirements applicable to an authorized insurer. Subject to the other requirements of this section, credit may be taken for reinsurance with members approved under this subsection by the department.

4. A group of individual, unincorporated, *or incorporated* alien insurers which maintains funds in an amount not less than $50 million held in trust for United States policyholders and beneficiaries in a bank or trust company that is subject to supervision by any state of the United States or that is a member of the Federal Reserve System and which group satisfies the department by annually filing evidence that it can meet its obligations under its reinsurance agreements. Subject to the other requirements of this section, credit may be taken for reinsurance with a group approved under this subsection by the department.

(9) Any authorized insurer ceding directly written risks of loss under this section shall within 30 days of receipt of a summary statement or cover note, or in no event no later than 6 months after the effective date of the reinsurance treaty, file with the department one copy of a summary statement containing the following information about each treaty:

(a) The contract period;

(b) The nature of the reinsured's business;

(c) An indication as to whether the treaty is proportional, nonproportional, coinsurance, modified coinsurance, or indemnity, as applicable;

(d) The ceding company's loss retention per risk;

(e) The reinsured limits;

(f) Any special contract restrictions;

(g) A schedule of reinsurers assuming the risks of loss;

(h) An indication as to whether payments to the assuming insurer are based on written premiums or earned premiums;

(i) Identification of any intermediary or broker used in obtaining the reinsurance and the commission paid them if known; and

(j) Ceding commissions and allowances.

The summary statement shall be signed and attested to by either the chief executive officer or the chief financial officer of the reporting insurer. In addition to the summary statement, the Insurance Commissioner may require the filing of any supporting information relating to the ceding of such risks as he deems necessary. *If a summarized reinsurance treaty (or series of treaties with one or more affiliated reinsurers entered into for the purpose of avoiding the following threshold amount) at any time results in an increase of more than 25 percent to the insurer's surplus as to policyholders, then the insurer shall certify in writing to the department that the relevant reinsurance treaty or treaties complies with the accounting requirements contained in any rule promulgated by the department pursuant to subsection (10) or subsection (12). If such certificate is filed after the summary statement of such reinsurance treaty or treaties, the insurer shall refile the summary statement with the certificate. In any event, the certificate shall state that a copy of the certificate was sent to the reinsurer under the reinsurance treaty. Such reinsurer shall notify the department in writing within 60 days after its receipt of a certificate if the reinsurer disagrees with the statements made herein.* ~~The summary statement shall be accompanied by a certification signed by the ceding insurer that the risk has been transferred and describing said risk. A copy of the summary statement and the certification shall be mailed or delivered to each reinsurer assuming any part of the risk that is transferred. Any such reinsurer shall notify the department in writing within 30 days of receipt of the summary statement and certification if the reinsurer believes that any information in the statement or certification is inaccurate. Any reinsurer who does not so notify the department shall be deemed to concur with the information in the summary statement and certification to the extent that such reinsurer should know the accuracy of such information or certification. The ceding insurer shall notify each reinsurer of such requirements together with the summary statement and certification.~~ This subsection applies to cessions of directly written risk of loss. This subsection does not apply to contracts of facultative reinsurance or to any ceding insurer with surplus as to policyholder that exceeds $100 million as of the immediately preceding December 31. Additionally, any ceding insurer otherwise subject to this section with less than $500,000 in direct premiums written in this state during the preceding calendar year or with less than 1,000 policyholders at the end of the preceding calendar year is exempt from the requirements of this subsection. However, any ceding insurer otherwise subject to this section with more than $250,000 in direct premiums written in this state during the preceding calendar quarter is not exempt from the requirements of this subsection. The Insurance Commissioner may, upon a showing of good cause, waive the requirements of this subsection.

(11) If the department finds that a reinsurance agreement creates a substantial risk of insolvency to either insurer entering into the reinsurance agreement, the department may by order require a cancellation of the reinsurance agreement.

(12) No credit shall be allowed for reinsurance with regard to which the reinsurance agreement does not create a meaningful transfer of risk of loss to the reinsurer. The department shall adopt rules which are in substantial conformity with the 1991 National Association of Insurance Commissioners Examiners Handbook providing the criteria for determining whether a meaningful transfer of risk of loss has been accomplished.

Section 46. Paragraph (b) of subsection (1) of section 624.80, Florida Statutes, is amended to read:

624.80 Definitions.—As used in this part:

(1) "Insurer" means and includes every person as defined in s. 624.03 as limited to:

(b) Any *specialty* ~~domestic or commercially domiciled allied lines~~ insurer as that term is defined in s. 628.4615.

Section 47. Section 625.091, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 625.091, F.S., for present text.)

625.091 Losses and loss adjustment expense reserves; liability insurance and workers' compensation insurance.—The reserve liabilities recorded in the insurer's annual statement and financial statements for unpaid losses and loss adjustment expenses shall be the estimated value of its claims when ultimately settled and shall be computed as follows:

(1) For all liability and workers' compensation claims, the statement and statutory reserves and loss adjustment expenses shall be in accordance with the form of the annual statement as required in s. 624.424, and shall include the computed, determined, or estimated value of the unpaid reported claims and loss adjustment expenses, allocated and unallocated, and a provision for loss and loss adjustment expenses, allocated and unallocated, that are incurred but not reported. For claims under liability policies, the reserve for reported claims shall not be less than $1,000 for each outstanding liability suit.

(2)(a) Workers' compensation tabular reserves and long term disability claims including death claims may be reserved at the present value at 4 percent interest of the determined and the estimated future payments.

(b) If workers' compensation reserves are discounted in accordance with paragraph (a), discounted loss and loss expense reserves shall be used in the computation of excess statutory reserves over statement reserves.

(3) Structured settlements may be used to reduce reserves if:

(a) There is the purchase of an annuity by the insurer to fund future payments that are fixed or determined by settlement provisions or statutes wherein the claimant is the payee, the transaction may be treated as a paid claim and the reserve taken down accordingly. The appropriate disclosure of the contingent liability for such amount must be disclosed in notes to the financial statements of the annual statement; or

(b) The insurer assigns the obligation to make periodic payments to a third party and obtains a full and complete release from the claimant, the claim may be treated as a paid claim without additional disclosure.

Section 48. Section 625.121, Florida Statutes, is amended to read:

625.121 Standard Valuation Law; life insurance.—

(1) SHORT TITLE.—This section shall be known as the "Standard Valuation Law."

(2) ANNUAL VALUATION.—The department shall annually value, or cause to be valued, the reserve liabilities, hereinafter called "reserves," for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurer doing business in this state, and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest, and methods, net-level premium method or others, used in the calculation of such reserves. In the case of an alien insurer, such valuation shall be limited to its insurance transactions in the United States. In calculating such reserves, the department may use group methods and approximate averages for fractions of a year or otherwise. It may accept in its discretion the insurer's calculation of such reserves. In lieu of the valuation of the reserves herein required of any foreign or alien insurer, it may accept any valuation made or caused to be made by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standard herein provided and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the department when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction. When any such valuation is made by the department, it may use the actuary of the department or employ an actuary for the purpose; and the reasonable compensation of the actuary, at a rate approved by the department, and reimbursement of travel expenses pursuant to s. 624.320 upon demand by the department, supported by an itemized statement of such compensation and expenses, shall be paid by the insurer. When a domestic insurer furnishes the department with a valuation of its outstanding policies as computed by its own actuary or by an actuary deemed satisfactory for the purpose by the department, the valuation shall be verified by the actuary of the department without cost to the insurer.

(3) ACTUARIAL OPINION OF RESERVES.—

(a)1. Each life insurance company doing business in this state shall annually submit the opinion of a qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the department by rule are computed appropriately, are based on assumptions which satisfy contractual provisions, are consistent with prior reported amounts, and comply with applicable laws of this state. The department by rule shall define the specifics of this opinion and add any other items determined to be necessary to its scope.

2. The opinion shall be submitted with the annual statement reflecting the valuation of such reserve liabilities for each year ending on or after December 31, 1992.

3. The opinion shall apply to all business in force, including individual and group health insurance plans, in the form and substance acceptable to the department as specified by rule.

4. The department may adopt rules providing the standards of the actuarial opinion consistent with standards adopted by the Actuarial Standards Board on October 1, 1991, and subsequent revisions thereto, provided that the standards remain substantially consistent.

5. In the case of an opinion required to be submitted by a foreign or alien company, the department may accept the opinion filed by that company with the insurance supervisory official of another state if the department determines that the opinion reasonably meets the requirements applicable to a company domiciled in this state.

6. For the purposes of this subsection, "qualified actuary" means a member in good standing of the American Academy of Actuaries who also meets the requirements specified by rule of the department.

7. Disciplinary action by the department against the company or the qualified actuary shall be in accordance with the insurance code and related rules adopted by the department.

8. A memorandum in the form and substance specified by rule shall be prepared to support each actuarial opinion.

9. If the insurance company fails to provide a supporting memorandum at the request of the department within a period specified by rule, or if the department determines that the supporting memorandum provided by the insurance company fails to meet the standards prescribed by rule, the department may engage a qualified actuary at the expense of the company to review the opinion and the basis for the opinion and prepare such supporting memorandum as is required by the department.

10. Any memorandum in support of the opinion, and any other material provided by the company to the department in connection therewith, is confidential and exempt from the provisions of s. 119.07(1) and shall not be made public and shall not be subject to subpoena, other than for the purpose of defending an action seeking damages from any person by reason of any action required by this subsection or by rules promulgated hereunder; however, the memorandum or other material may otherwise be released by the department with the written consent of the company, or to the American Academy of Actuaries upon request stating that the memorandum or other material is required for the purpose of professional disciplinary proceedings and setting forth procedures satisfactory to the department for preserving the confidentiality of the memoran-

dum or other material. If any portion of the confidential memorandum is cited by the company in its marketing or is cited before any governmental agency other than a state insurance department or is released by the company to the news media, no portion of the memorandum is confidential.

(b) In addition to the opinion required by subparagraph (a)1., the department may be rule require an opinion of the same qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the department by rule, when considered in light of the assets held by the company with respect to the reserves and related actuarial items, including but not limited to the investment earnings on the assets and considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the company's obligations under the policies and contracts, including but not limited to the benefits under and expenses associated with the policies and contracts.

(c) The department may provide by rule for a transition period for establishing any higher reserves which the qualified actuary may deem necessary in order to render the opinion required by this subsection.

(4)~~(3)~~ MINIMUM STANDARD FOR VALUATION OF POLICIES AND CONTRACTS ISSUED BEFORE OPERATIVE DATE OF STANDARD NONFORFEITURE LAW.—The minimum standard for the valuation of all such policies and contracts issued prior to the operative date of s. 627.476 (Standard Nonforfeiture Law) shall be any basis satisfactory to the *department* ~~commissioner~~. Any basis satisfactory to the *department* ~~commissioner~~ on the effective date of this code shall be deemed to meet such minimum standards.

(5)~~(4)~~ MINIMUM STANDARD FOR VALUATION OF POLICIES AND CONTRACTS ISSUED ON OR AFTER OPERATIVE DATE OF STANDARD NONFORFEITURE LAW.—Except as otherwise provided in paragraph (h) and *subsections (6), (11), and (14)* ~~subsection (5)~~, the minimum standard for the valuation of all such policies and contracts issued on or after the operative date of s. 627.476 (Standard Nonforfeiture Law for Life Insurance) shall be the commissioners' reserve valuation method defined in *subsections (7), (11), and (14)* ~~subsection (6)~~; 5 percent interest for group annuity and pure endowment contracts and 3.5 percent interest for all other such policies and contracts, or in the case of *life insurance* policies and contracts, other than annuity and pure endowment contracts, issued on or after July 1, 1973, 4 percent interest for such policies issued prior to October 1, 1979, and 4.5 percent interest for such policies issued on or after October 1, 1979; and the following tables:

(a) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies:

1. For policies issued prior to the operative date of s. 627.476(9), the commissioners' 1958 Standard Ordinary Mortality Table; except that, for any category of such policies issued on female risks, modified net premiums and present values, referred to in subsection *(7)* ~~(6)~~, may be calculated according to an age not more than 6 years younger than the actual age of the insured; and

2. For policies issued on or after the operative date of s. 627.476(9), the commissioners' 1980 Standard Ordinary Mortality Table or, at the election of the insurer for any one or more specified plans of life insurance, the commissioners' 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors.

(b) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies:

1. For policies issued prior to the first date to which the commissioners' 1961 Standard Industrial Mortality Table is applicable according to s. 627.476, the 1941 Standard Industrial Mortality Table; and

2. For such policies issued on or after that date, the commissioners' 1961 Standard Industrial Mortality Table.

(c) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the 1937 Standard Annuity Mortality Table or, at the option of the insurer, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the department.

(d) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the Group Annuity Mortality Table for 1951; any modification of such table approved by the department; or, at the option of the insurer, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.

(e) For total and permanent disability benefits in or supplementary to ordinary policies or contracts:

1. For policies or contracts issued on or after January 1, 1966, the tables of period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 disability study of the Society of Actuaries, with due regard to the type of benefit;

2. For policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either those tables or, at the option of the insurer, the class three disability table (1926); and

3. For policies issued prior to January 1, 1961, the class three disability table (1926).

Any such table for active lives shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(f) For accidental death benefits in or supplementary to policies:

1. For policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table;

2. For policies issued on or after January 1, 1961, and prior to January 1, 1966, either that table or, at the option of the insurer, the Intercompany Double Indemnity Mortality Table; and

3. For policies issued prior to January 1, 1961, the Intercompany Double Indemnity Mortality Table.

Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(g) For group life insurance, life insurance issued on the substandard basis, and other special benefits, such tables as may be approved by the department as being sufficient with relation to the benefits provided by such policies.

(h) *Except as provided in subsection (6),* the minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after the operative date of this paragraph and for all annuities and pure endowments purchased on or after such operative date under group annuity and pure endowment contracts shall be the commissioners' reserve valuation method defined in subsection *(7)* ~~(6)~~ and the following tables and interest rates:

1. For individual annuity and pure endowment contracts issued prior to October 1, 1979, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the department, and 6 percent interest for single-premium immediate annuity contracts and 4 percent interest for all other individual annuity and pure endowment contracts.

2. For individual single-premium immediate annuity contracts issued on or after October 1, 1979, *and prior to October 1, 1986,* excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the department, and 7.5 percent interest. *For such contracts issued on or after October 1, 1986, the 1983 Individual Annual Mortality Table, or any modification of such table approved by the department, and the applicable calendar year statutory valuation interest rate as described in subsection (6).*

3. For individual annuity and pure endowment contracts issued on or after October 1, 1979, *and prior to October 1, 1986,* other than single-premium immediate annuity contracts, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the department, and 5.5 percent interest for single-premium deferred annuity and pure endowment contracts and 4.5 percent interest for all other such individual annuity and pure endowment contracts. *For such contracts issued on or after October 1, 1986, the 1983 Individual Annual Mortality Table, or any modification of such table approved by the department, and the applicable calendar year statutory valuation interest rate as described in subsection (6).*

4. For all annuities and pure endowments purchased prior to October 1, 1979, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the 1971 Group Annuity Mortality Table, or any modification of this table approved by the department, and 6 percent interest.

5. For all annuities and pure endowments purchased on or after October 1, 1979, *and prior to October 1, 1986,* under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the 1971 Group Annuity Mortality Table, or any modification of this table approved by the department, and 7.5 percent interest. *For such contracts purchased on or after October 1, 1986, the 1983 Group Annuity Mortality Table, or any modification of such table approved by the department, and the applicable calendar year statutory valuation interest rate as described in subsection (6).*

After July 1, 1973, any insurer may file with the department a written notice of its election to comply with the provisions of this paragraph after a specified date before January 1, 1979, which shall be the operative date of this paragraph for such insurer. However, an insurer may elect a different operative date for individual annuity and pure endowment contracts from that elected for group annuity and pure endowment contracts. If an insurer makes no such election, the operative date of this paragraph for such insurer shall be January 1, 1979.

(6)~~(5)~~ MINIMUM STANDARD OF VALUATION.—

(a) The interest rates used in determining the minimum standard for the valuation of:

1. All life insurance policies issued in a particular calendar year on or after the operative date of s. 627.476(9);

2. All individual annuity and pure endowment contracts issued in a particular calendar year on or after January 1, 1982;

3. All annuities and pure endowments purchased in a particular calendar year on or after January 1, 1982, under group annuity and pure endowment contracts; and

4. The net increase, if any, in a particular calendar year after January 1, 1982, in amounts held under guaranteed interest contracts,

shall be the calendar year statutory valuation interest rates for the year-of-issue purchase or increase as defined in this subsection.

(b) The calendar year statutory valuation interest rates I shall be determined as follows, and the results rounded to the nearest 0.25 percent:

1. For life insurance:

$$I = 0.03 + W(R1-0.03) + (W/2)(R2-0.09).$$

For purposes of this subparagraph, "R1" is the lesser of R and .09; "R2" is the greater of R and .09; "R" is the reference interest rate defined in this subsection; and "W" is the weighting factor defined in this subsection.

2. For single-premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and from guaranteed interest contracts with cash settlement options:

$$I = 0.03 + W(R-0.03).$$

For purposes of this subparagraph, "R" is the reference interest rate defined in this subsection, and "W" is the weighting factor defined in this subsection.

3. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on an issue-year basis, except as stated in subparagraph 2., the formula for life insurance stated in subparagraph 1. shall apply to annuities and guaranteed interest contracts with guarantee durations in excess of 10 years, and the formula for single-premium immediate annuities stated in subparagraph 2. shall apply to annuities and guaranteed interest contracts with guarantee durations of 10 years or less.

4. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the formula for single-premium immediate annuities stated in subparagraph 2. shall apply.

5. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change-in-fund basis, the formula for single-premium immediate annuities stated in subparagraph 2. shall apply.

However, if the calendar year statutory valuation interest rate for any life insurance policies issued in any calendar year determined without reference to this sentence differs from the corresponding actual rate for similar policies issued in the immediately preceding calendar year by less than 0.5 percent, the calendar year statutory valuation interest rate for such life insurance policies shall be equal to the corresponding actual rate for the immediately preceding calendar year. For purposes of applying the immediately preceding sentence, the calendar year statutory valuation interest rate for life insurance policies issued in a calendar year shall be determined for 1980, the reference interest rate defined for 1979 being used, and shall be determined for each subsequent calendar year regardless of when s. 627.476(9) becomes operative.

(c) The weighting factors referred to in the formulas stated in paragraph (b) are given in the following tables:

1. Weighting factors for life insurance:

Guarantee Duration (Years)	Weighting Factors
10 or less:	0.50
More than 10, but not more than 20:	0.45
More than 20:	0.35

For life insurance, the "guarantee duration" is the maximum number of years the life insurance can remain in force on a basis guaranteed in the policy or under options to convert to plans of life insurance with premium rates or nonforfeiture values or both which are guaranteed in the original policy.

2. Weighting factor for single-premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options: 0.80.

3. Weighting factors for other annuities and for guaranteed interest contracts, except as stated in subparagraph 2., shall be as specified in sub-subparagraphs a., b., and c., according to the rules and definitions in sub-subparagraphs d., e., and f. and in paragraph (f):

a. For annuities and guaranteed interest contracts valued on an issue-year basis:

Guarantee Duration (Years)	Weighting Factor for Plan Type
5 or less:	A—0.80
	B—0.60
	C—0.50
More than 5, but not more than 10:	A—0.75
	B—0.60
	C—0.50
More than 10, but not more than 20:	A—0.65
	B—0.50
	C—0.45
More than 20:	A—0.45
	B—0.35
	C—0.35

b. For annuities and guaranteed interest contracts valued on a change-in-fund basis, the factors shown in sub-subparagraph a. increased by: 0.15 for Plan Type A; 0.25 for Plan Type B; 0.05 for Plan Type C.

c. For annuities and guaranteed interest contracts valued on an issue-year basis, other than those with no cash settlement options, which do not guarantee interest on considerations received more than 1 year after issue or purchase and for annuities and guaranteed interest contracts valued on a change-in-fund basis which do not guarantee interest rates on considerations received more than 12 months beyond the valuation date, the factors shown in sub-subparagraph a. or derived in sub-subparagraph b. increased by: 0.05 for Plan Type A; 0.05 for Plan Type B; 0.05 for Plan Type C.

d. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the "guarantee duration" is the number of years for which the contract guarantees interest rates in excess of the calendar year statutory valuation interest rate for life insurance policies with guarantee duration in excess of 20 years. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the guarantee duration is the number of years from the date of issue or date of purchase to the date annuity benefits are scheduled to commence.

e. "Plan type," as used in the tables above, is defined as follows:

(I) Plan Type A: At any time, the policyholder may withdraw funds only with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurer; the policyholder may withdraw funds only without such adjustment but in installments over 5 years or more; the policyholder may withdraw funds only as an immediate life annuity; or no withdrawal is permitted.

(II) Plan Type B: Before expiration of the interest rate guarantee, the policyholder may withdraw funds only with an adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurer; the policyholder may withdraw funds only without such adjustment but in installments over 5 years or more; or no withdrawal is permitted. At the end of interest rate guarantee, funds may be withdrawn without such adjustment in a single sum or installments over less than 5 years.

(III) Plan Type C: The policyholder may withdraw funds before expiration of interest rate guarantee in a single sum or installments over less than 5 years either without adjustment to reflect changes in interest rates or asset values since receipt of the funds by the insurer or subject only to a fixed surrender charge stipulated in the contract as a percentage of the fund.

f. An insurer may elect to value guaranteed interest contracts with cash settlement options and annuities with cash settlement options on either an issue-year basis or on a change-in-fund basis. Guaranteed interest contracts with no cash settlement options and other annuities with no cash settlement options must be valued on an issue-year basis.

(d) The "reference interest rate" referred to in paragraph (b) is defined as follows:

1. For all life insurance, the lesser of the average over a period of 36 months and the average over a period of 12 months, ending on June 30 of the calendar year next preceding the year of issue, of the interest rate index.

2. For single-premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, the average over a period of 12 months, ending on June 30 of the calendar year of issue or year of purchase, of the interest rate index.

3. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year-of-issue basis, except as stated in subparagraph 2., with guarantee duration in excess of 10 years, the lesser of the average over a period of 36 months and the average over a period of 12 months, ending on June 30 of the calendar year of issue or purchase, of the interest rate index.

4. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a year-of-issue basis, except as stated in subparagraph 2., with guarantee duration of 10 years or less, the average over a period of 12 months, ending on June 30 of the calendar year of issue or purchase, of the interest rate index.

5. For other annuities with no cash settlement options and for guaranteed interest contracts with no cash settlement options, the average over a period of 12 months, ending on June 30 of the calendar year of issue or purchase, of the interest rate index.

6. For other annuities with cash settlement options and guaranteed interest contracts with cash settlement options, valued on a change-in-fund basis, except as stated in subparagraph 2., the average over a period of 12 months, ending on June 30 of the calendar year of the change in the fund, of the interest rate index.

(e) The interest rate index shall be the Moody's Corporate Bond Yield Average-Monthly Average Corporates as published by Moody's Investors Service, Inc., as long as this index is calculated by using substantially the same methodology as used by it on January 1, 1981. If Moody's corporate bond yield average ceases to be calculated in this manner, the interest rate index shall be the index approved by rule promulgated by the department. The methodology used in determining the index approved by rule shall be substantially the same as the methodology employed on January 1, 1981, for determining Moody's Corporate Bond Yield Average-Monthly Average Corporates as published by Moody's Investors Services, Inc.

(f) As used in this subsection, an "issue-year basis" of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard for the entire duration of the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of purchase of the annuity or guaranteed interest contract; and the "change-in-fund" basis of valuation refers to a valuation basis under which the interest rate used to determine the minimum valuation standard applicable to each change in the fund held under the annuity or guaranteed interest contract is the calendar year valuation interest rate for the year of the change in the fund.

(7)~~(6)~~ COMMISSIONERS' RESERVE VALUATION METHOD.—

(a)1. Except as otherwise provided in this subsection *and subsections (11) and (14)*, reserves according to the commissioners' reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums, shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of sub-subparagraph a. over sub-subparagraph b. as follows:

a. A net-level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net-level annual premium shall not exceed the net-level annual premium on the 19-year premium whole life plan for insurance of the same amount at an age 1 year higher than the age at issue of such policy.

b. A net-1-year-term premium for such benefits provided for in the first policy year.

2. For any life insurance policy which is issued on or after January 1, 1985, for which the contract premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess, and which provides an endowment benefit, a cash surrender value, or a combination thereof in an amount greater than such excess premium, the reserve according to the commissioners' reserve valuation method as of any policy anniversary occurring on or before the assumed ending date, defined herein as the first policy anniversary on which the sum of any endowment benefit and any cash surrender value then available is greater than such excess premium, shall, except as otherwise provided in subsection *(11)* ~~(10)~~, be the greater of the reserve as of such policy anniversary calculated as described in subparagraph 1. and the reserve as of such policy anniversary calculated as described in subparagraph 1. but with:

a. The value defined in subparagraph 1. being reduced by 15 percent of the amount of such excess first year premium;

b. All present values of benefits and premiums being determined without reference to premiums or benefits provided for by the policy after the assumed ending date;

c. The policy being assumed to mature on such date as an endowment; and

d. The cash surrender value provided on such date being considered as an endowment benefit.

In making the above comparison, the mortality and interest bases stated in subsections *(5)* ~~(4)~~ and *(6)* ~~(5)~~ shall be used.

(b) Reserves according to the commissioners' reserve valuation method for:

1. Life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums;

2. Group annuity and pure endowment contracts, purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer, including a partnership or sole proprietorship, or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under s. 408 of the Internal Revenue Code, as now or hereafter amended;

3. Disability and accidental death benefits in all policies and contracts; and

4. All other benefits, except life insurance and endowment benefits in life insurance policies, and benefits provided by all other annuity and pure endowment contracts,

shall be calculated by a method which is consistent with and yields results consistent with the principles of paragraph (a), except that any extra premiums charged because of impairments, nonrecurring expense factors, or special hazards shall be disregarded in the determination of modified net premiums.

(c) This subsection shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer, including a partnership or sole proprietorship, or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under s. 408 of the Internal Revenue Code, as now or hereafter amended. Reserves according to the commissioners' annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in such contracts, shall be the greatest of the respective excesses of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by such contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of such contract, that become payable prior to the end of such respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate or rates specified in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of such contracts to determine nonforfeiture values.

(8)~~(7)~~ MINIMUM AGGREGATE RESERVES.—

(a) In no event shall an insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after the operative date of s. 627.476, be less than the aggregate reserves calculated in accordance with the methods set forth in subsections *(7), (11), and (12)* ~~(6) and (11)~~ and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies.

(b) In no event may the aggregate reserves for all policies, contracts, and benefits be less than the aggregate reserves determined by the qualified actuary to be necessary to render the opinion required by subsection (3).

(9)~~(8)~~ OPTIONAL RESERVE BASIS.—

(a) Reserves for all policies and contracts issued prior to the operative date of s. 627.476 may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by the laws in effect immediately prior to such date.

(b) For any category of policies, contracts, or benefits specified in subsections *(5) and (6)* ~~(4) and (5)~~, issued on or after the operative date of s. 627.476 (the Standard Nonforfeiture Law for Life Insurance), reserves may be calculated, at the option of the insurer, according to any standard or standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided; but the rate or rates of interest used for policies and contracts, other than annuity and pure endowment contracts, shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for therein.

(10)~~(9)~~ LOWER VALUATIONS.—An insurer which at any time had adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the department, adopt any lower standard of valuation, but not lower than the minimum herein provided*; however, for the purposes of this subsection, the holding of additional reserves previously determined by a qualified actuary to be necessary to render the opinion required by subsection (3) shall not be deemed to be the adoption of a higher standard of valuation.*

(11)~~(10)~~ DEFICIENCY RESERVE.—If in any contract year the gross premium charged by any life insurer on any policy or contract is less than the valuation net premium for the policy or contract calculated by the method used in calculating the reserve thereon but using the minimum valuation standards of mortality and rate of interest, there shall be maintained on such policy or contract a deficiency reserve in addition to the reserve defined by subsections *(7) and (12)* ~~(6) and (11)~~. For each such policy or contract, the deficiency reserve shall be the present value, according to the minimum valuation standards of mortality and rate of interest, of the differences between all such valuation net premiums and the corresponding premiums charged for such policy or contract during the remainder of the premium-paying period. As regards renewable term life insurance, the policy reserve and foregoing deficiency reserve shall be calculated using the current term period only. For any category of policies, contracts, or benefits specified in subsections *(5) and (6)* ~~(4) and (5)~~, issued on or after the operative date of s. 627.476 (the Standard Nonforfeiture Law for Life Insurance), the aggregate deficiency reserves may be reduced by the amount, if any, by which the aggregate reserves actually calculated in accordance with subsection *(9)* ~~(8)~~ exceed the minimum aggregate reserves prescribed by subsection *(8)* ~~(7)~~. The minimum valuation standards of mortality and rate of interest referred to in this subsection are those standards stated in subsections *(5) and (6)* ~~(4) and (5)~~. However, for any life insurance policy which is issued on or after January 1, 1985, for which the gross premium in the first policy year exceeds that of the second year and for which no comparable additional benefit is provided in the first year for such excess, and which provides an endowment benefit, a cash surrender value, or a combination thereof in an amount greater than such excess premium, the foregoing provisions of this subsection shall be applied as if the method actually used in calculating the reserve for such policy were the method described in subsection *(7)* ~~(6)~~, the provisions of subparagraph *(7)* ~~(6)~~(a)2. being ignored. The amount of the deficiency reserve, if any, at each policy anniversary of such a policy shall be the excess, if any, of the amount determined by the foregoing provisions of this subsection plus the reserve calculated by the method described in subsection *(7)* ~~(6)~~, the provisions of subparagraph *(7)* ~~(6)~~(a)2. being ignored, over the reserve actually calculated by the method described in subsection *(7)* ~~(6)~~, the provisions of subparagraph *(7)* ~~(6)~~(a)2. being taken into account.

(12)~~(11)~~ ALTERNATE METHOD FOR DETERMINING RESERVES IN CERTAIN CASES.—In the case of any plan of life insurance which provides for future premium determination, the amounts of which are to be determined by the insurer based on then estimates of future experience, or in the case of any plan of life insurance or annuity which is of such a nature that the minimum reserves cannot be determined by the methods described in subsection *(7)* ~~(6)~~, the reserves which are held under any such plan shall:

(a) Be appropriate in relation to the benefits and the pattern of premiums for that plan; and

(b) Be computed by a method which is consistent with the principles of this section, as determined by rules promulgated by the department.

(13)~~(12)~~ APPLICABILITY TO CREDIT LIFE INSURANCE POLICIES.—This section does not apply as to those credit life insurance policies for which reserves are computed and maintained as required under s. 625.131.

(14) MINIMUM STANDARDS FOR HEALTH PLANS.—The department shall adopt a rule containing the minimum standards applicable to the valuation of health plans in accordance with sound actuarial principles.

Section 49. Subsection (3) of section 625.151, Florida Statutes, 1990 Supplement, is amended to read:

625.151 Valuation of other securities.—

(3) Stock of a subsidiary corporation of an insurer shall not be valued at an amount in excess of the net value thereof as based upon those assets only of the subsidiary which would be eligible under part II for investment of the funds of the insurer directly.

(a) If the surplus as to policyholders of an insurer including investments in subsidiaries does not exceed $100 million, investments in subsidiaries and related corporations as defined in s. 625.325, including common stock, preferred stock, debt obligations, other securities, and loans to such corporations, shall be valued in an amount which in the aggregate does not exceed the lesser of:

1.~~(a)~~ Ten percent of the insurer's admitted assets; or

2.~~(b)~~ Fifty percent of the insurer's surplus as to policyholders in excess of the minimum surplus as to policyholders required under this code.

(b) If the surplus as to policyholders of an insurer including investments in subsidiaries is $100 million or more, investments in subsidiaries and related corporations as defined in s. 625.325, including common stock, preferred stock, debt obligations, other securities, and loans to such corporations, shall be valued in an amount which in the aggregate does not exceed 25 percent of the insurer's admitted assets.

Section 50. Section 625.305, Florida Statutes, is amended to read:

625.305 Diversification.—

(1) Every insurer must *maintain* ~~have and keep to the extent of~~ an amount equal to its entire reserve, as required under part I of this chapter, and the minimum ~~capital and~~ surplus *as to policyholders* required to be maintained by the insurer under this code invested in coin or currency of the United States, *in assets allowed by s. 625.012, except loans or advances to affiliates to the extent unsecured* and in investments as authorized under this part, other than the investments authorized under either of the following sections:

(a) Section 625.331.

(b) Section 625.333, except paragraph (1)(a).

(2) Investments eligible under subsection (1), except investments acquired pursuant to s. 625.331, are subject to the following limitations:

(a) The cost of investments made by insurers in stock authorized by s. 625.324 shall not exceed 15 percent of the insurer's admitted assets; the cost of such investment in common stocks shall not exceed 10 percent of the insurer's admitted assets; and the cost of such investment in stock of any one corporation shall not exceed 3 percent of the insurer's admitted assets. Notwithstanding any other provision in this chapter, the cost basis or market value, if lower, of all stock investment shall be used for the purpose of determining the asset value against which such percentage limitations are to be applied.

(b) Such other limitations, if any, as may be expressly provided for in the section under which the investment is authorized.

(3) The cost of investments made by insurers in a mortgage loan authorized by s. 625.327 shall not exceed the lesser of 5 percent of the insurer's admitted assets or 10 percent of the insurer's capital and surplus. *An insurer shall not invest in additional mortgage loans without the consent of the department if the admitted value of all mortgage loans held by the insurer exceeds:*

(a) With respect to life and health insurers, 40 percent of the admitted assets of the insurer.

(b) With respect to property and casualty insurers, 10 percent of the admitted assets of the insurer.

An insurer that, as of October 1, 1991, has mortgage investments that exceed the aggregate limitation specified in this subsection shall submit to the department no later than January 31, 1992, a plan to bring the amount of mortgage investments into compliance with such limitations by January 1, 2001.

(4) Without the prior written approval of the department, the cost of investments in bonds, debentures, notes, commercial paper, or other debt obligations issued, assumed, or guaranteed by any solvent institution, and which are *classified as medium to lower quality obligations* ~~not rated as investment grade~~, other than obligations of subsidiaries or related corporations as that term is defined in s. 625.325, shall be limited to:

(a) No more than *13* ~~20~~ percent of an insurer's admitted assets. ~~or 200 percent of an insurer's capital and surplus, whichever is greater;~~

(b) No more than 5 percent of an insurer's admitted assets in obligations that have been given a rating of 4, 5, or 6 by the Securities Valuation Office of the National Association of Insurance Commissioners.

(c) No more than 1.5 percent of an insurer's admitted assets in obligations that have been given a rating of 5 or 6 by the Securities Valuation Office of the National Association of Insurance Commissioners.

(d) No more than .5 percent of an insurer's admitted assets in obligations that have been given a rating of 6 by the Securities Valuation Office of the National Association of Insurance Commissioners.

(e)~~(b)~~ No more than 10 percent of an insurer's admitted assets ~~or 100 percent of an insurer's capital and surplus, whichever is greater~~, if the investments are in issuers from any one industry.~~; and~~

(f)~~(c)~~ No more than 2 percent of an insurer's admitted assets ~~or 10 percent of an insurer's capital and surplus, whichever is greater,~~ if the investment is in any one issuer.

(5) For purposes of subsection (4), the following definitions shall apply:

(a) *"Medium to lower quality obligations" means obligations that have been given a rating of 3, 4, 5, or 6 by the Securities Valuation Office of the National Association of Insurance Commissioners.* ~~"Investment grade" means that the obligation has been determined to be in one of the top four generic lettered rating classifications by a securities rating agency or that the obligation has been determined to be investment grade (as indicated by a "yes" rating) by the Securities Valuation Office of the National Association of Insurance Commissioners. If the obligation is commercial paper then the rating shall be in one of the top three rating classifications to be considered investment grade.~~

(b) "Industry" means a distinct and recognized area of economic activity that consists of the production, manufacture, or distribution of common goods, products, commodities, or services.

~~(c) "Securities rating agency" means Moody's Investors Service, Standard & Poor's Corporation, Duff and Phelps, Inc., or any successor organization of the aforementioned companies.~~

(6) Each insurer shall possess and maintain adequate documentation to establish that its investments in *medium to lower quality* ~~other than investment grade~~ obligations do not exceed the limitations under subsection (4).

(7)~~(a) For purposes of this subsection, the term:~~

~~1. "Maximum grandfathered, lower grade, or unrated obligation" means the amount derived by multiplying the insurer's January 1, 1988, policyholders' liabilities outstanding at the end of each calendar year by the insurer's lower grade or unrated obligations' base percentage.~~

~~2. "Lower grade or unrated obligations' base percentage" means the percentage derived by dividing the amount of an insurer's policyholders' liabilities as of January 1, 1988, into the amount the insurer had invested in lower grade or unrated obligations on January 1, 1988.~~

~~3. "Obligation" means a bond, debenture, note, commercial paper, or other debt obligation which is issued, assumed, or guaranteed by any solvent institution and which is not rated as investment grade, other than an obligation of subsidiaries or related corporations, as defined in s. 625.325.~~

~~(b)~~ The provisions of subsections (4), (5), and (6) ~~shall~~ apply to any investment made after *September 30, 1991* ~~December 31, 1987~~. If an insurer's investments in *medium to lower quality* ~~lower grade or unrated~~ obligations equal or exceed the maximum amounts permitted by subsection (4) as of *October 1, 1991* ~~January 1, 1988~~, the insurer shall not acquire any additional *medium to lower quality* ~~low grade or unrated~~ obligations without the prior written approval of the department. An insurer that is not in compliance with subsection (4) as of *October 1, 1991* ~~January 1, 1988~~, may hold until maturity *or until January 1, 1996, whichever is sooner,* only those *medium to lower quality* ~~lower grade or unrated~~ obligations it owns on that date *if such obligations were obtained in compliance with the law in effect at the time the investments were made.* If the insurer sells, transfers, or otherwise disposes of such securities prior to maturity, the insurer may not acquire any *medium to lower quality* ~~lower grade or unrated~~ obligations as substitutions or replacements without the prior approval of the department. *However, the consent of the department shall not be required if such replacement investment is acquired for the purpose of supporting an unexpired life insurance or annuity product liability and the insurer has filed with the department a schedule of such liabilities supported by the medium to lower quality investments.* ~~However, the consent of the department shall not be required if:~~

~~1. The investment in any lower grade or unrated obligation will not result in the insurer's total investment in lower grade or unrated obligation exceeding the greater of:~~

~~a. Twenty percent of the insurer's admitted assets associated with policies issued or assumed by the issuer after January 1, 1988, plus the insurer's maximum grandfathered lower grade or unrated obligations amount; or~~

~~b. Forty percent of the insurer's total admitted assets; and~~

~~2. The investment in any lower grade or unrated obligation will not result in the maximum limits of paragraphs (4)(b) and (c) being exceeded;~~

~~3. The investment in any lower grade or unrated obligation will not result in the insurer's total investment in lower grade or unrated obligations exceeding 70 percent of the insurer's total admitted assets;~~

~~4. When the lower grade or unrated obligation is acquired by the insurer, the company issuing the replacement lower grade or unrated obligation is current on all payments, has assets of at least $100 million, and has a due diligence report which was performed by the investment banker or other professional as to the company's ability to meet its obligations; and~~

~~5. The insurer exceeds otherwise applicable capital and surplus requirements by not less than an amount equal to 2 percent of the amount in which its investments in lower grade or unrated obligations exceeds 20 percent of its total admitted assets.~~

An insurer that is not in compliance with subsection (4) on December 31, *1991* ~~1987~~, shall file with its annual statement a separate schedule of the *medium to lower quality* ~~lower grade or unrated~~ obligations it owns on December 31, *1991* ~~1987~~. Until it is in compliance with subsection (4), the insurer shall file with each succeeding annual and quarterly statement a separate schedule of the *medium to lower quality* ~~lower grade or unrated~~ obligations it owns as of the reporting date of the filed statement.

(8) Failure to obtain the prior written approval of the department shall result in any investments in excess of those permitted by subsection (4) not being allowed as an asset of the insurer.

(9) The department may limit the extent of an insurer's deposits with any financial institution which does not meet its regulatory capital requirement if the department determines that the financial solvency of the insurer is threatened by a deposit in excess of such limit.

(10) The provisions of this section supersede any inconsistent provision of section 106 of the Secondary Mortgage Market Enhancement Act of 1984 (Title 15, U.S.C., s. 77r).

Section 51. Section 625.316, Florida Statutes, is amended to read:

625.316 International development banks.—An insurer may invest in obligations issued, assumed, or guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, or the African Development Bank, *or the International Finance Corporation.*

Section 52. Subsection (6) is added to section 625.327, Florida Statutes, to read:

625.327 Mortgage loans.—

(6) The provisions of this section supersede any inconsistent provision of section 106 of the Secondary Mortgage Market Enhancement Act of 1984 (Title 15 U.S.C., s. 77r).

Section 53. Subsection (2) of section 625.51, Florida Statutes, 1990 Supplement, is amended to read:

625.51 Purpose of deposit.—Such deposits shall be held for the following purposes:

(2)*(a)* A deposit made in this state by a domestic insurer transacting insurance in another state, province, or country, and as required by the laws of such state, province, or country, shall be held for the protection of the insurer's policyholders or policyholders and creditors.

(b) The deposit shall be certified to another state, province, or country upon request of the insurer.

(c) The deposit shall be maintained at the certified par value for any state, province, or country furnishing notification of reliance to the department.

Section 54. Section 625.52, Florida Statutes, 1990 Supplement, is amended to read:

(Substantial rewording of section. See s. 625.52, F.S., 1990 Supp., for present text.)

625.52 Securities eligible for deposit.—

(1) All deposits by insurers and agents required for authority to transact insurance in this state must be limited to the following types:

(a) Cash delivered to the department for the Treasury Cash Deposit Trust Fund.

(b) United States Government bonds, notes, and bills for which the full faith and credit of the Government of the United States is pledged for the payment of principal and interest.

(c) United States and Canadian public bonds and notes of any state or of the District of Columbia, or the Government of Canada or any province thereof, for which the full faith and credit of the issuer has been pledged for the payment of principal and interest.

(d) United States and Canadian county, provincial, municipal, and district bonds and notes for which the issuer has lawful authority to levy taxes or make assessments for the payment of principal and interest.

(e) Bonds and notes of any federal agency which are guaranteed as to payment of principal and interest by the United States.

(f) International development bank bonds and notes issued, assumed, and guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank or the International Finance Corporation.

(g) Corporate bonds and notes of any private corporations that are not affiliates or subsidiaries of the insurer, which corporations are organized under the laws of the United States, Canada, any state, the District of Columbia, any territory or possession of the United States, or any province of Canada.

(h) Certificates of deposit.

(2) To be eligible for deposit under subsection (1), any bond or note must have the following characteristics:

(a) The bond or note must be interest-bearing or interest-accruing, and the insurer must be the exclusive owner of the interest accruing thereon and entitled to receive the interest for its account.

(b) The issuer must be in a solvent financial condition and the bond or note must not be in default.

(c) The bond or note must be rated in one of the four highest classifications by an established, nationally recognized investment rating service or must have been given a rating of 1 by the Securities Valuation Office of the National Association of Insurance Commissioners.

(d) The market value of the bond or note must be readily ascertainable.

(e) The bond or note must be the direct obligation of the issuer.

(f) The bond or note must be stated in United States dollar denominations.

(g) After October 1, 1992, the bond or note must be eligible for book-entry form on the books of the Federal Reserve Book-Entry System or in a depository trust clearing system.

(3) To be eligible for deposit under subsection (1), any certificate of deposit must have the following characteristics:

(a) The certificate of deposit must be issued by a qualified public depository as defined in s. 280.02(11), and the depository must conform to and be bound by all provisions of chapter 280 with regard to such funds.

(b) The certificate of deposit must be interest-bearing and may not be issued in discounted form.

(c) The certificate of deposit must be issued for a period of not less than 1 year.

(d) The issuing qualified public depository must agree to the terms and conditions of the State Treasurer regarding the rights to the certificate of deposit and must provide written confirmation of such agreement to the State Treasurer. The terms and conditions must include, but need not be limited to:

1. Exclusive authorized signature authority for the State Treasurer.

2. Agreement to pay, without protest, the proceeds of its certificate of deposit to the department within thirty business days after presentation. If the depository fails to pay the proceeds, the State Treasurer may take legal title to, and sell, sufficient securities of the depository held pursuant to chapter 280 to pay to the department the face value of the certificate of deposit.

3. Prohibition against levies, setoffs, survivorship, or other conditions that might hinder the department's ability to recover the full face value of a certificate of deposit.

4. Instructions regarding interest payments, renewals, taxpayer identification, and early withdrawal penalties.

5. Such other conditions as the department may require.

(4) The department may refuse to accept certain securities or refuse to accept the reported market value of certain securities offered pursuant to this section in order to ensure that sufficient cash and securities are on hand to meet the purposes of the deposit. In making a refusal under this subsection, the guidelines for use of the department may include, but need not be limited to, whether the market value of the securities cannot be readily ascertained and the lack of liquidity of the securities. Securities refused under this subsection are not acceptable as deposits.

(5) All deposits required of a domestic insurer pursuant to the laws of another state, province, or country must be comprised of securities of the kinds required under subsection (1), having the characteristics required under subsections (2) and (3), and permitted by the laws of the other state, province, or country, except common stocks, mortgages or loans of any kind, real estate investment trust funds or programs, commercial paper, and letters of credit.

(6) Deposits of foreign insurers made in this state under the retaliatory provision, s. 624.5091, must consist of such securities or assets as are required by the department pursuant to the retaliatory provision.

Section 55. Subsection (2) of section 625.58, Florida Statutes, is amended to read:

625.58 Excess and deficit deposits.—

(2) The insurer is responsible at all times for having deposited with, or pledged to, if custodial arrangements are used, the department eligible securities which have a market value of not less than the amount specified pursuant to the law by which the deposit is required. If for any reason the market value of assets and securities of an insurer held on deposit in this state under this code falls below the amount required, the insurer shall promptly deposit other or additional assets or securities eligible for deposit sufficient to cure such deficiency. If the insurer has failed to cure the deficiency within 30 days after receipt of notice thereof by registered or certified mail from the department, the department shall revoke the insurer's certificate of authority *or may take such other administrative action as provided by law.*

Section 56. Subsection (1) of section 625.62, Florida Statutes, 1990 Supplement, is amended to read:

625.62 Duration and release of deposit.—

(1)*(a)* Every certificate of deposit filed and every deposit made in this state by an insurer, prior to or pursuant to this code, made voluntarily or pursuant to specific requirements shall be subject to the applicable provisions of this code as amended from time to time.

(b) If the deposit is required under the retaliatory provision, s. 624.5091, the deposit shall be held for so long as the basis for such retaliation exists.

(c) If the deposit is required under the requirements of another state, province, or country and is held pursuant to s. 625.51(2), the deposit shall be held for so long as another state, province, or country has filed notification of reliance on the deposit and has denied release authorization.

Section 57. Existing subsection (4) of section 625.63, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to said section to read:

625.63 Proofs for release of deposit.—

(4) The department may release a deposit upon sending notification by certified mail to the public official having supervision over insurers in another state, province, or country that has filed a notification of reliance on a deposit made pursuant to s 625 51(2) unless the release is denied in writing to the department by another state, province, or country within 90 days. The department has no liability as to any such release so made or authorized by it in good faith.

Section 58. Section 626.2815, Florida Statutes, 1990 Supplement, is amended to read:

626.2815 Continuing education required; application; exceptions; requirements; penalties.—

(1) The purpose of this section is to establish requirements and standards for continuing education courses for persons licensed to solicit or sell insurance in the state.

(2) The provisions of this section apply to persons licensed to engage in the sale of insurance in this state for all lines of insurance for which an examination is required for licensing. The provisions of this section shall not apply to any person holding a license for the sale of any line of insurance for which an examination is not required by the laws of this state, nor shall the provisions of this section apply to any limited license as the department may exempt by rule.

(3)(a) Beginning with the renewal of appointments in *1993* ~~1992~~ and thereafter, each person subject to the provisions of this section must have completed a minimum of *14* ~~16~~ hours of continuing education courses every year or *28* ~~32~~ hours of continuing education courses every 2 years in courses prescribed by this section or in other courses

approved by the department. Compliance with continuing education requirements is a condition precedent to the renewal of any appointment subject to the provisions of this section. *A licensee who has been licensed for 25 years or more and is a CLU or a CPCU, any person who holds a license as a customer representative, solicitor, or motor vehicle physical damage and mechanical breakdown insurance agent, as a crop, hail, and multiple-peril crop insurance agent, or as an industrial fire insurance or burglary insurance agent and who is not a licensed life or health agent, shall be required to complete 7 hours of continuing education courses every year or 14 hours of continuing education courses every two years.*

(b) Any person who holds a license to solicit or sell life or health insurance and a license to solicit or sell property, casualty, surety, or surplus lines insurance must complete the continuing education requirements by completing courses in life or health insurance for one-half of the total hours required and courses in property, casualty, surety, or surplus lines insurance for one-half of the total hours required. *However, a licensee who holds an industrial fire or burglary insurance license and who is a licensed life or health agent shall be required to complete every two years 4 hours of continuing education courses related to industrial fire or burglary insurance and 24 hours of continuing education courses related to life or health insurance.*

(c) A person teaching any approved course of instruction or lecturing at any approved seminar and attending the entire course or seminar shall qualify for the same number of classroom hours as would be granted to a person taking and successfully completing such course, seminar, or program. Credit shall be limited to the number of hours actually taught unless a person attends the entire course or seminar.

(d) Excess classroom hours accumulated during any 1-year period may be carried forward to the next year.

(e) For good cause shown, the department may grant an extension of time during which the requirements imposed by this section may be completed, but such extension of time may not exceed 1 year.

(f) A nonresident who must complete continuing education requirements in his home state may use his home state requirements to meet this state's continuing education requirements as well, if the resident's state recognizes reciprocity with this state's continuing education requirements. A nonresident whose home state does not have such continuing education requirements must meet the continuing education requirements of this state.

(4) The following courses may be completed in order to meet the continuing education course requirements:

(a) Any part of the Life Underwriter Training Council Life Course Curriculum: *28* ~~32~~ hours; Health Course: *14* ~~16~~ hours.

(b) Any part of the American College "CLU" diploma curriculum: *28* ~~32~~ hours.

(c) Any part of the Insurance Institute of America's program in general insurance: *14* ~~16~~ hours.

(d) Any part of the American Institute for Property and Liability Underwriters' Chartered Property Casualty Underwriter (CPCU) professional designation program: *28* ~~32~~ hours.

(e) Any part of the Certified Insurance Counselor program: *21* ~~24~~ hours.

(f) Any part of the Accredited Advisor in Insurance: *21* ~~24~~ hours.

(g) Any insurance-related course which is approved by the department and taught by an accredited college or university per credit hour granted: *14* ~~16~~ hours.

(h) Any course developed or sponsored by any authorized insurer or recognized agents' association or insurance trade association or any independent study program of instruction, subject to approval by the department, qualifies for the equivalency of the number of classroom hours assigned thereto by the department. However, unless otherwise provided in this section, continuing education credit may not be given unless the course is provided by classroom instruction or results in a monitored examination.

(i) Each person subject to this section must furnish, in a form satisfactory to the department or its designee, written certification as to the courses, programs, or seminars of instruction taken and successfully completed by such person. Such certification must be executed by or on behalf of the organization sponsoring the course, program, or seminar of instruction.

(5) The Department of Insurance shall refuse to renew the appointment of any agent who has not had his continuing education requirements certified unless the agent has been granted an extension by the department. The department may not issue a new appointment of the same or similar type, with any insurer, to an agent who was denied a renewal appointment for failure to complete continuing education as required until the agent completes his continuing education requirement.

(6)(a) There is created a nine-member continuing education advisory board to be appointed by the Insurance Commissioner and Treasurer. The purpose of the board is to advise the Department of Insurance in developing necessary rules to carry out this section.

(b) The board members shall be appointed as follows:

1. Five members representing agents of which at least one must be from the Florida Association of Insurance Agents; one must be from the Florida Association of Life Underwriters; and one must be from the Professional Insurance Agents of Florida, Inc.

2. Three members representing insurance companies at least one of whom must represent a Florida Domestic Company.

3. One member representing the general public who is not directly employed in the insurance industry.

(c) The board is abolished June 30, 1992.

(d) The members of the board shall serve at the pleasure of the Insurance Commissioner and Treasurer. Each board member shall be entitled to reimbursement for expenses pursuant to s. 112.061. The board shall designate one member as chairman. The board shall meet at the call of the Insurance Commissioner and Treasurer.

Section 59. Present subsection (2) of section 626.431, Florida Statutes, 1990 Supplement, is redesignated as subsection (3), and a new subsection (2) is added to that section, to read:

626.431 Effect of expiration of license and appointment.—

(2) When a licensee's last appointment for a particular class of insurance has been terminated or not renewed, the department must notify the licensee that his eligibility for appointment as such an appointee will expire unless he is appointed prior to expiration of the 24-month period referred to in subsection (3).

Section 60. Subsection (4) is added to section 626.852, Florida Statutes, 1990 Supplement, to read:

626.852 Scope of this part.—

(4) This part does not apply to third-party administrators or a person employed by a third-party administrator holding a certificate of authority pursuant to ss. 626.88-626.894.

Section 61. Section 626.858, Florida Statutes, 1990 Supplement, is amended to read:

626.858 "Nonresident adjuster" defined.—A "nonresident adjuster" is a person who:

(1) Is not a resident of this state;

(2) Is a currently licensed or authorized adjuster in his home state for the type or kinds of insurance he intends to adjust claims for in this state;

(3)~~(a)~~ Is an employee of an insurer, or other insurers under the common control or ownership of such insurer, admitted to do business in this state; *and* ~~or~~

~~(b) Adjusts or settles claims on residents of this state while acting as, or employed by, a third-party administrator certificated by this state pursuant to ss. 626.88-626.894; and~~

(4) Does not maintain an office in this state for the purpose of adjusting losses in this state.

Section 62. Subsection (2) of section 626.873, Florida Statutes, 1990 Supplement, is amended to read:

626.873 Nonresident adjusters.—The department shall, upon application therefor, issue a license to an applicant for a nonresident adjuster's license upon determining that the applicant has paid the applicable license fees required under s. 624.501 and:

(2)~~(a)~~ Is an employee of an insurer admitted to do business in this state.~~; or~~

~~(b) Adjusts or settles claims on residents of this state while acting as, or employed by, a third-party administrator certificated by this state pursuant to ss. 626.88-626.894.~~

Section 63. Subsection (5) of section 627.091, Florida Statutes, is amended to read:

627.091 Rate filings; workers' compensation and employer's liability insurances.—

(5) Pursuant to the provisions of s. *624.3161* ~~627.321~~, the department may examine the underlying statistical data used in such filings.

Section 64. Subsection (1) of section 627.311, Florida Statutes, is amended to read:

627.311 Joint underwriters and joint reinsurers.—

(1) Every group, association, or other organization of insurers which engages in joint underwritings or joint reinsurance shall be subject to regulation with respect thereto as herein provided, subject, however, with respect to joint underwriting, to all other provisions of this chapter and, with respect to joint reinsurance, to ss. 624.15 and *624.3161* ~~627.321~~.

Section 65. Subsection (1) of section 627.4585, Florida Statutes, is amended to read:

627.4585 Maximum rate of interest on policy loans.—

(1) For the purposes of this section, the "published monthly average" means the value of the interest rate index, as defined in s. 625.121*(6)*~~(5)~~(e).

Section 66. Subsection (1) of section 627.482, Florida Statutes, 1990 Supplement, is amended to read:

627.482 Interest payable on cash surrender of policy.—

(1) If an insured requests payment of the cash surrender value of a policy from its insurer, such payment shall include interest at the rate of interest specified in s. 625.121*(6)*~~(5)~~(e), unless such payment is made by the insurer within 30 days of receipt of the insurance policy and request for cash surrender.

Section 67. Paragraph (b) of subsection (2) of section 628.051, Florida Statutes, is amended to read:

628.051 Application for permit to form insurer; contents; fee.—

(2) Written application for such permit shall be filed with the department. Such application and filing shall include:

(b) The name, residence address, business background, and qualifications of each person associated or to be associated in the formation or financing of the insurer. *Each such person with an ownership interest of 10 percent or more, or who will hold a position as an officer or director, must furnish on forms supplied by the department a sworn biographical statement, legible copies of fingerprints, and authority for release of information in regard to the investigation of such person's background.*

Section 68. Paragraphs (e) and (f) of subsection (3) of section 628.081, Florida Statutes, are amended to read:

628.081 Incorporation of domestic insurer.—

(3) The articles of incorporation shall state the purpose for which the corporation is formed and shall state and show:

(e) If a mutual corporation, the maximum contingent liability of its members, other than as to nonassessable policies, for payment of losses and expenses incurred; such liability shall be as stated in the articles of incorporation but shall not be less than *3* ~~1~~ nor more than 10 times the premium for the member's policy at the annual premium rate for a term of 1 year.

(f) The number of directors, not less than five, who shall constitute the board of directors and conduct the affairs of the corporation~~; also, the names, addresses, and terms of the members of the initial board of directors~~. The term of office of initial directors shall not be for more than 1 year after the date of incorporation.

Section 69. Section 628.161, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 628.161, F.S., for present text.)

628.161 Initial qualifications; mutuals.—

(1) When newly organized, a mutual insurer may be authorized to transact any of the kinds of insurance listed in the schedule contained in subsection (2).

(2)(a) When applying for an initial certificate of authority, the mutual insurer must have unencumbered surplus as to policyholders funds in the amount set out below as minimum initial surplus as to policyholders:

1. With respect to health insurance, $300,000.

2. With respect to property insurance, $200,000.

3. With respect to casualty insurance, $300,000.

4. With respect to any combination of health, property, or casualty insurance, $400,000.

5. With respect to life insurance, $2,500,000.

(b) Thereafter, the mutual insurer must maintain the maintenance level surplus as to policyholders set out below:

1. With respect to health insurance, $200,000.

2. With respect to property insurance, $150,000.

3. With respect to casualty insurance, $200,000.

4. With respect to any combination of health, property, or casualty insurance, $250,000.

5. With respect to life insurance, $1,500,000.

(3) The mutual insurer shall make an initial deposit with the department and thereafter maintain such deposit in an amount equal to one-half the minimum initial surplus as required in paragraph (2)(a), except that with respect to life insurance, the deposit shall be in the amount of $200,000.

(4) Unless a mutual insurer maintains the minimum surplus as to policyholders required by s. 624.408, the mutual insurer must be organized as an assessable mutual insurer subject to the requirements of Part II of this chapter.

(5) Deposits required by this section shall be made in compliance with part III of chapter 625. This deposit requirement is in lieu of the requirements of s. 624.411.

Section 70. Section 628.171, Florida Statutes, is amended to read:

628.171 Formation of mutual insurer; bond.—

(1) ~~Before soliciting any applications for insurance required under s. 628.161,~~ The incorporators of the proposed insurer shall file with the department a *copy of a fidelity bond or insurance policy providing coverage in an amount equal to not less than 10 percent of the funds handled annually and issued in the name of the insurer covering its directors, employees, administrator, or other individuals managing or handling the funds or assets of the insurer. In no case may such bond or policy be less than $1,000 or more than $500,000.* ~~corporate surety bond in the amount of $20,000 in favor of the State of Florida and for the use and benefit of the state and of applicant members and creditors of the corporation. The bond shall be conditioned as follows:~~

~~(a) Upon due accounting for and deposit, as required under s. 628.191, of funds received as premium upon preliminary applications for insurance;~~

~~(b) If the corporation fails to complete its organization and secure a certificate of authority issued by the department within 1 year after the date of its certificate of incorporation, all premiums collected in advance from applicant members shall be promptly returned to them; all other indebtedness of the corporation except compensation to directors, officers, or solicitors of insurance applications shall be paid; and costs incurred by the state in event of any legal proceedings for liquidation or dissolution of the corporation shall be paid.~~

~~(2) In lieu of such a bond, the incorporators may deposit with the department $20,000 in cash, or in United States Government bonds at par value, to be held in trust upon the same conditions as required for the bond.~~

~~(3) Any bond filed or such deposit or remaining portion thereof held under this section shall be released and discharged upon settlement and termination of all liabilities against it.~~

Section 71. Section 628.331, Florida Statutes, is transferred and renumbered as section 628.6018, Florida Statutes, and subsection (1) of said section is amended to read:

628.6018 ~~628.331~~ Enforcement of contingent liability.—

(1) Any assessment made by an insurer under *this part* ~~s. 628.321~~ is prima facie correct. The amount of such assessment to be paid by each member as determined by the insurer is likewise prima facie correct.

Section 72. Section 628.451, Florida Statutes, is amended to read:

628.451 Merger or *share exchange* ~~consolidation~~ of stock insurers.—

(1) A domestic stock insurer may merge ~~or consolidate~~ with one or more domestic or foreign stock insurers authorized to transact insurance in this state, by complying with the applicable provisions of the statutes of this state governing the merger or *share exchange* ~~consolidation~~ of stock corporations formed for profit, but subject to the special provisions of this section:

(a) A merger or *share exchange* ~~consolidation~~ may be initially proposed at any meeting of the board of directors of a domestic stock insurer by the affirmative vote of two-thirds of the total number of directors of the corporation, or at any meeting of the stockholders of the corporation by the affirmative vote of a majority of the total number of shares of stock outstanding and entitled to vote, provided the notice of such meeting sets forth such proposal.

(b) The plan of merger or *share exchange* ~~consolidation~~, proposed as required by paragraph (a), shall be submitted to a duly called meeting of the stockholders of record of each domestic stock insurer and may become effective only if adopted at such meeting by the affirmative vote of 75 percent of the total number of shares of stock outstanding and entitled to vote. The notice of such meeting shall set forth in full the proposed plan of merger or *share exchange* ~~consolidation~~.

(2) No such merger or *share exchange* ~~consolidation~~ shall be effectuated unless in advance thereof the plan and agreement therefor have been filed with the department and approved by it. The department shall give such approval unless it finds such plan or agreement:

(a) Is contrary to law;

(b) Is inequitable to the stockholders of any insurer involved; or

(c) Would substantially reduce the security of and service to be rendered to policyholders of the domestic insurer in this state or elsewhere.

(3) No director, officer, agent, or employee of any insurer party to such merger or *share exchange* ~~consolidation~~ shall receive any fee, commission, compensation, or other valuable consideration whatsoever for in any manner aiding, promoting, or assisting therein except as set forth in such plan or agreement.

(4) Any plan or proposal through which a stock insurer proposes to acquire a controlling stock interest in another stock insurer through an exchange of stock of the first insurer, issued by the insurer for the purpose, for such controlling stock of the second insurer is deemed to be a plan or proposal of merger of the second insurer into the first insurer for the purposes of this section and is subject to the applicable provisions hereof.

Section 73. Section 628.4615, Florida Statutes, 1990 Supplement, is amended to read:

628.4615 *Specialty* ~~Allied lines~~ insurers; acquisition of controlling stock, ownership interest, assets, or control; merger or consolidation.—

(1) For the purposes of this section, the term "*specialty* ~~allied lines~~ insurer" means any person holding a license or certificate of authority as:

(a) A motor vehicle service agreement company authorized to issue motor vehicle service agreements as those terms are defined in s. 634.011(8) and (9);

(b) A home warranty association authorized to issue "home warranties" as those terms are defined in s. 634.301(4) and (5);

(c) A service warranty association authorized to issue "service warranties" as those terms are defined in s. 634.401(14) and (15);

(d) An optometric service plan corporation authorized to issue optometric service plan contracts as those terms are defined in s. 637.001(2) and (3);

(e) A pharmaceutical service plan corporation authorized to issue pharmaceutical service plan contracts as those terms are defined in s. 637.1701(2) and (3);

(f) A dental service plan corporation licensed to issue contracts for dental services pursuant to a dental service plan as that term is defined in s. 637.401(1);

(g) An ambulance service association authorized to issue ambulance service contracts as those terms are defined in s. 638.021(1) and (2);

(h) A licensed direct disposer or a licensed funeral director authorized to issue preneed contracts as those terms are defined in s. 639.07(2), (4), and (6);

~~(i) A health care services plan authorized to issue health care services plan contracts to subscribers pursuant to s. 641.04;~~

(i)~~(j)~~ An authorized health maintenance organization operating pursuant to s. 641.21;

(j)~~(k)~~ An authorized prepaid health clinic operating pursuant to s. 641.405;

(k)~~(l)~~ A legal expense insurance corporation authorized to engage in a legal expense insurance business pursuant to s. 642.021; ~~or~~

(l)~~(m)~~ A provider which is licensed to operate a facility which undertakes to provide continuing care as those terms are defined in s. 651.011(2), (5), (6), and (7)*;*

(m) A multiple-employer welfare arrangement operating pursuant to ss. 624.436-624.446;

(n) A premium finance company authorized to finance insurance premiums pursuant to s. 627.828; or

(o) A corporation authorized to accept donor annuity agreements pursuant to s. 627.481.

(2) No person shall, individually or in conjunction with any affiliated person of such person, directly or indirectly, conclude a tender offer or exchange offer for, enter into any agreement to exchange securities for, or otherwise finally acquire, 10 percent or more of the outstanding voting securities of *a specialty* ~~an allied lines~~ insurer which is a stock corporation or of a controlling company of *a specialty* ~~an allied lines~~ insurer which is a stock corporation; or conclude an acquisition of, or otherwise finally acquire, 10 percent or more of the ownership interest of *a specialty* ~~an allied lines~~ insurer which is not a stock corporation or of a controlling company of *a specialty* ~~an allied lines~~ insurer which is not a stock corporation, unless:

(a) The person or affiliated person has filed with the department and sent by registered mail to the principal office of the *specialty* ~~allied lines~~ insurer and controlling company *an application, signed under oath and prepared on forms prescribed by the department, that contains the information* ~~a statement as~~ specified in subsection (4) no later than 5 days after any form of tender offer or exchange offer is proposed, or no later than 5 days after the acquisition of the securities or ownership interest if no tender offer or exchange offer is involved.

(b) The department has approved the tender offer or exchange offer, or acquisition if no tender offer or exchange offer is involved.

(3) This section does not apply to any acquisition of voting securities or ownership interest of *a specialty* ~~an allied lines~~ insurer or of a controlling company by any person who, on July 9, 1986, is the owner of a majority of such voting securities or ownership interest or who, on or after July 9, 1986, becomes the owner of a majority of such voting securities or ownership interest with the approval of the department pursuant to this section.

(4) The *application* ~~statement~~ to be filed with the department and furnished to the *specialty* ~~allied lines~~ insurer and controlling company shall contain the following information and any additional information as the department may deem necessary to determine the character, experience, ability, and other qualifications of the person or affiliated person of such person for the protection of the insureds of the insurer and of the public:

(a)1. The identity of, and the background information specified in subsection (5) on, each natural person by whom, or on whose behalf, the acquisition is to be made; and,

2. If the acquisition is to be made by, or on behalf of, a person other than a natural person and as to any person who controls, either directly or indirectly, such other person, the identity of, and the background information specified in subsection (5) on:

a. Each director, officer, or trustee, if a corporation, or

b. Each partner, owner, manager, or joint venturer, or other person performing duties similar to those of persons in the aforementioned positions, if not a corporation,

for the person.

(b) The source and amount of the funds or other consideration used, or to be used, in making the acquisition.

(c) Any plans or proposals which such persons may have made to liquidate the *specialty* ~~allied lines~~ insurer, to sell any of its assets or merge or consolidate it with any person, or to make any other major change in its business or corporate structure or management; and any plans or proposals which such persons may have made to liquidate any controlling company of the *specialty* ~~allied lines~~ insurer, to sell any of its assets or merge or consolidate it with any person, or to make any other major change in its business or corporate structure or management.

(d) The nature and the extent of the controlling interest which the person or affiliated person of such person proposes to acquire, the terms of the proposed acquisition, and the manner in which the controlling interest is to be acquired of *a specialty* ~~an allied lines~~ insurer or controlling company which is not a stock corporation.

(e) The number of shares or other securities which the person or affiliated person of such person proposes to acquire, the terms of the proposed acquisition, and the manner in which the securities are to be acquired.

(f) Information as to any contract, arrangement, or understanding with any party with respect to any of the securities of the *specialty* ~~allied lines~~ insurer or controlling company, including, but not limited to, information relating to the transfer of any of the securities, option arrangements, puts or calls, or the giving or withholding of proxies, which information names the party with whom the contract, arrangement, or understanding has been entered into and gives the details thereof.

(5)(a) The information as to the background and identity of each natural person, which information is required to be furnished pursuant to paragraph (4)(a), shall include:

1. The natural person's occupations, positions of employment, and offices held during the past 10 years.

2. The principal business and address of any business, corporation, or organization in which each such office of the natural person was held, or in which each such occupation or position of employment was carried on.

3. Whether the natural person was, at any time during such 10-year period, convicted of any crime other than a traffic violation.

4. Whether the natural person has been, during such 10-year period, the subject of any proceeding for the revocation of any license and, if so, the nature of the proceeding and the disposition of the proceeding.

5. Whether, during the 10-year period, the natural person has been the subject of any proceeding under the Federal Bankruptcy Act; or whether, during the 10-year period, any person or other business or organization in which the natural person was a director, officer, trustee, partner, owner, manager, or other official has been subject to any such proceeding, either during the time in which the natural person was a director, officer, or trustee, if a corporation, or a partner, owner, manager, joint venturer, or other official, if not a corporation, or within 12 months thereafter.

6. Whether, during the 10-year period, the natural person has been enjoined, either temporarily or permanently, by a court of competent jurisdiction from violating any federal or state law regulating the business of insurance, securities, or banking, or from carrying out any particular practice or practices in the course of the business of insurance, securities, or banking, together with details as to any such event.

7. *Fingerprints of each person referred to in subsection (4).*

(b) Any person filing the statement required by this section shall give all required information that is within the knowledge of:

1. The directors, officers, or trustees, if a corporation, or

2. The partners, owners, managers, or joint venturers, or others performing functions similar to those of a director, officer, or trustee, if not a corporation,

of the person making the filing and of any person controlling either directly or indirectly such person. If any material change occurs in the facts set forth in the *application* ~~statement~~ filed with the department pursuant to this section, an amendment setting forth such changes shall be filed immediately with the department, and a copy of the amendment shall be sent by registered mail to the principal office of the *specialty* ~~allied lines~~ insurer and to the principal office of the controlling company.

(6)(a) The acquisition *application shall be reviewed in accordance with chapter 120* ~~shall be deemed approved unless the department disapproves the proposed acquisition within 90 days after the statement required by subsection (2) has been filed~~. The department may on its own initiate, or, if requested to do so in writing by a substantially affected person, shall conduct, a proceeding to consider the appropriateness of the proposed filing. *Time periods for purposes of chapter 120* ~~The 90-day time period~~ shall be tolled during the pendency of the proceeding. Any written request for a proceeding must be filed with the department within 10 days of the date notice of the filing is given. During the pendency of the proceeding or review period by the department, any person or affiliated person complying with the filing requirements of this section may proceed and take all steps necessary to conclude the acquisition so long as the acquisition becoming final is conditioned upon obtaining departmental approval. The department shall, however, at any time it finds an immediate danger to the public health, safety, and welfare of the insureds exists, immediately order, pursuant to s. 120.59(3), the proposed acquisition ~~temporarily~~ disapproved and any further steps to conclude the acquisition ceased.

(b) During the pendency of the department's review of any acquisition subject to the provisions of this section, the acquiring person shall not make any material change in the operation of the *specialty* ~~allied lines~~ insurer or controlling company unless the department has specifically approved the change nor shall the acquiring person make any material change in the management of the *specialty* ~~allied lines~~

insurer unless advance written notice of the change in management is furnished to the department. A material change in the operation of the *specialty* ~~allied lines~~ insurer is a transaction which disposes of or obligates 5 percent or more of the capital and surplus of the *specialty* ~~allied lines~~ insurer. A material change in the management of the *specialty* ~~allied lines~~ insurer is any change in management involving officers or directors of the *specialty* ~~allied lines~~ insurer or any person of the *specialty* ~~allied lines~~ insurer or controlling company having authority to dispose of or obligate 5 percent or more of the *specialty* ~~allied lines~~ insurer's capital or surplus. The department shall approve a material change in operations if it finds the applicable provisions of subsection (8) have been met. The department may disapprove a material change in management if it finds that the applicable provisions of subsection (8) have not been met and in such case the *specialty* ~~allied lines~~ insurer shall promptly change management as acceptable to the department.

(c) If a request for a proceeding is filed, the proceeding shall be conducted within 60 days after the date the written request for a proceeding is received by the department. A recommended order shall be issued within 20 days of the date of the close of the proceedings. A final order shall be issued within 20 days of the date of the recommended order or, if exceptions to the recommended order are filed, within 20 days of the date the exceptions are filed.

(7) The department may disapprove any acquisition subject to the provisions of this section by any person or any affiliated person of such person who:

(a) Willfully violates this section;

(b) In violation of an order of the department issued pursuant to subsection (11), fails to divest himself of any stock or ownership interest obtained in violation of this section or fails to divest himself of any direct or indirect control of such stock or ownership interest, within 25 days after such order; or

(c) In violation of an order issued by the department pursuant to subsection (11), acquires an additional stock or ownership interest in *a specialty* ~~an allied lines~~ insurer or controlling company or direct or indirect control of such stock or ownership interest, without complying with this section.

(8) The person or persons filing the *application* ~~statement~~ required by subsection (2) shall have the burden of proof. The department shall approve any such acquisition if it finds, on the basis of the record made during any proceeding or on the basis of the filed *application* ~~statement~~ if no proceeding is conducted, that:

(a) Upon completion of the acquisition, the *specialty* ~~allied lines~~ insurer will be able to satisfy the requirements for the issuance of a license or certificate to write the line of insurance for which it is presently licensed or certificated.

(b) The financial condition of the acquiring person or persons will not jeopardize the financial stability of the *specialty* ~~allied lines~~ insurer or prejudice the interests of its insureds or the public.

(c) Any plan or proposal which the acquiring person has, or acquiring persons have, made:

1. To liquidate the *specialty* ~~allied lines~~ insurer, sell its assets, or merge or consolidate it with any person, or to make any other major change in its business or corporate structure or management, or

2. To liquidate any controlling company, sell its assets, or merge or consolidate it with any person, or to make any major change in its business or corporate structure or management which would have an effect upon the *specialty* insurer,

is fair and free of prejudice to the insureds of the *specialty* ~~allied lines~~ insurer or to the public.

(d) The competence, experience, and integrity of those persons who will control directly or indirectly the operation of the *specialty* ~~allied lines~~ insurer indicate that the acquisition is in the best interest of the insureds of the insurer and in the public interest.

(e) The natural persons for whom background information is required to be furnished pursuant to this section have such backgrounds as to indicate that it is in the best interests of the insureds of the *specialty* ~~allied lines~~ insurer and in the public interest to permit such persons to exercise control over the *specialty* ~~allied lines~~ insurer.

(f) The directors and officers, if such *specialty* ~~allied lines~~ insurer or controlling company is a stock corporation, or the trustees, partners, owners, managers, or joint venturers or other persons performing duties similar to those of persons in the aforementioned positions, if such *specialty* ~~allied lines~~ insurer or controlling company is not a stock corporation, to be employed after the acquisition have sufficient insurance experience and ability to assure reasonable promise of successful operation.

(g) The management of the *specialty* ~~allied lines~~ insurer after the acquisition will be competent and trustworthy, and will possess sufficient managerial experience so as to make the proposed operation of the *specialty* ~~allied lines~~ insurer not hazardous to the insurance-buying public.

(h) The management of the *specialty* ~~allied lines~~ insurer after the acquisition shall not include any person who has directly or indirectly through ownership, control, reinsurance transactions, or other insurance or business relations unlawfully manipulated the assets, accounts, finances, or books of any insurer or otherwise acted in bad faith with respect thereto.

(i) The acquisition is not likely to be hazardous or prejudicial to the insureds of the insurer or to the public.

(j) The effect of the acquisition would not substantially lessen competition in the line of insurance for which the *specialty* ~~allied lines~~ insurer is licensed or certified in this state or would not tend to create a monopoly therein.

(9) No vote by the stockholder of record, or by any other person, of any security acquired in contravention of the provisions of this section is valid. Any acquisition contrary to the provisions of this section is void. Upon the petition of the *specialty* ~~allied lines~~ insurer or the controlling company, the circuit court for the county in which the principal office of the *specialty* ~~allied lines~~ insurer is located may, without limiting the generality of its authority, order the issuance or entry of an injunction or other order to enforce the provisions of this section. There shall be a private right of action in favor of the *speciality* ~~allied lines~~ insurer or controlling company to enforce the provisions of this section. No demand upon the department that it perform its functions shall be required as a prerequisite to any suit by the *specialty* ~~allied lines~~ insurer or controlling company against any other person, and in no case shall the department be deemed a necessary party to any action by the *speciality* ~~allied lines~~ insurer or controlling company to enforce the provisions of this section. Any person who makes or proposes an acquisition requiring the filing of *an application* ~~a statement~~ pursuant to this section, or who files such *an application* ~~a statement~~, shall be deemed to have thereby designated the Insurance Commissioner and Treasurer, or his assistant or deputy or another person in charge of his office, as such person's agent for service of process under this section and shall thereby be deemed to have submitted himself to the administrative jurisdiction of the department and to the jurisdiction of the circuit court.

(10) Any approval by the department under this section does not constitute a recommendation by the department of the tender offer or exchange offer, or acquisition, if no tender offer or exchange offer is involved. It is unlawful for a person to represent that the department's approval constitutes a recommendation. A person who violates the provisions of this subsection *commits* ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The statute-of-limitations period for the prosecution of an offense committed under this subsection is 5 years.

(11) If the department determines that any person or any affiliated person of such person has acquired 10 percent or more of the outstanding voting securities of *a specialty* ~~an allied lines~~ insurer or controlling company which is a stock corporation, or 10 percent or more of the ownership interest of *a specialty* ~~an allied lines~~ insurer or controlling company which is not a stock corporation, without complying with the provisions of this section, the department may order that the person and any affiliated person of such person cease acquisition of the *specialty* ~~allied lines~~ insurer or controlling company and, if appropriate, divest itself of any stock or ownership interest acquired in violation of this section.

(12)(a) The department shall, if necessary to protect the public interest, suspend or revoke the certificate of authority of any *specialty* ~~allied lines~~ insurer or controlling company acquired in violation of this section.

(b) If any *specialty* ~~allied lines~~ insurer is subject to suspension or revocation pursuant to paragraph (a), the *specialty* ~~allied lines~~ insurer shall be deemed to be in such condition, or to be using or to have been subject to such methods or practices in the conduct of its business, as to render its further transaction of insurance presently or prospectively hazardous to its insureds, creditors, or stockholders or to the public.

(13)(a) For the purpose of this section, the term "acquisition" includes:

1. A tender offer or exchange offer for securities, assets, or other ownership interest;

2. An agreement to exchange securities for other securities, assets, or other ownership interest;

3. A merger of a person or affiliated person into *a specialty* ~~an allied lines~~ insurer or a merger of any person with *a specialty* ~~an allied lines~~ insurer;

4. A consolidation; or

5. Any other form of change of control

whereby any person or affiliated person acquires or attempts to acquire, directly or indirectly, 10 percent or more of the ownership interest or assets of *a specialty* ~~an allied lines~~ insurer or of a controlling company. However, in the case of a health maintenance organization organized as a for-profit corporation, the provisions of s. 628.451 shall govern with respect to any merger or consolidation, and, in the case of a health maintenance organization organized as a not-for-profit corporation, the provisions of s. 628.471 shall govern with respect to any merger or consolidation.

(b) For the purpose of this section, the term "affiliated person" of another person includes:

1. The spouse of such other natural person;

2. The parents of such other natural person and their lineal descendants and the parents of such other natural person's spouse and their lineal descendants;

3. Any person who directly or indirectly owns or controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of such other person;

4. Any person who directly or indirectly owns 10 percent or more of the outstanding voting securities which are directly or indirectly owned or controlled, or held with power to vote, by such other person;

5. Any person or group of persons who directly or indirectly control, are controlled by, or are under common control with such other person;

6. Any director, officer, trustee, partner, owner, manager, joint venturer, or employee, or other person performing duties similar to those of persons in the aforementioned positions, of such other person;

7. If such other person is an investment company, any investment adviser of such company or any member of an advisory board of such company;

8. If such other person is an unincorporated investment company not having a board of directors, the depositor of such company; or

9. Any person who has entered into an agreement, written or unwritten, to act in concert with such other person in acquiring, or limiting the disposition of, securities of *a specialty* ~~an allied lines~~ insurer or controlling company which is a stock corporation or in acquiring, or limiting the disposition of, an ownership interest of *a specialty* ~~an allied lines~~ insurer or controlling company which is not a stock corporation.

(c) For the purposes of this section, the term "controlling company" means any corporation, trust, or association owning, directly or indirectly, 25 percent or more of the voting securities of one or more *specialty* ~~allied lines~~ insurance companies which are stock corporations, or 25 percent or more of the ownership interest of one or more *specialty* ~~allied lines~~ insurance companies which are not stock corporations.

(d) For the purpose of this section, the term "natural person" means an individual.

(e) For the purpose of this section, the term "person" includes a natural person, corporation, association, trust, general partnership, limited partnership, joint venture, firm, proprietorship, or any other entity which may hold a license or certificate as *a specialty* ~~an allied lines~~ insurer.

(14) The department is authorized to adopt, amend, or repeal rules that are necessary to implement the provisions of this section, pursuant to chapter 120.

Section 74. Section 628.471, Florida Statutes, is amended to read:

628.471 Mergers ~~and consolidations~~; mutual insurers.—

(1) A domestic mutual insurer shall not merge ~~or consolidate~~ with a stock insurer.

(2) A domestic mutual insurer may merge ~~or consolidate~~ with another mutual insurer under the applicable procedures prescribed by the statutes of this state applying to corporations formed for profit, except as hereinbelow provided.

(3) The plan and agreement for merger ~~or consolidation~~ shall be submitted to and approved by at least two-thirds of the members of each mutual insurer voting thereon at meetings called for the purpose pursuant to such reasonable notice and procedure as has been approved by the department. If a life insurer, the right to vote may be limited to members whose policies are other than term and group policies and have been in effect for more than 1 year.

(4) No such merger ~~or consolidation~~ shall be effectuated unless in advance thereof the plan and agreement therefor have been filed with the department and approved by it. The department shall give such approval unless it finds such plan or agreement:

(a) Is inequitable to the policyholders of any domestic insurer involved; or

(b) Would substantially reduce the security of and service to be rendered to policyholders of the domestic insurer in this state and elsewhere.

Section 75. Section 628.520, Florida Statutes, is amended to read:

628.520 Change of domicile of a foreign insurer.—Any insurer which is organized under the laws of any other state ~~and is admitted to do business in this state~~ for the purpose of writing insurance may become a domestic insurer by complying with all of the requirements of law relative to the organization and licensing of a domestic insurer of the same type and by designating its principal place of business at a place in this state upon approval by the department. Such domestic insurer shall be entitled to like certificates and licenses to transact business in this state and shall be subject to the authority and jurisdiction of this state.

Section 76. Parts II and III of chapter 628, Florida Statutes, are redesignated as parts III and IV of said chapter, respectively, and a new part II of said chapter, consisting of sections 628.6011, 628.6012, 628.6013, 628.6014, 628.6015, 628.6016, and 628.6017, is created to read:

PART II
ASSESSABLE MUTUAL INSURERS

628.6011 Assessable mutual insurers.—

(1) An "assessable mutual insurer" is an insurer incorporated in Florida without permanent capital stock which has only insureds or risks located in Florida and which transacts insurance only within Florida and is formed in accordance with part I. Members of the assessable mutual have a contingent liability for discharge of its liabilities as provided in this part. An assessable mutual may be authorized to offer only property, health, and casualty insurance.

(2) The assessable mutual shall not participate in the Florida Insurance Guaranty Association or the Florida Life and Health Insurance Guaranty Association.

628.6012 Premiums written; restrictions.—Assessable mutual insurers shall be subject to a cap on net annual premiums on the same basis and in the same manner as provided in s. 624.469 as to commercial self insurance funds. For an assessable mutual that has converted from a commercial self-insurance fund, the first 6 full calendar years of its operation as set forth in s. 624.469 shall be computed from the date of its certificate of authority as a commercial self-insurance fund.

628.6013 Converted self-insurance fund; trade association; board of directors.—

(1) Any self-insurance fund regulated under the Insurance Code other than a commercial self-insurance fund may, with the approval of the department, elect to convert to an assessable mutual insurer in accordance with part I.

(2) An assessable mutual insurer formed by the conversion of a commercial self-insurance fund pursuant to s. 624.463 shall be endorsed at the time of conversion by a statewide not-for-profit trade association, industry association, or professional association of employers or professionals which has a constitution or bylaws, which is incorporated under the laws of this state, and which has been organized for purposes other than that of obtaining or providing insurance and operated in good faith for a continuous period of 1 year. The association shall not be liable for any actions of the insurer nor shall it have any responsibility for establishing or enforcing any policy of the insurer. Fees, services, and other aspects of the relationship between the association and the insurer shall be subject to contractual agreement.

(3) The board of directors of the assessable mutual insurer shall:

(a) Be responsible to members of the insurer;

(b) Appoint independent certified public accountants, legal counsel, actuaries, and investment advisors as needed;

(c) Approve payment of dividends to members; and

(d) Approve changes in corporate structure.

(4) The board of directors of the assessable mutual insurer shall have the authority to contract with an authorized administrator or servicing company to administer the day-to-day affairs of the insurer including, but not limited to, marketing, underwriting, billing, collection, claims administration, safety and loss prevention, reinsurance, policy issuance, accounting, regulatory reporting, and general administration. The fees or compensation for services under such contract shall be comparable to the costs for similar services incurred by insurers writing the same lines of insurance, or where available such expenses as filed by boards, bureaus, and associations designated by insurers to file such data.

(5) The majority of the directors shall be individual members of, or owners, partners, officers, directors, or employees of one or more members of, the insurer or the endorsing association.

(6) If the board of directors contracts with an administrator authorized under s. 626.88 to administer the day-to-day affairs of the fund, a member of the board of directors is not personally liable for monetary damages to any person for any statement, vote, decision, or failure to act, regarding the management or policy of the fund, by a director, unless:

(a) The director breached or failed to perform his duties as a director; and

(b) The director's breach of, or failure to perform, his duties constitutes:

1. A violation of the criminal law, unless the director had reasonable cause to believe his conduct was lawful or had no reasonable cause to believe his conduct was unlawful. A judgment or other final adjudication against a director in any criminal proceeding for violation of the criminal law estops that director from contesting the fact that his breach, or failure to perform, constitutes a violation of the criminal law; but does not estop the director from establishing that he had reasonable cause to believe that his conduct was lawful or had no reasonable cause to believe that his conduct was unlawful.

2. A transaction from which the director derived an improper personal benefit, either directly or indirectly; or

3. Recklessness or an act or omission which was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. For purposes of this section, the term "recklessness" means the acting, or omission to act, in conscious disregard of a risk:

a. Known, or so obvious that it should have been known, to the director; and

b. Known to the director, or so obvious that it should have been known, to be so great as to make it highly probable that harm would follow from such action or omission.

628.6014 Annual reports.—An assessable mutual shall file a financial statement within 90 days of the end of its accounting year. The requirements of s. 624.470 shall apply except an entry for future investment income on losses and allocated loss adjustment expense reserves and unallocated loss adjustment expense reserves shall be reflected as an aggregate write-in on the balance sheet of the Annual Statement for assets and policyholders' surplus. Future investment income shall be calculated as follows:

$$A + B + C - D, \text{ where}$$

A = losses and allocated loss adjustment expense reserves,
B = unallocated loss adjustment expense reserves,
C = excess of statutory reserves over statement reserves, and
D = present value of A + B + C.

628.6015 Tax on premiums, contributions, and assessments of assessable mutual insurers.—Premiums, contributions, and assessments received by an assessable mutual insurer are subject to s. 624.509(1) and (2) and s. 624.5092, except that the tax rate shall be 1.6 percent of the gross amount of such premiums, contributions, and assessments.

628.6016 Applicability of related laws.—In addition to other provisions of the code cited in ss. 628.6011-628.6018:

(1) Sections 624.155, 624.308, 624.414, 624.415, and 624.416(4); ss. 624.418-624.4211, except s. 624.418(2)(f); ss. 624.464, 624.468(1), (2), (4), (6), and (11), 624.472, 624.473, 624.474, 624.478, 624.480, 624.482, 624.484, 624.486, and 624.501;

(2) Part II of chapter 625;

(3) Applicable sections of part VI of chapter 626; s. 626.9541(1)(a), (b), (c), (d), (e), (f), (h), (i), (j), (k), (l), (m), (n), (o), (q), (u), (w), and (x); and ss. 626.9561-626.9641;

(4) Sections 627.291, 627.413, 627.4132, 627.416, 627.418, 627.420, 627.421, 627.425, 627.426, 627.4265, 627.427, 627.428, 627.702, and 627.706; part XI of chapter 627; ss. 627.912, 627.913, and 627.918; and

(5) Relevant sections of part I of chapter 628 that are not in conflict with the express provisions of this part;

apply to assessable mutual insurers; however, ss. 628.255, 628.411, and 628.421 do not apply. No section of the code not expressly and specifically cited in ss. 628.6011-628.6018 applies to assessable mutual insurers. The term assessable mutual insurer shall be substituted for the term commercial self-insurer as appropriate.

628.6017 Converting assessable mutual insurer.—

(1) An assessable mutual insurer may become a stock insurer as provided in s. 628.441 or a nonassessable mutual pursuant to s. 628.341 if the assessable mutual insurer's ratio of actual annual written premiums, as adjusted in accordance with subsection (2), to current surplus as to policyholders does not exceed 10 to 1 for gross written premiums and does not exceed 4 to 1 for net written premiums.

(2) For the purposes of this section, premiums shall be calculated as the product of the actual or projected premiums and the following:

(a) For property insurance, 0.90.

(b) For casualty insurance, 1.25.

(c) For health insurance, 0.80.

(d) For all other kinds of insurance, 1.00.

(3) An assessable mutual insurer becoming a stock insurer or a nonassessable mutual insurer shall not be subject to s. 627.215 or s. 627.351(5) for 5 years following authorization of the conversion by the department. However, the converted stock insurer or nonassessable mutual insurer shall file all necessary data required by s. 627.215. Such amounts otherwise subject to s. 627.215(10) shall be maintained as surplus as to policyholders and not be available for dividends for a period of 5 years.

(4) Neither the Florida Insurance Guaranty Association nor the Florida Life and Health Insurance Guaranty Association shall be liable for any liability of an assessable mutual insurer except for claims incurred on policies issued on or after the date on which the assessable mutual insurer became a stock insurer or a nonassessable mutual insurer.

Section 77. Section 628.901, Florida Statutes, is amended to read:

628.901 "Captive insurer" defined.—For the purposes of this part, except as provided in s. 628.903, a "captive insurer" is a domestic insurer established under part I to insure the risks of a specific corporation or group of corporations *under common ownership* owned ~~or controlled~~ by the corporation or corporations from which it accepts risk under a contract of insurance.

Section 78. Subsection (1) of section 628.903, Florida Statutes, is amended to read:

628.903 "Industrial insured captive insurer" defined.—For purposes of this part:

(1) An "industrial insured" means an insured which:

(a) Has gross assets in excess of $50 million;

(b) Procures insurance through the use of a full-time employee of the insured who acts as an insurance manager or buyer or through the services of a person licensed as a property and casualty insurance agent, broker, or consultant in such person's state of domicile;

(c) Has at least 100 full-time employees; and

(d) Pays annual premiums of at least $200,000 for each line of insurance purchased from the industrial insured captive insurer or at least *$75,000* ~~$150,000~~, with respect to any line of coverage excess of at least $25 million in the annual aggregate. The purchase of umbrella or general liability coverage excess of $25 million in the annual aggregate shall be deemed to be the purchase of a single line of insurance.

Section 79. Subsection (1) of section 629.261, Florida Statutes, is amended to read:

629.261 Nonassessable policies.—

(1) If a reciprocal insurer has a surplus *as to policyholders* ~~of assets over all liabilities at least equal to the minimum paid-in capital stock~~ required of a domestic stock insurer authorized to transact like kinds of insurance, upon application of the attorney and as approved by the subscribers' advisory committee the department shall issue its certificate authorizing the insurer to extinguish the contingent liability of subscribers under its policies then in force in this state and to omit provisions imposing contingent liability in all policies delivered or issued for delivery in this state for so long as all such surplus remains unimpaired.

Section 80. Subsection (4) of section 629.513, Florida Statutes, is amended to read:

629.513 Making and use of rates.—

(4) Nothing herein shall be construed to prohibit the department from examining a limited reciprocal insurer pursuant to s. *624.3161* ~~627.321~~.

Section 81. Section 629.520, Florida Statutes, is created to read:

629.520 Abolition of existing authority of the department to issue a certificate of authority as a limited reciprocal insurer.—On October 1, 1991, the existing authority of the department to issue a certificate of authority as a limited reciprocal insurer pursuant to this chapter is abolished. Existing limited reciprocal insurers which continue to hold a certificate of authority after this date shall have until October 1, 1992, to convert their certificate of authority by meeting the requirements for a certificate of authority as another type of insurer authorized under this code. All existing certificates of authority as a limited reciprocal insurer not so converted shall automatically terminate on October 1, 1992. The authority of any limited reciprocal insurer to accept new business or renewals shall not continue beyond October 1, 1992; however, such limited reciprocal insurer shall continue to service its obligations previously incurred or with the approval of the department, arrange for the transfer of these obligations to an authorized insurer. All power of the department with respect to limited reciprocal insurers shall continue undiminished. This section does not affect any other power of the department or any other function of the department.

Section 82. Existing subsections (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), and (17) of section 631.011, Florida Statutes, are renumbered as subsections (5), (6), (7), (8), (9), (10), (11), (12), (13), (15), (16), (17), (18), and (19), respectively, and new subsections (4) and (14) are added to said section, to read:

631.011 Definitions.—For the purpose of this part, the term:

(4) "Court" refers to the circuit court in which the receivership proceeding is pending.

(14) "Person" includes natural persons, corporations, partnerships, trusts, estates, and sole proprietorships.

Section 83. Subsection (1) of section 631.041, Florida Statutes, is amended to read:

631.041 Automatic stay; relief from stay; injunctions.—

(1) An application or petition under s. 631.031 operates *as a matter of law* as an automatic stay applicable to all persons and entities, other than the receiver, which shall be permanent and survive the entry of an order of conservation, rehabilitation, or liquidation, and which shall prohibit:

(a) The commencement or continuation of judicial, administrative, or other action or proceeding against the insurer or against its assets or any part thereof;

(b) The enforcement of a judgment against the insurer or an affiliate obtained either before or after the commencement of the delinquency proceeding;

(c) Any act to obtain possession of property of the insurer;

(d) Any act to create, perfect, or enforce a lien against property of the insurer, except *that* a secured claim as defined in s. 631.011*(17)*~~(15)~~ *may proceed under s. 631.191 after the order of liquidation is entered*;

(e) Any act to collect, assess, or recover a claim against the insurer, except claims as provided for under this chapter;

(f) The setoff or offset of any debt owing to the insurer, except offsets as provided in s. 631.281.

Section 84. Section 631.112, Florida Statutes, is created to read:

631.112 Subordination of claims for noncooperation.—If an ancillary receiver or another person performing the duties associated with an ancillary receiver in another state or foreign country fails to transfer to the domiciliary liquidator in this state any assets within his control other than special deposits, diminished only by the expenses of the ancillary receivership, if any, the claims filed in the ancillary receivership, other than special deposit claims or secured claims, shall be deemed class 8 claims as defined in s. 631.271(1)(h).

Section 85. Subsection (9) is added to section 631.141, Florida Statutes, to read:

631.141 Conduct of delinquency proceeding; domestic and alien insurers.—

(9) Records created by the entity in receivership shall be disposed of in accordance with the order of the court at such time as the receiver determines that the records are not needed for the administration of the estate.

Section 86. Subsection (2) of section 631.152, Florida Statutes, is amended to read:

631.152 Conduct of delinquency proceeding; foreign insurers.—

(2) The domiciliary receiver for the purpose of liquidating an insurer domiciled in a reciprocal state shall be vested by operation of law with the title to all of the property *(except statutory deposits, special statutory deposits, and property located in this state subject to a security interest)*, contracts, and rights of action, and all of the books and records of the insurer located in this state, and it shall have the immediate right to recover balances due from local agents and to obtain possession of any books and records of the insurer found in this state. It shall also be entitled to recover the *property subject to a security interest, statutory deposits, and special statutory deposits* ~~other assets~~ of the insurer located in this state, except that upon the appointment of an ancillary receiver in this state, the ancillary receiver shall during the ancillary receivership proceeding have the sole right to recover such other assets. The ancillary receiver shall, as soon as practicable, liquidate from their respective securities those special deposit claims and secured claims which are proved and allowed in the ancillary proceeding in this state, and shall pay the necessary expenses of the proceeding. All remaining assets it shall promptly transfer to the domiciliary receiver. Subject to the foregoing provisions, the ancillary receiver and its agents shall have the same powers and be subject to the same duties with respect to the administration of such assets as a receiver of an insurer domiciled in this state.

Section 87. Section 631.154, Florida Statutes, 1990 Supplement, is amended to read:

631.154 Funds or other property in the possession of third person.—

(1) *If the receiver determines that funds or property in the possession of another person are rightfully the property of the estate, the receiver shall deliver to such person a written demand for immediate delivery of the funds or property to the receiver, referencing this section by number, referencing the court and docket number of the receivership action, and notifying the person that any claim of right to the funds or property by him must be presented to the receivership court within 20 days after the date of the written demand.* Any person who holds funds or other property belonging to an entity subject to an order of conservation, rehabilitation, or liquidation under this chapter shall deliver the funds or other property to the receiver on demand. Should the person allege any right to retain the funds *or other property* pursuant to s. 631.155, s. 631.191, s. 631.261, s. 631.262, s. 631.263, or s. 631.281, a pleading setting out the right shall be filed with the court within 20 days of the receipt of the receiver's demand that the funds or property be delivered to the receiver. *The person shall serve a copy of the pleading on the receiver.* The pleading of the person shall inform the court as to the nature of the claim to the property, the alleged value of the property or amount of funds held, and what action has been taken by the person to preserve and protect the property or to preserve any funds *pending determination of the dispute.*

(2) If requested by the receiver, a hearing shall be held to determine where and under what conditions the property or funds shall be held by the person *pending determination of the dispute.* The court may impose conditions as it may deem necessary or appropriate for the preservation of the property ~~or funds to the receiver~~ until the court can determine the validity of the person's claim to the property or funds. If any property or funds are allowed to remain in the possession of the person after demand made by the receiver, that person shall be strictly liable for any waste, loss, or damage of the property or funds retained.

(3) If a person has filed a pleading alleging any right to retain funds or property, the court shall hold a subsequent hearing to determine entitlement to the funds or property claimed by the receiver.

(4) If a person fails to file the pleading required by subsection (1) within the 20-day period, the court may, upon petition of the receiver and upon a copy of the petition being served by the petitioner to such person, issue its summary order directing the immediate delivery of the funds or property to the receiver and finding that the person has waived all claims of right to the funds or property.

(5)~~(4)~~ This section shall apply to all proceedings brought by the receiver to recover funds or property believed by the receiver under this chapter to be assets of the entity subject to an order of conservation, rehabilitation, or liquidation. The receiver shall be exempt from the provisions of s. 57.111.

(6)~~(5)~~ Should the receiver be successful in establishing its claim or any part thereof, the receiver shall be entitled to recover judgment for the following:

(a) The property or its cash value as of the date of the order of conservation, rehabilitation, or liquidation, whichever is applicable.

(b) Rental for the use of the property to run from the date of the order of conservation, rehabilitation, or liquidation, whichever is applicable, to the date the property is delivered to the receiver.

(c) In the case of funds, interest at the statutory rate to run from the date of the order of conservation, rehabilitation, or liquidation, whichever is applicable, to the date the funds are delivered to the receiver.

(d) All costs, investigative and other expenses necessary to the recovery of the property or funds, and reasonable attorney's fees.

It is the intent of this section that a person found to be holding receivership assets fully reimburse the receiver for any and all efforts made to recover those assets.

Section 88. Section 631.155, Florida Statutes, is amended to read:

631.155 Agents' balances; *premiums and* unearned commissions ~~and unearned premiums~~.—*Premiums and* unearned commissions ~~and unearned premiums~~ which have been collected on behalf of an insurer by an agent, solicitor, agency, or other entity or person constitute an asset of the insurer for which the agent, solicitor, agency, or other entity or person has a duty to account to the receiver and to pay over amounts as may be due. The duty to account to the receiver shall encompass all persons or entities involved in the handling and transmittal of premium funds. *An accounting shall be provided to the receiver within 20 days after receipt of a written demand for an accounting. If there is a dispute regarding the accounting, the court shall hear and decide the matter upon petition of the receiver.* Compliance with this section and payment of sums determined to be owed by the court within 30 days of judgment, or within other payment terms approved by the court, shall constitute requirements for continued licensure of a person holding a license under the Florida Insurance Code, and failure to comply with this section shall be sufficient grounds for the license revocation.

Section 89. Section 631.171, Florida Statutes, is amended to read:

631.171 Claims of residents against insurers domiciled in reciprocal states.—

(1) In a liquidation proceeding in a reciprocal state against an insurer domiciled in that state, *if a notice to file claims has been issued by the Florida receiver pursuant to s. 631.181(3),* claimants against the insurer who reside within this state may file claims either with the ancillary receiver, if any, in this state or with the domiciliary receiver. Claims must be filed on or before the last date fixed for the filing of claims in the domiciliary liquidation proceeding.

(2) *If a notice to file claims has been issued by the Florida receiver pursuant to s. 631.181(3),* claims belonging to claimants residing in this state may be proved either in the domiciliary state under the law of that state or in the ancillary proceeding, if any, in this state. If a claimant elects to prove his claim in this state, he shall file his claim with the receiver in the manner provided in s. 631.181(1) and (2). The ancillary receiver shall make its recommendation to the court as under s. 631.182(2), shall arrange a date for hearing if necessary under s. 631.182(1), and shall give notice to the liquidator in the domiciliary state, either by certified mail or by personal service at least 40 days prior to the date set for hearing. If the domiciliary liquidator, within 30 days after the giving of such notice, gives notice in writing to the ancillary receiver and to the claimant, either by certified mail or by personal service, of his intention to contest the claim, he is entitled to appear or to be represented in any proceeding in this state involving the adjudication of the claim.

(3) If a notice to file claims has not been issued by the Florida receiver pursuant to s. 631.181(3), claims shall be proved and filed before the domiciliary receiver.

(4)~~(3)~~ The final allowance of the claim by the courts of this state shall be accepted as conclusive as to amount and as to priority against special deposits or other security located in this state.

Section 90. Section 631.181, Florida Statutes, is amended to read:

631.181 Filing and proof of claim.—

(1)(a) Proof of a claim shall be filed with the receiver in the form required by subsection (2) on or before the last day for filing specified in the notice required under subsection (3), except that proof of claim for cash surrender values or other investment values in life insurance and annuities need not be filed unless the receiver expressly so requires. *Claims filed after the deadline may not share in distributions from the estate except to the extent allowed by exceptions specified in this section.*

(b) The court may permit a claimant making a late filing to share in distributions, whether past or future, as if he were not late, to prevent manifest injustice to the extent that any such payment will not prejudice the orderly administration of the liquidation, under any of the following circumstances:

1. The existence of the claim was not known to the claimant and he filed his claim as promptly thereafter as reasonably possible after learning of it.

2. A transfer to the claimant was avoided under ss. 631.261 and 631.262.

3. The valuation under s. 631.191 of security held by a secured creditor shows a deficiency, which is filed within 30 days after the valuation.

(c) The court shall permit late-filed claims to share in distributions, whether past or future, as if they were not late, if such claims are claims of a guaranty association or foreign guaranty association for reimbursement of covered claims paid or expenses incurred, or both, subsequent to the last day for filing when such payments were made and expenses incurred as provided by law.

(d) The court may consider any claim filed late which is not covered by paragraph (b) and permit it to receive distributions which are subsequently declared on any claims of *a* ~~the same or~~ lower priority if the payment does not prejudice the orderly administration of the liquidation. The late-filing claimant shall receive, at each distribution, the same percentage of the amount allowed on his claim as is then being paid to claimants of any lower priority. This payment of percentages shall continue until his claim has been paid in full.

(2)(a) Proof of a claim shall consist of a statement signed by the claimant that includes all of the following information which is applicable:

1. The particulars of the claim, including the consideration given for it.

2. The identity and amount of the security on the claim.

3. The payments made on the debt, if any.

4. A statement that the sum claimed is justly owing and that there is no setoff, counterclaim, or defense to the claim.

5. Any right of priority of payment or other specific right asserted by the claimants.

6. A copy of the written instrument which is the foundation of the claim.

7. The name and address of the claimant and the attorney who represents him, if any.

(b) No claim need be considered or allowed if it does not contain all the information in paragraph (a) which is applicable. The receiver may require that a prescribed form be used, that other information and documents be included, and that the proof of claim be verified by an affidavit of the claimant.

(c) At any time, the receiver may request the claimant to present information or evidence supplementary to that required under paragraph (a) and may take testimony under oath, require production of affidavits or depositions, or otherwise obtain additional information or evidence.

(d) No judgment or order against an insured or the insurer entered after the date of filing of a successful petition for liquidation, and no judgment or order against an insured or the insurer entered at any time by default or by collusion, need be considered as evidence of liability or of the quantum of damages. No judgment or order against an insured or the insurer entered within 4 months before the filing of the petition need be considered as evidence of liability or of the quantum of damages.

(e) All claims of a guaranty association or foreign guaranty association shall be in such form and contain such substantiation as may be agreed to by the association and the receiver.

(3) After the entry of the order of liquidation *against a Florida-domiciled insurer*, regardless of any prior notice that may have been given to creditors, the receiver shall notify all persons who may have claims against the insurer that they must file such claims with it at a place and within the time specified in the notice, or else such claims will be forever barred. *The Florida receiver need not give such notice in ancillary proceedings if the receiver obtains an order from the court authorizing the receiver to not send out such notices, which order the court shall issue upon satisfactory evidence that the domiciliary receiver will be sending out similar notices and will accept and evaluate claims from Florida residents, that Florida residents may have objections to evaluations heard in Florida, and that there are reasonable assurances that Florida policyholders and claimants will be treated fairly and equally as compared to residents of the domicile state.* The time specified in the notice shall be as fixed by the court for filing of claims and shall be not less than 6 months after the entry of the order of insolvency. The notice shall be given in such manner and for such reasonable period of time as may be ordered by the court.

Section 91. Subsection (1) of section 631.182, Florida Statutes, is amended to read:

631.182 Receiver claims report and claimants objections procedure.—

(1) As soon as it has evaluated claims filed in the delinquency proceeding, the receiver shall report the claims to the circuit court, specifying in the report its recommendations with respect to the actions to be taken thereon. Upon receipt of the report, the court shall enter an order approving the claims so reported, unless an objection is filed thereto within a deadline set by the court. The court shall direct the receiver to provide notice to each claimant of the amount recommended on the claim and the deadline for filing objections to the receiver's report. The receiver shall *resolve objections to the satisfaction of the claimant or* schedule a hearing before the court on objections filed to its report, and shall provide reasonable written notice *of hearing* to each claimant *for which a hearing is scheduled.*

Section 92. Section 631.221, Florida Statutes, is amended to read:

631.221 Deposit of moneys collected.—The moneys collected by the department in a proceeding under this chapter shall be deposited in a qualified public depository as defined in s. 280.02, which depository with regards to such funds shall conform to and be bound by all the provisions of chapter 280, or invested with the State Treasurer pursuant to chapter 18. *For the purpose of accounting for the assets and transactions of the estate, the receiver shall use such accounting books, records, and systems as the court directs after it hears and considers the recommendations of the receiver.*

Section 93. Section 631.252, Florida Statutes, is amended to read:

631.252 Continuation of coverage.—

(1) All insurance policies or similar contracts of coverage, other than coverages defined in s. 631.713 *or health maintenance organization coverage under part IV*, issued by the insurer shall *be canceled upon* ~~continue in force until~~ the earliest to occur of the following:

(a) The *date of entry of the liquidation or, if the court so provides in its order, the* expiration of 30 days from the date of entry of the liquidation order~~, if the order so specifies~~;

(b) The normal expiration of the policy or contract coverage;

(c) The replacement of the coverage by the insured, or the replacement of the policy or contract of coverage, with a policy or contract acceptable to the insured by the receiver with another insurer; or

(d) The termination of the coverage by the insured.

(2) A claim arising during ~~such~~ continuation of coverage *under paragraph (1)(a)* shall be treated as if it arose immediately before the *order of* ~~petition for~~ liquidation.

(3) The 30-day coverage continuation period provided in paragraph (1)(a) may in no event be extended; and failure of actual notice to the policyholder of the insolvency of the insurer, of commencement of a delinquency proceeding, or of expiration of the extension period does not affect such expiration.

(4) Benefits under policies of life or health insurance or annuities and other coverages as defined in s. 631.713 shall continue in force for such period as provided for by s. 631.717 or any applicable law governing a foreign guaranty association.

(5) Benefits under membership in a health maintenance organization shall continue in force for such period as provided in part IV.

Section 94. Subsection (1) of section 631.271, Florida Statutes, is amended to read:

631.271 Priority of claims.—

(1) The priority of distribution of claims from the insurer's estate shall be in accordance with the order in which each class of claims is set forth in this subsection. Every claim in each class shall be paid in full or adequate funds shall be retained for such payment before the members of the next class may receive any payment. No subclasses may be established within any class. The order of distribution of claims shall be:

(a) Class 1.—

1. All of the receiver's costs and expenses of administration.

2. All of the expenses of a guaranty association or foreign guaranty association in handling claims.

(b) Class 2.—*Claims of the Federal Government.*

(c) Class 3.—Debts due to employees for services performed, to the extent that such debts do not exceed $2,000 for each employee and represent payment for services performed within 6 months before the filing of the petition for liquidation. Officers and directors are not entitled to the benefit of this priority. Such priority is in lieu of any other similar priority which may be authorized by law as to wages or compensation of employees.

(d)~~(c)~~ Class ~~3~~.—All claims under policies for losses incurred, including third-party claims, all claims against the insurer for liability for bodily injury or for injury to or destruction of tangible property which claims are not under policies, and all claims of a guaranty association or foreign guaranty association. All claims under life insurance and annuity policies, whether for death proceeds, annuity proceeds, or investment values, shall be treated as loss claims. That portion of any loss, indemnification for which is provided by other benefits or advantages recovered by the claimant, may not be included in this class, other than benefits or advantages recovered or recoverable in discharge of familial obligations of support or by way of succession at death or as proceeds of life insurance, or as gratuities. No payment by an employer to his employee may be treated as a gratuity.

~~(d) Class 4.—Claims of the Federal Government.~~

(e) Class 5.—Claims under nonassessable policies for unearned premiums or premium refunds and claims of general creditors.

(f) Class 6.—Claims of any state or local government. Claims, including those of any state or local government for a penalty or forfeiture, shall be allowed in this class, but only to the extent of the pecuniary loss sustained from the act, transaction, or proceeding out of which the penalty or forfeiture arose, with reasonable and actual costs occasioned thereby. The remainder of such claims shall be postponed to the class of claims under paragraph (i).

(g) Class 7.—Claims filed after the time specified in s. 631.181(3), except when ordered otherwise by the court to prevent manifest injustice, or any claims other than claims under paragraph (h) or under paragraph (i).

(h) Class 8.—Surplus or contribution notes, or similar obligations, and premium refunds on assessable policies. Payments to members of domestic mutual insurance companies shall be limited in accordance with law.

(i) Class 9.—The claims of shareholders or other owners.

Section 95. Subsection (1) of section 631.391, Florida Statutes, is amended to read:

631.391 Cooperation of officers and employees.—

(1) Any officer, director, manager, trustee, agent, adjuster, employee, or independent contractor of any insurer *or affiliate* and any other person who possesses any executive authority over, or who exercises any control over, any segment of the affairs of the insurer *or affiliate* shall fully cooperate with the department in any proceeding under this chapter or any investigation preliminary or incidental to the proceeding. An order of rehabilitation or liquidation which results in the discharge or suspension of any of the persons listed above does not operate to release such person from the duty to cooperate with the department as set out herein. To "cooperate" includes, but is not limited to, the following:

(a) To reply promptly in writing to any inquiry from the department requesting such a reply;

(b) Promptly to make available and deliver to the department any books, accounts, documents, other records, information, data processing software, or property of or pertaining to the insurer and in his possession, custody, or control; or

(c) Promptly to provide access to all data processing records in hard copy and in electronic form and to data processing facilities and services.

Section 96. Section 631.66, Florida Statutes, is amended to read:

631.66 Immunity.—There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer, the association or its agents or employees, the board of directors, or the department or its representatives for any action taken by them in the performance of their powers and duties under this part. *Such immunity shall extend to the participation in any organization of one or more other state associations of similar purposes and to any such organization and its agents or employees.*

Section 97. Paragraph (1) is added to subsection (3) of section 631.713, Florida Statutes, to read:

631.713 Application of part.—

(3) This part shall not apply to:

(1) Any annuity contract or group annuity contract which is not issued to and owned by an individual, except to the extent of any annuity benefits guaranteed to an individual by an insurer under such contract or certificate.

Section 98. Subsection (4) of section 631.714, Florida Statutes, is amended to read:

631.714 Definitions.—As used in this part:

(4) "Covered policy" means any policy or contract set out in s. 631.713 *and reduced to written, printed, or other tangible form.*

Section 99. Subsection (11) is added to section 631.717, Florida Statutes, to read:

631.717 Powers and duties of the association.—

(11) The association shall not be liable for any civil action under s. 624.155 arising from any acts alleged to have been committed by

a member insurer prior to its liquidation; however, this subsection does not affect the association's obligation to pay valid claims presented to it.

Section 100. Subsection (3) of section 631.722, Florida Statutes, is amended to read:

631.722 Powers and duties of department.—

(3) Any action of the board of directors or of the association may be appealed to the department by any member insurer if such appeal is taken within 30 days of the action being appealed. *If a member company is appealing an assessment, the amount assessed shall be paid to the association and available to meet association obligations during the pendency of the appeal. If the appeal on the assessment is upheld, the amount paid in error or excess shall be returned to the member company.* Any final action or order of the department shall be subject to judicial review in a court of competent jurisdiction.

Section 101. Section 631.727, Florida Statutes, is amended to read:

631.727 Immunity.—There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer or its agents or employees, the association or its agents or employees, members of the board of directors, or the department or its representatives for any action taken by them in the performance of their powers and duties under this part. *Such immunity shall extend to the participation in any organization of one or more other state associations of similar purposes and to any such organization and its agents or employees.*

Section 102. Section 631.737, Florida Statutes, is created to read:

631.737 Rescission and review generally.—The association shall review claims and matters regarding covered policies based upon the record available to it on and after the date of liquidation. Notwithstanding any other provision of this part, to allow for orderly claims administration by the association, entry of a liquidation order by a court of competent jurisdiction shall be deemed to toll for 1 year any rescission or noncontestable period allowed by the contract, the policy, or by law.

Section 103. Subsections (5) and (7) of section 631.814, Florida Statutes, are amended to read:

631.814 Definitions.—As used in this part:

(5) "Date of insolvency" means the *effective date of an order of liquidation entered by* ~~date~~ a court of competent jurisdiction ~~initially issues its order placing the department as the receiver of the HMO~~.

(7) "Health care services" means *comprehensive health care services as defined in s. 641.19* ~~services, medical equipment, and supplies furnished by a provider, which may include, but which are not limited to, medical, surgical, and dental care; psychological, optometric, optic, chiropractic, podiatric, nursing, physical therapy, and pharmaceutical services; health education, preventive medical, rehabilitative, and home health services; inpatient and outpatient hospital services; extended care; nursing home care; convalescent institutional care; laboratory and ambulance services; appliances, drugs, medicines, and supplies; and any other care, service, or treatment of disease, correction of defects, or maintenance of the physical and mental well-being of human beings~~.

Section 104. Subsection (1) of section 631.816, Florida Statutes, is amended to read:

631.816 Board of directors.—

(1) The board of directors of the plan shall consist of not less than five or more than nine persons serving terms as established in the plan of operation. The department shall approve and appoint to the board persons recommended by the member HMOs. In the event the department finds that any recommended person does not meet the qualifications for service on the board, the department shall request the member HMOs to recommend another person. Each member shall serve for a 4-year term and may be reappointed, *except that terms may be staggered as defined in the plan of operation.* Vacancies on the board shall be filled for the remaining period of the term in the same manner as initial appointments. ~~If no members are selected by July 31, 1989, the department may appoint the initial members of the board of directors. To select the initial board of directors and initially organize the plan, the Insurance Commissioner shall give notice to all HMOs of the time and place of the organizational meeting.~~ In determining voting rights ~~at the organizational meeting~~, each HMO is entitled to vote on the basis of cumulative weighted voting based on the net written premium for non-Medicare and non-Medicaid policies.

Section 105. Section 631.817, Florida Statutes, is amended to read:

631.817 Eligibility.—

(1) Except as provided in subsection (2), any person of this state who has lost their health care *coverage* ~~services~~ provided in an HMO due to insolvency shall be eligible to obtain coverage as provided herein. Eligible persons include all persons who were eligible to receive health care services under that subscriber's contract with the HMO.

(2)(a) A person shall cease to be covered by the plan after the plan has *provided* ~~paid out~~ $300,000 in covered benefits for that person.

(b) A person shall cease to be covered by the plan upon failure to pay, or failure to have paid on their behalf, premiums as set by the board. Coverage shall cease following a reasonable *grace* ~~time~~ period as set by the board.

(c) A person shall cease to be covered by the plan 6 months after the date of insolvency; however, if, at the time the plan's responsibility would otherwise cease under this paragraph, the person is under treatment for an injury that occurred or an illness that was diagnosed while the person was covered by the insolvent HMO or the plan, the plan shall remain responsible for treatment of such injury or illness until treatment has been completed or until the conditions specified in paragraph (a) or paragraph (b) have been met.

Section 106. Section 631.818, Florida Statutes, is amended to read:

631.818 Powers and duties of the plan.—

(1) In the event that an HMO is insolvent, the plan shall:

(a) Guarantee, reinsure, assume, or provide coverage for or cause to be guaranteed, reinsured, assumed, or covered all of the subscriber contracts of the insolvent HMO subject to the terms and limitations provided in this part.

(b) Cover all services that would have been covered by the subscribers' contracts with the insolvent HMO during any period from the date of insolvency until the effective date of the replacement coverage with another HMO or other entity that provides health care services or reimbursement or with a product determined by the plan and approved by the department.

~~(a) Guarantee or reinsure, or cause to be guaranteed, assumed, or reinsured, all of the covered policies of the insolvent HMO.~~

~~(b) Consult with all HMOs in the same geographical area as the insolvent HMO and with any other HMO willing to begin providing services in the same geographical area in order to obtain coverage for all subscribers of the insolvent HMO.~~

~~(c) In the event that the plan is unable to obtain coverage voluntarily for any subscriber within 15 days of the date of insolvency, an open enrollment process shall be offered to eligible subscribers by all HMOs operating in the same or similar geographical area as the insolvent HMO.~~

~~1. Each eligible person who continues to reside in the service area shall be permitted to elect coverage from one of the available HMOs. The premium, services, benefits, and exclusions provided to each eligible person shall be the same as offered by the HMO in its current individual policy, or if the HMO does not offer individual policies, then the same as offered by the HMO in its current conversion policy; however, no waiting periods or preexisting conditions or limitation shall apply.~~

~~2. The open enrollment process shall be conducted over a 30-day period commencing on the date set by the plan. The plan shall be responsible for giving notice to each eligible person of the rights provided under this section.~~

~~3. During the open enrollment process, each participating organization shall accept for enrollment in its conversion plan all eligible subscribers who apply for coverage, regardless of age, sex, race, color, creed, marital status, or national origin, until such organization fills its enrollment quota as determined by the plan. To be accepted, an eligible person must meet any applicable health screening requirements and submit a completed enrollment application and the first monthly premium to an available HMO within the 30-day enrollment period.~~

~~4. The plan shall determine the enrollment quota for each HMO by determining the total number of eligible subscribers from the insolvent HMO and calculating the proportionate market shares for all HMOs available in the service area. No HMO shall be required to enroll more eligible subscribers than its proportionate market share. Market shares shall be calculated based upon the total number of non-Medicare and non-Medicaid subscribers covered through health care plans offered by each HMO in the service area, as reported in the most recent quarterly report submitted to the department.~~

~~5. Once enrolled, an eligible subscriber may not be terminated from coverage by the HMO for a period of 6 months, except for one of the following reasons:~~

~~a. Nonpayment of premiums.~~

~~b. Attainment of Medicare eligibility.~~

~~c. Nonresidency in the service area.~~

~~d. Abusive and disruptive behavior.~~

~~e. Fraud.~~

~~(d) Appoint an HMO in the same geographical area to provide health care services in accordance with a conversion policy to any subscriber in the event that all HMOs refuse to enroll the subscriber.~~

~~(e) Pay for the cost of all services provided by an HMO appointed to provide services which exceed the amount of premium or contribution paid by the subscriber.~~

~~(f) Pay for all services which would have been covered by the subscriber's contract with the insolvent HMO during any period of time from the date of insolvency until the date that the plan obtains coverage for the subscriber with another HMO or other entity which provides health care services.~~

(c)~~(g)~~ Defend any claim filed contrary to the provisions of s. 641.315 against a subscriber of an insolvent HMO asserted by a health care provider for services covered by the HMO contract. In the event that a provider obtains a judgment despite the provisions of s. 641.315, the plan shall pay the judgment. *If a provider fails to obtain a judgment as to such claim, the plan shall be entitled to recover its reasonable costs and attorney's fees incurred in defending the claim.*

(d)~~(h)~~ Levy and collect assessments from HMOs pursuant to s. 631.819.

(2) The plan may appoint one or more HMOs in the same geographical area as defined in s. 641.19 to provide health care services, subject to all of the following conditions:

(a) The plan must pay for the cost of all medical services provided by an HMO involuntarily appointed to provide services that exceed the amount of premium or contribution paid by the subscribers. Medical services cost may include a reasonable amount for administrative and other services as determined by the board.

(b) Once enrolled, an eligible subscriber may not be terminated from coverage by the HMO for a period of 6 months following the date of insolvency except for one of the following reasons:

1. Nonpayment of premiums.

2. Attainment of Medicare or Medicaid eligibility.

3. Nonresidency in the service area.

4. Abusive and disruptive behavior.

5. Fraud.

6. Termination of eligibility.

(c) The plan shall consider the premium, services, benefits, and exclusions to be provided to each eligible person in designating the contract of the appointed HMO to be used to provide services.

(d) Such coverage shall not exclude a preexisting condition not excluded by the policy of the insolvent HMO.

~~(2) The plan may consult with insurers to obtain coverage for subscribers or enrollees of an insolvent HMO.~~

~~(3) The plan's responsibility for the payment of services rendered to individuals by an HMO appointed by the plan to provide services shall terminate at the end of the subscriber's contract period with the prior HMO or after 6 months, whichever is later; however, if at the time the plan's responsibility would otherwise terminate, an individual is under treatment for an injury which occurred or an illness which was diagnosed while the individual was covered by the insolvent HMO, the plan shall remain responsible for treatment of such injury or illness until treatment has been completed.~~

~~(4) The plan shall determine the amount of the premium that an HMO appointed pursuant to paragraph (1)(c) shall charge to subscribers assigned to the HMO by the plan. The premium shall be set at a level comparable to the premium charged to individual subscribers by HMOs which voluntarily offer individual policies. The amount of premium to be charged shall be filed with and approved by the department prior to use.~~

~~(5) Coverage obtained by the plan, whether voluntary or involuntary, shall not exclude a preexisting condition not excluded by the policy of the insolvent HMO.~~

(3)~~(6)~~ If the plan fails to act within a reasonable period of time as provided in *this section* ~~subsections (1) and (2)~~, the department shall have the powers and duties of the plan under this part.

(4)~~(7)~~ The plan may render assistance and advice to the department, at the department's request, concerning rehabilitation, payment of claims, continuance of coverage, or the performance of other contractual obligations of any ~~insolvent~~ HMO *subject to a delinquency proceeding or a proceeding under s. 624.90.*

(5)~~(8)~~ The plan shall have standing to appear before any court in this state which has jurisdiction over an insolvent HMO to which the plan is or may become obligated under this part. Such standing shall extend to all matters germane to the powers and duties of the plan, including, but not limited to, proposals for reinsuring or guaranteeing the covered policies of the insolvent HMO and the determination of the covered policies and contractual obligations.

(6)~~(9)~~ The plan may:

(a) Enter into such contracts *or perform such other actions* as are necessary or proper to carry out the provisions and purposes of this part.

(b) Sue or be sued, including the taking of any legal actions necessary or proper for the recovery of any unpaid assessments under this part.

(c) Borrow money to effect the purposes of this part. Any notes or other evidence of indebtedness of the plan not in default shall be legal investments for domestic insurers or HMOs and may be carried as admitted assets.

(d) Employ or retain such persons as are necessary to handle the financial transactions of the plan and to perform such other functions as become necessary or proper under this part.

(e) Negotiate and contract with any liquidator, rehabilitator, conservator, or ancillary receiver to carry out the powers and duties of the plan.

(f) Take such legal action as may be necessary to avoid payment of improper claims.

Section 107. Section 631.819, Florida Statutes, is amended to read:

631.819 Assessments.—

(1) For the purposes of providing the funds necessary to carry out the powers and duties of the plan, the board of directors shall assess the member HMOs ~~and the Health Care Financing Administra-~~

~~tion separately~~ at such time and for such amounts as the board finds necessary. Assessments shall be due not less than 30 days after written notice to the member insurers.

~~(2) There shall be two classes of assessments made by the board of directors, each of which shall be maintained in a separate fund:~~

~~(a) Class A assessments which shall be for the purposes of carrying out the powers and duties of the plan as they relate to non-Medicare and non-Medicaid subscribers for the member HMOs.~~

~~(b) Class B assessments which shall be for the purpose of carrying out the powers and duties of the plan as they relate to Medicare subscribers of the member HMOs.~~

~~(c) Allocation of expenses to the two classes of funds under this subsection shall be based on the actual expenses of each class of membership and an allocation of all other expenses on a basis, as set by the board of directors, which is fair and has a reasonable degree of accuracy, recognizing that exact determinations may not always be possible.~~

~~(3) Assessments for Medicare subscribers shall be collected only from the Health Care Financing Administration and shall be based on the Florida earned premium revenue for each year for all Florida Medicare HMO premium revenue.~~

~~(a) The Health Care Financing Administration shall have until July 1, 1989, to notify the plan if it desires to have its Medicare subscribers covered by the plan and receive the benefits of the plan. Such notification shall obligate the Health Care Financing Administration to pay the Medicare portion of all assessments of the plan. If the Health Care Financing Administration fails to notify the plan of its intention to participate in the plan or notifies the plan that it does not desire to join the plan by July 1, 1989, then Medicare subscribers of Florida HMOs shall not be eligible to participate in or receive any benefits of the plan.~~

~~(b) If the Health Care Financing Administration declines to participate in the association, the assessments shall apply to all Florida earned premiums for non-Medicare and non-Medicaid premium revenue only.~~

(2)~~(4)~~ Assessments for funds to meet the requirements of the plan with respect to an insolvent HMO shall not be made until necessary to implement the purposes of this part. In order to carry out its duties and powers under this part, upon the insolvency of an HMO, the plan shall levy and collect assessments as follows:

(a) Each HMO, *prior to receiving* ~~possessing~~ a certificate of authority *after* ~~on~~ July 1, 1989, shall pay an assessment of $25,000 to the plan ~~by July 1, 1989~~.

(b) If the funds provided under paragraph (a) are insufficient to carry out the powers and duties of the plan, the plan shall levy an assessment directly against all HMOs.

(3)~~(5)~~ All assessments against HMOs shall be levied as a percentage of annual earned premium revenue for non-Medicare and non-Medicaid contracts. In no event may the plan assess in any calendar year more than 0.5 percent of each HMO's annual earned premium revenue for non-Medicare and non-Medicaid contracts.

(4)~~(6)~~ The plan may temporarily defer, in whole or in part, the assessment of a member HMO, if, in the opinion of the board, payment of the assessment would endanger the ability of the HMO to fulfill its contractual obligations.

(5)~~(7)~~ It shall be proper for any member HMO, in determining its premium rates, to consider the amount reasonably necessary to meet its assessment obligations under this part.

Section 108. Subsection (1) and paragraph (a) of subsection (4) of section 631.820, Florida Statutes, are amended to read:

631.820 Plan of operation.—

(1)~~(a)~~ The plan shall submit to the department a proposed plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the plan. The proposed plan of operation and any amendments thereto shall become effective upon approval in writing by the department.

~~(b) If the plan fails to submit a suitable proposed plan of operation by October 31, 1989, or within an extension of time therefore as the department, for good cause, may grant, or if at any time thereafter the plan fails to submit suitable amendments to the plan, the department shall, after notice and hearing, adopt such reasonable rules as are necessary to effectuate the provisions of this part. Such rules shall continue in force until modified by the department or superseded by a proposed plan submitted by the plan and approved by the department.~~

(4)(a) The plan of operation may provide that any or all powers and duties of the plan, except those under s. 631.818*(6)*~~(9)~~(b) and (c) and s. 631.819, are delegated to an administrator which may be a corporation, association, or other organization which performs or will perform functions similar to those of this plan, or its equivalent.

Section 109. Subsection (1) of section 631.821, Florida Statutes, is amended to read:

631.821 Powers and duties of the department.—

(1) The department may suspend or revoke, after notice and hearing, the certificate of authority of a member HMO that fails to pay an assessment when due, ~~or~~ fails to comply with the approved plan of operation of the plan, *or fails either to timely comply with or to timely appeal pursuant to subsection (2) its appointment under s. 631.818(2).*

Section 110. Section 631.822, Florida Statutes, is amended to read:

631.822 Records of plan.—Records shall be kept of all ~~negotiations and~~ meetings *of the board and transactions under* ~~in~~ which the plan or its representatives *carry out the plan's* ~~discuss the activities of the plan in carrying out its~~ powers and duties. Records of such ~~negotiations or~~ meetings *or transactions* shall be made public upon the termination of a liquidation, rehabilitation, or revocation proceeding involving the *insolvent* HMO.

Section 111. Section 641.19, Florida Statutes, is amended to read:

641.19 Definitions.—As used in this part, the term:

(1) "Affiliate" means any entity which exercises control over or is controlled by the health maintenance organization, directly or indirectly, through:

(a) Equity ownership of voting securities;

(b) Common managerial control; or

(c) Collusive participation by the management of the health maintenance organization and affiliate in the management of the health maintenance organization or the affiliate.

(2) "Comprehensive health care services" means services, medical equipment, and supplies furnished by a provider, which may include, but which are not limited to, medical, surgical, and dental care; psychological, optometric, optic, chiropractic, podiatric, nursing, physical therapy, and pharmaceutical services; health education, preventive medical, rehabilitative, and home health services; inpatient and outpatient hospital services; extended care; nursing home care; convalescent institutional care; *technical and professional clinical pathology laboratory services;* laboratory and ambulance services; appliances, drugs, medicines, and supplies; and any other care, service, or treatment of disease, *or* correction of defects *for*~~, or maintenance of the physical and mental well-being of~~ human beings.

(3) "Department" means the Department of Insurance.

(4) "Entity" means any legal entity with continuing existence, including, but not limited to, a corporation, association, trust, or partnership.

(5) "Guaranteeing organization" is an organization which is domiciled in the United States; which has authorized service of process against it; and which has appointed the Insurance Commissioner *and* ~~as~~ Treasurer as its agent for service of process issuing upon any cause of action arising in this state, based upon any guarantee entered into under this part.

(6) "Health maintenance contract" means any contract entered into by a health maintenance organization with a subscriber or group of subscribers to provide comprehensive health care services in exchange for a prepaid per capita or prepaid aggregate fixed sum.

(7) "Health maintenance organization" means any organization authorized under this part which:

(a) Provides emergency care, inpatient hospital services, physician care including care provided by physicians licensed under chapters 458, 459, 460, and 461, ambulatory diagnostic treatment, and preventive health care services;

(b) Provides, either directly or through arrangements with other persons, health care services to persons enrolled with such organization, on a prepaid per capita or prepaid aggregate fixed-sum basis;

(c) Provides, either directly or through arrangements with other persons, *comprehensive* ~~those~~ health care services which subscribers *are entitled to receive pursuant to a contract* ~~might reasonably require to maintain good health~~;

(d) Provides physician services, by physicians licensed under chapters 458, 459, 460, and 461, directly through physicians who are either employees or partners of such organization or under arrangements with a physician or any group of physicians; and

(e) If an HMO offers services through a managed care system, then the managed care system must be a system in which a primary physician licensed under chapter 458 or chapter 459 and chapters 460 and 461 is designated for each subscriber upon request of a subscriber requesting service by a physician licensed under any of those chapters, and is responsible for coordinating the health care of the subscriber of the respectively requested service and for referring the subscriber to other providers of the same discipline when necessary.

(8) "Insolvent" or "insolvency" means that all the statutory assets of the health maintenance organization, if made immediately available, would not be sufficient to discharge all of its liabilities or that the health maintenance organization is unable to pay its debts as they become due in the usual course of business. In the event that all the assets of the health maintenance organization, if made immediately available, would not be sufficient to discharge all of its liabilities, but the organization has a written guarantee of the type and subject to the same provisions as outlined in s. 641.225, the organization shall not be considered insolvent unless it is unable to pay its debts as they become due in the usual course of business.

(9) "Provider" means any physician, hospital, or other institution, organization, or person that furnishes health care services and is licensed or otherwise authorized to practice in the state.

(10) "Statutory accounting principles" means generally accepted accounting principles, except as modified by this part.

(11) "Subscriber" ~~or "enrollee"~~ means an *entity or* individual who has contracted, or on whose behalf a contract has been entered into, with a health maintenance organization for health care services or other persons who also receive health care services as a result of the contract.

(12) "Surplus" means total statutory assets in excess of total liabilities, except that assets pledged to secure debts not reflected on the books of the health maintenance organization shall not be included in surplus. Surplus includes capital stock, capital in excess of par, other contributed capital, retained earnings, and surplus notes.

(13) "Surplus notes" means debt which has been guaranteed by the United States Government or its agencies, or debt which has been subordinated to all claims of subscribers and general creditors of the organization.

(14) "Uncovered expenditures" means the cost of health care services that are covered by a health maintenance organization, for which a subscriber would also be liable in the event of the insolvency of the organization.

(15) "Reporting period" means the annual accounting period or *any part thereof or the* fiscal year of the health maintenance organization.

(16) "Geographic area" means the county or counties, or any portion of a county or counties, within which the health maintenance organization provides or arranges for comprehensive health care services to be available to its subscribers.

(17) "Capitation" means the fixed amount paid by an HMO to a health care provider under contract with the health maintenance organization in exchange for the rendering of covered medical services.

(18) "Copayment" means a specific dollar amount, except as otherwise provided for by statute, that the subscriber must pay upon receipt of covered health care services. Copayments may not be established in an amount that will prevent a person from receiving a covered service or benefit as specified in the subscriber contract approved by the department.

Section 112. Subsection (1) of section 641.21, Florida Statutes, is amended to read:

641.21 Application for certificate.—

(1) Before any entity may operate a health maintenance organization, it shall obtain a certificate of authority from the department. The department shall accept and shall begin its review of an application for a certificate of authority anytime after an organization has filed an application for a Health Care Provider Certificate pursuant to part IV of this chapter. However, the department shall not issue a certificate of authority to any applicant which does not possess a valid Health Care Provider Certificate issued by the Department of Health and Rehabilitative Services. Each application for a certificate shall be on such form as the department shall prescribe, *shall be verified by the oath of two officers of the corporation and properly notarized,* and shall be accompanied by the following:

(a) A copy of the articles of incorporation and all amendments thereto;

(b) A copy of the bylaws, rules and regulations, or similar form of document, if any, regulating the conduct of the affairs of the applicant;

(c) A list of the names, addresses, and official capacities with the organization of the persons who are to be responsible for the conduct of the affairs of the health maintenance organization, including all officers, directors, and owners of in excess of 5 percent of the common stock of the corporation. Such persons shall fully disclose to the department and the directors of the health maintenance organization the extent and nature of any contracts or arrangements between them and the health maintenance organization, including any possible conflicts of interest;

(d) A complete biographical statement on forms prescribed by the department, and an independent investigation report and fingerprints obtained pursuant to chapter 624, of all of the individuals referred to in paragraph (c);

(e)~~(d)~~ A statement generally describing the health maintenance organization, its operations, and its grievance procedures;

(f)~~(e)~~ Forms of all health maintenance contracts, certificates, and member handbooks the applicant proposes to offer the subscribers, showing the benefits to which they are entitled, together with a table of the rates charged, or proposed to be charged, for each form of such contract. A certified actuary shall:

1. Certify that the rates are neither inadequate nor excessive nor unfairly discriminatory;

2. Certify that the rates are appropriate for the classes of risks for which they have been computed; and

3. File an adequate description of the rating methodology showing that such methodology follows consistent and equitable actuarial principles;

(g)~~(f)~~ A statement describing with reasonable certainty the geographic area or areas to be served by the health maintenance organization;

(h)~~(g)~~ An audited financial statement prepared on the basis of statutory accounting principles and certified by an independent certified public accountant, except that surplus notes acceptable to the department and meeting the requirements of this act shall be included in the calculation of surplus; and

(i)~~(h)~~ Such additional reasonable data, financial statements, and other pertinent information as the department may require with respect to the determination that the applicant can provide the services to be offered.

Section 113. Section 641.215, Florida Statutes, is created to read:

641.215 Conditions precedent to issuance or maintenance of certificate of authority; effect of bankruptcy proceedings.—

(1) As a condition precedent to the issuance or maintenance of a certificate of authority, a health maintenance organization insurer must file or have on file with the department:

(a) An acknowledgment that a delinquency proceeding pursuant to part I of chapter 631 or supervision by the department pursuant to ss. 624.80-624.87 constitutes the sole and exclusive method for the liquidation, rehabilitation, reorganization, or conservation of a health maintenance organization.

(b) A waiver of any right to file or be subject to a bankruptcy proceeding.

(2) The commencement of a bankruptcy proceeding either by or against a health maintenance organization shall, by operation of law:

(a) Terminate the health maintenance organization's certificate of authority.

(b) Vest in the department for the use and benefit of the subscribers of the health maintenance organization the title to any deposits of the insurer held by the department.

If the proceeding is initiated by a party other than the health maintenance organization, the operation of subsection (2) shall be stayed for a period of 60 days following the date of commencement of the proceeding.

Section 114. Subsection (1) of section 641.228, Florida Statutes, is amended to read:

641.228 Florida Health Maintenance Organization Consumer Assistance Plan.—

(1) The department shall not issue a certificate to any health maintenance organization after July 1, 1989, until the applicant health maintenance organization has paid in full its special assessment as set forth in s. 631.819*(2)*~~(4)~~(a).

Section 115. Subsection (1) of section 641.23, Florida Statutes, is amended to read:

641.23 Revocation or cancellation of certificate of authority; suspension of enrollment of new subscribers; terms of suspension.—

(1) The maintenance of a valid and current Health Care Provider Certificate issued pursuant to part IV of this chapter is a condition of the maintenance of a valid and current certificate of authority issued by the department to operate a health maintenance organization. Denial *or*~~,~~ revocation~~, or nonrenewal~~ of a Health Care Provider Certificate shall be deemed to be an automatic and immediate cancellation of a health maintenance organization's certificate of authority. *At the discretion of the Department of Insurance, nonrenewal of a Health Care Provider Certificate may be deemed to be an automatic and immediate cancellation of a health maintenance organization's certificate of authority if the Department of Health and Rehabilitative Services notifies the Department of Insurance, in writing, that the Health Care Provider Certificate will not be renewed.*

Section 116. Subsections (1) and (2) of section 641.26, Florida Statutes, are amended to read:

641.26 Annual report.—

(1) Every health maintenance organization shall, annually within 3 months after the end of its fiscal year, or within an extension of time therefor as the department, for good cause, may grant, *in a form* ~~on forms~~ prescribed by the department, file a report with the department, verified by the oath of two ~~executive~~ officers of the organization or, if not a corporation, of two persons who are principal managing directors of the affairs of the organization, *properly notarized,* showing its condition on the last day of the immediately preceding reporting period. Such report shall include:

(a) A financial statement of the organization filed on a computer diskette using a format acceptable to the department;

(b) A financial statement of the organization filed on forms acceptable to the department;

(c)~~(a)~~ An audited financial statement of the organization, including its balance sheet and a statement of operations for the preceding year certified by an independent certified public accountant, prepared in accordance with statutory accounting principles;

(d)~~(b)~~ The number of health maintenance contracts issued and outstanding and the number of health maintenance contracts terminated;

(e)~~(c)~~ The number and amount of damage claims for medical injury initiated against the health maintenance organization and any of the providers engaged by it during the reporting year, broken down into claims with and without formal legal process, and the disposition, if any, of each such claim;

(f)~~(d)~~ An actuarial certification that:

1. The health maintenance organization is actuarially sound, which certification shall consider the rates, benefits, and expenses of, and any other funds available for the payment of obligations of, the organization;

2. The rates being charged or to be charged are actuarially adequate to the end of the period for which rates have been guaranteed;

3. Incurred but not reported claims and claims reported but not fully paid have been adequately provided for; and

(g)~~(e)~~ Such other information relating to the performance of health maintenance organizations as is required by the department.

(2) Every health maintenance organization shall file quarterly, within 45 days after each of its quarterly reporting periods, an unaudited financial statement of the organization *as described in paragraphs (1)(a) and (1)(b). The quarterly report shall be verified by the oath of two officers of the organization, properly notarized.*

Section 117. Subsection (1) of section 641.27, Florida Statutes, is amended to read:

641.27 Examination by the department.—

(1) The department shall examine the affairs, transactions, accounts, business records, and assets of any health maintenance organization as often as it deems it expedient for the protection of the people of this state, but not less frequently than once every 3 years. In lieu of making its own financial examination, the department may accept an independent certified public accountant's audit report prepared on a statutory accounting basis consistent with this part. However, except when the medical records are requested and copies furnished pursuant to s. 455.241, medical records of individuals and records of physicians providing service under contract to the health maintenance organization shall not be subject to audit, although they may be subject to subpoena by court order upon a showing of good cause. For the purpose of examinations, the department may administer oaths to and examine the officers and agents of a health maintenance organization concerning its business and affairs. The ~~expenses of~~ examination of each health maintenance organization by the department shall be subject to the same terms and conditions as apply to insurers under ~~part II of~~ chapter 624 ~~of the Florida Insurance Code~~. In no event shall expenses of all examinations exceed a maximum of $20,000 for any 1-year period. Any rehabilitation, liquidation, conservation, or dissolution of a health maintenance organization shall be conducted under the supervision of the department, which shall have all power with respect thereto granted to it under the laws governing the rehabilitation, liquidation, *reorganization,* conservation, or dissolution of life insurance companies.

Section 118. Section 641.284, Florida Statutes, is created to read:

641.284 Liquidation, rehabilitation, reorganization, and conservation; exclusive methods of remedy.—A delinquency proceeding under part I of chapter 631 or supervision by the department under ss. 624.80-624.87 constitute the sole and exclusive means of liquidating, reorganizing, rehabilitating, or conserving a health maintenance organization.

Section 119. Subsection (2) of section 641.29, Florida Statutes, is amended to read:

641.29 Fees.—Every health maintenance organization shall pay to the department the following fees:

(2) For filing each annual report, *which must be filed on computer diskettes*, $150.

Section 120. Section 641.309, Florida Statutes, is created to read:

641.309 Standards for marketing to persons eligible for Medicare.—

(1) Every health maintenance organization marketing coverage to Medicare participants or persons eligible for Medicare in this state, directly or through its agents, shall:

(a) Establish marketing procedures to assure that any comparison of benefits between Medicare or any other health maintenance organization offering such coverage by its agents will be fair and accurate.

(b) Establish marketing procedures to assure proper notification to the Medicare participant of enrollment or disenrollment from the health maintenance organization. Such notification shall be made in a timely manner.

(c) Display prominently by type, stamp, or other appropriate means, on the first page of the application and contract, the following:

"Notice to buyer: When you enroll in this health maintenance organization, you will be disenrolled from Medicare. The buyer should be aware that in order to receive payment or coverage for services such services must be rendered by physicians, hospitals, and other health care providers designated by the health maintenance organization. If the services are rendered by a nonparticipating physician, hospital, or other health care provider, the purchaser may be liable for payment for such services except in very limited circumstances."

(d) Inquire and otherwise make every reasonable effort to identify whether a prospective Medicare participant has previously been enrolled in either the same health maintenance organization as a Medicare participant or in another health maintenance organization as a Medicare participant.

(2) In addition to the practices prohibited in s. 641.3903:

(a) No health maintenance organization or person representing such health maintenance organization shall employ any method of marketing having the effect of or tending to induce the purchase of health care plans through fraud, deceit, force, fright, threat whether explicit or implied, intimidation, harassment, or undue pressure to purchase or recommend the purchase of a health maintenance organization contract.

(b) No participating provider, employee, or agent of such participating provider shall be an agent for or conduct any sales activities for a health maintenance organization with whom they have a provider contract.

Section 121. Subsections (3), (5), (13), (16), and (18) of section 641.31, Florida Statutes, 1990 Supplement, are amended, and subsection (22) is added to said section, to read:

641.31 Health maintenance contracts.—

(3)(a) If a health maintenance organization desires to amend any contract with its subscribers or any certificate or member handbook, or desires to change any rate charged for the contract or to change any basic health maintenance contract, certificate, grievance procedure, or member handbook form, or application form where written application is required and is to be made a part of the contract, or printed amendment, addendum, rider, or endorsement form or form of renewal certificate, it may do so, upon filing with the department the proposed change, amendment, or change in rates. Any proposed change shall be effective immediately, subject to disapproval by the department. Following receipt of notice of such disapproval or withdrawal of approval, no health maintenance organization shall issue or use any form *or rate* disapproved by the department or as to which the department has withdrawn approval. *Any change in the rate requires at least 30 days' advance written notice to the subscriber. In the case of a group member, there may be a contractual agreement with the health maintenance organization to have the employer provide the required notice to the individual members of the group.*

(b) The department shall disapprove any form filed under this subsection, or withdraw any previous approval thereof, if the form:

1. Is in any respect in violation of, or does not comply with, any provision of this part or rule adopted thereunder.

2. Contains or incorporates by reference, where such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.

3. Has any title, heading, or other indication of its provisions which is misleading.

4. Is printed or otherwise reproduced in such a manner as to render any material provision of the form substantially illegible.

5. Contains provisions which are unfair, inequitable, or contrary to the public policy of this state or which encourage misrepresentation.

6. Charges rates that are determined by the department to be inadequate, excessive, or unfairly discriminatory, or the rating methodology followed by the health maintenance organization is determined by the department to be inconsistent, indeterminate, ambiguous, or encouraging misrepresentation or misunderstanding. *Use of the rating methodology must be discontinued immediately upon disapproval unless the health maintenance organization seeks administrative relief. If a new rating methodology is filed with the department, the premiums determined by such newly filed rating methodology may apply prospectively only to new or renewal business written on or after the effective date of the responsive filing made by the health maintenance organization.*

7. Excludes coverage for human immunodeficiency virus infection or acquired immune deficiency syndrome or contains limitations in the benefits payable, or in the terms or conditions of such contract, for human immunodeficiency virus infection or acquired immune deficiency syndrome which are different than those which apply to any other sickness or medical condition.

(c) It is not the intent of this subsection to restrict unduly the right to modify rates in the exercise of reasonable business judgment.

(5) Every subscriber shall receive a clear and understandable description of the method of the health maintenance organization for resolving subscriber grievances, and the method shall be set forth in the contract, certificate, and member handbook. *The organization shall also furnish, at the time of initial enrollment and when necessary due to substantial changes to the grievance process a separate and additional communication prepared or approved by the department notifying the contract holder of a group contract or subscriber of an individual contract of their rights and responsibilities under the grievance process.*

(13) In addition to the requirements of this section, with respect to a person who is entitled to have payments for health care costs made under Medicare, Title XVIII of the Social Security Act ("Medicare"), Parts A and/or B:

(a) The health maintenance organization shall mail or deliver notification to the Medicare beneficiary of the date of enrollment in the health maintenance organization within 10 days after receiving notification of enrollment approval from the United States Department of Health and Human Services, Health Care Financing Administration. When a Medicare beneficiary who is a subscriber of the health maintenance organization requests disenrollment from the organization, the organization shall mail or deliver to the beneficiary notice of the effective date of the disenrollment within 10 days after receipt of the written disenrollment request. The health maintenance organization shall forward the disenrollment request to the United States Department of Health and Human Services, Health Care Financing Administration, in a timely manner so as to effectuate the next available disenrollment date, as prescribed by such federal agency.

(b) The health maintenance contract, certificate, or member handbook shall be delivered to the subscriber no later than the earlier of 10 working days after the health maintenance organization and the Health Care Financing Administration of the United States Department of Health and Human Services approve the subscriber's enrollment application or the effective date of coverage of the sub-

scriber under the health maintenance contract. However, if notice from the Health Care Financing Administration of its approval of the subscriber's enrollment application is received by the health maintenance organization after the effective coverage date prescribed by the Health Care Financing Administration, the health maintenance organization shall deliver the contract, certificate, or member handbook to the subscriber within 10 days after receiving such notice. When a Medicare recipient is enrolled in a health maintenance organization program, the contract, certificate, or member handbook shall be accompanied by a health maintenance organization identification sticker with instruction to the Medicare beneficiary to place the sticker on the Medicare identification card.

~~(c) The Department of Health and Rehabilitative Services is prohibited from contracting on a prepaid or fixed-sum basis for Medicaid services with an entity if any officer, director, agent, managing employee, or owner of stock or beneficial interest in excess of 5 percent common or preferred stock or the entity itself has been convicted of a criminal offense related to the delivery of an item or service under Title XVIII or Title XIX of the Social Security Act or has been found guilty of a crime involving fraud, income tax evasion, or obstruction of justice.~~

(16) The *contracts* ~~contract~~ must clearly disclose the intent of the health maintenance organization as to the applicability or nonapplicability of coverage to preexisting conditions. If coverage of the contract is not to be applicable to preexisting conditions, the contract shall specify, in substance, that coverage pertains solely to accidental bodily injuries resulting from accidents occurring after the effective date of coverage and that sicknesses are limited to those which first manifest themselves subsequent to the effective date of coverage.

(18) Health maintenance contracts which provide coverage, benefits, or services for maternity care shall provide, as an option to the subscriber, the services of nurse-midwives and midwives licensed pursuant to chapter 467, and the services of birth centers licensed pursuant to ss. 383.30-383.335, *if such services are available within the service area.*

(22) Each health maintenance organization that offers a group plan within this state must have at least one open enrollment period of not less than 30 days every 18 months. Such open enrollment periods are required for as long as the group exists unless the health maintenance organization and the employer mutually agree to a shorter period of time than 18 months.

(23) The contract shall include the following provision:

"Time limit on certain defenses: Relative to a misstatement in the application, after 2 years from the issue date, only fraudulent misstatements in the application may be used to void the policy or deny any claim for loss incurred or disability starting after the 2-year period."

(24) Each health maintenance organization that provides for inpatient and outpatient services by allopathic hospitals shall provide as an option of the subscriber similar inpatient and outpatient services by hospitals accredited by the American Osteopathic Association when such services are available in the same service area of the HMO and the osteopathic hospital agrees to provide the services as specified herein. As a condition precedent to providing osteopathic inpatient and outpatient services through an osteopathic hospital that has not entered into a written contract with the HMO, the HMO may require the subscriber or any other person receiving osteopathic services to release the HMO from any liability arising from any act of omission or commission constituting malpractice in the delivery of osteopathic care from that hospital. The osteopathic hospital providing the inpatient and outpatient services for the HMO shall charge rates that do not exceed the osteopathic hospital's usual and customary rates less the average discount provided by allopathic hospitals providing the HMO services in the same service area of the HMO.

Section 122. Section 641.3108, Florida Statutes, is amended to read:

641.3108 Notice of cancellation of contract.—Except for nonpayment of premium or termination of eligibility, no health maintenance organization may cancel or otherwise terminate or fail to renew a health maintenance contract without giving the subscriber at least *45* ~~30~~ days' notice in writing of the cancellation, termination, or nonrenewal of the contract. The written notice shall state the reason or reasons for the cancellation, termination, or nonrenewal. All health maintenance contracts shall contain a clause which requires that this notice be given. In the case of a health maintenance contract issued to an employer or person holding the contract on behalf of the subscriber group, the health maintenance organization may make the notification through the employer or group contract holder, and, if the health maintenance organization elects to take this action through the employer or group contract holder, the organization shall be deemed to have complied with the provisions of this section upon notifying the employer or group contract holder of the requirements of this section and requesting the employer or group contract holder to forward to all subscribers the notice required herein.

Section 123. Section 641.311, Florida Statutes, is amended to read:

641.311 Statewide Subscriber Assistance Program.—

(1) The department shall adopt and implement a program to provide assistance to subscribers, including those whose grievances are not satisfactorily resolved by the health maintenance organization. The program shall include the following:

~~(1)~~(a) A review panel which may periodically review, consider, and recommend to the department any actions the department should take concerning individual cases heard by the panel as well as the types of subscriber grievances which have not been satisfactorily resolved after the subscribers follow the full grievance procedures of the health maintenance organizations. The proceedings of the grievance panel shall not be subject to the provisions of chapter 120. The review panel shall consist of members employed by the department and members employed by the Department of Health and Rehabilitative Services, chosen by their respective agencies. *The Department of Insurance may contract with a medical director and a primary care physician who shall provide additional technical expertise to the review panel. The medical director shall be selected from a health maintenance organization with a current certificate of authority to operate in Florida.* ~~Outside qualified, impartial consultants may be consulted in connection with the types of grievances outside the expertise of the review panel.~~

(b) A plan to disseminate information concerning the program to the general public as widely as possible.

(2)~~(b)~~ Every health maintenance organization shall submit a quarterly report to the department listing the number and the nature of all subscribers' grievances which have not been resolved to the satisfaction of the subscriber after the subscriber follows the full grievance procedure of the organization.

~~(2) A plan to disseminate information concerning the program to the general public as widely as possible.~~

(3)(a) The Department of Health and Rehabilitative Services may impose an administrative fine, after a formal investigation has been conducted on the health maintenance organization's failure to comply with quality of health services standards set forth in statute or rule. The Department of Health and Rehabilitative Services may initiate such an investigation based on the recommendations related to the quality of health services received from the Statewide Subscriber Assistance Panel pursuant to paragraph (1)(a). The fine shall not exceed $2,500 per violation and in no event shall such fine exceed an aggregate amount of $10,000 for noncompliance arising out of the same action.

(b) In determining the amount to be levied for noncompliance, under paragraph (a), the following factors shall be considered:

1. The severity of the noncompliance, including the probability that death or serious harm to the health or safety of the subscriber will result or has resulted, the severity of actual or potential harm and the extent to which provisions of this part were violated.

2. Actions taken by the health maintenance organization to resolve or remedy any quality of care grievance.

3. Any previous incidences of noncompliance by the health maintenance organization.

(c) All amounts collected pursuant to this subsection shall be deposited into the Health Maintenance Organization Quality Care Trust Fund.

Section 124. Section 641.3111, Florida Statutes, is amended to read:

641.3111 Extension of benefits.—

(1) Every health maintenance contract shall provide that termination of the contract by the health maintenance organization shall be without prejudice to any continuous loss which commenced while the contract was in force, but any extension of benefits beyond the period the contract was in force may be predicated upon the continuous total disability of the subscriber, and may be limited to *payment for the treatment of a specific accident or illness incurred while the subscriber was a member. Such extension of benefits may be limited to the occurrence of the earliest of the following events:*

(a) The expiration of 12 months.

(b) Such time as the member is no longer totally disabled.

(c) A succeeding carrier elects to provide replacement coverage without limitation as to the disability condition.

(d) The maximum benefits payable under the contract have been paid. ~~the duration of the contract benefit period if greater than 3 months, or for a time period of not less than 3 months, or to the payment of the maximum benefits payable under the contract.~~

(2) For the purposes of this section, an individual is totally disabled if the individual has a condition resulting from an illness or injury which prevents an individual from engaging in any employment or occupation for which the individual is or may become qualified by reason of education, training, or experience and the individual is under the regular care of a physician.

(3) In the case of maternity coverage, when not covered by the succeeding carrier, a reasonable extension of benefits or accrued liability provision is required, which provision provides for continuation of the contract benefits in connection with maternity expenses for a pregnancy that commenced while the policy was in effect. The extension shall be for the period of that pregnancy and shall not be based upon total disability.

(4) Except as provided in subsection (1), no subscriber is entitled to an extension of benefits if the termination of the contract by the health maintenance organization is based upon any event referred to in s. 641.3922(7)(a)-(g).

Section 125. Section 641.315, Florida Statutes, is amended to read:

641.315 Provider contracts.—

(1) Whenever a contract exists between a health maintenance organization and a provider and the organization fails to meet its obligations to pay fees for services already rendered to a subscriber, the health maintenance organization shall be liable for such fee or fees rather than the subscriber; and the contract shall so state.

(2) No subscriber of an HMO shall be liable to any provider of health care services for any services covered by the HMO.

(3) No provider of services or any representative of such provider shall collect or attempt to collect from an HMO subscriber any money for services covered by an HMO and no provider or representative of such provider may maintain any action at law against a subscriber of an HMO to collect money owed to such provider by an HMO.

(4) Every contract between an HMO and a provider of health care services shall be in writing and shall contain a provision that the subscriber shall not be liable to the provider for any services covered by the subscriber's ~~or enrollee's~~ contract with the HMO.

(5) The provisions of this section shall not be construed to apply to the amount of any deductible or copayment which is not covered by the contract of the HMO.

(6) For all provider contracts executed after October 1, *1991* ~~1988~~, and within 180 days after October 1, *1991* ~~1988~~, for contracts in existence as of October 1, *1991* ~~1988~~:

(a) The contracts *must* ~~shall~~ provide that the provider shall provide *60* ~~30~~ days' advance written notice to the health maintenance organization and the department before canceling the contract with the health maintenance organization for any reason; and

(b) The contract must also provide that nonpayment for goods or services rendered by the provider to the health maintenance organization shall not be a valid reason for avoiding the *60-day* ~~30-day~~ advance notice of cancellation.

(7) Upon receipt by the health maintenance organization of a *60-day* ~~30-day~~ cancellation notice, the health maintenance organization may, if requested by the provider, terminate the contract in less than *60* ~~30~~ days if the health maintenance organization is not financially impaired or insolvent.

Section 126. Subsections (10), (13), and (14) of section 641.35, Florida Statutes, are amended, and subsection (18) is added to said section, to read:

641.35 Assets, liabilities, and investments.—

(10) PROPERTY USED IN THE HEALTH MAINTENANCE ORGANIZATION'S BUSINESS.—Real estate, including leasehold estates, for the convenient accommodation of the organization's business operations, including home office, branch administrative offices, hospitals, medical clinics, medical professional buildings, and any other facility to be used in the provision of health care services, or real estate for rental to any health care provider under contract with the organization to provide health care services which shall be used in the provision of health care services to members of the organization by that provider, *is acceptable as an investment* on the following conditions:

(a) Any parcel of real estate acquired under this subsection may include excess space for rent to others if it is reasonably anticipated that the excess will be required by the health maintenance organization for expansion or if the excess is reasonably required in order to have one or more buildings that will function as an economic unit.

(b) The real estate may be subject to a mortgage.

(c) The greater of the admitted value of the asset, as determined by statutory accounting principles, or, if approved by the department, the health maintenance organization's equity in the real estate plus all encumbrances on the real estate owned by the organization under this subsection, when added to the value of all personal and mixed property used in the organization's business, shall not exceed 75 percent of its admitted assets unless, with the permission of the department, it finds that the percentage of its admitted assets is insufficient to provide convenient accommodation for the organization's business and the operations of the organization would not otherwise be impaired.

(13) OTHER INVESTMENTS.—After satisfying the requirements of subsections (9), (10), (11), and (12), any funds of the health maintenance organization in excess of the minimum surplus required to be maintained under this part may be invested in any investment listed in this subsection or in subsections (9) and (14).

(a) United States Government obligations.—A health maintenance organization may invest in bonds, notes, warrants, and other evidences of indebtedness which are direct obligations of the Government of the United States or for which the full faith and credit of the Government of the United States is pledged for the payment of principal and interest.

(b) Loans guaranteed by the United States.—

1. A health maintenance organization may invest in loans insured or guaranteed as to principal and interest by the Government of the United States, or by any agency or instrumentality of the Government of the United States, to the extent of such insurance or guaranty.

2. A health maintenance organization may invest in student loans insured or guaranteed as to principal by the Government of the United States, or by any agency or instrumentality of the Government of the United States, to the extent of such insurance or guaranty.

(c) State public obligations.—A health maintenance organization may invest in bonds, notes, warrants, and other securities not in default which are the direct obligations of any state of the United

States or the District of Columbia, or for which the full faith and credit of such state or district has been pledged for the payment of principal and interest.

(d) County, municipal, and district obligations.—A health maintenance organization may invest in bonds, notes, warrants, and other securities not in default of any county, district, incorporated city, or school district in any state of the United States or the District of Columbia, which are the direct obligations of such county, district, city, or school district and for payment of the principal and interest of which the county, district, city, or school district has lawful authority to levy taxes or make assessments.

(e) Public improvement bonds.—A health maintenance organization may invest in bonds, notes, certificates of indebtedness, warrants, or other evidences of indebtedness which are payable from revenues or earnings specifically pledged therefor of any public toll bridge, structure, or improvement owned by any state, incorporated city, or legally constituted public corporation or commission, all within the United States, for the payment of the principal and interest of which a lawful sinking fund has been established and is being maintained if no default on the part of the issuer in payment of principal or interest has occurred on any of its bonds, notes, warrants, or other securities within 5 years prior to the date of investment therein.

(f) Public utility obligations.—The health maintenance organization may invest in the bonds, notes, certificates of indebtedness, warrants, or other evidences of indebtedness which are valid obligations issued, assumed, or guaranteed by the United States or any state thereof or by any county, municipal corporation, district, political subdivision, civil division, or public instrumentality of any such government or unit thereof, if by statute or other legal requirements such obligations are payable as to both principal and interest from revenues or earnings from the whole or any part of any utility supplying water, gas, sewage disposal, electricity, or any other public service, including, but not limited to, a toll road or toll bridge.

(g) Securities of certain agencies.—The health maintenance organization may invest in bonds, debentures, or other securities of the following agencies, whether or not such obligations are guaranteed by the Government of the United States:

1. The Federal National Mortgage Association, and stock thereof, when acquired in connection with the sale of mortgage loans to such association.

2. Any federal land bank, when such securities are issued under provisions of the Act of Congress entitled the "Federal Farm Loan Act" and approved July 17, 1916, and any acts amendatory or supplementary to that act.

3. Any federal home loan bank, when such securities are issued under provisions of the Act of Congress entitled the "Federal Home Loan Bank Act" and approved July 22, 1932.

4. The Home Owners' Loan Corporation, created by the Act of Congress entitled "Home Owners' Loan Act of 1933" and approved June 13, 1933.

5. Any federal intermediate credit bank, created by the Act of Congress entitled "Agricultural Credits Act of March 4, 1923."

6. The Central Bank for Cooperatives and regional banks for cooperatives organized under the Farm Credit Act of 1933, or by any of such banks; and any notes, bonds, debentures, or other similar obligations, consolidated or otherwise, issued by farm credit institutions pursuant to the Farm Credit Act of 1971, Pub. L. No. 92-181.

7. Any other similar agency of the Government of the United States which is of similar financial quality.

(h) Public housing obligations.—The health maintenance organization may invest in the bonds, debentures, or other securities of public housing authorities, issued under the provisions of the Act of Congress entitled the "Housing Act of 1949" and approved July 1949, the "Municipal Housing Commission Act," or the "Rural Housing Commission Act," and any additional amendments, or issued by any public housing authority or agency in the United States, if such bonds, debentures, or other securities are secured by a pledge of annual contributions to be paid by the United States or any agency thereof.

(i) Obligations of State Board of Education.—The health maintenance organization may invest in bonds or motor vehicle anticipation certificates issued by the State Board of Education under authority of s. 18, Art. XII of the State Constitution of 1885 as adopted by s. 9(d), Art. XII of the State Constitution, 1968 Revision, and the additional provisions of s. 9(d) thereof.

(j) Corporate bonds and debentures.—A health maintenance organization may invest in bonds, notes, or other interest-bearing or interest-accruing obligations of any solvent corporation organized under the laws of the United States or any state, territory, or possession of the United States, including the District of Columbia, but such investment must be in securities of investment grade and may not exceed 10 percent of admitted assets for any one corporate entity. As used in this paragraph, "investment grade" means that the obligation has been determined to be in one of the top two rating classifications used by the Securities Valuation Office of the National Association of Insurance Commissioners.

(14) SPECIAL LIMITATION INVESTMENTS.—

(a) After satisfying the requirements of this part, any funds of the health maintenance organization may be invested in the following investments, subject to a cost limitation of 10 percent of its admitted assets in each category of investment:

1. Anticipation obligations of political subdivisions of a state.—Anticipation obligations of any political subdivision of any state of the United States, including, but not limited to, bond anticipation notes, tax anticipation notes, preliminary loan anticipation notes, revenue anticipation notes, and construction anticipation notes, for the payment of money within 12 months from the issuance of the obligation, on the following conditions:

a. The anticipation notes are a direct obligation of the issuer under conditions set forth in subsection (9).

b. The political subdivision is not in default in the payment of the principal or interest on any of its direct general obligations or any obligation guaranteed by such political subdivision.

c. The anticipated funds are specifically pledged to secure the obligations.

2. Revenue obligations of state or municipal public utilities.—Obligations of any state of the United States, a political subdivision thereof, or a public instrumentality of any one or more of the foregoing for the payment of money, on the following conditions:

a. The obligations are payable from revenues or earnings of a public utility of such state, political subdivision, or public instrumentality which are specifically pledged therefor.

b. The law under which the obligations are issued requires that such rates for service shall be charged and collected at all times so as to produce sufficient revenue or earning, together with any other revenues or moneys pledged, to pay all operating and maintenance charges of the public utility and all principal and interest on such charges.

c. No prior or parity obligations payable from the revenues or earnings of that public utility are in default at the date of such investment.

3. Other revenue obligations.—Obligations of any state of the United States, a political subdivision thereof, or a public instrumentality of any of the foregoing for the payment of money, on the following conditions:

a. The obligations are payable from revenues or earnings, excluding revenues or earnings from public utilities, specifically pledged therefor by such state, political subdivision, or public instrumentality.

b. No prior or parity obligation of the same issuer payable from revenues or earnings from the same source has been in default as to principal or interest during the 5 years next preceding the date of the investment, but the issuer need not have been in existence for that period, and obligations acquired under this paragraph may be newly issued.

~~4. Corporate bonds and debentures.—Bonds, notes, or other interest-bearing or interest-accruing obligations of any solvent corporation~~

~~organized under the laws of the United States or under the laws of any state, territory, or possession of the United States, including the District of Columbia.~~

4.~~5.~~ Corporate stocks.—Stocks, common or preferred, of any corporation created or existing under the laws of the United States or any state thereof. The organization may invest in stocks, common or preferred, of any corporation created or existing under the laws of any foreign country if such stocks are listed and traded on a national securities exchange in the United States or, in the alternative, if such investment in stocks of any corporation created or existing under the laws of any foreign country are first approved by the department. Investment in common stock of any one corporation shall not exceed 3 percent of the health maintenance organization's admitted assets.

(b) After satisfying the requirements of this part, the health maintenance organization may invest its funds and accumulations in the following investments, subject to a cost limitation of 5 percent of admitted assets in each category of investment:

1. Obligations of the International Bank for Reconstruction and Development.—Obligations issued or guaranteed by the International Bank for Reconstruction and Development.

2. Obligations of the Inter-American Development Bank.—Obligations issued or guaranteed by the Inter-American Development Bank.

3. Obligations of the Asian Development Bank.—Obligations issued or guaranteed by the Asian Development Bank.

4. Obligations of the State of Israel.—Direct obligations of the State of Israel for the payment of money, or obligations for the payment of money which are guaranteed as to the payment of principal and interest by the State of Israel, on the condition that the State of Israel shall not be in default in the payment of principal or interest on any of its direct, general obligations on the date of such investment.

5. Obligations of the African Development Bank.—Obligations issued or guaranteed by the African Development Bank.

6. Obligations of the Government of Canada or any province thereof.—Obligations issued or guaranteed by the Government of Canada or any province thereof.

7. Obligations of the International Finance Corporation.—Obligations issued or guaranteed by the International Finance Corporation.

(18) The provisions of this section supersede any inconsistent provision of section 106 of the Secondary Mortgage Market Enhancement Act of 1984 (Title 15, U.S.C., s. 77r).

Section 127. Section 641.36, Florida Statutes, is amended to read:

641.36 *Adoption* ~~Promulgation~~ of rules*; penalty for violation.*—The department shall *adopt* ~~promulgate~~ rules necessary to carry out the provisions of this part. The department shall collect and make available ~~in a single volume~~ all health maintenance organization rules *adopted* ~~promulgated~~ by the department ~~and by the Department of Health and Rehabilitative Services~~. *Any violation of a rule adopted under this section shall subject the violating entity to the provisions of s. 641.23.*

Section 128. Section 641.3905, Florida Statutes, is amended to read:

641.3905 *General powers and duties of the* ~~Investigative power of~~ department.—*In addition to the powers and duties set forth in s. 624.307,* the department shall have the power to examine and investigate the affairs of every person, entity, or health maintenance organization in order to determine whether the person, entity, or health maintenance organization is operating in accordance with the provisions of this part or has been or is engaged in any unfair method of competition or in any unfair or deceptive act or practice prohibited by s. 641.3901.

Section 129. Paragraph (b) of subsection (4) of section 641.3921, Florida Statutes, is amended to read:

641.3921 Conversion on termination of eligibility.—A group health maintenance contract delivered or issued for delivery in this state by a health maintenance organization shall provide that a subscriber or covered dependent whose coverage under the group health maintenance contract has been terminated for any reason, including discontinuance of the group health maintenance contract in its entirety or with respect to a covered class, and who has been continuously covered under the group health maintenance contract, and under any group health maintenance contract providing similar benefits which it replaces, for at least 3 months immediately prior to termination, shall be entitled to have issued to him by the health maintenance organization a health maintenance contract, hereafter referred to as a "converted contract." A subscriber or covered dependent shall not be entitled to have a converted contract issued to him if termination of his coverage under the group health maintenance contract occurred for any of the following reasons:

(4) Disenrollment for cause. When the requirements of paragraphs (a), (b), and (c) have been met, a health maintenance organization may disenroll a subscriber for cause if the subscriber's behavior is disruptive, unruly, abusive, or uncooperative to the extent that his continuing membership in the organization seriously impairs the organization's ability to furnish services to either the subscriber or other subscribers.

(b) Consideration of extenuating circumstances. The organization must ascertain that the subscriber's behavior *does not directly result from an existing medical condition* ~~is not related to the use of medical services or mental illness~~.

Section 130. Existing subsections (7), (8), (9), (10), (11), (12), and (13) of section 641.3922, Florida Statutes, are renumbered as subsections (8), (9), (10), (11), (12), (13), and (14), respectively, and paragraph (c) of subsection (6) of said section is redesignated as new subsection (7) and amended to read:

641.3922 Conversion contracts; conditions.—Issuance of a converted contract shall be subject to the following conditions:

(7)~~(c)~~ *REASONS FOR CANCELLATION; TERMINATION.*—The converted health maintenance contract *must contain a cancellation or nonrenewability clause providing that the health maintenance organization may refuse to renew the contract of any person covered thereunder, but cancellation or nonrenewal must be limited to one or more of the following reasons* ~~may provide that the health maintenance organization may refuse to renew the contract of any person covered thereunder for the following reasons only~~:

(a)~~1.~~ Fraud or material misrepresentation*, subject to the limitations of s. 641.31(23),* in applying for any benefits under the converted health maintenance contract;

(b)~~2.~~ Eligibility of the covered person for coverage under Medicare, Title XVIII of the Social Security Act, as added by the Social Security Amendments of 1965, or as later amended or superseded, or under any other state or federal law providing for benefits similar to those provided by the converted health maintenance contract, except for Medicaid, Title XIX of the Social Security Act, as amended by the Social Security Amendments of 1965, or as later amended or superseded.

(c)~~3.~~ Disenrollment for cause, after following the procedures outlined in s. 641.3921(4).

(d)~~4.~~ Willful and knowing misuse of the health maintenance organization identification membership card by the subscriber or the willful and knowing furnishing to the organization by the subscriber of incorrect or incomplete information for the purpose of fraudulently obtaining coverage or benefits from the organization.

(e)~~5.~~ Failure, after notice, to pay required premiums.

(f)~~6.~~ The subscriber has left the geographic area of the health maintenance organization with the intent to relocate or establish a new residence outside the organization's geographic area.

(g)~~7.~~ A dependent of the subscriber has reached the limiting age under the converted contract, subject to subsection *(12)* ~~(11)~~; but the refusal to renew coverage shall apply only to coverage of the dependent*, except in the case of handicapped children.*

(h)~~8.~~ A change in marital status that makes a person ineligible under the original terms of the converted contract, subject to subsection *(12)* ~~(11)~~.

Section 131. Subsection (5) of section 642.032, Florida Statutes, 1990 Supplement, is amended to read:

642.032 Provisions of general insurance law applicable to legal expense insurance corporations.—The following provisions of the Florida Insurance Code shall apply to legal expense insurance corporations, to the extent that they are not inconsistent with the provisions of ss. 642.011-642.049:

(5) Section 628.4615, *specialty* ~~allied lines~~ insurers; acquisition of controlling stock, ownership interest, assets, or control; merger or consolidation.

Section 132. The Department of Labor and Employment Security may enforce, with respect to group self-insurance funds established or operated pursuant to section 440.57, Florida Statutes, the provisions of section 624.316, section 624.424, section 625.091, or section 625.305, Florida Statutes, as they relate to workers' compensation insurers, and may adopt rules to implement the enforcement authority granted by this section.

Section 133. Subsection (12) of section 627.944, Florida Statutes, is amended to read:

627.944 Risk retention groups not certificated in this state.—Risk retention groups certificated or licensed in states other than this state and seeking to do business as a risk retention group in this state must observe and abide by the laws of this state as follows:

(12) UTILIZATION OF AGENT.—A risk retention group shall utilize an agent licensed *and appointed* in this state in order to solicit, transact, underwrite, or provide insurance on a risk of a group member, which risk is located in this state.

Section 134. Subsection (2) of section 627.949, Florida Statutes, is amended to read:

627.949 Restrictions on insurance purchased by purchasing groups.—

(2) A purchasing group shall utilize an agent licensed *and appointed* in this state in order to solicit, transact, or purchase insurance or coverage for a risk located in this state, which risk is a subject of insurance of a member of the purchasing group.

Section 135. Section 627.952, Florida Statutes, is amended to read:

627.952 Risk retention and purchasing group agents.—

(1) Any person offering, soliciting, selling, purchasing, administering, or otherwise servicing insurance contracts, certificates, or agreements for any purchasing group or risk retention group to any resident of this state, either directly or indirectly, by the use of mail, advertising, or other means of communication, shall obtain a license *and appointment* to act as a resident general lines agent, if a resident of this state, or a nonresident general lines agent if not a resident. Any such person shall be subject to all requirements of the Florida Insurance Code.

(a) All books, records, statements, and accounts required to be established and maintained with respect to activities described in this subsection shall be established and maintained on a segregated basis, separate and apart from all other books, records, statements, and accounts regarding the agent's other transactions.

(b) Any person required to be licensed *and appointed* by this subsection, in order to place business through Florida eligible surplus lines carriers, shall, if a resident of this state, be licensed *and appointed* as a surplus lines agent. Any such person, if not a resident of this state, shall be licensed *and appointed* as a surplus lines agent in his state of residence and shall file and thereafter maintain a fidelity bond in favor of the people of the State of Florida executed by a surety company admitted in this state and payable to the State of Florida; provided, however, any activities carried out by such nonresident pursuant to this part shall be limited to the provision of insurance for purchasing groups. The bond shall be continuous in form and maintained in the amount set out in s. 626.928. The bond shall remain in force and effect until the surety is released from liability by the department or until the bond is canceled by the surety. The surety may cancel the bond and be released from further liability thereunder upon 30 days' prior written notice to the department. The cancellation shall not affect any liability incurred or accrued thereunder before the termination of the 30-day period. Upon receipt of a notice of cancellation, the department shall immediately notify the agent.

(2) In addition to any other lawful duties, any person engaging in the activities described in subsection (1) is obligated to exercise reasonable and customary skill and diligence to ascertain that any purchasing group or purchasing group member, to or for whom an offer or solicitation is made with respect to coverage being placed with a risk retention group, receives a written disclosure that the liability insurance coverage being offered may not be subject to all of the insurance laws and rules of this state and that insolvency guaranty fund protection is not available for the purchasing groups or purchasing group members.

(3) Any insurance agent who breaches a fiduciary duty; who solicits, offers, sells, transacts, or purchases insurance coverage from a risk retention group which is not in compliance with the applicable provisions of this part; or who violates any provision of the Florida Insurance Code shall be subject to fine and revocation or suspension of his license *and appointment*, in accordance with the procedures established under the Florida Insurance Code and may be held liable for civil damages to any person or group resulting from such violation or breach of a fiduciary duty.

(4) Any person retained or employed to solicit, offer, sell, or purchase memberships in a purchasing group may be ordered to cease any such enrollment activity in this state whenever the department has reason to believe that any such purchasing group has liability insurance coverage from a risk retention group or insurance company which is insolvent or in a hazardous financial condition. Orders entered under this subsection shall be issued in accordance with the procedures set forth in s. 627.951.

(5) Any person licensed *and appointed* as an agent to act on behalf of a risk retention group or a purchasing group shall be *appointed* ~~licensed~~ with at least one authorized property and casualty insurer.

(6) Any person licensed *and appointed* as an agent to act on behalf of a risk retention group or a purchasing group shall, except as otherwise provided in this part, be subject to all provisions of the Florida Insurance Code applicable to the type of agent's license held by such person.

Section 136. Section 632.634, Florida Statutes, is amended to read:

632.634 Licensing *and appointment* of agents.—

(1) Agents of societies shall be licensed *and appointed* in accordance with the provisions of the Florida Insurance Code regulating the licensing, *appointment*, examination, revocation, suspension, or termination of the license of resident and nonresident life, health, and variable annuity insurance agents.

(2) No examination, ~~or~~ license, *or appointment* shall be required of any regular salaried officer, employee, or member of a licensed society who devotes substantially all of his services to activities other than the solicitation of benefit contracts from the public and who receives no commission or other compensation directly dependent upon the amount of business obtained for the solicitation of such contracts.

(3) Any agent, representative, or member of a society who in any preceding calendar year has solicited and procured life insurance benefit contracts on behalf of any society in a total amount of insurance less than $50,000, or, in the case of any other kind or kinds of insurance benefit contracts which the society might write, on not more than 25 individuals, shall be exempt from the agent licensing *and appointment* requirements of subsection (1). Every society shall register, on forms prescribed by the department and on or before March 1 of each year, the name and residence address of each agent, representative, or member exempt under the provisions of this subsection and shall, within 30 days of termination of employment, notify the department of the termination. Any agent, representative, or member for which an exemption is claimed due to employment by the society subsequent to March 1 shall be registered by the society with the department within 10 days of the date of employment.

Section 137. Section 634.171, Florida Statutes, is amended to read:

634.171 Salesman to be *licensed and appointed* ~~registered~~.—*Salesmen of motor vehicle service agreement companies shall be licensed, appointed, renewed, continued, reinstated, or terminated as prescribed in chapter 626 for insurance representatives in general, except they shall be exempt from fingerprinting, photo, education, and examination provisions. License, appointment, and other fees shall be those prescribed in s. 624.501. A licensed and appointed salesman shall be directly responsible and accountable for all acts of his employees and other representatives. Each service agreement company or insurer shall, on forms prescribed by the department, within 30 day after termination of the appointment, notify the department of such termination.* ~~Each motor vehicle service agreement company or insurer shall on forms prescribed by the department register, on or before March 1 of each odd-numbered year, the name and business office address of each salesman employed by it and shall within 30 days after termination of the employment notify the department of such termination. At the time of registration, a $40 filing fee for each registered salesman shall be paid by the service agreement company or insurer to the department. Any salesman employed subsequent to the March 1 filing date shall be registered with the department within 10 days after such employment. Registration shall be made biennially on March 1 of each odd-numbered year, and the filing fee shall be $40.~~ No employee or salesman of a motor vehicle service agreement company or insurer may directly or indirectly solicit or negotiate insurance contracts, or hold himself out in any manner to be an insurance agent or solicitor, unless so qualified and licensed *and appointed* therefor under the Florida Insurance Code.

Section 138. Section 634.181, Florida Statutes, is amended to read:

634.181 Grounds for compulsory refusal, suspension, or revocation of *license or appointment* ~~registration~~ of salesmen.—The department shall deny, suspend, revoke, or refuse to renew or continue the *license or appointment* ~~registration~~ of any such salesman if it finds that as to the salesman any one or more of the following applicable grounds exist:

(1) Material misstatement, misrepresentation, or fraud in *obtaining or attempting to obtain the license or appointment* ~~registration~~.

(2) If the *license or appointment* ~~registration~~ is willfully used, or to be used, to circumvent any of the requirements or prohibitions of this act.

(3) Willful misrepresentation of any service agreement or willful deception with regard to any such agreement, done either in person or by any form of dissemination of information or advertising.

(4) If in the adjustment of claims arising out of service agreements, he has materially misrepresented to an agreement holder or other interested party the terms and coverage of a contract with intent and for the purpose of effecting settlement of such claim on less favorable terms than those provided in and contemplated by the contract.

(5) For demonstrated lack of fitness or trustworthiness to engage in the business authorized under this part.

(6) For demonstrated lack of adequate knowledge and technical competence to engage in the transactions authorized by the *license or appointment* ~~registration~~.

(7) Fraudulent or dishonest practices in the conduct of business under the *license or appointment* ~~registration~~.

(8) Misappropriation, conversion, or unlawful withholding of moneys belonging to a company, insurer, or agreement holder or to others and received in conduct of business under the *license or appointment* ~~registration~~.

(9) For *unlawfully* rebating, or attempt thereat, or for unlawfully dividing or offering to divide his commission with another.

(10) Willful failure to comply with, or willful violation of any proper order, rule, or regulation of the department, or willful violation of any provision of this act.

(11) Having been found guilty of, or having pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or any state thereof or under the law of any other country which involves moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

Section 139. Section 634.191, Florida Statutes, is amended to read:

634.191 Grounds for discretionary refusal, suspension, revocation of *license or appointment* ~~registration~~ of salesmen.—The department may, in its discretion, deny, suspend, revoke, or refuse to renew or continue the *license or appointment* ~~registration~~ of any salesman if it finds that as to the salesman any one or more of the following applicable grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 634.181:

(1) For any cause for which granting of the *license or appointment* ~~registration~~ could have been refused had it then existed and been known to the department.

(2) Violation of any provision of this act or of any other law applicable to the business of service agreements in the course of dealings under the *license or appointment* ~~registration~~.

(3) Has violated any lawful order or rule or regulation of the department.

(4) Failure or refusal, upon demand, to pay over to any company or insurer he represents or has represented any money coming into his hands belonging to the company or insurer.

(5) If, in the conduct of business under the *license or appointment* ~~registration~~, he has engaged in unfair methods of competition or in unfair or deceptive acts or practices, as such methods, acts, or practices are or may be defined under part X of chapter 626, or has otherwise shown himself to be a source of injury or loss to the public or detrimental to the public interest.

(6) Having been found guilty of, or having pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or any state thereof or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

Section 140. Section 634.201, Florida Statutes, is amended to read:

634.201 Refusal, suspension, or revocation of *license or appointment* ~~registration~~ of salesmen.—

(1) If any salesman is convicted by a court of a violation of this act, the *license and appointment* ~~registration~~ of such individual shall thereby be deemed to be immediately revoked.

(2) If after an investigation, or upon other evidence, the department has reason to believe that there may exist any one or more grounds therefor, as such grounds are specified in ss. 634.181 and 634.191, the department may suspend, revoke, or refuse to renew or continue the *license or appointment* ~~registration~~ of any salesman.

(3) The department's papers, documents, reports, or evidence relative to a hearing for revocation or suspension of a license *or appointment* pursuant to the provisions of this chapter and chapter 120 shall not be subject to subpoena without the department's consent, except for subpoenas issued pursuant to the hearing for revocation or suspension, until after the same shall have been published at the hearing, unless after notice to the department and hearing the court determines that the department would not be unnecessarily hindered or embarrassed by such subpoenas.

(4) Whenever it appears that any licensed *or appointed* insurance agent has violated the provisions of this act, the department may take such action relative thereto as is authorized by the Florida Insurance Code as for a violation of the Florida Insurance Code by such agent.

Section 141. Section 634.211, Florida Statutes, is amended to read:

634.211 Administrative fine in lieu of suspension or revocation of *license or appointment* ~~registration~~.—

(1) If the department finds that one or more grounds exist for the suspension, revocation, or refusal to renew or continue any *license or appointment* ~~registration~~ issued under this act, the department may, in its discretion, in lieu of such suspension, revocation, or

refusal, on a first offense and except where such suspension, revocation, or refusal is mandatory, impose upon the *licensee or appointee* ~~registrant~~ an administrative penalty in the amount of $100, or if the department has found willful misconduct or willful violation on the part of the *licensee or appointee* ~~registrant~~, an administrative fine of $500. The administrative penalty may, in the department's discretion, be augmented in amount by an amount equal to any commissions received by or accruing to the credit of the *licensee or appointee* ~~registrant~~ in connection with any transaction as to which the grounds for suspension, revocation, or refusal related.

(2) The department may allow the *licensee or appointee* ~~registrant~~ a reasonable period, not to exceed 30 days, within which to pay to the department the amount of the penalty so imposed. If the *licensee or appointee* ~~registrant~~ fails to pay the penalty in its entirety to the department at its office at Tallahassee within the period so allowed, the *license and appointment* ~~registration~~ of the *licensee or appointee* ~~registrant~~ shall stand suspended, revoked, or renewal or continuation refused, as the case may be, upon expiration of such period.

Section 142. Section 634.317, Florida Statutes, is amended to read:

634.317 *License and appointment* ~~Registration~~ required.—No person may solicit, negotiate, or effectuate home warranty contracts for remuneration in this state unless such person is *licensed and appointed* ~~registered~~ as a sales representative. If a real estate office sells or issues home warranties, only one real estate broker for each office licensed under chapter 475 is required to be *licensed and appointed* ~~registered~~ as a sales representative under this part. The broker acting as sales representative is responsible for the warranties sold or issued through the office.

Section 143. Section 634.318, Florida Statutes, is amended to read:

634.318 *License and appointment* ~~Registration~~ of sales representatives.—*Sales representatives of home warranty associations shall be licensed, appointed, renewed, continued, reinstated, or terminated as prescribed in chapter 626 for insurance representatives in general, except they shall be exempt from the fingerprinting, photo, education, and examination provisions. License, appointment, and other fees shall be those prescribed in s. 624.501.* ~~Every home warranty association or insurer shall, on forms prescribed by the department, register, on or before March 1 of each odd-numbered year, the name and business address of each sales representative utilized by it in this state and shall, within 30 days after termination of the contract, notify the department of such termination. At the time of biennial registration, a $40 filing fee for each sales representative shall be paid by the warranty association or insurer to the department. Any sales representative utilized subsequent to the March 1 filing date shall be registered with the department within 10 days after such utilization.~~ No employee or sales representative of a home warranty association or insurer may directly or indirectly solicit or negotiate insurance contracts, or hold himself out in any manner to be an insurance agent or solicitor, unless so qualified, ~~and~~ licensed, *and appointed* therefor under the insurance code.

Section 144. Subsection (1) of section 634.319, Florida Statutes, is amended to read:

634.319 Reporting and accounting for funds.—

(1) All funds belonging to insurers, home warranty associations, or others received by a sales representative in transactions under his *license and appointment* ~~registration~~ are trust funds so received by such sales representative in a fiduciary capacity; and the sales representative, in the applicable regular course of business, shall account for and pay such funds to the insurer, association, warranty holder, or other person entitled thereto.

Section 145. Section 634.320, Florida Statutes, is amended to read:

634.320 Grounds for compulsory refusal, suspension, or revocation of *license or appointment* ~~registration~~ of sales representatives.—The department shall deny, suspend, revoke, or refuse to renew or continue the *license or appointment* ~~registration~~ of any sales representative if it is found that any one or more of the following grounds applicable to the sales representative exist:

(1) Material misstatement, misrepresentation, or fraud in *obtaining or attempting to obtain a license or appointment* ~~registration~~.

(2) The *license or appointment* ~~registration~~ is willfully used, or to be used, to circumvent any of the requirements or prohibitions of this part.

(3) Willful misrepresentation of any warranty contract or willful deception with regard to any such contract, done either in person or by any form of dissemination of information or advertising.

(4) In the adjustment of claims arising out of warranties, material misrepresentation to a warranty holder or other interested party of the terms and coverage of a contract, with the intent and for the purpose of effecting settlement of such claim on less favorable terms than those provided in and contemplated by the contract.

(5) Demonstrated lack of fitness or trustworthiness to engage in the business of warranty.

(6) Demonstrated lack of adequate knowledge and technical competence to engage in the transactions authorized by the *license or appointment* ~~registration~~.

(7) Fraudulent or dishonest practices in the conduct of business under the *license or appointment* ~~registration~~.

(8) Misappropriation, conversion, or unlawful withholding of moneys belonging to an association, insurer, or warranty holder, or to others, and received in the conduct of business under the *license or appointment* ~~registration~~.

(9) *Unlawfully* rebating, or attempting to *unlawfully* rebate, or unlawfully dividing, or offering to divide, his commission with another.

(10) Willful failure to comply with, or willful violation of, any proper order or rule of the department or willful violation of any provision of this part.

(11) Being found guilty of or pleading guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or any state thereof or under the law of any other country involving moral turpitude, without regard to whether judgment of conviction has been entered by the court.

Section 146. Section 634.321, Florida Statutes, is amended to read:

634.321 Grounds for discretionary refusal, suspension, or revocation of *license or appointment* ~~registration~~ of sales representatives.—The department may, in its discretion, deny, suspend, revoke, or refuse to renew or continue the *license or appointment* ~~registration~~ of any sales representative if it is found, after notice and hearing thereon as provided in s. 634.322, that any one or more of the following grounds applicable to the sales representative exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 634.320:

(1) Any cause for which granting of the *license or appointment* ~~registration~~ could have been refused had it then existed and been known to the department.

(2) Violation of any provision of this part, or of any other law applicable to the business of warranties, in the course of dealings under the *license or appointment* ~~registration~~.

(3) Violation of any lawful order or rule of the department.

(4) Failure or refusal to pay over, upon demand, to any home warranty association or insurer he represents or has represented any money coming into his hands which belongs to the association or insurer.

(5) In the conduct of business under the *license or appointment* ~~registration~~, engaging in unfair methods of competition or in unfair or deceptive acts or practices, as such methods, acts, or practices are or may be defined under this part, or otherwise showing himself to be a source of injury or loss to the public or detriment to the public interest.

(6) Being found guilty of or pleading guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or any state thereof or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court.

Section 147. Section 634.322, Florida Statutes, is amended to read:

634.322 Procedure for refusal, suspension, or revocation of *license or appointment* ~~registration~~ of sales representatives.—

(1) If any sales representative is convicted by a court of a violation of any provision of this part, the *license or appointment* ~~registration~~ of such individual shall thereby be deemed to be immediately revoked without any further procedure relative thereto by the department.

(2) Whenever it appears that any licensed *or appointed* insurance agent has violated the provisions of this part, the department may take such action relative thereto as is authorized by the insurance code as for a violation of the insurance code by such agent.

Section 148. Section 634.3225, Florida Statutes, is amended to read:

634.3225 Duration of suspension or revocation of *license or appointment* ~~registration.~~—

(1) The department shall, in its order suspending a *license or appointment* ~~registration~~, specify the time period during which the suspension is to be effective. Such period may not exceed 1 year. The *license or appointment* ~~registration~~ shall remain suspended during the period specified, subject to any rescission or modification by the department. A *license or appointment* ~~registration~~ which has been suspended may be reinstated, but the department may not grant such reinstatement if it determines that the circumstances for which the *license or appointment* ~~registration~~ was suspended still exist or are likely to recur.

(2) No person whose *license or appointment* ~~registration~~ has been revoked by the department has the right to apply for another *license or appointment* ~~registration~~ within 2 years from the effective date of revocation or, if judicial review of the revocation is sought, within 2 years from the date of the final court order or decree affirming the revocation. The department may not grant a new *license or appointment* ~~registration~~ if it determines that the circumstances for which the previous *license or appointment* ~~registration~~ was revoked still exist or are likely to recur.

(3) The department may not grant or issue any *license or appointment* ~~registration~~ to any individual whose *license or appointment* ~~registration~~ has been revoked twice.

(4) During any period of suspension or revocation of the *license or appointment* ~~registration~~, the former *licensee or appointee* ~~registrant~~ may not engage in or attempt to engage in any transaction or business for which a *license or appointment* ~~registration~~ is required under this part.

Section 149. Section 634.323, Florida Statutes, is amended to read:

634.323 Administrative fine in lieu of suspension or revocation of sales representative's *license or appointment* ~~registration.~~—

(1) If, pursuant to procedures provided for in this part, it is found that one or more grounds exist for the suspension or revocation of, or refusal to renew or continue, any sales representative's *license or appointment* ~~registration~~ issued under this part, on a first offense, an order may be entered imposing upon the *licensee or appointee* ~~registrant~~, in lieu of such suspension, revocation, or refusal, an administrative penalty for each violation in the amount of $500 or, in the event of willful misconduct or willful violation on the part of the *licensee or appointee* ~~registrant~~, an administrative fine of $1,000. The administrative penalty may be augmented in amount by an amount equal to any commissions received by or accruing to the credit of the *licensee or appointee* ~~registrant~~ in connection with any transaction to which the grounds for suspension, revocation, or refusal related.

(2) The order may allow the *licensee or appointee* ~~registrant~~ a reasonable period, not to exceed 30 days, within which to pay to the department the amount of the penalty so imposed. If the *licensee or appointee* ~~registrant~~ fails to pay the penalty in its entirety to the department at its office in Tallahassee within the period so allowed, the *license or appointment* ~~registration~~ of the *licensee or appointee* ~~registrant~~ shall stand suspended or revoked, or renewal or continuation may be refused, as the case may be, upon expiration of such period and without any further proceedings.

Section 150. Section 634.419, Florida Statutes, is amended to read:

634.419 *License and appointment* ~~Registration~~ required.—No person shall solicit, negotiate, advertise, or effectuate service warranty contracts in this state unless such person is *licensed and appointed* ~~registered~~ as a sales representative or acts under the supervision of a sales representative. Sales representatives shall be responsible for the actions of persons under their supervision. *However, a service warranty association licensed under this part shall not be required to be licensed and appointed as a sales representative to advertise its products.*

Section 151. Section 634.420, Florida Statutes, is amended to read:

634.420 *License and appointment* ~~Registration~~ of sales representatives.—*Salesmen for service warranty associations or insurers shall be licensed, appointed, renewed, continued, reinstated, or terminated as prescribed in chapter 626 for insurance representatives in general, except they shall be exempt from the fingerprinting, photo, education, and examination provisions. License, appointment, and other fees shall be those prescribed in s. 624.501. A licensed and appointed salesman shall be directly responsible and accountable for all acts of his employees or other representatives. Each service warranty association or insurer shall, on forms prescribed by the department, within 30 days after termination of the appointment, notify the department of such termination.* ~~Each service warranty association or insurer shall, on forms prescribed by the department, register, on or before March 1 of each odd-numbered year, the name and business address of each sales representative utilized by it in this state and shall, within 30 days after termination of the contract, notify the department of such termination. At the time of biennial registration, a $40 filing fee for each sales representative shall be paid by the service warranty association or insurer to the department. Any sales representative utilized subsequent to the March 1 filing date shall be registered with the department within 10 days after such utilization.~~ No employee or sales representative of a service warranty association or insurer may directly or indirectly solicit or negotiate insurance contracts, or hold himself out in any manner to be an insurance agent or solicitor, unless so qualified, ~~and~~ licensed, *and appointed* therefor under the insurance code.

Section 152. Subsection (1) of section 634.421, Florida Statutes, is amended to read:

634.421 Reporting and accounting for funds.—

(1) All funds belonging to insurers, service warranty associations, or others received by a sales representative in transactions under his *license or appointment* ~~registration~~ are trust funds so received by such agent in a fiduciary capacity; and the agent, in the applicable regular course of business, shall account for and pay such funds to the insurer, association, warranty holder, or other person entitled thereto.

Section 153. Section 634.422, Florida Statutes, is amended to read:

634.422 Grounds for compulsory refusal, suspension, or revocation of *license or appointment* ~~registration~~ of sales representatives.—The department shall deny, suspend, revoke, or refuse to renew or continue the *license or appointment* ~~registration~~ of any sales representative if it is found that any one or more of the following grounds applicable to the sales representative exist:

(1) Material misstatement, misrepresentation, or fraud in *obtaining or attempting to obtain a license or appointment* ~~registration~~.

(2) The *license or appointment* ~~registration~~ is willfully used, or to be used, to circumvent any of the requirements or prohibitions of this part.

(3) Willful misrepresentation of any service warranty contract or willful deception with regard to any such contract, done either in person or by any form of dissemination of information or advertising.

(4) In the adjustment of claims arising out of warranties, material misrepresentation to a service warranty holder or other interested party of the terms and coverage of a contract with the intent and for the purpose of effecting settlement of such claim on less favorable terms than those provided in and contemplated by the contract.

(5) Demonstrated lack of fitness or trustworthiness to engage in the business of service warranty.

(6) Demonstrated lack of adequate knowledge and technical competence to engage in the transactions authorized by the *license or appointment* ~~registration~~.

(7) Fraudulent or dishonest practices in the conduct of business under the *license or appointment* ~~registration~~.

(8) Misappropriation, conversion, or unlawful withholding of moneys belonging to an association, insurer, or warranty holder, or to others, and received in the conduct of business under the *license or appointment* ~~registration~~.

(9) *Unlawfully* rebating, or attempting to *unlawfully* rebate, or unlawfully dividing, or offering to divide, his commission with another.

(10) Willful failure to comply with, or willful violation of, any proper order or rule of the department, or willful violation of any provision of this part.

(11) Being found guilty of or pleading nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or any state thereof or under the law of any other country involving moral turpitude, without regard to whether judgment of conviction has been entered by the court having jurisdiction of such case.

Section 154. Section 634.423, Florida Statutes, is amended to read:

634.423 Grounds for discretionary refusal, suspension, or revocation of *license or appointment* ~~registration~~ of sales representatives.—The department may deny, suspend, revoke, or refuse to renew or continue the *license or appointment* ~~registration~~ of any sales representative if it is found that any one or more of the following grounds applicable to the sales representative exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 634.422:

(1) Any cause for which granting of the *license or appointment* ~~registration~~ could have been refused had it then existed and been known to the department.

(2) Violation of any provision of this part, or of any other law applicable to the business of service warranties, in the course of dealings under the *license or appointment* ~~registration~~.

(3) Violation of any lawful order or rule of the department.

(4) Failure or refusal to pay over, upon demand, to any service warranty association or insurer he represents or has represented any money coming into his hands which belongs to the association or insurer.

(5) In the conduct of business under the *license or appointment* ~~registration~~, engaging in unfair methods of competition or in unfair or deceptive acts or practices, as such methods, acts, or practices are or may be defined under this part, or otherwise showing himself to be a source of injury or loss to the public or detriment to the public interest.

(6) Being found guilty of or pleading guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or any state thereof or under the law of any other country, without regard to whether judgment of conviction has been entered by the court having jurisdiction of such case.

Section 155. Section 634.424, Florida Statutes, is amended to read:

634.424 Procedure for refusal, suspension, or revocation of *license or appointment* ~~registration~~ of sales representatives.—

(1) If any sales representative is convicted by a court of a violation of any provision of this part, the *license and appointment* ~~registration~~ of such individual shall thereby be deemed to be immediately revoked without any further procedure relative thereto by the department.

(2) If, after an investigation or upon other evidence, the department has reason to believe that there may exist any one or more grounds for the suspension, revocation, or refusal to renew or continue the *license or appointment* ~~registration~~ of any sales representative, as such grounds are specified in ss. 634.422 and 634.423, the department may proceed to suspend, revoke, or refuse to renew or continue the *license or appointment* ~~registration~~, as the case may be.

(3) If such *licensed and appointed* ~~registered~~ sales representative also holds a license to perform professional services of the type covered by the service warranty issued, the department shall file with the regulatory authority that issued such license a recommendation that such license be suspended or revoked. Such regulatory authority shall promptly review the recommendation and take appropriate action in accordance with its laws and rules to suspend or revoke such license.

(4) Whenever it appears that any licensed *or appointed* insurance agent has violated the provisions of this part, the department may take such action relative thereto as is authorized by the insurance code for a violation of the insurance code by such agent.

Section 156. Section 634.425, Florida Statutes, is amended to read:

634.425 Duration of suspension or revocation.—

(1) The department shall, in its order suspending a *license or appointment* ~~registration~~, specify the time period during which the suspension is to be in effect. Such period may not exceed 1 year. The *license or appointment* ~~registration~~ shall remain suspended during the period so specified, subject to any rescission or modification of the order by the department before the expiration of the suspension period. A *license or appointment* ~~registration~~ which has been suspended may not be reinstated except upon request, but the department may not grant such reinstatement if it finds that the circumstances for which the *license or appointment* ~~registration~~ was suspended still exist or are likely to recur.

(2) No person whose *license or appointment* ~~registration~~ has been revoked by the department has the right to apply for another *license or appointment* ~~registration~~ within 2 years from the effective date of such revocation or, if judicial review of such revocation is sought, within 2 years from the date of the final court order or decree affirming the revocation. The department, however, may not grant a new *license or appointment* ~~registration~~ if it finds that the circumstance or circumstances for which the previous *license or appointment* ~~registration~~ was revoked still exist or are likely to recur.

(3) The department may not grant or issue any *license or appointment* ~~registration~~ to any individual whose *license or appointment* ~~registration~~ has been revoked twice.

(4) During the period of suspension, or after revocation of the *license or appointment* ~~registration~~, the former *licensee or appointee* ~~registrant~~ may not engage in or attempt to engage in any transaction or business for which a *license or appointment* ~~registration~~ is required under this part.

Section 157. Section 634.426, Florida Statutes, is amended to read:

634.426 Administrative fine in lieu of suspension or revocation of *license or appointment* ~~registration~~.—

(1) If, pursuant to procedures provided for in this part, it is found that one or more grounds exist for the suspension, revocation, or refusal to renew or continue any *license or appointment* ~~registration~~ issued under this act, on a first offense and except when such suspension, revocation, or refusal is mandatory, an order may be entered imposing upon the *licensee or appointee* ~~registrant~~, in lieu of such suspension, revocation, or refusal, an administrative penalty for each violation in the amount of $100, or in the event of willful misconduct or willful violation on the part of the *licensee or appointee* ~~registrant~~, an administrative fine not to exceed $1,000 for each violation. The administrative penalty may be augmented by an amount equal to any commissions received by or accruing to the credit of the *licensee or appointee* ~~registrant~~ in connection with any transaction to which the grounds for suspension, revocation, or refusal are related.

(2) The order may allow the *licensee or appointee* ~~registrant~~ a reasonable period, not to exceed 30 days, within which to pay to the department the amount of the penalty so imposed. If the *licensee or appointee* ~~registrant~~ fails to pay the penalty in its entirety to the department at its office in Tallahassee within the period so allowed, the *license and appointment* ~~registration~~ of the *licensee or appointee*

~~registrant~~ shall stand suspended or revoked or renewal or continuation may be refused, as the case may be, upon expiration of such period and without any further proceedings.

Section 158. Section 635.051, Florida Statutes, is amended to read:

635.051 Licensing *and appointment* of mortgage guaranty insurance agents.—

(1) Agents of mortgage guaranty insurers shall be licensed *and appointed* and shall be subject to the same qualifications and requirements applicable to general lines agents under the laws of this state, except that:

(a) No particular preliminary specialized education or training shall be required of an applicant for such an agent's license if, as part of the application for license *and appointment*, the insurer guarantees that the applicant will receive the necessary training to enable him properly to hold himself out to the public as a mortgage guaranty insurance agent and if the department, in its discretion, accepts such guaranty;

(b) The agent's license *and appointment* shall be a limited license, limited to the handling of mortgage guaranty insurance only; and

(c) An examination may be required of an applicant for such a license if the insurer fails to provide the guaranty described in paragraph (a).

(2) Any general lines agent licensed under chapter 626 is qualified to represent a mortgage guaranty insurer without additional examination.

(3) The department shall charge mortgage guaranty insurance agents the same applicable license *and appointment* taxes and fees as charged general lines agents in s. 624.501. The department shall deposit such license *and appointment* taxes and fees in the same manner as provided in s. 624.523 for the deposit of license *and appointment* taxes and fees by general lines agents.

Section 159. Section 637.141, Florida Statutes, is amended to read:

637.141 Regulation of sales representatives of optometric service plan corporations.—Every sales representative of any optometric service plan corporation shall be *appointed* ~~registered~~ by the corporation with the department. *Licensure and appointment* ~~Registration~~ shall be on forms prescribed by the department and shall show the information requested. *Sales representatives of optometric service plan corporations shall be licensed, appointed, renewed, continued, reinstated, or terminated as prescribed in chapter 626 for insurance representatives in general, and shall pay the license and appointment fees prescribed in s. 624.501.* ~~Registration shall be made on or before the date of employment by the corporation of the sales representative. The corporation shall pay to the department, for deposit into the Insurance Commissioner's Regulatory Trust Fund, a permit fee of $12 for each sales representative and a like amount by October 1 of each odd-numbered year thereafter.~~ No permit is transferable from one person or corporation to another.

Section 160. Section 637.143, Florida Statutes, is amended to read:

637.143 Grounds for compulsory refusal, suspension, or revocation of *license or appointment* ~~registration~~.—The department shall deny, suspend, revoke, or refuse to renew or continue the *license or appointment* ~~registration~~ and eligibility for *license or appointment* ~~registration~~ of any sales representative who sells or writes contracts for an optometric service plan corporation if it finds that any one or more of the following grounds applicable to the sales representative exist:

(1) Willful use of *a license or appointment* ~~registration~~ to circumvent any of the requirements or prohibitions of this part.

(2) Willful misrepresentation of any optometric service plan contract or willful deception with regard to the plan or contract, done either in person or by any form of dissemination of information or advertising.

(3) Material misrepresentation to a subscriber or other interested party of the terms and coverage of a nonprofit optometric service plan with intent and for the purpose of effecting settlement of claim for loss or damage or benefit under the contract on less favorable terms than those provided in and contemplated by the contract.

(4) Demonstrated lack of fitness or trustworthiness.

(5) Demonstrated lack of reasonably adequate knowledge and technical competence to engage in the transactions authorized by the *license or appointment* ~~registration~~.

(6) Fraudulent or dishonest practices in the conduct of business under the *license or appointment* ~~registration~~.

(7) Misappropriation, conversion, or unlawful withholding of moneys belonging to subscribers or the optometric service plan corporation or to others and received in the conduct of business under the *license or appointment* ~~registration~~.

(8) Willful failure to comply with, or willful violation of, any proper order or rule of the department or willful violation of any provision of this part.

(9) A verdict of guilty or an entered plea of guilty or nolo contendere, in this state or any other state, to a felony which involves moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

Section 161. Section 637.144, Florida Statutes, is amended to read:

637.144 Grounds for discretionary refusal, suspension, or revocation of *license or appointment* ~~registration~~.—The department may, in its discretion, deny, suspend, revoke, or refuse to renew or continue the *license or appointment* ~~registration~~ and eligibility for *license or appointment* ~~registration~~ of any sales representative who sells or writes contracts for an optometric service plan corporation if it finds that any one or more of the following grounds applicable to the sales representative exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 637.143:

(1) Any cause for which issuance of the *license or appointment* ~~registration~~ could have been refused had it then existed and been known to the department.

(2) Violation of any provision of this part.

(3) Violation of any lawful order or rule of the department.

(4) Failure or refusal, upon demand, to pay over to any optometric service plan corporation he represents or has represented any money coming into his hands belonging to the corporation.

(5) Business conduct under the *license or appointment* ~~registration~~ involving unfair methods of competition or unfair or deceptive acts or practices, as prohibited under part X of chapter 626, or otherwise causing injury or loss to the public or detriment to the public interest.

(6) A verdict of guilty or an entered plea of guilty or nolo contendere to a felony, in this state or any other state, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

Section 162. Section 637.145, Florida Statutes, is amended to read:

637.145 Duration of suspension or revocation.—

(1) The department shall, in its order suspending a *license or appointment* ~~registration~~, specify the period, not to exceed 1 year, during which the suspension is to be in effect. The *license or appointment* ~~registration~~ shall remain suspended during the specified period, subject, however, to any rescission or modification of the order by the department, or modification or reversal thereof by the court, before expiration of the suspension period. A *license or appointment* ~~registration~~ which has been suspended may not be reinstated except upon request for such reinstatement. The department may not grant such reinstatement if it finds that the circumstance or circumstances for which the *license or appointment* ~~registration~~ was suspended still exist or are likely to recur.

(2) No individual whose *license or appointment* ~~registration~~ was revoked by the department has the right to apply for another *license or appointment* ~~registration~~ within 2 years from the effective date of such revocation or, if judicial review of such revocation is sought, within 2 years from the date of final court order or decree affirming the revocation. The department may not, however, grant a new *license or appointment* ~~registration~~ if it finds that the circumstance or circumstances for which the *license or appointment* ~~registration~~ was revoked still exist or are likely to recur.

(3) The department may not grant or issue a *license or appointment* ~~registration~~ to any individual whose *license or appointment* ~~registration~~ has been revoked twice.

Section 163. Section 637.146, Florida Statutes, is amended to read:

637.146 Administrative fine in lieu of suspension, revocation, or refusal of *license or appointment* ~~registration~~.—

(1) If the department finds that one or more grounds exist for the discretionary suspension, revocation, or refusal to renew or continue any *license or appointment* ~~registration~~ under this part, the department may, in its discretion, impose upon the person, in lieu of such penalty, an administrative penalty not to exceed $100 for each nonwillful violation and not to exceed $1,000 for each willful violation.

(2) The department may allow a reasonable period, not to exceed 30 days, within which there may be paid to the department the amount of the penalty so imposed. If the penalty is not paid in its entirety to the department at its office at Tallahassee within the period so allowed, the *license or appointment* ~~registration~~ shall stand suspended or revoked or the renewal or continuation shall be refused, as the case may be, upon the expiration of such period. The penalty shall be deposited into the Insurance Commissioner's Regulatory Trust Fund.

Section 164. Section 637.301, Florida Statutes, is amended to read:

637.301 Regulation of sales representatives of pharmaceutical service plan corporations.—Every sales representative of any pharmaceutical service plan corporation shall be *appointed* ~~registered~~ by the corporation with the department. *Licensure and appointment* ~~Registration~~ shall be on forms prescribed by the department and shall show the information requested. *Sales representatives of pharmaceutical service plan corporations shall be licensed, appointed, renewed, continued, reinstated, or terminated as prescribed in chapter 626 for insurance representatives in general, and shall pay the license and appointment fees prescribed in s. 624.501.* ~~Registration shall be made on or before the date of employment by the corporation of the sales representative. The corporation shall pay to the department, for deposit into the Insurance Commissioner's Regulatory Trust Fund, a permit fee of $12 for each sales representative and a like amount by October 1 of each odd-numbered year thereafter.~~ No permit is transferable from one person or corporation to another.

Section 165. Section 637.302, Florida Statutes, is amended to read:

637.302 Grounds for compulsory refusal, suspension, or revocation of *license or appointment* ~~registration~~.—The department shall deny, suspend, revoke, or refuse to renew or continue the *license or appointment* ~~registration~~ and eligibility for *license or appointment* ~~registration~~ of any sales representative who sells or writes contracts for a pharmaceutical service plan corporation if it finds that any one or more of the following grounds applicable to the sales representative exist:

(1) Willful use of *a license or appointment* ~~registration~~ to circumvent any of the requirements or prohibitions of this part.

(2) Willful misrepresentation of any pharmaceutical service plan contract or willful deception with regard to the plan or contract, done either in person or by any form of dissemination of information or advertising.

(3) Material misrepresentation to a subscriber or other interested party of the terms and coverage of a nonprofit pharmaceutical service plan with intent and for the purpose of effecting settlement of claim for loss or damage or benefit under the contract on less favorable terms than those provided in and contemplated by the contract.

(4) Demonstrated lack of fitness or trustworthiness.

(5) Demonstrated lack of reasonably adequate knowledge and technical competence to engage in the transactions authorized by the *license or appointment* ~~registration~~.

(6) Fraudulent or dishonest practices in the conduct of business under the *license or appointment* ~~registration~~.

(7) Misappropriation, conversion, or unlawful withholding of moneys belonging to subscribers or the pharmaceutical service plan corporation or to others and received in the conduct of business under the *license or appointment* ~~registration~~.

(8) Willful failure to comply with, or willful violation of, any proper order or rule of the department or willful violation of any provision of this part.

(9) A verdict of guilty or an entered plea of guilty or nolo contendere, in this state or any other state, to a felony which involves moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

Section 166. Section 637.303, Florida Statutes, is amended to read:

637.303 Grounds for discretionary refusal, suspension, or revocation of *license or appointment* ~~registration~~.—The department may, in its discretion, deny, suspend, revoke, or refuse to renew or continue the *license or appointment* ~~registration~~ of any sales representative who sells or writes contracts for a pharmaceutical service plan corporation and it shall suspend or revoke the eligibility to hold a *license or appointment* ~~registration~~ of any such person if it finds that as to the applicant for *license or appointment* ~~registration~~ any one or more of the following grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 637.302:

(1) Any cause for which issuance of the *license or appointment* ~~registration~~ could have been refused had it then existed and been known to the department.

(2) Violation of any provision of this part.

(3) Violation of any lawful order or rule of the department.

(4) Failure or refusal, upon demand, to pay over to any pharmaceutical service plan corporation he represents or has represented any money coming into his hands belonging to the corporation.

(5) Business conduct under the *license or appointment* ~~registration~~ involving unfair methods of competition or unfair or deceptive acts or practices, as prohibited under part X of chapter 626, or otherwise causing injury or loss to the public or detriment to the public interest.

(6) A verdict of guilty or an entered plea of guilty or nolo contendere to a felony, in this state or any other state, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

Section 167. Section 637.304, Florida Statutes, is amended to read:

637.304 Duration of suspension or revocation.—

(1) The department shall, in its order suspending a *license or appointment* ~~registration~~, specify the period, not to exceed 1 year, during which the suspension is to be in effect. The *license or appointment* ~~registration~~ shall remain suspended during the specified period, subject, however, to any rescission or modification of the order by the department, or modification or reversal thereof by the court, before expiration of the suspension period. A *license or appointment* ~~registration~~ which has been suspended may not be reinstated except upon request for such reinstatement. The department may not grant such reinstatement if it finds that the circumstance or circumstances for which the *license or appointment* ~~registration~~ was suspended still exist or are likely to recur.

(2) No individual whose *license or appointment* ~~registration~~ was revoked by the department has the right to apply for another *license or appointment* ~~registration~~ within 2 years from the effective date of such revocation or, if judicial review of such revocation is sought, within 2 years from the date of final court order or decree affirming the revocation. The department may not, however, grant a new *license or appointment* ~~registration~~ if it finds that the circumstance or circumstances for which the *license or appointment* ~~registration~~ was revoked still exist or are likely to recur.

(3) The department may not thereafter grant or issue a *license or appointment* ~~registration~~ to any individual whose *license or appointment* ~~registration~~ has been revoked twice.

Section 168. Section 637.305, Florida Statutes, is amended to read:

637.305 Administrative fine in lieu of suspension, revocation, or refusal of *license or appointment* ~~registration~~.—

(1) If the department finds that one or more grounds exist for the discretionary suspension, revocation, or refusal to renew or con-

tinue any *license or appointment* ~~registration~~ under this part, the department may, in its discretion, impose upon the person, in lieu of such penalty, an administrative penalty not to exceed $100 for each nonwillful violation and not to exceed $1,000 for each willful violation.

(2) The department may allow a reasonable period, not to exceed 30 days, within which there may be paid to the department the amount of the penalty so imposed. If the penalty is not paid in its entirety to the department at its office at Tallahassee within the period so allowed, the *license or appointment* ~~registration~~ shall stand suspended or revoked or the renewal or continuation shall be refused, as the case may be, upon the expiration of such period. The penalty shall be deposited in the Insurance Commissioner's Regulatory Trust Fund.

Section 169. Section 637.415, Florida Statutes, 1990 Supplement, is amended to read:

637.415 Regulation of employees or representatives of dental service plan corporations.—

(1) With respect to contracts or certificates for dental services issued by any dental service plan corporation subject to the provisions of this part, no person shall, unless licensed *and appointed* therefor:

(a) Solicit contracts or certificates for dental services or procure applications therefor;

(b) Receive or issue a receipt in this state for any money on account of or for any dental service plan corporation, or receive or issue a receipt in this state for money from a third party to be transmitted to any dental service plan corporation, for a contract or certificate providing dental services or benefits or for the renewal thereof; or

(c) In any way, directly or indirectly, make or cause to be made, or attempt to make or cause to be made, any contract or certificate for dental services on account of any dental service plan corporation.

(2) The department shall not grant or issue any license *or appointment* required by the provisions of this part to any individual who is found by the department to be untrustworthy or incompetent or who does not meet all of the qualifications of s. 626.831.

(3) No person holding a license *or appointment* required by the provisions of this part shall violate the provisions of part X of chapter 626, Unfair Insurance Trade Practices.

(4) *Sales representatives of dental service plan corporations shall be licensed, appointed, renewed, continued, reinstated, or terminated as prescribed in chapter 626 for insurance representatives in general, and shall pay the license and appointment fees prescribed in s. 624.501.* ~~Every dental service plan corporation shall pay to the department the fees as specified in s. 624.501(8)(a) for each licensed employee or representative thereof.~~

(5) The grounds and procedures for refusal, suspension, or revocation of a license *or appointment* issued to any employee or representative of a dental service plan corporation shall be as set forth in ss. 626.611-626.691.

Section 170. Section 638.181, Florida Statutes, is amended to read:

638.181 *License and appointment* ~~Registration~~ of sales representatives.—*Sales representatives of ambulance service associations or insurers shall be licensed, appointed, renewed, continued, reinstated, or terminated as prescribed in chapter 626 for insurance representatives in general, and shall pay the license and appointment fees prescribed in s. 624.501.* ~~Every ambulance service association or insurer shall on forms prescribed by the department register, on or before October 1 of each year, the name and business office address of each sales representative employed by it, and shall within 30 days after termination of the employment notify the department of such termination. Any sales representative employed subsequent to the October 1 filing date shall be registered with the department within 10 days after such employment.~~ No employee or sales representative of an ambulance service association or insurer shall directly or indirectly solicit or negotiate insurance contracts, or hold himself out in any manner to be an insurance agent or solicitor, unless so qualified and licensed *and appointed* therefor under the insurance code.

Section 171. Section 638.191, Florida Statutes, is amended to read:

638.191 Grounds for compulsory refusal, suspension, or revocation of *license or appointment* ~~registration~~ of sales representative.—The department shall deny, suspend, revoke, or refuse to renew the *license or appointment* ~~registration~~ of any sales representative if it finds that, as to the sales representative, any one or more of the following grounds exist:

(1) Material misstatement, misrepresentation, or fraud in *obtaining or attempting to obtain a license or appointment* ~~registration~~.

(2) Willful use of the *license or appointment* ~~registration~~ to circumvent any of the requirements or prohibitions of this chapter.

(3) Willful misrepresentation or willful deception with regard to any contract, done either in person or by any form of dissemination of information or advertising.

(4) Material misrepresentation to a contract holder or other interested party of the terms and coverage of a contract with intent and for the purpose of effecting settlement of such claim on less favorable terms than those provided in and contemplated by the contract in the adjustment of claims arising out of any contract.

(5) Demonstrated lack of fitness or trustworthiness to engage in the business of ambulance service contracts.

(6) Demonstrated lack of adequate knowledge and technical competence to engage in the transactions authorized by the *license or appointment* ~~registration~~.

(7) Fraudulent or dishonest practices in the conduct of business under the *license or appointment* ~~registration~~.

(8) Misappropriation, conversion, or unlawful withholding of moneys received in the conduct of the business under *license or appointment* ~~registration~~ and belonging to an association, insurer, or contract holder or to others.

(9) *Unlawfully* rebating, or attempting to *unlawfully* rebate, or unlawfully dividing or offering to divide, his commission with another.

(10) Willful failure to comply with, or willful violation of, any proper order or rule of the department, or willful violation of any provision of this chapter.

(11) Being found guilty of, or pleading guilty or nolo contendere to, a felony which involves moral turpitude, without regard to whether a judgment of conviction has been entered.

Section 172. Section 638.201, Florida Statutes, is amended to read:

638.201 Grounds for discretionary refusal, suspension, or revocation of *license or appointment* ~~registration~~ of sales representative.—The department may, in its discretion, deny, suspend, revoke, or refuse to renew the *license or appointment* ~~registration~~ of any sales representative if it finds that the sales representative has committed any of the following acts under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 638.191:

(1) Any act which provides cause for which granting of the *license or appointment* ~~registration~~ could have been refused had such cause then existed and been known to the department.

(2) Violation of any provision of this chapter or of any other law applicable to the business of ambulance service contracts in the course of dealings under the *license or appointment* ~~registration~~.

(3) Violation of any lawful order or rule of the department.

(4) Failure or refusal, upon demand, to pay over to any association or insurer he represents or has represented any money belonging to the association or insurer.

(5) In the conduct of business under the *license or appointment* ~~registration~~, engaging in unfair methods of competition or in unfair or deceptive acts or practices, as such methods, acts, or practices are or may be defined under part X of chapter 626, or has otherwise shown himself to be a source of injury or loss to the public or detrimental to the public interest.

(6) Being found guilty of, or having pled guilty or nolo contendere to, a felony without regard to whether a judgment of conviction has been entered.

Section 173. Subsections (1) and (2) of section 638.211, Florida Statutes, are amended to read:

638.211 Refusal, suspension, or revocation of *license or appointment* ~~registration~~ of sales representative.—

(1) If any sales representative is convicted by a court of a violation of this chapter, the *license or appointment* ~~registration~~ of such individual shall thereby be deemed to be immediately revoked.

(2) If after an investigation, or upon other evidence, the department has reason to believe that there may exist any one or more grounds therefor, as such grounds are specified in ss. 638.191 and 638.201, the department may suspend, revoke, or refuse to renew or continue the *license or appointment* ~~registration~~ of any sales representative.

Section 174. Section 638.221, Florida Statutes, is amended to read:

638.221 Administrative fine in lieu of suspension or revocation of *license or appointment* ~~registration~~.—

(1) If the department finds that one or more grounds exist for the suspension of, revocation of, or refusal to renew or continue any *license or appointment* ~~registration~~ issued under this chapter, the department may, in its discretion, in lieu of such suspension, revocation, or refusal, on a first offense and except when such suspension, revocation, or refusal is mandatory, impose upon the *licensee or appointee* ~~registrant~~ an administrative penalty in an amount not to exceed $500 or, if the department has found willful misconduct or willful violation on the part of the *licensee or appointee* ~~registrant~~, an administrative fine not to exceed $1,000. The administrative penalty may, in the discretion of the department, be augmented in amount by an amount equal to any commissions received by or accruing to the credit of the *licensee or appointee* ~~registrant~~ in connection with any transaction as to which the grounds for suspension, revocation, or refusal relate.

(2) The department may allow the *licensee or appointee* ~~registrant~~ a reasonable period, not to exceed 30 days, within which to pay to the department the amount of the penalty so imposed. If the *licensee or appointee* ~~registrant~~ fails to pay the penalty in its entirety to the department at its office at Tallahassee within the period so allowed, the *license or appointment* ~~registration~~ of the *licensee or appointee* ~~registrant~~ shall stand suspended, revoked, or renewal or continuation refused, as the case may be, upon expiration of such period.

Section 175. Section 639.185, Florida Statutes, is amended to read:

639.185 Preneed sales; *licensure and appointment* ~~registration~~ of sales agents and sales persons.—

(1) *Sales agents and sales persons selling preneed contracts, other than licensed funeral directors, funeral establishments, or direct disposers shall be licensed, appointed, renewed, continued, reinstated, or terminated as prescribed in chapter 626 for insurance representatives in general, and shall pay the license and appointment fees prescribed in s. 624.501. However, they are exempt from the fingerprinting, photograph, education, and examination provisions.* ~~Any person, except a licensed funeral director, a funeral establishment, or a direct disposer, selling preneed contracts on or after April 1, 1984, shall be registered with the department. The application for registration shall be signed by the sales agent or other sales person and by the certificateholder to whom the sales agent or sales person will be responsible. The department shall register such person upon receipt of the application and a registration fee of $40. The registration shall be renewed biennially on April 1, and each even-numbered year thereafter, upon receipt of the renewal fee of $40. The certificateholder who has registered such sales agent or sales person shall notify the department within 10 days after such person's status as sales agent or sales person has terminated.~~

(2) Each certificateholder is subject to discipline if his sales agent or sales person violates any provision of this chapter. The department may refuse to *license or appoint* ~~register~~, or may revoke the *license or appointment* ~~registration~~ of, a sales agent or sales person who has violated the provisions of this chapter.

(3) All fees collected pursuant to this section shall be payable to the Insurance Commissioner's Regulatory Trust Fund.

(4) The grounds and procedures for refusal, suspension, or revocation of a license or appointment issued to a sales agent or sales person under this section are as set forth in ss. 626.611-626.691.

Section 176. Section 641.386, Florida Statutes, is amended to read:

641.386 Agent licensing *and appointment* required; exceptions.—

(1) With respect to a health maintenance contract, no person shall, unless licensed *and appointed* as a health insurance agent in accordance with the applicable provisions of the Florida Insurance Code:

(a) Solicit contracts or procure applications; or

(b) Engage or hold himself out as engaging in the business of analyzing or abstracting health maintenance contracts or of counseling or advising or giving opinions to persons relative to such contracts other than as a consulting actuary advising a health maintenance organization or as a salaried bona fide full-time employee so counseling and advising his employer relative to coverage for the employer and his employees.

(2) All qualifications, disciplinary provisions, licensing *and appointment* procedures, fees, and related matters contained in the Florida Insurance Code which apply to the licensing *and appointment* of health insurance agents by insurers shall apply to health maintenance organizations and to persons licensed *or appointed* by the health maintenance organization as their agents.

(3) No examination, ~~or~~ license, *or appointment* shall be required of any regular salaried officer or employee of a health maintenance organization who devotes substantially all of his services to activities other than the solicitation of health maintenance organization contracts from the public and who receives no commission or other compensation directly dependent upon the solicitation of such contracts.

Section 177. Section 642.034, Florida Statutes, is amended to read:

642.034 *License and appointment* ~~Registration~~ required.—No person may solicit, negotiate, sell, or execute legal expense insurance contracts on behalf of an insurer in this state unless such person is *licensed and appointed* ~~registered~~ as a sales representative or is licensed *and appointed* under the insurance code as a general lines agent or solicitor. No person *licensed and appointed* ~~registered~~ as a legal expense insurance sales representative may solicit, negotiate, sell, or execute any other contract of insurance unless such person is duly licensed *and appointed* to do so under the provisions of chapter 626.

Section 178. Subsection (1) of section 642.036, Florida Statutes, is amended to read:

642.036 Sales representatives to be *licensed and appointed* ~~registered~~.—

(1) *Sales representatives of legal expense insurers shall be licensed, appointed, renewed, continued, reinstated, or terminated as prescribed in chapter 626 for insurance representatives in general, and shall pay the license and appointment fees prescribed in s. 624.501.* ~~Each insurer shall, on forms prescribed by the department and on or before March 1 of each odd-numbered year, register the name and business address of each sales representative under contract with it in this state and shall, within 30 days after termination of the contract, notify the department of such termination. At the time of the biennial registration, a $20 filing fee for each sales representative shall be paid by the insurer to the department. Any sales representative employed after the March 1 filing date shall be registered with the department within 10 days after such employment.~~ No employee or sales representative of an insurer may directly or indirectly solicit or negotiate insurance contracts, or hold himself out in any manner to be an insurance agent or solicitor, unless so qualified, ~~and~~ licensed, *and appointed* therefor under the insurance code.

Section 179. Subsection (1) of section 642.038, Florida Statutes, is amended to read:

642.038 Reporting and accounting for funds.—

(1) All funds belonging to an insurer or other person received by a sales representative in transactions under his *license and appointment* ~~registration~~ shall be trust funds so received by such representative in a fiduciary capacity; and the representative, in the applicable regular course of business, shall account for and pay the same to the insurer or other person entitled thereto.

Section 180. Section 642.041, Florida Statutes, is amended to read:

642.041 Grounds for compulsory refusal, suspension, or revocation of *license or appointment* ~~registration~~ of contracting sales representatives.—The department shall, pursuant to the insurance code, deny, suspend, revoke, or refuse to renew or continue the *license or appointment* ~~registration~~ of any sales representative or the license *or appointment* of any general lines agent or solicitor if it finds that, as to the sales representative, general lines agent, or solicitor, any one or more of the following applicable grounds exist:

(1) Material misstatement, misrepresentation, or fraud in *obtaining or attempting to obtain a license or appointment* ~~registration~~.

(2) The *license or appointment* ~~registration~~ is willfully used, or to be used, to circumvent any of the requirements or prohibitions of ss. 642.011-642.049.

(3) Willful misrepresentation of any legal expense contract or willful deception with regard to any such contract, performed either in person or by any form of dissemination of information or advertising.

(4) In the adjustment of claims, material misrepresentation to a contract holder or other interested party of the terms and coverage of a contract, with the intent and for the purpose of settling such claim on less favorable terms than those provided in and contemplated by the contract.

(5) Demonstrated lack of fitness or trustworthiness to engage in the business of legal expense insurance.

(6) Demonstrated lack of adequate knowledge and technical competence to engage in the transactions authorized by the *license or appointment* ~~registration~~.

(7) Fraudulent or dishonest practices in the conduct of business under the *license or appointment* ~~registration~~.

(8) Misappropriation, conversion, or unlawful withholding of moneys belonging to an insurer or other person and received in the conduct of business under the *license or appointment* ~~registration~~.

(9) *Unlawfully* rebating, or attempting to *unlawfully* rebate, or unlawfully dividing, or offering to divide, his commission with another.

(10) Willful failure to comply with, or willful violation of, any proper order or rule of the department or willful violation of any provision of ss. 642.011-642.049.

(11) Being found guilty of, or pleading guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or any state thereof or under the law of any other country which involves moral turpitude, without regard to whether a judgment of conviction has been entered.

Section 181. Section 642.043, Florida Statutes, is amended to read:

642.043 Grounds for discretionary refusal, suspension, or revocation of *license or appointment* ~~registration~~ of sales representatives.—The department may, in its discretion, deny, suspend, revoke, or refuse to renew or continue the *license or appointment* ~~registration~~ of any sales representative if it finds that, as to the representative, any one or more of the following applicable grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 642.041:

(1) Any cause for which granting of the *license or appointment* ~~registration~~ could have been refused had it been known to the department at the time of application.

(2) Violation of any provision of ss. 642.011-642.049, or of any other law applicable to the business of legal expense insurance in the course of dealings under the *license or appointment* ~~registration~~.

(3) Violation of any lawful order or rule of the department.

(4) Failure or refusal to pay over, upon demand, to any insurer he represents, or has represented, any money which belongs to the insurer.

(5) In the conduct of business under the *license or appointment* ~~registration~~, having engaged in unfair methods of competition or in unfair or deceptive acts or practices, as such methods, acts, or practices are defined under part X of chapter 626, or having otherwise shown himself to be a source of injury or loss to the public or detrimental to the public interest.

(6) Having been found guilty of, or having pled guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or any state thereof or under the law of any other country, whether or not a judgment of conviction has been entered.

Section 182. Subsection (1) of section 642.045, Florida Statutes, is amended to read:

642.045 Procedure for refusal, suspension, or revocation of *license and appointment* ~~registration~~ of sales representative; departmental action upon violation by licensed insurance agent or solicitor.—

(1) If any sales representative is convicted by a court of a violation of any provision of ss. 642.011-642.049, the *license and appointment* ~~registration~~ of such individual shall thereby be deemed to be immediately revoked without any further procedure relative thereto by the department.

Section 183. Section 642.047, Florida Statutes, is amended to read:

642.047 Administrative fine in lieu of suspension or revocation of *license or appointment* ~~registration~~.—

(1) If, pursuant to procedures provided for in ss. 642.011-642.049, it is found that one or more grounds exist for the suspension or revocation of, or refusal to renew or continue, any *license or appointment* ~~registration~~ issued under ss. 642.011-642.049, and except when such suspension, revocation, or refusal is mandatory, an order may be entered imposing upon the *licensee or appointee* ~~registrant~~, in lieu of such suspension, revocation, or refusal, an administrative penalty for each violation in the amount of $100 or, in the event of willful misconduct or willful violation on the part of the *licensee or appointee* ~~registrant~~, an administrative fine of $500. The administrative penalty may be augmented in amount by an amount equal to any commissions received by or accruing to the credit of the *licensee or appointee* ~~registrant~~ in connection with any transaction to which the grounds for suspension, revocation, or refusal related.

(2) The order may allow the *licensee or appointee* ~~registrant~~ a reasonable period not to exceed 30 days, within which to pay to the department the amount of the penalty so imposed. If the *licensee or appointee* ~~registrant~~ fails to pay the penalty in its entirety to the department at its office in Tallahassee within the period so allowed, the *license or appointment* ~~registration~~ of the *licensee or appointee* ~~registrant~~ shall stand suspended or revoked, or renewal or continuation may be refused, as the case may be, upon expiration of such period and without any further proceedings.

Section 184. For the purpose of incorporating the amendments to various sections of Florida Statutes made by this act in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

395.0172 Private utilization review.—

(2) As used in this section, the term:

(c) "Private review agent" means any person or entity which performs utilization review services for third-party payors on a contractual basis for outpatient or inpatient services. However, the term shall not include full-time employees, personnel, or staff of health insurers, health maintenance organizations, or hospitals, or wholly owned subsidiaries thereof or affiliates under common ownership, when performing utilization review for their respective hospitals, health maintenance organizations, or insureds of the same insurance group. For this purpose, health insurers, health maintenance organizations, and hospitals, or wholly owned subsidiaries thereof or affiliates under common ownership, include such entities engaged as administrators of self-insurance as defined in s. 624.031.

402.48 Health care services pools.—

(8)

(c) Proof of financial responsibility must be demonstrated to the satisfaction of the department, through one of the following methods:

1. Establishing and maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52;

2. Obtaining and maintaining an unexpired irrevocable letter of credit established pursuant to chapter 675. Such letters of credit shall be nontransferrable and nonassignable and shall be issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state; or

3. Obtaining and maintaining professional liability coverage from one of the following:

a. An authorized insurer as defined under s. 624.09;

b. An eligible surplus lines insurer as defined under s. 626.918(2);

c. A risk retention group or purchasing group as defined under s. 627.942; or

d. A plan of self-insurance as provided in s. 627.357.

404.111 Surety requirements.—

(2) In lieu of posting a bond as required under subsection (1), a licensee may:

(a) Deposit with the Treasurer securities of the type eligible for deposit by insurers under s. 625.52, which securities must have at all times a market value of not less than the amount of the bond required under subsection (1).

458.320 Financial responsibility.—

(1) As a condition of licensing and prior to the issuance or renewal of an active license or reactivation of an inactive license for the practice of medicine, an applicant shall by one of the following methods demonstrate to the satisfaction of the board and the department financial responsibility to pay claims and costs ancillary thereto arising out of the rendering of, or the failure to render, medical care or services:

(b) Obtaining and maintaining professional liability coverage in an amount not less than $100,000 per claim, with a minimum annual aggregate of not less than $300,000, from an authorized insurer as defined under s. 624.09, from a surplus lines insurer as defined under s. 626.914(2), from a risk retention group as defined under s. 627.942, from the Joint Underwriting Association established under s. 627.351(4), or through a plan of self-insurance as provided in s. 627.357.

(2) As a continuing condition of hospital staff privileges, physicians with staff privileges shall also be required to establish financial responsibility by one of the following methods:

(a) Establishing and maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52 in the per claim amounts specified in paragraph (b).

This subsection shall be inclusive of the coverage in subsection (1).

459.0085 Financial responsibility.—

(1) As a condition of licensing and prior to the issuance or renewal of an active license or reactivation of an inactive license for the practice of osteopathic medicine, an applicant shall by one of the following methods demonstrate to the satisfaction of the board and the department financial responsibility to pay claims and costs ancillary thereto arising out of the rendering of, or the failure to render, medical care or services:

(a) Establishing and maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52 in the per-claim amounts specified in paragraph (b).

(2) As a continuing condition of hospital staff privileges, osteopathic physicians with staff privileges shall also be required to establish financial responsibility by one of the following methods:

(a) Establishing and maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52 in the per-claim amounts specified in paragraph (b).

This subsection shall be inclusive of the coverage in subsection (1).

624.11 Compliance required.—

(2) Any risk retention group organized and existing under the provisions of the Product Liability Risk Retention Act of 1981 (Pub. L. No. 97-45), which has been licensed as an insurance company and authorized to engage in the business of insurance may transact insurance in this state and shall be subject to the provisions of ss. 624.15, 624.316, 624.418, 624.421, 624.4211, 624.422, 624.509, 626.041, 626.112, 626.611, 626.621, 626.741, 626.932, 626.938, 626.9541, 627.351, and 627.915; part I of chapter 631; and all other applicable provisions of the laws of this state. Any such group formed in another jurisdiction shall furnish to the department, upon request, a copy of any financial report submitted by the group in the licensing jurisdiction.

624.402 Exceptions, certificate of authority required.—A certificate of authority shall not be required of an insurer with respect to:

(4) Reinsurance, when transacted as authorized under s. 624.610.

624.4414 Employer participants' liability.—

(1) The liability of each employer participant for the obligations of the multiple-employer welfare arrangement shall be individual, several, and proportionate, but not joint, except as provided in this section and s. 624.4415.

(2) Each employer participant shall have a contingent assessment liability pursuant to s. 624.4415 for payment of actual losses and expenses incurred while the policy was in force.

624.466 Application requirements for certificate of authority.—All applications for a certificate of authority for a commercial self-insurance fund shall be on a form furnished by the department and shall include or have attached the following:

(9)(a) An initial deposit of cash or securities of the type eligible for deposit by insurers under s. 625.52 in the amount of $100,000.

1. All income from deposits shall belong to the fund and shall be transmitted to the fund as it becomes available.

2. No judgment creditor or other claimant of the fund shall have the right to levy upon any of the assets or securities held as a deposit under this section.

624.488 Applicability of related laws.—In addition to other provisions of the code cited in ss. 624.460-624.488:

(1) Sections 624.155, 624.308, 624.414, 624.415, and 624.416(4); ss. 624.418-624.4211, except s. 624.418(2)(f); and s. 624.501;

(2) Part II of chapter 625;

shall apply to commercial self-insurance funds. No section of the code not expressly and specifically cited in ss. 624.460-624.488 shall apply to commercial self-insurance funds.

624.606 "Surety insurance" defined.—

(2) "Surety insurance" does not include:

(c) Any reinsurance contract authorized pursuant to s. 624.610.

624.609 Limit of risk.—

(3) Reinsurance ceded as authorized by s. 624.610 shall be deducted in determining risk retained. As to surety risks, a deduction shall also be made of the amount assumed by any established incorporated cosurety and the value of any security deposited, pledged, or held subject to the surety's consent and for the surety's protection.

625.012 "Assets" defined.—In any determination of the financial condition of an insurer, there shall be allowed as "assets" only such assets as are owned by the insurer and which consist of:

(8) The full amount of reinsurance recoverable by a ceding insurer from a solvent reinsurer and which reinsurance is authorized under s. 624.610.

626.8417 Title insurance agent's license; application and qualification; errors and omissions insurance; bond and deposit requirements; exemptions.—

(3) The department shall not grant or issue a license as title agent to any individual or entity found by it to be untrustworthy or incompetent, or to a corporation or other legal entity, the principals of which are found to be untrustworthy or incompetent, or who do not meet the following qualifications:

(g) Has deposited with the department securities of the type eligible for deposit by insurers under s. 625.52 and having at all times a market value of not less than $35,000. In lieu of such a deposit, the agent may post a surety bond of like amount payable to the department. The required deposit or bond shall be made by the title insurance agent, and a title insurer shall not provide the deposit or bond directly or indirectly on behalf of a title insurance agent. The deposit or bond shall secure the performance by the agent of his duties and responsibilities under his issuing agency contracts with each underwriter for which he is appointed. The agent shall have the right to exchange or substitute other securities of like quality and value for securities on deposit, to receive the interest and other income accruing on such securities, and to inspect the deposit at all reasonable times. Such deposit or bond shall be maintained unimpaired as long as the agent continues in business in this state and until one year after termination of all title insurance agent appointments held by the agent. The agent shall be entitled to the return of the deposit or bond together with accrued interest after such year has passed, provided that no claim has been made against the deposit or bond. In the event a surety bond is unavailable generally, then the department may promulgate rules for alternative methods to comply with this paragraph. With respect to such alternative methods for compliance, the department shall be guided by the past business performance and good reputation and character of the proposed title insurance agent. A surety bond is deemed to be unavailable generally if the prevailing annual premium exceeds 25 percent of the principal amount of the bond.

626.88 Definitions of "administrator" and "insurer".—

(1) For the purposes of this part, an "administrator" is any person who directly or indirectly solicits or effects coverage of, collects charges or premiums from, or adjusts or settles claims on residents of this state in connection with authorized commercial self-insurance funds or with insured or self-insured programs which provide life or health insurance coverage or coverage of any other expenses described in s. 624.33(1), other than any of the following persons:

(i) A trust exempt from taxation under s. 501(a) of the Internal Revenue Code, a trust satisfying the requirements of ss. 624.438 and 624.439, or any governmental trust as defined in s. 624.33(3), and the trustees and employees acting pursuant to such trust, or a custodian and its agents and employees, including individuals representing the trustees in overseeing the activities of a service company or administrator, acting pursuant to a custodial account which meets the requirements of s. 401(f) of the Internal Revenue Code.

627.9403 Scope.—The provisions of this part shall apply to long-term care insurance policies delivered or issued for delivery in this state, and to policies delivered or issued for delivery outside this state to the extent provided in s. 627.9406, by an insurer, a fraternal benefit society as defined in s. 632.601, a health care services plan as defined in s. 641.01, a health maintenance organization as defined in s. 641.19, a prepaid health clinic as defined in s. 641.402, or a multiple-employer welfare arrangement as defined in s. 624.437. A policy which is advertised, marketed, or offered as a long-term care policy and as a Medicare supplement policy shall meet the requirements of this part and the requirements of ss. 627.671-627.675 and, to the extent of a conflict, be subject to the requirement that is more favorable to the policyholder or certificateholder. The provisions of this part shall not apply to a continuing care contract issued pursuant to chapter 651 and shall not apply to guaranteed renewable policies issued prior to October 1, 1988.

628.071 Granting, denial of permit.—

(2) If the department does not so find, or finds that the insurer if formed or financed would not be able to qualify for or retain a certificate of authority by reason of the provisions of s. 624.404(3), a permit shall not be granted.

628.261 Notice of change of director or officer.—An insurer shall give the department written notice of any change of personnel among the directors or principal officers of the insurer within 45 days of such change. The written notice shall include all information necessary to allow the department to determine that the insurer will be in compliance with s. 624.404(3) and at a minimum shall contain the information required by s. 628.051(2)(b), (c), and (d).

629.131 Deposit in lieu of bond.—In lieu of the bond required under s. 629.121, the attorney may maintain on deposit through the office of the department a like amount in value of securities qualified for deposit under s. 625.52 and subject to the same conditions as the bond.

631.061 Grounds for liquidation.—The department may apply to the court for an order appointing it as receiver (if its appointment as receiver is not then in effect) and directing it to liquidate the business of a domestic insurer or of the United States branch of an alien insurer having trusteed assets in this state, regardless of whether or not there has been a prior order directing it to rehabilitate such insurer, upon any of the grounds specified in s. 631.051, or if such insurer:

(1) Is or is about to become insolvent.

(2) Is an insolvent insurer and has commenced or is attempting to commence voluntary liquidation or dissolution except under this code.

(3) Has not completed its organization and obtained a certificate of authority as an insurer within the time allowed therefor under any applicable law.

631.071 Grounds for conservation; foreign insurers.—The department may apply to the court for an order appointing it as receiver or ancillary receiver, and directing it to conserve the assets within this state, of a foreign insurer upon any of the following grounds:

(1) Upon any of the grounds specified in s. 631.051 or s. 631.061, or

631.081 Grounds for conservation; alien insurers.—The department may apply to the court for an order appointing it as receiver or ancillary receiver, and directing it to conserve the assets within this state, of any alien insurer upon any of the following grounds:

(1) Upon any of the grounds specified in s. 631.051 or s. 631.061;

631.371 Seizure under order of the department.—

(1) Upon the department filing a verified petition with any circuit judge of the proper judicial circuit as required by s. 631.021(2), which states that it believes that the interest of policyholders, the insurer, claimants, creditors, or the public will be endangered or jeopardized and that prima facie grounds exist for rehabilitation, liquidation, or conservation of an insurer under s. 631.051, s. 631.061, or s. 631.131, the department may request a seizure order and shall be entitled to an ex parte hearing forthwith and an appropriate seizure order from the judge or court in the interest of protecting the public and such insurer and its policyholders, claimants, or creditors. After a diligent effort is made to be heard by the judges of the circuit and such judges or the court fails or refuses to hear such petition for any reason, the department shall then file a duplicate original of said petition and exhibits, if any, in the Circuit Court of Leon County along with an affidavit which shall state that a diligent effort was made to obtain such initial hearing in the judicial circuit where such hearing was sought and that the request to be heard was refused or that a hearing was not granted and the reasons therefor, if known. Upon compliance with the above and if said affidavit further states that the department believes that irreparable harm will result to the public and the insurer and its policyholders, creditors, or claimants as a result of further delay, it may thereafter issue a seizure order on any ground that would justify court seizure under s. 631.361. Such seizure order may contain any or all the provisions of s. 631.361(1). The department shall retain possession and control until the order is vacated or is replaced by an order of court pursuant to subsection (2) or subsection (3) or pursuant to a formal delinquency proceeding under this chapter.

631.828 Assessments against member HMOs; income tax credit for assessments paid.—Any provisions of the law to the contrary notwithstanding, a member HMO may offset against its corporate income tax liability or other liabilities, on an individual or consolidated basis, as applicable, any assessment described in s. 631.819 to the extent

of 20 percent of the amount of such assessment for each of the 5 calendar years following the year in which such assessment was paid.

632.638 Applicability of other code provisions.—In addition to the provisions heretofore contained or referred to in this chapter, other chapters and provisions of this code shall apply to fraternal benefit societies, to the extent applicable and not in conflict with the express provisions of this chapter and the reasonable implications thereof, as follows:

(3) Sections 624.404, 624.415, 624.416, 624.418, 624.420, 624.421, 624.4211, 624.422, and 624.423;

634.052 Required deposit.—

(1) To assure the faithful performance of its obligations to its members or subscribers, each motor vehicle service agreement company shall, prior to issuance of its license by the department, deposit with the department securities of the type eligible for deposit by insurers under s. 625.52 and having at all times a market value of not less than $100,000.

(2) In addition to the deposits otherwise required pursuant to this section, the department may, after notice and hearing, require any company for good cause shown to deposit and maintain deposited in trust for the protection of the contract holders and creditors of the company, for such time as the department deems necessary, securities eligible for such deposit under s. 625.52 having a value of not less than the amount which the department determines is necessary, which amount shall be neither less than $100,000, nor more than $500,000, depending on the obligation of the company in this state.

634.252 Acquisition.—Every motor vehicle service agreement company shall be subject to the provisions of s. 628.4615. However, in the case of a health maintenance organization organized as a for-profit corporation, the provisions of s. 628.451 govern with respect to any merger or consolidation, and, in the case of a health maintenance organization organized as a not-for-profit corporation, the provisions of s. 628.471 govern with respect to any merger or consolidation.

634.253 Delinquency proceedings.—

(1) If any of the grounds for rehabilitation, liquidation, conservation, reorganization, seizure, or summary proceedings of an insurer as set forth in ss. 631.051, 631.061, and 631.071 exist as to a company, the department may petition for an appropriate court order or may pursue such other relief as is afforded in part I of chapter 631.

634.305 Required deposit or bond.—

(1) To assure the faithful performance of its obligations to its members or subscribers in the event of insolvency, every home warranty association shall, before the issuance of its license by the department, deposit with the department securities of the type eligible for deposit by insurers under s. 625.52, which securities shall have at all times a market value of not less than $100,000.

(2) In lieu of any deposit of securities required under subsection (1), the association may:

(a) Deposit with the department securities of the type eligible for deposit by insurers under s. 625.52, which securities shall have at all times a market value of not less than $25,000; and

634.3073 Acquisition.—Every home warranty association shall be subject to the provisions of s. 628.4615.

634.405 Required deposit or bond.—

(1) To assure the faithful performance of its obligations to its members or subscribers in the event of insolvency, each service warranty association shall, before the issuance of its license by the department and during such time as the association may have premiums in force in this state, deposit and maintain securities of the type eligible for deposit by insurers under s. 625.52. Whenever the market value of the securities deposited with the department is less than 95 percent of the amount required, the association shall deposit additional securities or otherwise increase the deposit to the amount required. Such securities shall have at all times a market value as follows:

(a) Warrantors.—

1. Any warrantor which:

a. Was licensed under this part before October 1, 1983;

b. Was transacting service warranty business in this state before June 14, 1978;

c. Has continuously transacted service warranty business in this state since June 14, 1978; and

d. Has not during any year since June 14, 1978, written more than $100,000 of gross written premiums,

shall place and maintain in trust with the department an amount equal to 50 percent of the gross written premiums in force.

2. A warrantor which has $300,000 or less of gross written premiums in this state and to which the provisions of subparagraph 1. do not apply shall place and maintain in trust with the department an amount not less than $50,000. A new warrantor, before the issuance of its license and before receiving any premiums, shall place and maintain in trust with the department the amount of $50,000.

3. A warrantor which has more than $300,000 but less than $750,000 of gross written premiums in this state shall place and maintain in trust with the department an amount not less than $75,000.

4. A warrantor which has $750,000 or more of gross written premiums in this state shall place and maintain in trust with the department an amount equal to $100,000.

5. All warrantors, upon receipt of written notice from the department, shall have 30 calendar days in which to make additional deposits.

(b) Warranty sellers.—A warranty seller shall, before the issuance of its license, place in trust with the department an amount not less than $100,000.

634.4085 Acquisition.—Except for manufacturers as defined in this part, every service warranty association shall be subject to the provisions of s. 628.4615.

637.153 Acquisition of optometric service plan.—Every optometric service plan shall be subject to the provisions of s. 628.4615.

637.316 Acquisition of pharmaceutical service plan corporation.—Every pharmaceutical service plan corporation shall be subject to the provisions of s. 628.4615.

637.422 Acquisition of dental service plan corporation.—Every dental service plan corporation shall be subject to the provisions of s. 628.4615.

638.052 Acquisition of ambulance service association.—Every ambulance service association shall be subject to the provisions of s. 628.4615.

638.081 Required deposit or bond.—

(1) To assure the faithful performance of its obligations to its members or subscribers, every ambulance service association shall, prior to issuance of its certificate of authority by the department, deposit with the department securities of the type eligible for deposit by insurers under s. 625.52, and having a market value of not less than $20,000. Such deposit requirement shall be in addition to the capital funds requirement in s. 638.061. Whenever the market value of the securities deposited with the department is less than 95 percent of the amount required under this subsection, the association shall deposit additional securities or otherwise increase the deposit to the amount specified in this subsection.

639.106 Acquisition.—Every person issued a certificate of authority to sell preneed contracts shall be subject to the provisions of s. 628.4615.

641.255 Acquisition.—Every health maintenance organization shall be subject to the provisions of s. 628.4615. However, in the case of a health maintenance organization organized as a for-profit corporation, the provisions of s. 628.451 govern with respect to any merger or consolidation; and, in the case of a health maintenance organization organized as a not-for-profit corporation, the provisions of s. 628.471 govern with respect to any merger or consolidation.

641.285 Insolvency protection.—

(1) Unless otherwise provided in this section, each health maintenance organization shall deposit with the department cash or securities of the type eligible under s. 625.52, which shall have at all times a market value in the amount set forth in this subsection. The amount of the deposit shall be reviewed annually, or more often, as the department deems necessary. The market value of the deposit shall be the greater of:

(a) Twice its reasonably estimated average monthly uncovered expenditures; or

(b) $100,000.

641.35 Assets, liabilities, and investments.—

(1) ASSETS.—In any determination of the financial condition of a health maintenance organization, there shall be allowed as "assets" only those assets that are owned by the health maintenance organization and which assets consist of:

(d) The full amount of reinsurance recoverable from a solvent reinsurer, which reinsurance is authorized under s. 624.610.

The department, upon determining that a health maintenance organization's asset has not been evaluated according to applicable law or that it does not qualify as an asset, shall require the health maintenance organization to properly reevaluate the asset or replace the asset with an asset suitable to the department within 30 days of receipt of written notification by the department of this determination, if the removal of the asset from the organization's assets would impair the organization's solvency.

641.416 Acquisition.—Every prepaid health clinic shall be subject to the provisions of s. 628.4615.

641.47 Definitions.—As used in this part, the term:

(1) "Health care services" means comprehensive health care services, as defined in s. 641.19, when applicable to a health maintenance organization, and means basic services, as defined in s. 641.402(1), when applicable to a prepaid health clinic.

(5) "Organization" means any health maintenance organization as defined in s. 641.19 and any prepaid health clinic as defined in s. 641.402(5).

642.023 Required deposit or bond.—

(1) To assure the faithful performance of its obligations in the event of insolvency, each legal expense insurance corporation, prior to the issuance of its certificate of authority, shall deposit and maintain with the department securities of the type eligible for deposit by insurers under s. 625.52, which securities shall be held in trust and shall have at all times a market value in the amount specified. Whenever the market value of the securities deposited with the department is less than 95 percent of the amount of the deposit required, the insurer shall deposit additional securities or otherwise increase the deposit to the amount required. The initial deposit for a corporation shall be in the amount of $50,000 for at least the first full year of operation. The amount of the initial deposit shall be adjusted annually thereafter on October 1 as follows:

(a) Each corporation having in force $300,000 or less of gross written premiums shall deposit with the department an amount equal to $30,000.

(b) Each corporation having in force more than $300,000 of gross written premiums, but less than $750,000, shall deposit with the department an amount equal to $75,000.

(c) Each corporation having in force more than $750,000 of gross written premiums shall deposit with the department an amount equal to $100,000.

651.024 Acquisition.—A person issued a certificate of authority to operate a continuing care facility or a provisional certificate of authority shall be subject to the provisions of s. 628.4615.

651.035 Minimum liquid reserve requirements.—

(7)

(e) In the event the issuing financial institution no longer participates in the State of Florida Treasury Certificate of Deposit Program, such financial institution shall deposit as collateral with the State of Florida Treasury eligible securities, as prescribed by s. 625.52 having a market value equal to or greater than 100 percent of the stated amount of the letter of credit.

651.071 Agreements as preferred claims on liquidation.—

(1) In the event of liquidation of the provider, all care agreements executed by a provider shall be deemed preferred claims against all assets owned by the provider; however, such claims shall be subordinate to those priority claims set forth in s. 631.271 and any secured claim as defined in s. 631.011.

651.105 Examination and inspections; fines.—

(1) The department may at any time, and shall at least once every 3 years, examine the business of any applicant for a certificate of authority and any provider engaged in the execution of care agreements or engaged in the performance of obligations under such agreements, in the same manner as is provided for examination of insurance companies pursuant to s. 624.316. Such examinations shall be made by a representative or examiner designated by the department, whose compensation will be fixed by the department pursuant to s. 624.320. Routine examinations may be made by having the necessary documents submitted to the department; and, for this purpose, financial documents and records conforming to commonly accepted accounting principles and practices, as required under s. 651.026, will be deemed adequate. The final written report of each such examination shall be filed in the office of the department and, when so filed, will constitute a public record. Any provider being examined shall, upon request, give reasonable and timely access to all of its records. The representative or examiner designated by the department may at any time examine the records and affairs and inspect the physical property of any provider, whether in connection with a formal examination or not.

651.114 Delinquency proceedings.—

(5) Should the department find that sufficient grounds exist as to a provider for rehabilitation, liquidation, conservation, reorganization, seizure, or summary proceedings of an insurer as set forth in ss. 631.051, 631.061, and 631.071, the department may petition for an appropriate court order or may pursue such other relief as is afforded in part I of chapter 631.

Section 185. Sections 624.308(3), 627.9301, 627.9302, 627.9303, 627.9304, 627.9305, 628.181, 628.191, 628.201, 628.311, 628.321, 628.4314, 631.243, 641.01, 641.02, 641.025, 641.03, 641.04, 641.05, 641.06, 641.08, 641.12, 641.125, 641.13, 641.14, 641.151, and 641.155, Florida Statutes, and section 624.3151, Florida Statutes, as created by chapter 90-119, Laws of Florida, are hereby repealed.

Section 186. Sections 629.50, 629.501, 629.502, 629.504, 629.506, 629.507, 629.508, 629.509, 629.511, 629.512, 629.513, 629.514, 629.516, 629.517, 629.518, and 629.519, Florida Statutes, are hereby repealed on October 1, 1992.

Section 187. Notwithstanding the Regulatory Sunset Act or any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, and except as otherwise specifically provided herein, the following chapters or parts of chapters of Florida Statutes shall not stand repealed on October 1, 1991, and shall continue in full force and effect as amended herein:

(1) Chapter 624, parts I, II, III, and V.

(2) Chapter 625.

(3) Chapter 628.

(4) Chapter 629.

(5) Chapter 630.

(6) Chapter 631.

(7) Chapter 641.

Section 188. The following chapters or parts of chapters of Florida Statutes, including any sections added by this act, are repealed on October 1, 2001, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes:

(1) Chapter 624, parts I, II, III, and V.

(2) Chapter 625.

(3) Chapter 628.

(4) Chapter 629.

(5) Chapter 630.

(6) Chapter 631.

(7) Chapter 641.

Section 189. Except as otherwise expressly provided in this act, this act shall take effect October 1, 1991.

House Amendment 1 to Senate Amendment 2—In title, on page 1, line 11, through page 14, line 3, strike all of said lines and insert: A bill to be entitled An act relating to insurance; amending s. 407.07, F.S.; deleting a reference to a repealed section; amending s. 624.01, F.S.; including ch. 635, F.S., within the Florida Insurance Code; amending s. 624.031, F.S.; defining "self-insurance"; amending s. 624.125, F.S., exempting certain motor vehicle service agreements from the Insurance Code; amending s. 624.310, F.S.; specifying enforcement powers of the Department of Insurance; providing definitions; providing for cease and desist orders; providing for removal or restriction of affiliated parties; providing for administrative fines and suspension or revocation of authority; specifying applicable procedures; amending s. 624.313, F.S.; requiring the department to publish certain reports; amending s. 624.315, F.S.; providing for the annual report of the department; amending s. 624.316, F.S.; providing for examination of insurers; redesignating s. 627.321, F.S., as s. 624.3161, F.S., and amending said section; providing for market conduct examinations; amending s. 624.317, F.S.; providing for investigation of customer representatives; amending s. 624.320, F.S., relating to examination expenses, to conform; amending s. 624.33, F.S., relating to jurisdiction of the department, to conform; amending s. 624.401, F.S.; providing criminal penalties for acting as an insurer without a certificate of authority; amending s. 624.404, F.S.; providing eligibility criteria for issuance of a certificate of authority; amending ss. 624.407 and 624.408, F.S., specifying surplus requirements for insurers; amending s. 624.412, F.S.; specifying required deposits of alien insurers; amending s. 624.413, F.S.; specifying form for financial statements; amending s. 624.416, F.S.; providing for continuation of certificates of authority; amending s. 624.424, F.S.; requiring filing of annual statements and other information; amending s. 624.430, F.S.; providing for removal of a line of insurance from a certificate of authority; amending s. 624.436, F.S.; specifying sections included within the Florida Nonprofit Multiple-Employer Welfare Arrangement Act; creating s. 624.4361, F.S.; providing definitions; amending s. 624.437, F.S.; requiring a certificate of authority for operation of a multiple-employer welfare arrangement; amending s. 624.438, F.S.; specifying eligibility criteria for issuance of a certificate of authority to an arrangement; creating s. 624.4385, F.S.; prohibiting an arrangement from using certain words in its name; amending s. 624.439, F.S.; providing for application for certificate of authority; amending s. 624.4392, F.S.; specifying fund balance required of an arrangement; amending s. 624.44, F.S.; providing for examination by the department; amending s. 624.441, F.S.; providing for insolvency protection; creating s. 624.4411, F.S.; providing for approval of certain contracts of an arrangement by the department; amending s. 624.4415, F.S.; providing for assessments of employers; creating s. 624.4416, F.S.; providing for assessments by the receiver of an arrangement; creating s. 624.4417, F.S.; prohibiting an arrangement from selling coverage to the general public or certain employers; specifying liability for assessments of persons who sell coverage in violation of the prohibition and of persons to whom coverage was so sold; providing penalties; amending s. 624.442, F.S.; requiring annual and quarterly reports; providing administrative penalties; requiring retention of an independent certified public accountant by each authorized arrangement; providing for terms of contract; creating s. 624.4431, F.S.; specifying administrative and rulemaking authority of the department; creating s. 624.4432, F.S.; requiring arrangements to comply with specified provisions relating to assets, liabilities, and investments; amending s. 624.444, F.S.; providing for denial, suspension, or revocation of an arrangement's certificate of authority; amending s. 624.445, F.S.; specifying provisions applicable to denial, suspension, or revocation of a certificate of authority; providing administrative penalties; amending s. 624.462, F.S.; providing criteria for establishment of commercial self-insurance funds; amending s. 624.474, F.S.; providing that the trustees or directors of a self-insurance fund may assess members; amending s. 624.482, F.S., relating to making and use of rates, to conform; amending s. 624.489, F.S.; specifying liability of directors of self-insurance funds operating as corporations; amending s. 624.523, F.S.; providing for deposit of certain moneys in the Insurance Commissioner's Regulatory Trust Fund; amending s. 624.610, F.S.; specifying entities that are approved reinsurers; limiting reinsurance agreements in certain circumstances; providing circumstances under which no credit is allowed for reinsurance; amending s. 624.80, F.S., relating to a definition of "insurer", to conform; amending s. 625.091, F.S.; specifying reserves required for losses and loss adjustment expenses; amending s. 625.121, F.S.; revising the standard valuation law for life insurance; amending s. 625.151, F.S.; providing for valuation of securities; amending s. 625.305, F.S.; providing for diversification; amending s. 625.316, F.S.; authorizing insurers to invest in certain international development banks; amending s. 625.327, F.S.; providing that said section supersedes a specified provision of federal law; amending s. 625.51, F.S.; providing for deposits of domestic insurers; amending s. 625.52, F.S.; specifying securities eligible for deposit; amending s. 625.58, F.S.; specifying actions the department may take with respect to an insurer that fails to cure a deficiency in its deposit; amending s. 625.62, F.S.; providing for holding and release of deposit; amending s. 625.63, F.S.; providing for release of deposit; amending s. 626.2815, F.S.; changing certain continuing education requirements for insurance agents and other licensees; amending s. 626.431, F.S.; requiring the Department of Insurance to notify certain agents that eligibility for appointment may expire; amending s. 626.852, F.S.; providing that third-party administrators and employees are exempt from licensure as adjusters; amending s. 626.858, F.S.; deleting provisions of definitions; amending s. 626.873, F.S.; deleting provisions requiring issuance of licenses; amending s. 627.091, F.S., relating to workers' compensation and employer's liability rate filings, to conform; amending s. 627.311, F.S., relating to joint underwriters and joint reinsurers, to conform; amending s. 627.4585, F.S., relating to interest on policy loans, to conform; amending s. 627.482, F.S., relating to interest payable on cash surrender of policy, to conform; amending s. 628.051, F.S.; specifying content of application for permit to form insurer; amending s. 628.081, F.S.; specifying content of articles of incorporation of domestic insurer; amending s. 628.161, F.S.; specifying qualifications for mutual insurers; amending s. 628.171, F.S.; providing bond requirements for mutual insurers; redesignating s. 628.331, F.S., relating to enforcement of contingent liability, as s. 628.6018, F.S., and amending said section to conform; amending s. 628.451, F.S.; providing for merger or share exchange of stock insurers; amending s. 628.4615, F.S.; redesignating allied lines insurers as specialty insurers; providing for acquisition of controlling stock, ownership interest, assets, or control; amending s. 628.471, F.S.; providing for mergers of mutual insurers; amending s. 628.520, F.S.; providing for change of domicile of a foreign insurer; creating ss. 628.6011, 628.6012, 628.6013, 628.6014, 628.6015, 628.6016, and 628.6017, F.S.; providing for creation, regulation, and conversion of assessable mutual insurers; amending s. 628.901, F.S.; defining "captive insurer"; amending ss. 627.944, 627.949, 627.952, 632.634, 634.171, 634.181, 634.191, 634.201, 634.211, 634.317, 634.318, 634.319, 634.320, 634.321, 634.322, 634.3225, 634.323, 634.419, 634.420, 634.421, 634.422, 634.423, 634.424, 634.425, 634.426, 635.051, 637.141, 637.143, 637.144, 637.145, 637.146, 637.301, 637.302, 637.303, 637.304, 637.305, 637.415, 638.181, 638.191, 638.201, 638.211, 638.221, 639.185, 641.386, 642.034, 642.036, 642.038, 642.041, 642.043, 642.045, and 642.047, F.S.; applying provisions relating to licensure, appointment, and discipline of insurance agents, unlawful rebating, and fees, to persons engaged in sales for risk retention and purchasing groups, fraternal benefit societies, motor vehicle service agreement companies, home warranty associations, service warranty associations, mortgage guaranty insurance, optometric service plan corporations, pharmaceutical service plan corporations, dental service plan corporations, ambulance service associations, preneed funeral merchandise or service contracts, health maintenance organizations, and legal expense insurers; amending s. 628.903, F.S.; increasing the minimum premium for certain industrial insured captive insurers; amending s. 629.261, F.S.; conforming a reference to surplus to current usage; amending s. 629.513, F.S., relating to making and use of rates of limited reciprocal insurers, to conform; creating s. 629.520, F.S.; abolishing the power of the department to issue certificates of authority as limited reciprocal insurers; amending s. 631.011, F.S.; providing definitions; amending s. 631.041, F.S.; providing for automatic stays in delinquency proceedings; creating s. 631.112, F.S.; providing

for subordination of claims for noncooperation; amending s. 631.141, F.S.; providing for disposition of records of delinquency proceedings for domestic and alien insurers; amending s. 631.152, F.S.; providing for conduct of delinquency proceedings of foreign insurers; amending s. 631.154, F.S.; providing procedures for delivery to the receiver of funds or property in the possession of third parties; amending s. 631.155, F.S.; providing for an accounting of premiums and unearned commissions collected by an agent; amending s. 631.171, F.S.; specifying rights of Florida residents with respect to liquidation proceedings in other states; amending s. 631.181, F.S.; providing for filing and proof of claims; amending s. 631.182, F.S.; providing for resolution of objections to the receiver's report; amending s. 631.221, F.S.; specifying accounting practices to be used by receivers; amending s. 631.252, F.S.; providing for continuation of coverage; amending s. 631.271, F.S.; specifying priority of distribution of claims from the insurer's estate; amending s. 631.391, F.S.; requiring officers and employees of an insurer's affiliate to cooperate with the department; amending s. 631.66, F.S.; providing immunity for members of the Florida Insurance Guaranty Association; amending s. 631.713, F.S.; revising application; amending s. 631.714, F.S.; defining "covered policy"; amending s. 631.717, F.S.; limiting liability of the Florida Life and Health Insurance Guaranty Association; amending s. 631.722, F.S.; requiring members of the Florida Life and Health Insurance Guaranty Association to pay assessments that are under appeal; providing for subsequent refund; amending s. 631.727, F.S.; providing immunity for members of the association; amending s. 631.737, F.S.; providing for review and tolling of noncontestable period; amending s. 631.814, F.S.; providing definitions; amending s. 631.816, F.S.; specifying membership of the board of the Florida Health Maintenance Organization Consumer Assistance Plan; amending s. 631.817, F.S.; specifying eligibility for coverage under the plan; amending s. 631.818, F.S.; specifying powers and duties of the plan; amending s. 631.819, F.S.; providing for assessment by board of directors; amending s. 631.820, F.S.; providing for the plan of operation of the plan; amending s. 631.821, F.S.; providing circumstances for suspension or revocation of the certificate of authority of a member health maintenance organization; amending s. 631.822, F.S.; providing for records of the plan; amending s. 641.19, F.S.; providing definitions; amending s. 641.21, F.S.; providing for application for certificate of authority to operate a health maintenance organization; creating s. 641.215, F.S.; providing conditions for issuance or maintenance of a health maintenance organization's certificate of authority; specifying effect of bankruptcy proceedings; amending s. 641.228, F.S., relating to the Florida Health Maintenance Organization Consumer Assistance Plan, to conform; amending s. 641.23, F.S.; specifying effect of denial, revocation, or nonrenewal of a Health Care Provider Certificate; amending s. 641.26, F.S.; specifying form and content of a health maintenance organization's annual report; amending s. 641.27, F.S.; providing for examination by the department; creating s. 641.284, F.S.; specifying exclusive methods of liquidation, rehabilitation, reorganization, and conservation; amending s. 641.29, F.S.; providing fees; creating s. 641.309, F.S.; providing standards for marketing to persons eligible for Medicare; amending s. 641.31, F.S.; requiring notice of rate changes in health maintenance contracts; providing for discontinuation of disapproved rating methodologies; specifying content of contracts; requiring open enrollment periods; limiting certain defenses; requiring health maintenance organizations to make available at the option of the subscriber certain osteopathic hospital services; amending s. 641.3108, F.S.; requiring advance notice of termination, cancellation, or nonrenewal of contract; amending s. 641.311, F.S.; providing for a statewide subscriber assistance program; authorizing the Department of Health and Rehabilitative Services to impose fines on health maintenance organizations that fail to meet certain standards; amending s. 641.3111, F.S.; providing for extension of benefits; amending s. 641.315, F.S.; providing for contracts with health care providers; amending s. 641.35, F.S.; providing for assets, liabilities, and investments of health maintenance organizations; amending s. 641.36, F.S.; providing for rules; specifying sanctions for violation of rules; amending s. 641.3905, F.S.; specifying powers and duties of the department; amending s. 641.3921, F.S.; specifying limits on convertibility of contract; amending s. 641.3922, F.S.; providing for cancellation or nonrenewability clause of contracts; amending s. 642.032, F.S., relating to legal expense insurance, to conform; specifying enforcement authority of the Department of Labor and Employment Security; reenacting ss. 395.0172(2)(c), 402.48(8)(c), 404.111(2)(a), 458.320(1)(b) and (2)(a), 459.0085(1)(a) and (2)(a), 624.11(2), 624.402(4), 624.4414(1) and (2), 624.466(9)(a), 624.488(1) and (2), 624.606(2)(c), 624.609(3), 625.012(8), 626.8417(3)(g), 626.88(1)(i), 627.9403, 628.071(2), 628.261, 629.131, 631.061, 631.071(1), 631.081(1), 631.371(1), 631.828, 632.638(3), 634.052(1) and (2), 634.252, 634.253(1), 634.305(1) and (2)(a), 634.3073, 634.405(1), 634.4085, 637.153, 637.316, 637.422, 638.052, 638.081(1), 639.106, 641.255, 641.285(1), 641.35(1)(d), 641.416, 641.47(1) and (5), 642.023(1), 651.024, 651.035(7)(e), 651.071(1), 651.105(1), and 651.114(5), relating to health care utilization review, health care services pools, surety requirements, physicians' and osteopaths' financial responsibility, risk retention groups, reinsurance, employers' liability in multiple-employer welfare arrangements, commercial self-insurance funds, reinsurance, title insurance agents, administrators, long-term care insurance policies, permits to form insurers, notice of change of director or officer, attorney's deposit in lieu of bond, grounds for liquidation or conservation, seizure, assessments against health maintenance organizations, fraternal benefit societies, motor vehicle service agreement companies, home warranty associations, service warranty associations, optometric service plans, pharmaceutical service plans, dental service plans, ambulance service associations, preneed funeral contracts, health maintenance organizations, prepaid health clinics, legal expense insurance corporations, and continuing care facilities and contracts, to incorporate amendments to various provisions in references thereto; repealing ss. 624.308(3), 624.3151, 627.9301, 627.9302, 627.9303, 627.9304, 627.9305, 628.181, 628.191, 628.201, 628.311, 628.321, 628.4314, 631.243, 641.01, 641.02, 641.025, 641.03, 641.04, 641.05, 641.06, 641.08, 641.12, 641.125, 641.13, 641.14, 641.151, and 641.155, F.S., relating to administrative rules, complaint ratios, life maintenance contracts, mutual insurers, captive insurers, and health care services plan corporations; repealing ss. 629.50, 629.501, 629.502, 629.504, 629.506, 629.507, 629.508, 629.509, 629.511, 629.512, 629.513, 629.514, 629.516, 629.517, 629.518, and 629.519, F.S., relating to limited reciprocal insurers, effective October 1, 1992; saving parts I, II, III, and V of chapter 624 and chapters 625, 628, 629, 630, 631, and 641, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

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

CS for HB 2309 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 2 and 3 to Senate Amendment 1 and House Amendment 2 to Senate Amendment 2; further amended Senate Amendments 1 and 2, concurred in same as amended and requests the Senate to concur; refused to recede from House Amendment 1 to Senate Amendment 1 and requests the Senate to concur; has passed HB 2313, as further amended and requests the Senate to concur.

John B. Phelps, Clerk

HB 2313—A bill to be entitled An act relating to fiscal affairs of the state; amending s. 215.32, F.S.; requiring the Administration Commission to provide the chairmen of the legislative appropriations committees with certain information on trust funds approved for establishment by the commission; providing for automatic abolishment of such trust funds; requiring certain legislative authorization to continue such trust funds; prohibiting reestablishment of abolished trust funds, except in certain circumstances; providing duties of the Comptroller; providing exemptions; providing for transfer of trust funds to the Working Capital Fund to prevent a deficit in general revenue; providing exemptions; clarifying the moneys available in the General Revenue Fund; amending s. 216.011, F.S., and repealing paragraph (1)(e), relating to the definition of "biennium"; modifying the definition of "fixed capital outlay"; defining "emergency situation"; amending s. 216.0158, F.S.; changing a date for submission of a facility needs assessment; conforming to annual budgeting; amending s. 216.023, F.S.; changing the dates for disseminating the budget instructions and for submitting legislative budget requests; providing for annual submission; conforming provisions relating to agency legislative budget requests to truth-in-bonding provisions; amending s. 216.031, F.S.; changing a date for submission of separate major issues relating to budgets for operational expenditures; changing from biennial to annual budgeting; amending s. 216.043, F.S.; changing from biennial

to annual budgeting; requiring state agencies to include certain truth-in-bonding information in any legislative budget request for fixed capital outlay or operating capital outlay proposed to be funded by a proposed state debt or obligation; amending s. 216.044, F.S.; requiring the Department of General Services to assist state agencies and the Executive Office of the Governor in fulfilling truth-in-bonding information requirements; creating s. 216.0442, F.S., relating to truth in bonding; providing definitions; requiring development of a summary of state debt, a statement of proposed financing, and a truth-in-bonding statement, under specified circumstances; creating s. 216.065, F.S.; providing for fiscal impact statements on actions affecting the budget; amending s. 216.081, F.S.; changing a date for submission of estimates of financial needs of the legislative branch; conforming to annual budgeting; amending s. 216.136, F.S.; conforming to annual budgeting; amending s. 216.162, F.S.; modifying the time of submission of the Governor's recommended budget under certain circumstances; amending s. 216.163, F.S.; conforming to annual budgeting; requiring inclusion of state debt, debt financing, and truth-in-bonding documents in the Governor's recommended budget for each specific fixed capital outlay project or group of projects or operating capital outlay requests to be funded from a proposed state debt or obligation; amending s. 216.165, F.S.; conforming to annual budgeting; amending s. 216.167, F.S.; requiring inclusion of state debt, debt financing, and truth-in-bonding documents, and a 5-year estimate of program operational costs, in certain of the Governor's recommendations; amending s. 216.168, F.S.; changing a date relating to the Governor's amended revenue or budget recommendations; creating s. 216.174, F.S.; providing specifications for the bill which enacts legislative budget decisions; requiring truth-in-bonding provisions, under certain circumstances; amending s. 216.177, F.S.; requiring the chairmen of the legislative appropriations committees to jointly transmit certain information relating to state debt and truth-in-bonding to the Executive Office of the Governor, the Comptroller, the Auditor General, and each state agency; authorizing a shorter period of notice of budget actions under certain circumstances; prohibiting action by the commission on certain budget items without notice; creating s. 216.179, F.S.; prohibiting reinstatement of vetoed appropriations by administrative means; amending s. 216.181, F.S.; providing for advance payments for program startup or contracted services by agencies authorized by the General Appropriations Act; amending s. 216.195, F.S.; limiting impoundment of funds by the commission; amending s. 216.221, F.S.; authorizing use of certain legislative branch appropriations and the Working Capital Fund to prevent a deficit in the General Revenue Fund; requiring notice to the Legislature of certain proposed reductions or adjustments to agency budgets; providing restrictions on restoring budget reductions; amending ss. 216.271 and 216.275, F.S.; conforming to annual budgeting; creating s. 216.2815, F.S.; providing that any appropriation made in the General Appropriations Act to a private or nongovernmental organization or person shall be a public record and may be audited by the Auditor General; amending s. 216.301, F.S.; modifying provisions and changing dates relating to certification of undisbursed funds to the Executive Office of the Governor, including certain fixed capital outlay appropriations; providing a date by which the review of such certifications shall be completed; creating s. 216.346, F.S.; restricting assessment of overhead and other indirect costs in any contract between state agencies; creating s. 216.347, F.S.; prohibiting disbursement of grants and aids appropriations for lobbying; creating s. 216.349, F.S.; requiring review of grants and aids appropriations; requiring audits or attestation statements on such appropriations to certain entities; requiring the Governor to submit to the Secretary of State a statement of the estimated costs of each new proposed state debt or obligation in the General Appropriations Act; repealing s. 216.045, F.S., relating to supplemental appropriations; repealing s. 216.046, F.S., relating to the Governor's supplemental recommendations; amending ss. 229.053, 229.575, 231.087, 240.2601, 282.308, and 407.04, F.S., relating to various reports by the State Board of Education, Commissioner of Education, public schools, Florida Council on Educational Management, state universities, and Health Care Cost Containment Board, to conform; amending ss. 339.135 and 409.185, F.S.; correcting references; providing for a reviser's bill; providing an effective date.

House Amendment 5 to Senate Amendment 1—On page 29, line 26, before the period (.) insert: *in excess of the amount determined by the first Revenue Estimating Conference held after the regular legislative session*

House Amendment 3 to Senate Amendment 2—In title, on page 4, line 25, before the semicolon (;) insert: above a certain level

On motions by Senator Gardner, the Senate again refused to concur in **House Amendment 1 to Senate Amendment 1** and the House was again requested to recede; concurred in **House Amendment 5 to Senate Amendment 1**; and **House Amendment 3 to Senate Amendment 2.**

HB 2313 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35 Nays—None

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1, 2, 3 to HB 2397 and requests the Senate to recede.

John B. Phelps, Clerk

HB 2397—A bill to be entitled An act relating to education; creating a task force and providing membership thereof; providing a definition; requiring the task force to examine multicultural education in Florida; requiring reports; providing for expiration; providing an effective date.

On motions by Senator Girardeau, the Senate receded from the Senate amendments.

HB 2397 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—None

CONFERENCE COMMITTEE REPORT ON CS for HB 2523

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for HB 2523, as amended by the Conference Committee Report.

John B. Phelps, Clerk

The Honorable Gwen Margolis
President of the Senate

The Honorable T. K. Wetherell
Speaker, House of Representatives

Dear Madam President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate amendments to CS for HB 2523 same being:

> 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.

having met, and after full and free conference, have agreed to recommend and do recommend to their respective House, as follows:

1. That the Senate recede from its amendments to CS for HB 2523.

2. That the Senate and the House of Representatives adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

3. That the Senate and the House of Representatives pass CS for HB 2523 as amended by said Conference Committee amendments.

s/Ken Jenne	*s/Michael I. Abrams*
Chairman	Vice Chairman
s/Winston W. Gardner, Jr.	*Mary Ellen Hawkins*
Toni Jennings	*James C. Hill*
Curt Kiser	*s/Bolley L. Johnson*
s/Robert Wexler	*James E. King*
s/Richard E. Dantzler	*s/Willie Logan, Jr.*
Alternate	*s/Ron Saunders*
	s/Brian P. Rush
	Monitor
Managers on the part of the Senate	Managers on the part of the House of Representatives

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

Section 1. Paragraph (f) of subsection (2) and paragraph (f) of subsection (3) of section 20.21, Florida Statutes, 1990 Supplement, are amended to read:

20.21 Department of Revenue.—There is created a Department of Revenue.

(2) The following divisions are established within the Department of Revenue:

(f) Division of *Taxpayer* ~~Technical~~ Assistance.

(3)

(f) The responsibilities of the Division of *Taxpayer* ~~Technical~~ Assistance shall include the rendering of advice to department person-

nel and the public on tax matters. The functions of the division shall include, but are not limited to, the preparation of departmental rules for all taxes, the rendition of opinions pursuant to s. 213.22, and the provision of informal assistance to the public on tax matters.

Section 2. Section 72.011, Florida Statutes, 1990 Supplement, is amended to read:

72.011 Jurisdiction of circuit courts in specific tax matters; administrative hearings and appeals; time for commencing action; parties; deposits.—

(1) A taxpayer may contest the legality of any assessment *or denial of refund* of tax, fee, surcharge, permit, interest, or penalty provided for under s. 125.0104, s. 125.0108, chapter 198, chapter 199, chapter 201, chapter 203, chapter 206, chapter 207, chapter 211, chapter 212, chapter 213, ~~chapter 214,~~ chapter 220, chapter 221, s. 336.021, s. 336.025, s. 336.026, s. 370.07(3), chapter 376, s. 403.717, s. 403.718, s. 403.7185, s. 403.7195, s. 538.09, s. 538.25, chapter 624, or s. 681.117 by filing an action in circuit court; or, alternatively, the taxpayer may file a petition under the applicable provisions of chapter 120. However, once an action has been initiated under s. 120.56, s. 120.565, or s. 120.57, no action relating to the same subject matter may be filed by the taxpayer in circuit court, and judicial review shall be exclusively limited to appellate review pursuant to s. 120.68; and once an action has been initiated in circuit court, no action may be brought under chapter 120.

(2) No action may be brought to contest an assessment of any tax, interest, or penalty assessed under a section or chapter specified in subsection (1) after 60 days from the date the assessment becomes final. *No action may be brought to contest a denial of refund of any tax, interest, or penalty paid under a section or chapter specified in subsection (1) after 60 days from the date the denial becomes final.* The Department of Revenue or, with respect to assessments *or refund denials* under chapter 207, the Department of Highway Safety and Motor Vehicles, shall establish by rule when an assessment *or refund denial* becomes final for purposes of this section and a procedure by which a taxpayer shall be notified of the assessment *or refund denial.* It is not necessary for the applicable department to file or docket any assessment *or refund denial* with the agency clerk in order for such assessment *or refund denial* to become final for purposes of an action initiated pursuant to this chapter or chapter 120.

(3) In any action filed in circuit court contesting the legality of any tax, interest, or penalty assessed under a section or chapter specified in subsection (1), the plaintiff must:

(a) Pay to the applicable department the amount of the tax, penalty, and accrued interest assessed by such department which is not being contested by the taxpayer; and either

(b)1. Tender into the registry of the court with the complaint the amount of the contested assessment complained of, including penalties and accrued interest, unless this requirement is waived in writing by the executive director of the applicable department; or

2. File with the complaint a cash bond or a surety bond for the amount of the contested assessment endorsed by a surety company authorized to do business in this state, or by any other security arrangement as may be approved by the court, and conditioned upon payment in full of the judgment, including the taxes, costs, penalties, and interest, unless this requirement is waived in writing by the executive director of the applicable department.

Failure to pay the uncontested amount as required in paragraph (a) shall result in the dismissal of the action and imposition of an additional penalty in the amount of 25 percent of the tax assessed.

(4)(a) Except as provided in paragraph (b) of this subsection, an action initiated in circuit court pursuant to subsection (1) shall be filed in the Second Judicial Circuit Court in and for Leon County or in the circuit court in the county where the taxpayer resides or maintains its principal commercial domicile in this state.

(b) Venue in an action initiated in circuit court pursuant to subsection (1) by a taxpayer that is not a resident of this state or that does not maintain a commercial domicile in this state shall be in Leon County. Venue in an action contesting the legality of an assessment *or refund denial* arising under chapter 198 shall be in the circuit court having jurisdiction over the administration of the estate.

(5) The requirements of this section are jurisdictional.

~~(6) This section is not applicable to actions for refund of taxes previously paid.~~

(6)~~(7)~~ Any action brought under this chapter is not subject to the provisions of chapter 45 as amended by chapter 87-249, Laws of Florida, relating to offers of settlement.

Section 3. Subsection (6) is added to section 215.26, Florida Statutes, to read:

215.26 Repayment of funds paid into State Treasury through error.—

(6) A taxpayer may contest a denial of refund of tax, interest, or penalty paid under a section or chapter specified in s. 72.011(1) pursuant to the provisions of s. 72.011.

Section 4. The amendments made to sections 72.011 and 215.26, Florida Statutes, by this act apply to refund denials issued on or after July 1, 1991.

Section 5. Paragraph (e) of subsection (2) of section 26.012, Florida Statutes, is amended to read:

26.012 Jurisdiction of circuit court.—

(2) They shall have exclusive original jurisdiction:

(e) In all cases involving legality of any tax assessment or toll *or denial of refund*, except as provided in s. 72.011;

Section 6. 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 7. 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 *or denial of refund* by the Department of Revenue or by the Department of Highway Safety and Motor Vehicles.

Section 8. 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) For any tax that is due on or after July 1, 1991, and that is not paid by the due date or by the due date of any extension granted by the department, in addition to any other penalties, a specific penalty shall be added to the tax in the amount of 5 percent of any unpaid tax if the failure is for not more than 30 days, or 10 percent of the aggregate of any unpaid tax if the failure is for more than 30 days.

Section 9. (1) Section 199.052, Florida Statutes, is amended to read:

199.052 Annual tax returns; payment of annual tax.—

(1) An annual intangible tax return must be filed with the department by every *corporation authorized to do business in this state or doing business in this state and by every* person, regardless of domicile, who on January 1 owns, controls, or manages intangible personal property which has a taxable situs in this state. For purposes of this chapter, "control" or "manage" does not include any ministerial function or any processing activity. The return shall be due on June 30 of each year. It shall list separately the character, description, and just valuation of all such property.

(2) No person shall be required to pay the annual tax in any year when the aggregate annual tax upon the person's intangible personal property, after exemptions, would be less than $5. In such case, an annual return is not required unless the taxpayer is *a corporation,* a banking organization claiming the exemption provided in s. 199.185(1)(h), or an agent or fiduciary of whom the department requires an informational return. Agents and fiduciaries shall report for each person for whom they hold intangible personal property if the aggregate annual tax on such person is more than $5.

(3) A corporation having no intangible tax liability, and required to file an annual report pursuant to s. 607.1622, is not required to file the annual intangible tax return required by this section.

(4)~~(3)~~ A husband and wife may file a joint return with regard to all intangible personal property held jointly or individually by them. They shall then be jointly liable for the payment of the annual tax.

(5)~~(4)~~ The trustee of a Florida-situs trust is primarily responsible for returning the trust's intangible personal property and paying the annual tax on it. The trust's beneficiaries, however, may individually return their equitable shares of the trust's intangible personal property and pay the tax on such shares, in which case the trustee need not return such property or pay such tax, although the department may require the trustee to file an informational return.

(6)~~(5)~~ Each Florida resident with a beneficial interest, as defined in s. 199.023(7), in a foreign-situs trust, that is, a trust with situs outside of this state, is primarily responsible for returning the resident's equitable share of the trust's intangible personal property and paying the annual tax on it. The trustee of a foreign trust may return and pay the tax on the equitable shares of all Florida residents having beneficial interests, in which case the residents need not return such property or pay such tax.

(7)~~(6)~~ The personal representative or curator of a Florida estate is primarily responsible for returning the estate's intangible personal property and paying the annual tax on it. The heirs or devisees, however, may individually return their equitable shares of the estate's intangible personal property and pay the tax on such shares, in which case the personal representative or curator need not return such property or pay such tax, although the department may require the personal representative or curator to file an informational return.

(8)~~(7)~~ The guardian of the property of a Florida incompetent shall return the incompetent's intangible personal property and pay the annual tax on it. The custodian of a Florida minor under a gifts to minors or similar act shall return the minor's intangible personal property which is subject to the custodianship and pay the annual tax on it.

(9)~~(8)~~ Where an agent has control or management of intangible personal property, the principal is primarily responsible for returning such property and paying the annual tax on it, but the agent shall return such property on behalf of the principal and pay the annual tax on it if the principal fails to do so. The department may in any case require the agent to file an informational return.

(10)~~(9)~~ An affiliated group of corporations may elect to make a consolidated return for any year. The election shall be made by timely filing a consolidated return. Once made, an election may not be revoked, and it is binding for the tax year. The mere making of a consolidated return shall not in itself provide a business situs in this state for intangible personal property held by a corporation. The fact that members of an affiliated group own stock in corporations which do not qualify under the stock ownership requirements as members of an affiliated group shall not preclude the filing of a consolidated return on behalf of the qualified members. Where a consolidated return is made, intercompany accounts, including the capital stock of an includable corporation, other than the parent, owned by another includable corporation, shall not be subject to annual taxation. However, capital stock and other intercompany accounts of a nonqualified member of the affiliated group shall be subject to annual tax. Each consolidated return shall be accompanied by documentation identifying all intercompany accounts and containing such other information as the department shall require.

(11)~~(10)~~ The return filed by each banking organization shall set out the character, description, and just valuation by category of all intangible personal property which is issued in or arises out of international banking transactions and which is owned by the banking organization.

(12)~~(11)~~ Securities held in margin accounts by a security broker not acting as a fiduciary shall be returned, and the annual tax on such securities shall be paid, by the customer owning them. The security broker shall not be required to return or pay the tax on such securities.

(13)~~(12)~~ Except as otherwise provided in this section, the owner of intangible personal property is liable for the payment of annual tax on it, and any other person required to return such property is liable for the tax if the owner fails to pay it.

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

Section 10. Subsection (1) of section 607.1622, Florida Statutes, 1990 Supplement, is amended to read:

607.1622 Annual report for Department of State.—

(1) Each domestic corporation and each foreign corporation authorized to transact business in this state shall deliver to the Department of State for filing a sworn annual report on such forms as the Department of State prescribes that sets forth:

(a) The name of the corporation and the state or country under the law of which it is incorporated;

(b) The date of incorporation or, if a foreign corporation, the date on which it was admitted to do business in this state;

(c) The address of its principal office and the mailing address of the corporation;

(d) The corporation's federal employer identification number, if any, or, if none, whether one has been applied for;

(e) The names and business street addresses of its directors and principal officers;

(f) The street address of its registered office and the name of its registered agent at that office in this state; ~~and~~

(g) Whether the corporation has liability for intangible taxes under section 199.032. The Department of State shall annually prepare a list of those corporations that have indicated no intangible tax liability, and provide such list to the Department of Revenue; and

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

Section 11. Subsections (5), (6), and (7) of section 203.01, Florida Statutes, 1990 Supplement, are amended, and subsection (8) is added to that section, to read:

203.01 Tax on gross receipts for utility services.—

(5) The tax imposed pursuant to this part relating to the provision of any utility services at the option of the person supplying the taxable services may be separately stated as Florida gross receipts tax on the total amount of any bill, invoice, or other tangible evidence of the provision of such taxable services and may be added as a component part of *the total* ~~such~~ charge. Whenever a provider of taxable services elects to separately state such tax as a component of the charge for the provision of such taxable services, every person, including all governmental units, shall remit the tax to the person who provides such taxable services as a part of the total bill, and the tax is a *component part of the* debt of the purchaser to the person who provides such taxable services until paid and, if unpaid, is recoverable at law in the same manner as *any other part of* the ~~original~~ charge for such taxable services. For a utility, *the decision to separately state* any increase in the rate of tax imposed by this part which is effective after December 31, 1989, *and the ability to recover the increased charge from the customer* ~~shall be separately stated on the customer's bill and collected from the purchaser in addition to any other charges of the utility, and~~ shall not be subject to regulatory approval.

(6) The tax is imposed upon every person for the privilege of conducting a *utility* ~~telecommunication~~ business, and each provider of the taxable services remains fully and completely liable for the tax, even if the tax is separately stated as a line item or component of the total bill.

(7) Any person who provides such services and who fails, neglects, or refuses to collect or remit the tax imposed in this part, either by himself or through his agents or employees, is liable for the tax and is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 *or*~~,~~ s. 775.083~~, or s. 775.084~~.

(8) Gross receipts subject to the tax imposed by this section for the provision of electricity shall include receipts from monthly customer charges or monthly customer facility charges.

Section 12. It is the intent of the Legislature that subsection (8) that is added to section 203.01, Florida Statutes, by this act is remedial legislation intended to clarify the application of the tax, both under current law and under the law as it existed prior to the enactment of chapter 90-132, Laws of Florida. It is not the intent of the Legislature to change the definition of gross receipts under current law or to tax gross receipts that have not previously been subject to tax.

Section 13. Paragraph (b) of subsection (2) of section 203.012, Florida Statutes, 1990 Supplement, is amended to read:

203.012 Definitions.—As used in this chapter:

(2)

(b) Gross receipts for telecommunication services do not include:

1. Charges for customer premises equipment, including such equipment that is leased or rented by the customer from any source;

2. Charges made to the public for commercial or cable television, unless it is used for two-way communication; however, if such two-way communication service is separately billed, only the charges made for two-way communication service will be subject to tax hereunder;

3. Charges made by hotels and motels, which are required under the provisions of s. 212.03 to collect transient rentals tax from tenants and lessees, for local telephone service or toll telephone service, when such charge occurs incidental to the right of occupancy in such hotel or motel;

4. Connection and disconnection charges; move or change charges; suspension of service charges; and service order, number change, and restoration charges; *or*

~~5. Any tax collected pursuant to this chapter if the tax is separately stated as provided in s. 203.01(5) or s. 203.63(1); or~~

5.~~6.~~ Charges for services or items of equipment supplied by providers of the telecommunication services described in paragraph (5)(b), such as maintenance charges, equipment sales, or rental which are incidental to the provision of such telecommunication services, provided such charges are separately stated, itemized, or described on the bill, invoice, or other tangible evidence of the provision of such service.

Section 14. Subsection (13) of section 206.01, Florida Statutes, is amended to read:

206.01 Definitions.—As used in part I of this chapter:

(13) "Motor fuel" means and includes what is commonly known and sold as gasoline and fuels containing a mixture of gasoline and other products, *but excludes alternative fuel.*

Section 15. Section 206.56, Florida Statutes, is amended to read:

206.56 *Unlawful use of* ~~Failure to account for~~ tax collected; *theft of state funds* ~~embezzlement.~~—

(1) Any person who knowingly obtains or uses, or endeavors to obtain or use, taxes collected pursuant to this chapter, part II of chapter 212, s. 336.021, s. 336.025, or s. 336.026 with the intent, either temporarily or permanently, to deprive the state of a right to the funds or a benefit therefrom, or appropriate the funds to his own use or to the use of any person not entitled thereto, commits theft of state funds.

(2)(a) If the total amount of revenue involved is $100,000 or more, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the total amount of revenue involved is $20,000 or more, but less than $100,000, the offense is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If the total amount of revenue involved is $300 or more, but less than $20,000, the offense is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) If the total amount of revenue involved is less than $300, the offense is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, any person who com-

mits theft of state funds involving less than $300 and who has previously been convicted of any theft of state funds is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who commits theft of state funds involving less than $300 and who has previously been convicted two or more times of any theft of state funds is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. ~~If any refiner, importer, or wholesaler collects from another, upon an invoice rendered, the tax in this part contemplated, and fails to report and pay the same to the department as provided, with intent to temporarily or permanently deprive the state of a right or benefit to such moneys or appropriate such moneys to his own use or that of another not entitled to such moneys, he shall be deemed to be guilty of embezzlement of funds, the property of the state, and upon conviction shall be punished as if convicted of larceny of a like sum.~~

Section 16. For the purpose of incorporating the amendment to section 206.56, Florida Statutes, in references thereto, section 206.97, Florida Statutes, 1990 Supplement, is reenacted to read:

206.97 Applicability of specified sections of part I.—The provisions of ss. 206.026, 206.027, 206.028, 206.04, 206.055, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.23, 206.24, 206.25, 206.27, 206.28, 206.41(3), 206.425, 206.44, 206.49, 206.56, 206.59, 206.61, and 206.62 of part I of this chapter shall, as far as lawful or practicable, be applicable to the tax herein levied and imposed and to the collection thereof as if fully set out in this part. However:

(1) "Refiner, importer, or wholesaler" means "dealer."

(2) "Motor fuel" means "special fuel."

(3) No provision of any such section shall apply if it conflicts with any provision of this part.

Section 17. For the purpose of incorporating the amendment to section 206.56, Florida Statutes, in references thereto, subsection (3) of section 206.9915, Florida Statutes, 1990 Supplement, is reenacted to read:

206.9915 Legislative intent and general provisions.—

(3) The provisions of ss. 206.01, 206.026, 206.027, 206.028, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.425, 206.426, 206.44, 206.445, 206.48, 206.49, 206.56, 206.59, 206.86, 206.94, 206.945, and 206.9815 shall, as far as lawful or practicable, be applicable to the levy and collection of taxes imposed pursuant to this part as if fully set out in this part and made expressly applicable to the taxes imposed herein.

Section 18. For the purpose of incorporating the amendment to section 206.56, Florida Statutes, in references thereto, section 212.66, Florida Statutes, is reenacted to read:

212.66 Applicability of specified sections of chapter 206.—The provisions of ss. 206.026, 206.027, 206.028, 206.055, 206.06, 206.065, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.19, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.41(2), 206.425, 206.426, 206.44, 206.445, 206.48, 206.49, 206.56, 206.59, 206.626, 206.87(2)(a) and (3)(f), (g), 206.89, 206.94, and 206.945 shall, as far as lawful or practicable, be applicable to the levy and collection of taxes imposed pursuant to this part as if fully set out in this part.

Section 19. For purposes of incorporating the amendment to section 206.56, Florida Statutes, in references thereto, paragraph (a) of subsection (2) of section 336.026, Florida Statutes, 1990 Supplement, is reenacted to read:

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. Subsection (13) of section 206.86, Florida Statutes, is amended and subsection (14) is added to that section to read:

206.86 Definitions.—As used in this part:

(13) "Alternative fuel" means any liquefied petroleum gas product or compressed natural gas product or combination thereof used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. This term includes, but is not limited to, all forms of fuel commonly or commercially known or sold as *natural gasoline,* butane gas or propane gas, or any other form of liquefied petroleum gas or compressed natural gas.

(14) "Natural gasoline" is a liquid hydrocarbon that is produced by natural gas and must be blended with other liquid petroleum products to produce motor fuel.

Section 21. Subsection (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 22. 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 document that the taxes imposed by this part have been paid or must* ~~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 23. 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 24. (1) Charges made by foreign registered vessels carrying passengers to international waters are exempt from the tax on admissions imposed under part I of chapter 212, Florida Statutes.

(2) This section expires July 1, 1992.

Section 25. Paragraph (b) of subsection (4) of section 212.0305, Florida Statutes, 1990 Supplement, is amended to read:

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(4) AUTHORIZATION TO LEVY; USE OF PROCEEDS; OTHER REQUIREMENTS.—

(b) Charter county levy for convention development.—

1. Each county, as defined in s. 125.011(1), may impose, pursuant to an ordinance enacted by the governing body of the county, a levy on the exercise within its boundaries of the taxable privilege of leasing or letting transient rental accommodations described in subsection (3) at the rate of 3 percent of the total consideration charged therefor. The proceeds of this levy shall be known as the charter county convention development tax.

2. All charter county convention development moneys, including any interest accrued thereon, received by a county imposing the levy shall be used as follows:

a. Two-thirds of the proceeds shall be used to extend, enlarge, and improve the largest existing publicly owned convention center in the county.

b. One-third of the proceeds shall be used to construct a new multipurpose convention/coliseum/exhibition center/stadium or the maximum components thereof as funds permit in the most populous municipality in the county.

c. After the completion of any project under sub-subparagraph a., the tax revenues and interest accrued under sub-subparagraph a. may be used to acquire, construct, extend, enlarge, remodel, repair, improve, plan for, operate, manage, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, or auditoriums, and may be used to acquire and construct an intercity light rail transportation system as described in the Light Rail Transit System Status Report to the Legislature dated April 1988, which shall provide a means to transport persons to and from the largest existing publicly owned convention center in the county and the hotels north of the convention center and to and from the downtown area of the most populous municipality in the county as determined by the county.

d. After completion of any project under sub-subparagraph b., the tax revenues and interest accrued under sub-subparagraph b. may be used to acquire, construct, extend, enlarge, remodel, repair, improve, operate, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, or auditoriums in the most populous municipality in the county as determined by the county.

e. For the purposes of completion of any project pursuant to this paragraph, tax revenues and interest accrued may be used:

(I) As collateral, pledged, or hypothecated for projects authorized by this paragraph, including bonds issued in connection therewith; or

(II) As a pledge or capital contribution in conjunction with a partnership, joint venture, or other business arrangement between a municipality and one or more business entities for projects authorized by this paragraph.

3. The governing body of each municipality in which a municipal tourist tax is levied may adopt a resolution prohibiting imposition of the charter county convention development levy within such municipality. If the governing body adopts such a resolution, the convention development levy shall be imposed by the county in all other areas of the county except such municipality. No funds collected pursuant to this paragraph may be expended in a municipality which has adopted such a resolution.

4.*a.* Before the county enacts an ordinance imposing the levy, the county shall notify the governing body of each municipality in which projects are to be developed pursuant to sub-subparagraph 2.a. or sub-subparagraph 2.b. The governing bodies of such municipalities shall designate or appoint an authority that shall have the sole power to approve the concept, location, program, and design of the facilities or improvements to be built in accordance with this paragraph and to administer and disburse such proceeds and any other related source of revenue. The members of each such authority shall be selected from the tourism and hospitality industry that does business within such municipality and shall serve at the pleasure of the governing body of such municipality. The annual budget of such authority shall be subject to approval of the governing body of the municipality.

b. The authority, by resolution to be adopted from time to time, may invest and reinvest the proceeds from the convention development tax and any other revenues generated by the authority in the same manner that the municipality in which the authority is located may invest surplus funds.

5. The charter county convention development levy shall be in addition to any other levy imposed pursuant to this section.

6. A certified copy of the ordinance imposing the levy shall be furnished by the county to the department within 10 days after approval of such ordinance. The effective date of imposition of the levy shall be the first day of any month at least 60 days after enactment of the ordinance.

7. Revenues collected pursuant to this paragraph shall be deposited in a convention development trust fund, which shall be established by the county as a condition precedent to receipt of such funds.

Section 26. Paragraph (b) of subsection (1) of section 212.04, Florida Statutes, 1990 Supplement, is amended, and paragraphs (c) and (d) are added to that subsection, to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(1)

(b) For the exercise of such privilege, a tax is levied at the rate of 6 percent of sales price, or the actual value received from such admissions, which 6 percent shall be added to and collected with all such admissions from the purchaser thereof, and such tax shall be paid for the exercise of the privilege as defined in the preceding paragraph. Each ticket *must* ~~shall~~ show on its face the actual sales price of the admission, *or each dealer selling the admission must prominently display at the box office or other place where the admission charge is made a notice disclosing the price of the admission*, and the tax shall be computed and collected on the basis of *the actual price of the* ~~each such~~ admission *charged by the dealer* ~~price~~. The sale price or actual value of admission shall, for the purpose of this chapter, be that price remaining after deduction of federal taxes, if any, imposed upon such admission, and the rate of tax on each admission shall be according to the brackets established by s. 212.12(9).

(c) The provisions of this part that authorize a tax-exempt sale for resale do not apply to sales of admissions. However, if a purchaser of an admission subsequently resells the admission for more than the amount paid, the purchaser shall collect tax on the full sales price and may take credit for the amount of tax previously paid. If the purchaser of the admission subsequently resells it for an amount equal to or less than the amount paid, the purchaser shall not collect any additional tax, nor shall the purchaser be allowed to take credit for the amount of tax previously paid.

(d) No additional tax is due on an admission if the admission is incorporated as part of a package sold by a travel agent; if the package includes admissions and transient rentals, transportation, or meals; and if there is no separate itemization of the admission, transient rental, transportation, or meal in the sales price of the package. This paragraph does not apply if the actual price charged for the admission by the dealer to a travel agent is less than the price charged to unrelated parties under normal industry practices and the dealer and the travel agent are members of the same controlled group of corporations for federal income tax purposes.

Section 27. Paragraph (a) of subsection (6) of section 212.0505, Florida Statutes, 1990 Supplement, is amended to read:

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

(6)(a) The department shall notify the state attorney of the appropriate circuit of an assessment made under this section. The *executive director of the* department or *his designee* ~~executive director~~ may settle or compromise any tax, penalty, or interest imposed under this section only when requested by the state attorney, the statewide prosecutor, or the Attorney General, in writing, to do so and only when the *executive director of the* department or *his designee* ~~executive director~~ finds that it is in the best interest of the state to do so. A request by the state attorney, statewide prosecutor, or Attorney General under this subsection shall specify the reasons for the request.

Section 28. Subsection (2) of section 212.054, Florida Statutes, 1990 Supplement, is amended to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.—

(2)(a) The tax imposed by the governing body of any county authorized to so levy pursuant to s. 212.055 shall be a discretionary surtax on all transactions occurring in the county which transactions are subject to the state tax imposed on sales, use, rentals, admissions, and other transactions by this part. The surtax, if levied, shall be computed as the applicable rate or rates authorized pursuant to s. 212.055 times the amount of taxable sales and taxable purchases representing such transactions.

(b) However:

1. The tax on any sales amount above $5,000 on any item of tangible personal property and on long distance telephone service shall not be subject to the surtax. *For purposes of administering the $5,000 limitation on an item of tangible personal property, if two or more taxable items of tangible personal property are sold to the same purchaser at the same time and, under generally accepted business practice or industry standards or usage, are normally sold in bulk or are items that, when assembled, comprise a working unit or part of a working unit, such items must be considered a single item for purposes of the $5,000 limitation when supported by a charge ticket, sales slip, invoice, or other tangible evidence of a single sale or rental.*

2. In the case of utility, telecommunication, or television system program services billed on or after the effective date of any such surtax, the entire amount of the tax for utility, telecommunication, or television system program services shall be subject to the surtax. In the case of utility, telecommunication, or television system program services billed after the last day the surtax is in effect, the entire amount of the tax on said items shall not be subject to the surtax.

3. In the case of written contracts which are signed prior to the effective date of any such surtax for the construction of improvements to real property or for remodeling of existing structures, the surtax shall be paid by the contractor responsible for the performance of the contract. However, the contractor may apply for one refund of any such surtax paid on materials necessary for the completion of the contract. Any application for refund shall be made no later than 15 months following initial imposition of the surtax in that county. The application for refund shall be in the manner prescribed by the department by rule. A complete application shall include proof of the written contract and of payment of the surtax. The application shall contain a sworn statement, signed by the applicant or its representative, attesting to the validity of the application. The department shall, within 30 days after approval of a complete application, certify to the county information necessary for issuance of a refund to the applicant. Counties are hereby authorized to issue refunds for this purpose and shall set aside from the proceeds of the surtax a sum sufficient to pay any refund lawfully due. Any person who fraudulently obtains or attempts to obtain a refund pursuant to this subparagraph, in addition to being liable for repayment of any refund fraudulently obtained plus a mandatory penalty of 100 percent of the refund, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 29. Paragraph (c) of subsection (2) of section 212.055, Florida Statutes, 1990 Supplement, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(c) Pursuant to s. 212.054(4), the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within such county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population, which agreement may include a school district with the consent of the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population; or

2. If there is no interlocal agreement, according to the formula provided in s. 218.62.

Any change in the distribution formula must take effect on the first day of any month that begins at least 60 days after written notification of that change has been made to the department.

Section 30. Subsection (7) is added to section 212.0596, Florida Statutes, 1990 Supplement, to read:

212.0596 Taxation of mail order sales.—

(7) The department may establish, by rule, procedures for collecting the use tax from unregistered persons who but for their mail-order purchases would not be required to remit sales or use tax directly to the department. The procedures may provide for waiver of registration and registration fees, provisions for irregular remittance of tax, elimination of the collection allowance, and nonapplication of local option surtaxes.

Section 31. Subsection (1) of section 212.10, Florida Statutes, is amended to read:

212.10 Sale of business; liability for tax, procedure, penalty for violation.—

(1) If any dealer liable for any tax, interest, or penalty levied hereunder shall sell out his business or stock of goods, he shall make a final return and payment within 15 days after the date of selling the business; his successor, successors, or assigns shall withhold a sufficient portion of the purchase money to safely cover the account

of such taxes, interest, or penalties due and unpaid until such former owner shall produce a receipt from the department showing that they have been paid or a certificate stating that no taxes, interest, or penalty are due. If the purchasers of a business or stock of goods shall fail to withhold a sufficient amount of the purchase money as above provided, he shall be personally liable for the payment of the taxes, interest, and penalties accruing and unpaid on account of the operation of the business by any former owner, owners, or assigns. *Any receipt or certificate from the department does not, without an audit of the selling dealer's books and records by the department, guarantee that there is not a tax deficiency owed the state from operation of the seller's business. To secure protection from transferee liability under this section, the seller or purchaser may request an audit of the seller's books and records. The department may contract with private auditors pursuant to s. 213.28 to perform the audit. The department may charge the cost of the audit to the person requesting the audit.*

Section 32. 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 that have a surtax at a rate other than 1 percent which transactions 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 33. Subsection (1) and paragraph (e) of subsection (6) of section 212.20, Florida Statutes, 1990 Supplement, are amended to read:

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

(1) The department shall pay over to the Treasurer of the state all funds received and collected by it under the provisions of this part, to be credited to the account of the General Revenue Fund of the state, *except the proceeds of the fee imposed pursuant to s. 212.18(5).*

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

(e) Proceeds from the fee imposed pursuant to s. 212.18(5) shall be *deposited in the Solid Waste Management Clearing Trust Fund, which is hereby created to be used by the department, and shall be subsequently* transferred to *the State Treasurer to be deposited into* the Solid Waste Management Trust Fund.

Section 34. Subsections (1), (2), and (7) of section 213.053, Florida Statutes, 1990 Supplement, are amended, and subsections (12) and (13) are added to that section, to read:

213.053 Confidentiality and information sharing.—

(1) The provisions of this section apply to s. 125.0104, county government; s. 125.0108, tourist impact tax; chapter 198, estate taxes; chapter 199, intangible personal property taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; chapter 211, tax on severance and production of minerals; part I of chapter 212, tax on sales, use, and other transactions; ~~chapter 214, administration of designated nonproperty 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. 207.035, 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 35. Section 213.2201, Florida Statutes, is created to read:

213.2201 Publications by the department.—The department, through the Division of Administration, may from time to time cause the laws under its jurisdiction, together with any rules and other publications, to be published in pamphlet form for free distribution in this state. The department may make charges for these technical and educational publications and mimeographed material of use for educational or reference purposes, except that charges may not be made for providing publications to any agency of the state. The charges shall be made at the discretion of the Division of Administration. The charges may be sufficient to cover the cost of research, preparation, printing, binding, publishing, and distribution. All moneys received for publications shall be deposited into the fund from which the cost of the publication was paid. The department may also enter into agreements with persons, firms, corporations, governmental agencies, and other institutions whereby publications may be exchanged reciprocally in lieu of payments for the publications.

Section 36. Subsection (4) of section 213.27, Florida Statutes, 1990 Supplement, is amended to read:

213.27 Contracts with debt collection agencies.—

(4) The department shall require a bond from the debt collection agency not in excess of $100,000 guaranteeing compliance with the terms of the contract. *However, a bond of $10,000 is required from a debt collection agency if the agency does not actually collect and remit delinquent funds to the department.*

Section 37. Subsections (2) and (3) of section 213.28, Florida Statutes, are amended to read:

213.28 Contracts with private auditors.—

(2) The Department of Revenue may contract with certified public accountants to conduct an audit of any person who is subject to a Florida revenue law. *Furthermore, the Department of Revenue may contract with a private firm to facilitate the securing of the services of certified public accountants, licensed outside this state, to conduct audits on persons who are subject to the revenue laws of this state and who are located outside the state.* Those taxes administered under chapters 199, 206, 220, 221, and 336 and part II of chapter 212 shall be excluded from such contracts, unless the department and the Internal Revenue Service mutually agree to include them on a case-by-case basis.

(3) *Any contract may provide, in the discretion of the executive director of the Department of Revenue, the manner in which the compensation for such services will be paid. Under standards established by rule, such compensation shall be added to the amount of the tax and either collected as a part thereof by the agency or deducted from the amount of tax, penalty, and interest actually collected.* Contracts in excess of $25,000 or in which hourly rates substantially exceed the department's costs per hour must be approved by the head of the department. Contracts under this section shall be interpreted under Florida law and any action for resolution of any dispute related to any such contract shall be brought under Florida law. Contracts may contain such other terms and conditions as the department deems appropriate under the circumstances.

Section 38. Section 213.30, Florida Statutes, is amended to read:

213.30 Compensation for information relating to a violation of the tax laws.—

(1) The executive director of the department, pursuant to rules adopted by the department, is authorized to compensate persons providing information to the department leading to the punishment of, or collection of taxes, penalties, or interest from, any person ~~committing any crime~~ with respect to the taxes enumerated in *s. 213.05* ~~s. 72.011(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 while an employee of such agency *may provide information to the department of the type described in subsection (1), but the employee* may not be compensated under this section. Any former employee of the department or any other state or federal agency who came into possession of information relating to a violation of a revenue law while an employee of such agency *may provide information to the department of the type described in subsection (1), but the former employee* may not receive compensation under this section.

(3) The names of all persons supplying information to the department under this section *and other information that could lead to the identification of those persons* are confidential as provided in s. 213.053 in the same manner as other confidential taxpayer information.

Section 39. Subsection (1) of section 213.34, Florida Statutes, is amended to read:

213.34 Authority to audit.—

(1) The Department of Revenue shall have the authority to audit and examine the accounts, books, or records of all persons who are subject to a revenue law made applicable to this chapter, *or otherwise placed under the control and administration of the department,* for the purpose of ascertaining the correctness of any return which has been filed or payment which has been made, or for the purpose of making a return where none has been made.

Section 40. Section 213.37, Florida Statutes, is created to read:

213.37 Authority to require sworn statements.—

(1) The Department of Revenue may require 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 41. Section 213.756, Florida Statutes, is created to read:

213.756 Funds collected are state tax funds.—Funds collected from a purchaser under the representation that they are taxes provided for under the state revenue laws are state funds from the moment of collection and are not subject to refund absent proof that such funds have been refunded previously to the purchaser.

Section 42. Section 214.01, Florida Statutes, is repealed.

Section 43. Section 214.02, Florida Statutes, is transferred and renumbered as section 220.701, Florida Statutes, and amended to read:

220.701 ~~214.02~~ Collection authority.—The department ~~of Revenue, hereinafter referred to as "the department,"~~ shall collect the taxes imposed by ~~laws made applicable to~~ this chapter and shall pay all moneys received by it ~~under such laws~~ into the general revenue fund of the state.

Section 44. Section 214.03, Florida Statutes, is transferred and renumbered as section 220.703, Florida Statutes, and subsection (2) of that section is amended, to read:

220.703 ~~214.03~~ Assessment.—

(2) Whenever a notice of deficiency has been issued, the amount of the deficiency shall be deemed assessed on the date provided in *s. 220.713* ~~s. 214.08~~ if no protest is filed or, if a protest is filed, on the date when the decision of the department with respect to the protest becomes final~~, as provided in s. 214.11(4)~~.

Section 45. Section 214.04, Florida Statutes, is transferred and renumbered as section 220.705, Florida Statutes.

Section 46. Section 214.05, Florida Statutes, is transferred and renumbered as section 220.707, Florida Statutes, and subsection (1) of that section is amended, to read:

220.707 ~~214.05~~ Notice and demand.—

(1) As soon as practicable after an amount payable under this chapter is deemed assessed under *s. 220.703* ~~s. 214.03~~ or any other provision of this chapter, the department shall give notice of the amount unpaid to each taxpayer liable for any unpaid portion of such assessment and shall demand payment thereof. The amount stated in such notice shall be payable upon receipt of such notice, at the place and time stated in such notice.

Section 47. Section 214.06, Florida Statutes, is transferred and renumbered as section 220.709, Florida Statutes, and subsection (3) of that section is amended, to read:

220.709 ~~214.06~~ Deficiency determinations.—

(3) An erroneous refund shall be considered deficiency of tax on the date made, and shall be deemed assessed and shall be collected as provided in *ss. 220.703 and 220.707* ~~ss. 214.03 and 214.05~~.

Section 48. Section 214.07, Florida Statutes, is transferred and renumbered as section 220.711, Florida Statutes.

Section 49. Section 214.08, Florida Statutes, is transferred, renumbered as section 220.713, Florida Statutes, and amended to read:

220.713 ~~214.08~~ Assessment after notice.—Upon the expiration of 60 days after the date on which it was issued (150 days, if the taxpayer is outside the United States), a notice of deficiency shall constitute an assessment of the amount of tax and penalties specified therein, except for amounts as to which the taxpayer shall have filed a protest with the department under *s. 220.717* ~~s. 214.11~~.

Section 50. Sections 214.10 and 214.11, Florida Statutes, are transferred and renumbered as sections 220.715 and 220.717, Florida Statutes, respectively.

Section 51. Section 214.12, Florida Statutes, is transferred and renumbered as section 220.719, Florida Statutes, and subsection (1) of that section is amended, to read:

220.719 ~~214.12~~ Jeopardy assessments.—

(1) If the department finds that a taxpayer is about to depart from the state, to conceal its property, or to do any other act tending to prejudice or render wholly or partly ineffectual the normal procedures for collection of any amount of tax, penalty, or interest *under* ~~made subject to~~ this chapter, or if the department otherwise finds that the collection of such amount will be jeopardized by delay, the department shall issue to the taxpayer a notice of such findings and shall make demand for the immediate payment of such amount, whereupon such amount shall be deemed assessed and shall become immediately due and payable.

Section 52. Section 214.13, Florida Statutes, is transferred and renumbered as section 220.721, Florida Statutes.

Section 53. Section 214.14, Florida Statutes, is transferred and renumbered as section 220.723, Florida Statutes, and subsection (1) of that section is amended, to read:

220 723 ~~214.14~~ Overpayments; interest.—

(1) Interest shall be allowed and paid in accordance with the provisions of *s. 220.807* ~~s. 214.425~~ upon any overpayment of a tax *imposed by* ~~made subject to~~ this chapter. However, if any overpayment is refunded or credited within 3 months after the date upon which the taxpayer files written notice advising the department of such overpayment, no interest shall be allowed on such overpayment.

Section 54. Sections 214.15 and 214.16, Florida Statutes, are transferred and renumbered as sections 220.725 and 220.727, Florida Statutes, respectively.

Section 55. Section 214.17, Florida Statutes, is transferred, renumbered as section 220.729, Florida Statutes, and amended to read:

220.729 ~~214.17~~ Books and records.—

(1) Each person *subject to* ~~required by law to administer any non-property tax to which~~ this chapter ~~is applicable~~ shall keep suitable books and records relating to *the* ~~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 56. Section 214.18, Florida Statutes, is transferred, renumbered as section 220.731, Florida Statutes, and amended to read:

220.731 ~~214.18~~ Investigations.—For the purpose of administering and enforcing the provisions of *this chapter* ~~applicable tax laws~~, the department or any officer, agent, or employee of the department designated by the executive director in writing or by regulation may:

(1) Hold investigations concerning any matters;

(2) Require the attendance of any individual, or any officer or employee of a taxpayer, having knowledge of such matters; and

(3) Take testimony and require proof for its information.

In the conduct of any investigation, neither the department nor any officer, agent, or employee thereof shall be bound by the technical rules of evidence, and the informality in any proceeding or in the manner of taking testimony shall not invalidate any order, decision, rule, or regulation made or approved or confirmed by the department. Any officer or employee of the department authorized by the executive director or regulation shall have power to administer oaths. The books, papers, records, and memoranda of the department, or parts thereof, may be proved in any investigation or legal proceeding by a reproduced copy thereof, under the certificate of the executive director, and any such reproduced copy shall, without further proof, be admitted into evidence before the department or in any legal proceeding.

Section 57. Section 214.19, Florida Statutes, is transferred and renumbered as section 220.733, Florida Statutes, and amended to read:

220.733 ~~214.19~~ Actions to recover taxes.—At any time that the department might commence proceedings for a levy under ~~part II of~~ this chapter, it may bring an action in any court of competent

jurisdiction within or without the state, in the name of the state, to recover the amount of ~~any~~ taxes, penalties, and interest due and unpaid under ~~any law made applicable to~~ this chapter. In any such action, a certificate of the department showing the amount of the delinquency shall be prima facie evidence of the correctness of such amount, the validity of its assessment, and its compliance with all the provisions of this chapter.

Section 58. Section 214.20, Florida Statutes, is transferred and renumbered as section 220.735, Florida Statutes.

Section 59. Section 214.22, Florida Statutes, is transferred and renumbered as section 220.737, Florida Statutes, and subsection (2) of that section is amended to read:

220.737 ~~214.22~~ Amounts less than $1.—

(2) The department may by regulation provide that any amount which is required to be shown or reported on any return or other document required under ~~laws made applicable to~~ this chapter shall, if such amount is not a whole dollar, be increased to the nearest whole dollar when the fractional part of a dollar is 50 cents or more and decreased to the nearest whole dollar when the fractional part of a dollar is less than 50 cents.

Section 60. Section 214.23, Florida Statutes, 1990 Supplement, is transferred and renumbered as section 220.739, Florida Statutes.

Section 61. Sections 220.701 through 220.739, Florida Statutes, are designated as part VIII of chapter 220, Florida Statutes, entitled "Administrative Procedures and Judicial Review."

Section 62. Section 214.40, Florida Statutes, is transferred and renumbered as section 220.801, Florida Statutes, and subsections (1) and (2) of that section are amended to read:

220.801 ~~214.40~~ Penalties; failure to file timely returns.—

(1) In case of failure to file any tax return required under ~~laws made applicable to~~ this chapter on the date prescribed therefor, including any extensions thereof, there shall be added as a penalty to the amount of tax due with such return 5 percent of the amount of such tax, if the failure is not for more than 1 month, plus an additional 5 percent for each additional month or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate. The department may settle or compromise such penalties pursuant to s. 213.21. For purposes of this section, the amount of tax due with any return shall be reduced by any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which was properly allowable on the date the return was required to be filed.

(2) In case of failure to file any tax return required by *this chapter* ~~s. 220.22~~, notwithstanding that no tax is shown to be due thereon, a penalty in the amount of $25 for each month or portion thereof, not to exceed $150 in the aggregate, shall be assessed and paid for each such failure to file. This subsection shall only apply to corporations when they also are required to file a federal income tax return.

Section 63. Section 214.41, Florida Statutes, is transferred and renumbered as section 220.803, Florida Statutes, and subsection (1) of that section is amended, to read:

220.803 ~~214.41~~ Penalties; failure to pay tax.—

(1) If any part of a deficiency is due to negligence or intentional disregard of rules and regulations prescribed by or under *this chapter* ~~applicable law~~, but without intent to defraud, there shall be added to the tax as a penalty an amount equal to 5 percent of the deficiency.

Section 64. Section 214.42, Florida Statutes, is transferred, renumbered as section 220.805, Florida Statutes, and amended to read:

220.805 ~~214.42~~ Assessment of penalties.—The penalties provided by this part shall be paid upon notice and demand and shall be assessed, collected, and paid in the same manner as taxes. Any reference in this chapter to the tax imposed by ~~laws made applicable to~~ this chapter shall be deemed a reference to penalties provided by this part.

Section 65. Section 214.425, Florida Statutes, is transferred and renumbered as section 220.807, Florida Statutes, and subsection (1) of that section is amended, to read:

220.807 ~~214.425~~ Determination of rate of interest.—

(1) The annual rate of interest ~~for revenue laws made~~ applicable to this chapter shall be the adjusted rate established by the Executive Director of the Department of Revenue under subsection (2).

Section 66. Section 214.43, Florida Statutes, is transferred, renumbered as section 220.809, Florida Statutes, and amended to read:

220.809 ~~214.43~~ Interest on deficiencies.—

(1) If any amount of tax imposed by ~~laws made applicable to~~ this chapter is not paid on or before the date, determined without regard to any extensions, prescribed for payment of such tax, interest shall be paid in accordance with the provisions of *s. 220.807* ~~s. 214.425~~ on the unpaid amount from such date to the date of payment.

(2) Interest prescribed by this section on any tax or penalty shall be deemed assessed upon the assessment of the tax or penalty to which such interest relates, and shall be collected and paid in the same manner as taxes. Any reference in this chapter to the tax imposed by ~~laws made applicable to~~ this chapter shall be deemed a reference to interest imposed by this section.

(3) No interest shall be imposed upon the interest provided by this section.

(4) Interest shall be paid in respect to any penalty which is not paid within 20 days of the notice and demand therefor, but only for the period from the date of the notice and demand to the date of payment.

(5) If notice and demand is made for the payment of any amount due under ~~laws made applicable to~~ this chapter, and if such amount is paid within 30 days after the date of such notice and demand, interest under this section on the amount so paid shall not be imposed for the period after the date of such notice and demand.

(6) Any tax, interest, or penalty imposed by ~~applicable laws or~~ this chapter which has been erroneously refunded and which is recoverable by the department shall bear interest computed as provided in *s. 220.807* ~~s. 214.425~~ from the date of payment of such refund.

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

Section 67. Section 214.434, Florida Statutes, is transferred and renumbered as section 220.811, Florida Statutes.

Section 68. Section 214.44, Florida Statutes, is transferred and renumbered as section 220.813, Florida Statutes, and subsection (1) of that section is amended, to read:

220.813 ~~214.44~~ Liens; attachment and notice.—

(1) The state shall have a lien for all or any portion of the tax or any penalty, or for any amount of interest which may be due, upon all the real and personal property of any taxpayer assessed with a tax under ~~applicable laws or~~ this chapter.

Section 69. Section 214.45, Florida Statutes, is transferred and renumbered as section 220.815, Florida Statutes, and subsection (2) of that section is amended, to read:

220.815 ~~214.45~~ Liens; priority and filing.—

(2) The clerks of the circuit courts of the several counties shall establish and maintain a file and index book for liens arising under this chapter ~~and the laws made applicable hereto~~, in the manner and form prescribed by the department, which shall contain numerical and alphabetical indexes. Each entry in the file shall show the name and address of the taxpayer named in the notice, the tax to which the lien relates, the serial number of the notice, the date and hour of filing, whether the lien is a regular lien or a jeopardy assessment lien, and the amount of taxes, penalties, and interest due and unpaid at the time the notice is filed.

Section 70. Section 214.46, Florida Statutes, is repealed.

Section 71. Section 214.47, Florida Statutes, is transferred and renumbered as section 220.819, Florida Statutes.

Section 72. Section 214.48, Florida Statutes, is transferred and renumbered as section 220.821, Florida Statutes, and paragraph (e) of subsection (1) of that section is amended, to read:

220.821 ~~214.48~~ Liens; certificates of release.—

(1) The department shall issue a certificate of complete or partial release of lien:

(e) To the extent and under the circumstances specified in *s. 220.819* ~~s. 214.47~~.

Section 73. Section 214.49, Florida Statutes, is transferred and renumbered as section 220.823, Florida Statutes.

Section 74. Section 214.50, Florida Statutes, is transferred, renumbered as section 220.825, Florida Statutes, and amended to read:

220.825 ~~214.50~~ Liens; foreclosure.—In addition to any other remedy provided by the laws of this state, and provided that no hearing or proceedings for review provided by this chapter shall be pending and that the time for the taking of review shall have expired, the department may foreclose in any court of competent jurisdiction any lien on real or personal property for any tax, penalty, or interest to the same extent and in the same manner as in the enforcement of other liens. Any proceeding to foreclose shall be instituted not more than 20 years after the filing, or availability for filing, of the notice of lien under the provisions of *s. 220.815* ~~s. 214.45~~.

Section 75. Section 214.51, Florida Statutes, is transferred, renumbered as section 220.827, Florida Statutes, and amended to read:

220.827 ~~214.51~~ Collection procedures.—

(1) In addition to any other remedy provided by the laws of this state, if any tax imposed by ~~laws made applicable to~~ this chapter is not paid within the time required by this chapter, the department, or someone designated by it, may cause a demand to be made on the taxpayer for the payment thereof. If such tax remains unpaid for 10 days after such demand has been made and no proceedings have been taken to review the same, the department may issue a warrant directed to any sheriff or other person authorized to serve process, commanding said sheriff or other person to levy upon and sell the real and personal property of the taxpayer found within his jurisdiction for the payment of the amount thereof, including penalties, interest, and the cost of executing the warrant. Such warrant shall be returned to the department together with the money collected by virtue thereof within the time therein specified, which shall not be less than 20 nor more than 90 days from the date of the warrant. The sheriff or other person to whom such a warrant shall be directed shall proceed upon the same in all respects and with like effect as is prescribed by law for executions issued against property upon judgments of record, and shall be entitled to the same fees for his services in executing the warrant, to be collected in the same manner. No proceedings for a levy under this section shall be commenced more than 20 years after the filing of the notice of lien under the provisions of this part.

(2) Whenever an execution or writ of attachment issued from any court for the enforcement or collection of any tax liability created by ~~laws made applicable to~~ this chapter shall be levied by any sheriff or other authorized person upon any personal property, and such property shall be claimed to be exempt from execution or attachment by any person other than the defendant in the execution or attachment, then it shall be the duty of the person making such claim to give notice in writing of his claim and of his intention to prosecute the same to the sheriff or other person within 10 days after the making of said levy. The giving of such notice shall be a condition precedent to any legal action against the sheriff or other authorized person for wrongful levy or seizure or for sale of said property, and any such person who fails to give notice within said time shall be forever barred from bringing any legal action against such sheriff or other person for injury or damages to or conversion of said property.

Section 76. Section 214.52, Florida Statutes, is transferred and renumbered as section 220.829, Florida Statutes.

Section 77. Sections 220.801 through 220.829, Florida Statutes, are designated as part IX of chapter 220, Florida Statutes, entitled "Penalties, Interest, and Enforcement."

Section 78. Section 214.60, Florida Statutes, is transferred, renumbered as section 220.901, Florida Statutes, and amended to read:

220.901 ~~214.60~~ Willful and fraudulent acts.—Any taxpayer who is subject to the provisions of this chapter and who willfully fails to file a return or keep required books and records, files a fraudulent return, willfully violates any rule or regulation of the department, or willfully attempts in any other manner to evade or defeat any tax imposed by ~~laws made applicable to~~ this chapter or the payment thereof, is, in addition to other penalties, guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 *or*, s. 775.083, ~~or s. 775.084~~.

Section 79. Section 214.61, Florida Statutes, is transferred and renumbered as section 220.903, Florida Statutes.

Section 80. Section 214.62, Florida Statutes, is transferred, renumbered as section 220.905, Florida Statutes, and amended to read:

220.905 ~~214.62~~ Aiding and abetting.—Any person who aids, abets, counsels, or conspires to commit any of the acts described in *s. 220.901 or s. 220.903* ~~s. 214.60 or s. 214.61~~ shall be subject to fine or imprisonment to the same extent as the perpetrator of such act.

Section 81. Sections 220.901 through 220.905, Florida Statutes, are designated as part X of chapter 220, Florida Statutes, entitled "Tax Crimes."

Section 82. Sections 214.70 and 214.71, Florida Statutes, are repealed.

Section 83. Notwithstanding the repeal by this act of sections 214.70 and 214.71, Florida Statutes, those sections shall apply to taxable years beginning before January 1, 1991, as if they had not been repealed by this act.

Section 84. Section 214.72, Florida Statutes, is transferred and renumbered as section 220.151, Florida Statutes, and paragraph (d) is added to subsection (2) of that section, to read:

220.151 ~~214.72~~ Apportionment; methods for special industries.—

(2) The tax base for a taxpayer furnishing transportation services, for the purpose of computing a tax on those activities, shall be apportioned to this state by multiplying such base by a fraction the numerator of which is the revenue miles of the taxpayer in this state and the denominator of which is the revenue miles of the taxpayer everywhere.

(d) For purposes of this subsection, the term "taxpayer furnishing transportation services" includes taxpayers engaged exclusively in interstate commerce.

Section 85. Section 214.73, Florida Statutes, is transferred, renumbered as section 220.152, Florida Statutes, and amended to read:

220.152 ~~214.73~~ Apportionment; other methods.—If the apportionment methods of *ss. 220.15 and 220.151* ~~ss. 214.71 and 214.72~~ do not fairly represent the extent of a taxpayer's tax base attributable to this state, the taxpayer may petition for, or the department may require, in respect to all or any part of the taxpayer's tax base, if reasonable:

(1) Separate accounting;

(2) The exclusion of any one or more factors;

(3) The inclusion of one or more additional factors which will fairly represent the taxpayer's tax base attributable to this state; or

(4) The employment of any other method which will produce an equitable apportionment.

Section 86. Subsection (3) of section 72.041, Florida Statutes, 1990 Supplement, is amended to read:

72.041 Tax liabilities arising under the laws of other states.—Actions to enforce lawfully imposed sales, use, and corporate income taxes and motor and other fuel taxes of another state may be brought in a court of this state under the following conditions:

(3) This section does not apply to the enforcement of tax warrants of another state unless the warrant has been obtained as a result of a judgment entered by a court of competent jurisdiction in the taxing state or unless the courts of the state seeking to enforce its warrant allow the enforcement of the warrants issued by the Department of Revenue pursuant to chapters 206, 212, 213, ~~214,~~ 220, and 221, and ss. 336.021, 336.025, and 336.026; and

Section 87. Paragraph (a) of subsection (15) and paragraph (a) of subsection (16) of section 196.012, Florida Statutes, are amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(15) "New business" means:

(a)1. A business establishing 10 or more jobs to employ 10 or more full-time employees in this state, which manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant;

2. A business establishing 25 or more jobs to employ 25 or more full-time employees in this state, the sales factor of which, as defined by *s. 220.15(5)* ~~s. 214.71(3)~~, for the facility with respect to which it requests an economic development ad valorem tax exemption is less than 0.50 for each year the exemption is claimed; or

3. An office space in this state owned and used by a corporation newly domiciled in this state; provided such office space houses 50 or more full-time employees of such corporation;

provided that such business or office first begins operation on a site clearly separate from any other commercial or industrial operation owned by the same business.

(16) "Expansion of an existing business" means:

(a)1. A business establishing 10 or more jobs to employ 10 or more full-time employees in this state, which manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant; or

2. A business establishing 25 or more jobs to employ 25 or more full-time employees in this state, the sales factor of which, as defined by *s. 220.15(5)* ~~s. 214.71(3)~~, for the facility with respect to which it requests an economic development ad valorem tax exemption is less than 0.50 for each year the exemption is claimed;

provided that such business increases operations on a site colocated with a commercial or industrial operation owned by the same business, resulting in a net increase in employment of not less than 10 percent or an increase in productive output of not less than 10 percent.

Section 88. Subsections (1) and (2) of section 212.0598, Florida Statutes, 1990 Supplement, are amended to read:

212.0598 Special provisions; air carriers.—

(1) Notwithstanding other provisions of this part to the contrary, any air carrier utilizing mileage apportionment for corporate income tax purposes in this state pursuant to chapter *220* ~~214~~ may elect, upon the conditions prescribed in subsection (4), to be subject to the tax imposed by this part on tangible personal property according to the provisions of this section.

(2) The basis of the tax shall be the ratio of Florida mileage to total mileage as determined pursuant to ~~part IV of~~ chapter *220* ~~214~~ and this section. The ratio shall be determined at the close of the carrier's preceding fiscal year. The ratio shall be applied each month to the carrier's total systemwide gross purchases of tangible personal property and services otherwise taxable in Florida. *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 that 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 89. Section 213.05, Florida Statutes, 1990 Supplement, is amended to read:

213.05 Department of Revenue; control and administration of revenue laws.—The Department of Revenue shall have only those responsibilities for ad valorem taxation specified to the department in chapter 192, taxation, general provisions; chapter 193, assessments; chapter 194, administrative and judicial review of property taxes; chapter 195, property assessment administration and finance; chapter 196, exemption; chapter 197, tax collections, sales, and liens; chapter 199, intangible personal property taxes; and chapter 200, determination of millage. The Department of Revenue shall have the responsibility of regulating, controlling, and administering all revenue laws and performing all duties as provided in s. 125.0104, the Local Option Tourist Development Act; s. 125.0108, tourist impact tax; chapter 198, estate taxes; chapter 201, excise tax on documents; chapter 203, gross receipts taxes; chapter 206, motor and other fuel taxes; chapter 211, tax on production of oil and gas and severance of solid minerals; chapter 212, tax on sales, use, and other transactions; ~~chapter 214, administration of designated nonproperty taxes;~~ chapter 220, income tax code; chapter 221, emergency excise tax; ss. 336.021, 336.025, and 336.026, taxes on motor fuel and special fuel; s. 370.07(3), Apalachicola Bay oyster surcharge; s. 376.11, pollutant spill prevention and control; s. 403.718, waste tire fees; s. 403.7185, lead-acid battery fees; s. 403.7195, waste newsprint disposal fees; s. 538.09, registration of secondhand dealers; s. 538.25, registration of secondary metals recyclers; s. 440.57, group self-insurer's fund premium tax; s. 624.5091, retaliatory tax; s. 624.4425, multiple-employer welfare arrangement premium tax; s. 624.475, commercial self-insurance fund premium tax; 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 90. Subsection (5) of section 220.131, Florida Statutes, is amended to read:

220.131 Adjusted federal income; affiliated groups.—

(5) Each taxpayer shall apportion adjusted federal income under *s. 220.15* ~~s. 214.71~~ as a member of an affiliated group which files a consolidated return under this section on the basis of apportionment factors described in *s.* ~~ss. 214.71 and~~ 220.15. For the purposes of this subsection, each special industry member included in an affiliated group filing a consolidated return hereunder, which member would otherwise be permitted to use a special method of apportionment under *s. 220.151* ~~s. 214.72~~, shall construct the numerator of its sales, property, and payroll factors, respectively, by multiplying the denominator of each such factor by the premiums or revenue miles factor ratio otherwise applicable pursuant to *s. 220.151* ~~s. 214.72~~ in the manner prescribed by the department by rule.

Section 91. Effective upon this act becoming a law and applying to tax years beginning on or after January 1, 1991, 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. If any factor described in subsection (2), subsection (4), or subsection (5) has a denominator that is zero or is determined by the department to be insignificant, the relative weights of the other factors in the denominator of the apportionment fraction shall be as follows:

(a) If the denominators for any two factors are zero or are insignificant, the weighted percentage for the remaining factor shall be 100 percent.

(b) If the denominator for the sales factor is zero or is insignificant, the weighted percentage for the property and payroll factors shall change from 25 percent to 50 percent, respectively.

(c) If the denominator for either the property or payroll factor is zero or is insignificant, the weighted percentage for the other shall be 33⅓ percent, and the weighted percentage for the sales factor shall be 66⅔ percent.

(2) The property factor is a fraction the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the taxable year or period and the denominator of which is the average value of such property owned or rented and used everywhere.

(a) Real and tangible personal property owned by the taxpayer shall be valued at original cost. Real and tangible personal property rented by the taxpayer shall be valued at 8 times the net annual rental rate paid by the taxpayer less any annual rental rate received from subrentals.

(b) The average value of real and tangible personal property shall be determined by averaging the value at the beginning and the end of the taxable year or period, unless the department determines that an averaging of monthly values during the taxable year or period is reasonably required to reflect properly the average value of the taxpayer's real and tangible personal property.

(3) The property factor used by a financial organization shall also include intangible personal property, except goodwill, which is owned and used in the business, valued at its tax basis for federal income tax purposes. Intangible personal property shall be in this state if it consists of any of the following:

(a) Coin or currency located in this state;

(b) Assets in the nature of loans, including balances due from depository institutions, repurchase agreements, federal funds sold, and bankers acceptances, which assets are located in this state; installment obligations on loans for which the customer initially applied at an office located in this state; or loans secured by mortgages, deeds of trust, or other liens upon real or tangible personal property located in this state;

(c) A portion of a participation loan if the office that enters into the participation is located in this state;

(d) Credit card receivables from customers who reside or who are commercially domiciled in this state;

(e) Investments in securities that generate business income if the taxpayer's commercial domicile is in the state, unless such securities have acquired a discrete business situs elsewhere;

(f) Securities used to maintain reserves against deposits to meet federal or state deposit requirements, based on the ratio that total deposits in this state bear to total deposits everywhere;

(g) Securities held by a state treasurer or other public official or pledged to secure public funds or trust funds deposited with the taxpayer if the office at which the secured deposits are maintained is in this state;

(h) Leases of tangible personal property to another if the taxpayer's commercial domicile is in the state, unless the taxpayer establishes that the location of the leased tangible personal property is in another state or states for the entire taxable year and the taxpayer is taxable in such other state or states;

(i) Installment sale agreements originally executed by a taxpayer or its agent to sell real or tangible personal property located in this state; or

(j) Any other intangible personal property located in this state which is used to generate business income.

(4) The payroll factor is a fraction the numerator of which is the total amount paid in this state during the taxable year or period by the taxpayer for compensation and the denominator of which is the total compensation paid everywhere during the taxable year or period.

(a) As used in this subsection, the term "compensation" means wages, salaries, commissions, and any other form of remuneration paid to employees for personal services.

(b) Compensation is paid in this state if:

1. The employee's service is performed entirely within the state; or

2. The employee's service is performed both within and without the state, but the service performed without the state is incidental to the employee's service within the state; or

3. Some of the employee's service is performed in the state, and

a. The base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state, or

b. The base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed and the employee's residence is in this state.

(5) The sales factor is a fraction the numerator of which is the total sales of the taxpayer in this state during the taxable year or period and the denominator of which is the total sales of the taxpayer everywhere during the taxable year or period.

(a) As used in this subsection, the term "sales" means all gross receipts of the taxpayer except interest, dividends, rents, royalties, and gross receipts from the sale, exchange, maturity, redemption, or other disposition of securities. However:

1. Rental income is included in the term if a significant portion of the taxpayer's business consists of leasing or renting real or tangible personal property; and

2. Royalty income is included in the term if a significant portion of the taxpayer's business consists of dealing in or with the production, exploration, or development of minerals.

(b)1. Sales of tangible personal property occur in this state if the property is delivered or shipped to a purchaser within this state, regardless of the f.o.b. point, other conditions of the sale, or ultimate destination of the property, unless shipment is made via a common or contract carrier.

2. When citrus fruit is delivered by a cooperative for a grower-member, by a grower-member to a cooperative, or by a grower-participant to a Florida processor, the sales factor for the growers for such citrus fruit delivered to such processor shall be the same as the sales factor for the most recent taxable year of that processor. That sales factor, expressed only as a percentage and not in terms of the dollar volume of sales, so as to protect the confidentiality of the sales of the processor, shall be furnished on the request of such a grower promptly after it has been determined for that taxable year.

3. Reimbursement of expenses under an agency contract between a cooperative, a grower-member of a cooperative, or a grower and a processor is not a sale within this state.

(c) Sales of a financial organization, including, but not limited to, banking and savings institutions, investment companies, real estate investment trusts, and brokerage companies, occur in this state if derived from:

1. Fees, commissions, or other compensation for financial services rendered within this state;

2. Gross profits from trading in stocks, bonds, or other securities managed within this state;

3. Interest received within this state, other than interest from loans secured by mortgages, deeds of trust, or other liens upon real or tangible personal property located without this state, and dividends received within this state;

4. Interest charged to customers at places of business maintained within this state for carrying debit balances of margin accounts, without deduction of any costs incurred in carrying such accounts;

5. Interest, fees, commissions, or other charges or gains from loans secured by mortgages, deeds of trust, or other liens upon real or tan-

gible personal property located in this state or from installment sale agreements originally executed by a taxpayer or his agent to sell real or tangible personal property located in this state;

6. Rents from real or tangible personal property located in this state; or

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

In computing the amounts under this paragraph, any amount received by a member of an affiliated group (determined under s. 1504(a) of the Internal Revenue Code, but without reference to whether any such corporation is an "includable corporation" under s. 1504(b) of the Internal Revenue Code) from another member of such group shall be included only to the extent such amount exceeds expenses of the recipient directly related thereto.

(6) The term "financial organization," as used in this section, includes any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, small loan company, sales finance company, or investment company.

(7) The term "everywhere," as used in the computation of apportionment factor denominators under this section, means "in all states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country, or any political subdivision of the foregoing."

Section 92. Effective upon this act becoming a law and applying to tax years beginning on or after January 1, 1991, 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.

Section 93. 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 94. 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* ~~I~~ 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 95. Paragraph (b) of subsection (2) of section 220.31, Florida Statutes, is amended to read:

220.31 Payments; due date.—

(2) Except as to estimated tax payments under s. 220.33, the payment required under this section shall be the balance of tax remaining due after giving effect to the following:

(b) Any amount of a tax overpayment which is credited against the taxpayer's liability for the taxable year under *s. 220.721* ~~s. 214.13~~ shall be deemed to have been paid on account of the tax imposed by this code for such taxable year.

Section 96. Section 220.32, Florida Statutes, is amended to read:

220.32 Payments of tentative tax.—

(1) In connection with any extension of the time for filing a return under s. 220.222(2), the taxpayer shall file a tentative tax return and pay, on or before the date prescribed by law for the filing of such return, determined without regard to any extensions of time for such filing, an amount estimated to be the balance of its proper tax for the taxable year after giving effect to any estimated tax payments under s. 220.33 and any tax credit under *s. 220.721* ~~s. 214.13~~.

(2) The department shall by regulation prescribe the manner and form for filing tentative returns.

(3) Interest on any amount of tax due and unpaid during the period of any extension shall be payable as provided in *s. 220.809* ~~s. 214.43~~. The taxpayer shall also be liable for a penalty in an amount determined at the rate of 12 percent per year upon the amount of any underpayment of the tax due.

Section 97. 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 98. Section 220.53, Florida Statutes, is amended to read:

220.53 Adoption of ~~chapter 214 and~~ ss. 213.06 and 213.21.—~~The tax imposed by this chapter is hereby made subject to chapter 214, as that chapter is modified by s. 220.15 and by s. 220.23(2)(c) and (d).~~ Sections 213.06 and 213.21 shall apply to this chapter except as provided in s. 213.21(2)(a) as to adjustments made pursuant to s. 220.23.

Section 99. 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 nonbank or nonsavings subsidiaries of such parent corporation.

Section 100. 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 101. Subsection (2) of section 220.11, Florida Statutes, is amended to read:

220.11 Tax imposed.—

(2) The tax imposed by this section shall be an amount equal to 5½ percent of the taxpayer's net income for the taxable year. ~~The increase in the tax imposed by this section provided by this act shall be reviewed by the Legislature at the regular session of 1989 and may be reduced by a majority vote of the membership of each house of the Legislature.~~

Section 102. Subsection (2) of section 220.63, Florida Statutes, is amended to read:

220.63 Franchise tax imposed on banks and savings associations.—

(2) The tax imposed by this section shall be an amount equal to 5½ percent of the franchise tax base of the bank or savings association for the taxable year. ~~The increase in the tax imposed by this section provided by this act shall be reviewed by the Legislature at the regular session of 1989 and may be reduced by a majority vote of the membership of each house of the Legislature.~~

Section 103. Section 215.20, Florida Statutes, as amended by chapters 90-110 and 90-132, Laws of Florida, is amended to read:

(Substantial rewording of section. See s. 215.20, F.S., as amended by ch. 90-110 and ch. 90-132, Laws of Florida, for present text.)

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(1) A service charge of 7 percent, representing the estimated pro rata share of the cost of general government paid from the General Revenue Fund, shall be deducted from all income of a revenue nature deposited in all trust funds except those enumerated in s. 215.22. Income of a revenue nature shall include all earnings received or credited by such trust funds, including the interest or benefit received from the investment of the principal of such trust funds as may be permitted by law. This provision shall be construed in favor of the General Revenue Fund in each instance. All such deductions shall be deposited in the General Revenue Fund.

(2) Notwithstanding the provisions of subsection (1), funds collected for peanut, soybean, or tobacco marketing orders pursuant to chapter 570 and the Florida Citrus Advertising Trust Fund shall be subject to a 3-percent service charge, to be deposited in the General Revenue Fund.

(3) A service charge of 0.3 percent shall be deducted from income of a revenue nature deposited in the trust funds enumerated in subsection (4). Income of a revenue nature shall include all earnings received or credited by such trust funds, including the interest or benefit received from the investment of the principal of such trust funds as may be permitted by law. This provision shall be construed in favor of the General Revenue Fund in each instance. All such deductions shall be deposited in the General Revenue Fund.

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the deductions authorized by subsection (3) shall be made:

(a) The Gas Tax Collection Trust Fund created by s. 206.45.

(b) All income derived from outdoor advertising and overweight violations which is deposited in the State Transportation Trust Fund created by s. 206.46.

(c) All taxes levied on motor fuels other than gasoline levied pursuant to the provisions of s. 206.87.

(d) The State Alternative Fuel User Fee Clearing Trust Fund established pursuant to s. 206.879(1).

(e) The Local Alternative Fuel User Fee Clearing Trust Fund established pursuant to s. 206.879(2).

(f) The Cigarette Tax Collection Trust Fund created by s. 210.20.

(g) The Nonmandatory Land Reclamation Trust Fund established pursuant to s. 211.3103.

(h) The Phosphate Research Trust Fund established pursuant to s. 211.3103.

(i) The Land Reclamation Trust Fund established pursuant to s. 211.32(1)(f).

(j) The Educational Certification and Service Trust Fund created by s. 231.30.

(k) The trust funds administered by the Division of Historical Resources of the Department of State.

(l) The Motorboat Revolving Trust Fund created by s. 327.28.

(m) The Local Option Gas Tax Trust Fund created pursuant to s. 336.025.

(n) The Florida Public Service Regulatory Trust Fund established pursuant to s. 350.113.

(o) The State Game Trust Fund established by s. 372.09.

(p) All revenues deposted in the Port Trust Fund created pursuant to s. 376.22.

(q) The Health Care Cost Containment Trust Fund established pursuant to s. 407.04.

(r) The Special Disability Trust Fund created by s. 440.49.

(s) The Workers' Compensation Administration Trust Fund created by s. 440.50(1)(a).

(t) The Employment Security Administration Trust Fund created by s. 443.211(1).

(u) The Special Employment Security Administration Trust Fund created by s. 443.211(2).

(v) The Professional Regulation Trust Fund established pursuant to s. 455.219.

(w) The Speech-Language Pathology and Audiology Trust Fund.

(x) The Division of Licensing Trust Fund established pursuant to s. 493.6117.

(y) The Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund established pursuant to s. 498.019.

(z) The trust fund of the Division of Hotels and Restaurants, as defined in s. 509.072, with the exception of those fees collected for the purpose of funding of the hospitality education program as stated in s. 509.302.

(aa) The trust funds administered by the Division of Pari-mutuel Wagering and the Florida Quarter Horse Racing Promotion Trust Fund.

(bb) The General Inspection Trust Fund and subsidiary accounts thereof, unless a different percentage is authorized by s. 570.20.

(cc) The Florida Citrus Advertising Trust Fund created by s. 601.15(7), including transfers from any subsidiary accounts thereof, unless a different percentage is authorized in that section.

(dd) The Agents and Solicitors County Tax Trust Fund created by s. 624.506.

(ee) The Insurance Commissioner's Regulatory Trust Fund created by s. 624.523.

(ff) The Financial Institutions' Regulatory Trust Fund established pursuant to s. 655.049.

(gg) The Crimes Compensation Trust Fund established pursuant to s. 960.21.

(hh) The Records Management Trust Fund established pursuant to s. 257.375.

(ii) The Alcoholic Beverage and Tobacco Trust Fund established pursuant to s. 561.025.

(jj) The Motor Vehicle Inspection Trust Fund established pursuant to s. 325.214.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt all trust funds from its force and effect when, by the operation of this law, federal matching funds or contributions to any trust fund would be lost to the state.

(5) There is appropriated from the proper respective trust funds from time to time such sums as may be necessary to pay to the General Revenue Fund the service charges imposed by this section.

Section 104. Section 215.22, Florida Statutes, as amended by chapters 90-110, 90-132, 90-363, and 90-364, Laws of Florida, is amended to read:

(Substantial rewording of section. See s. 215.22, F.S., as amended by ch. 90-110, ch. 90-132, ch. 90-363, and ch. 90-364, Laws of Florida, for present text.)

215.22 Certain income and certain trust funds exempt.—

(1) The following income of a revenue nature or the following trust funds shall be exempt from the deduction required by s. 215.20(1):

(a) Student financial aid or prepaid tuition receipts.

(b) Trust funds administered by the Department of the Lottery.

(c) Departmental administrative assessments for administrative divisions.

(d) Funds charged by a state agency for services provided to another state agency.

(e) State, agency, or political subdivision investments by the Treasurer.

(f) Retirement or employee benefit funds.

(g) Self-insurance programs administered by the Treasurer.

(h) Funds held for the payment of citrus canker eradication and compensation.

(i) Medicaid, Medicare, or third-party receipts for client custodial care.

(j) Bond proceeds or revenues dedicated for bond repayment, except for the Documentary Stamp Clearing Trust Fund administered by the Department of Revenue.

(k) Trust funds administered by the Department of Education.

(l) Trust funds administered by the Department of Transportation.

(m) Trust funds administered by the Department of Agriculture and Consumer Services.

(n) The Motor Vehicle License Clearing Trust Fund.

(o) The Solid Waste Management Trust Fund.

(p) The Coconut Grove Playhouse Trust Fund.

(2) Moneys and income of a revenue nature shared with political subdivisions or received from taxes or fees authorized to be levied by any political subdivision shall be exempt from the deduction required by s. 215.20(1).

(3) In addition to the exemptions enumerated in subsections (1) and (2), the Executive Office of the Governor is authorized to exempt any income or trust fund when, by the operation of this law and pursuant to s. 215.24, federal matching funds or contributions to any trust fund would be lost to the state.

(4) Notwithstanding the exemptions granted in subsections (1), (2), and (3), this section shall not exempt income of a revenue nature or any trust fund which was subject to the service charge pursuant to s. 215.20 on January 1, 1990.

Section 105. If, during the 1991 regular session of the Legislature, there is enacted into law legislation that requires a distribution of any portion of a service charge on trust funds to the Election Campaign Financing Trust Fund, that legislation shall prevail over any conflicting provisions of sections 103 and 104 of this act.

Section 106. Section 215.23, Florida Statutes, is amended to read:

215.23 When contributions to be made.—The *deductions* ~~deduction hereby~~ required *by s. 215.20* shall be paid into the *appropriate fund* ~~General Revenue Fund~~ by the Department of Banking and Finance or by the State Treasurer, as the case may be, for quarterly periods ending March 31, June 30, September 30, and December 31 of each year, and when so paid ~~into the General Revenue Fund~~ shall thereupon become a part of *that* ~~said~~ fund to be accounted for and disbursed as provided by law ~~with respect to the General Revenue Fund~~.

Section 107. Subsection (2) of section 200.132, Florida Statutes, 1990 Supplement, is amended to read:

200.132 Municipal Financial Assistance Trust Fund; administration of grant program.—

(2) Amounts deposited in the Municipal Financial Assistance Trust Fund are hereby appropriated exclusively for grants to municipalities as provided in subsection (1). No deduction from these amounts shall be made for the service *charges* ~~charge~~ provided in s. 215.20.

Section 108. Paragraph (a) of subsection (2) of section 206.60, Florida Statutes, is amended to read:

206.60 County tax on motor fuel.—

(2) The proceeds of such tax are hereby appropriated for public transportation purposes in the manner following:

(a) The department, after deducting its expenses of collection, which shall include the administrative costs incurred by the department in the collection, administration, and distribution back to the counties of the taxes levied pursuant to this section, and after *deducting* ~~transferring to the General Revenue Fund~~ the service *charges* ~~charge~~ provided for by s. 215.20, shall monthly divide the proceeds of such tax in the same manner as the constitutional gas tax pursuant to s. 206.47 and the formula contained in s. 9(c)(4), Art. XII of the revised State Constitution of 1968.

Section 109. Subsection (1) of section 206.875, Florida Statutes, is amended to read:

206.875 Allocation of tax.—

(1) All moneys derived from the taxes imposed by this part shall be paid into the State Treasury by the department for deposit in the Gas Tax Collection Trust Fund, which fund is created and from which the following transfers shall be made: After withholding $10,000 from the proceeds of 4 cents of such tax, to be used as a revolving cash balance, all other moneys shall be transferred in the same manner and for the same purpose as provided by law for allocation of the taxes levied in part I, including *deduction* ~~transfer to the General Revenue Fund~~ of the service *charges* ~~charge~~ provided for in s. 215.20.

Section 110. Section 206.879, Florida Statutes, 1990 Supplement, is amended to read:

206.879 State and local alternative fuel user fee clearing trust funds; distribution.—

(1) Notwithstanding the provisions of s. 206.875, the revenues from the state alternative fuel fees imposed by s. 206.877 shall be deposited into the State Alternative Fuel User Fee Clearing Trust Fund, which

is hereby created. After deducting the service *charges* ~~charge~~ provided in s. 215.20, the proceeds in this trust fund shall be distributed as follows: one-fifth of the proceeds in calendar year 1991, one-third of the proceeds in calendar year 1992, three-sevenths of the proceeds in calendar year 1993, and one-half of the proceeds in each calendar year thereafter shall be transferred to the State Transportation Trust Fund; the remainder shall be distributed as follows: 50 percent shall be transferred to the State Board of Administration for distribution according to the provisions of s. 16, Art. IX of the State Constitution of 1885, as amended; 25 percent shall be transferred to the Revenue Sharing Trust Fund for Municipalities; and the remaining 25 percent shall be distributed using the formula contained in s. 206.60(2).

(2) Notwithstanding the provisions of s. 206.875, the revenues from the local alternative fuel fees imposed in lieu of s. 336.021 or s. 336.025 shall be deposited into the Local Alternative Fuel User Fee Clearing Trust Fund, which is hereby created. After deducting the service *charges* ~~charge~~ provided in s. 215.20, the proceeds in this trust fund shall be returned monthly to the appropriate county.

Section 111. Section 206.9845, Florida Statutes, is amended to read:

206.9845 Distribution of proceeds.—Moneys collected pursuant to this part shall be deposited in the Gas Tax Collection Trust Fund created by s. 206.45. Such moneys, exclusive of the service *charges* ~~charge~~ imposed by s. 215.20 and exclusive of refunds granted pursuant to s. 206.9855, shall be distributed monthly to the State Transportation Trust Fund.

Section 112. Subsection (1) of section 206.9945, Florida Statutes, 1990 Supplement, is amended to read:

206.9945 Funds collected; disposition; department authority.—

(1) The department shall deposit all funds received and collected by it under this part into the Gas Tax Collection Trust Fund to be transferred, less the costs of administration and less the service *charges* ~~charge~~ to be deducted ~~and deposited in the General Revenue Fund~~ pursuant to s. 215.20, as follows:

(a) Moneys collected pursuant to s. 206.9935(1) shall be transferred to the Florida Coastal Protection Trust Fund as provided in s. 376.11;

(b) Moneys collected pursuant to s. 206.9935(2) shall be transferred to the Water Quality Assurance Trust Fund as provided in s. 376.307; and

(c) Moneys collected pursuant to s. 206.9935(3), less any refunds granted under s. 206.9942, shall be transferred to the Inland Protection Trust Fund as provided in s. 376.3071.

Section 113. Paragraph (a) of subsection (2) of section 210.20, Florida Statutes, 1990 Supplement, is amended to read:

210.20 Employees and assistants; distribution of funds.—

(2) As collections are received by the division from such cigarette taxes, it shall pay the same into a trust fund in the State Treasury designated "Cigarette Tax Collection Trust Fund" which shall be paid and distributed as follows:

(a) The division shall from month to month certify to the Comptroller the amount derived from the cigarette tax imposed by s. 210.02, less the service *charges* ~~charge~~ provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying the amounts to be transferred from the Cigarette Tax Collection Trust Fund and credited on the basis of 5.8 percent of the net collections to the Municipal Financial Assistance Trust Fund, 32.4 percent of the net collections to the Revenue Sharing Trust Fund for Municipalities, 2.9 percent of the net collections to the Revenue Sharing Trust Fund for Counties, and 29.3 percent of the net collections for the funding of indigent health care to the Public Medical Assistance Trust Fund.

Section 114. Paragraph (a) of subsection (5) of section 212.06, Florida Statutes, is amended to read:

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

(5)(a)1. Except as provided in subparagraph 2., it is not the intention of this chapter to levy a tax upon tangible personal property imported, produced, or manufactured in this state for export, provided that tangible personal property may not be considered as being imported, produced, or manufactured for export unless the importer, producer, or manufacturer delivers the same to a licensed exporter for exporting or to a common carrier for shipment outside the state or mails the same by United States mail to a destination outside the state; or, in the case of aircraft being exported under their own power to a destination outside the continental limits of the United States, by submission to the department of a duly signed and validated United States customs declaration, showing the departure of the aircraft from the continental United States; and further with respect to aircraft, the canceled United States registry of said aircraft; or in the case of parts and equipment installed on aircraft of foreign registry, by submission to the department of documentation, the extent of which shall be provided by rule, showing the departure of the aircraft from the continental United States; nor is it the intention of this chapter to levy a tax on any sale which the state is prohibited from taxing under the Constitution or laws of the United States. Every retail sale made to a person physically present at the time of sale shall be presumed to have been delivered in this state.

2.a. Notwithstanding subparagraph 1., a tax is levied on each sale of tangible personal property to be transported to a cooperating state as defined in sub-subparagraph c., at the rate specified in sub-subparagraph d. However, a Florida dealer will be relieved from the requirements of collecting taxes pursuant to this subparagraph if the Florida dealer obtains from the purchaser an affidavit setting forth the purchaser's name, address, state taxpayer identification number, and a statement that the purchaser is aware of his state's use tax laws, is a registered dealer in Florida or another state, or is purchasing the tangible personal property for resale or is otherwise not required to pay the tax on the transaction. The department may, by rule, provide a form to be used for the purposes set forth herein.

b. For purposes of this subparagraph, "a cooperating state" is one determined by the executive director of the department to cooperate satisfactorily with this state in collecting taxes on mail order sales. No state shall be so determined unless it meets all the following minimum requirements:

(I) It levies and collects taxes on mail order sales of property transported from that state to persons in this state, as described in s. 212.0596, upon request of the department.

(II) The tax so collected shall be at the rate specified in s. 212.05, not including any local option or tourist or convention development taxes collected pursuant to s. 125.0104 or this part.

(III) Such state agrees to remit to the department all taxes so collected no later than 30 days from the last day of the calendar quarter following their collection.

(IV) Such state authorizes the department to audit dealers within its jurisdiction who make mail order sales that are the subject of s. 212.0596, or makes arrangements deemed adequate by the department for auditing them with its own personnel.

(V) Such state agrees to provide to the department records obtained by it from retailers or dealers in such state showing delivery of tangible personal property into this state upon which no sales or use tax has been paid in a manner similar to that provided in sub-subparagraph g.

c. For purposes of this subparagraph, "sales of tangible personal property to be transported to a cooperating state" means mail order sales to a person who is in the cooperating state at the time the order is executed, from a dealer who receives that order in this state.

d. The tax levied by sub-subparagraph a. shall be at the rate at which such a sale would have been taxed pursuant to the cooperating state's tax laws if consummated in the cooperating state by a dealer and a purchaser, both of whom were physically present in that state at the time of the sale.

e. The tax levied by sub-subparagraph a., when collected, shall be held in the State Treasury in trust for the benefit of the cooperating state and shall be paid to it at a time agreed upon between the department, acting for this state, and the cooperating state or the

department or agency designated by it to act for it; however, such payment shall in no event be made later than 30 days from the last day of the calendar quarter after the tax was collected. Funds held in trust for the benefit of a cooperating state shall not be subject to the service *charges* ~~charge~~ imposed by s. 215.20.

f. The department is authorized to perform such acts and to provide such cooperation to a cooperating state with reference to the tax levied by sub-subparagraph a. as is required of the cooperating state by sub-subparagraph b.

g. In furtherance of this act, dealers selling tangible personal property for delivery in another state shall make available to the department, upon request of the department, records of all tangible personal property so sold. Such records shall include a description of the property, the name and address of the purchaser, the name and address of the person to whom the property was sent, the purchase price of the property, information regarding whether sales tax was paid in this state on the purchase price, and such other information as the department may by rule prescribe.

Section 115. Subsection (1) of section 212.69, Florida Statutes, is amended to read:

212.69 Distribution of proceeds.—

(1) Moneys collected pursuant to this part shall be deposited in the Gas Tax Collection Trust Fund created by s. 206.45. Such moneys, exclusive of the service *charges* ~~charge~~ imposed by s. 215.20, and exclusive of refunds granted pursuant to s. 212.67, shall be distributed monthly to the State Transportation Trust Fund, except that $3.8 million per year shall be transferred to the Department of Natural Resources in equal monthly amounts; $1 million of this amount shall be spent solely for nonchemical control of aquatic weeds, research into nonchemical controls, and enforcement of aquatic weed control programs.

Section 116. Subsection (4) of section 319.32, Florida Statutes, 1990 Supplement, is amended to read:

319.32 Fees; service charges; disposition.—

(4) All fees collected pursuant to subsection (3) shall be paid into the Nongame Wildlife Trust Fund. Twenty-one dollars of each fee for each applicable original certificate of title and each applicable duplicate copy of a certificate of title, after deducting the service *charges* ~~charge~~ imposed by s. 215.20, shall be deposited into the State Transportation Trust Fund. All other fees collected by the department under this chapter shall be paid into the General Revenue Fund.

Section 117. Subsection (1) of section 325.214, Florida Statutes, is amended to read:

325.214 Motor Vehicle Inspection Trust Fund; creation; fees; disposition of fees.—

(1) All moneys received by the department pursuant to this act, less the *deductions* ~~deduction~~ required by s. 215.20, shall be deposited into the Motor Vehicle Inspection Trust Fund which is hereby created.

Section 118. Subsection (1) of section 624.506, Florida Statutes, 1990 Supplement, is amended to read:

624.506 County tax; deposit and remittance.—

(1) The Insurance Commissioner and Treasurer shall deposit in the Agents and Solicitors County Tax Trust Fund all moneys accepted as county tax under this part. He shall keep a separate account for all moneys so collected for each county and, after deducting therefrom the service *charges* ~~charge~~ provided for in s. 215.20, shall remit the balance to the counties.

Section 119. Section 6 of chapter 90-110, Laws of Florida, is repealed. All moneys in or designated for deposit into the Agency Budget Sunset Trust Fund on June 30, 1991, are transferred to the General Revenue Fund.

Section 120. Effective October 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 121. 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 122. Effective October 1, 1991, subsection (1) of section 403.7185, Florida Statutes, 1990 Supplement, is amended to read:

403.7185 Lead-acid battery fees.—

(1) For the privilege of engaging in business, a fee for each ~~new or remanufactured~~ lead-acid battery sold at retail is imposed on any person engaging in the business of making retail sales of lead-acid batteries within this state. Beginning October 1, 1989, and thereafter, such fee shall be imposed at the rate of $1.50 for each ~~new or remanufactured~~ lead-acid battery sold. However, the fee shall not be imposed on any battery which has previously been taxed pursuant to s. 206.9935(2), provided the person claiming exemption from the tax can document payment of such tax. The fee imposed shall be paid to the Department of Revenue on or before the 20th day of the month following the calendar month in which the sale occurs. The department may authorize a quarterly return under the conditions described in s. 212.11(1)(c). A dealer selling motor vehicles, vessels, or aircraft at retail can purchase lead-acid batteries exempt as a sale for resale by presenting a sales tax resale certificate. However, if a dealer thereafter withdraws any such battery from inventory to put into a new or used motor vehicle, vessel, or aircraft for sale, to use on his own motor vehicle, vessel, or aircraft, to give away, or any purpose other than for resale, the dealer will owe the fee at the time the battery is withdrawn from inventory. If the dealer sells the battery at retail, that sale will be subject to the fee. If the dealer sells it to a purchaser who presents him a sales tax resale certificate, the dealer will owe no fee. The terms "sold at retail" and "retail sales" do not include the sale of ~~new or remanufactured~~ lead-acid batteries to a person solely for the purpose of resale; however, a subsequent retail sale in this state is subject to the fee. Such fee shall be subject to all applicable taxes imposed in part I of chapter 212. The provisions of s. 212.07(4) shall not apply to the provisions of this section. When a sale of a lead-acid battery, upon which the fee has been paid, is canceled or the battery is returned to the seller, and the sale price, taxes, and fees are refunded in full to the purchaser, the seller may take credit for the fee previously paid. If, instead of refunding the purchase price of the battery, the customer is given a new battery in exchange for the returned battery, the dealer cannot take credit for the fee on the returned battery, but no fee is due

on the new battery that is given in exchange. However, no credit shall be taken by the dealer for returns resulting in partial refunds or partial credits on purchase of replacement batteries.

Section 123. Effective January 1, 1992, and applicable to all community contributions approved after January 1, 1992, subsection (3) of section 220.183, Florida Statutes, 1990 Supplement, is amended to read:

220.183 Community contribution tax credit.—

(3) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

(a) There shall be allowed a credit of 50 percent of a community contribution against any tax due for a taxable year under this chapter.

(b) No business firm shall receive more than $200,000 in annual tax credits for all approved community contributions *made in any one year.*

(c) The total amount of tax credit which may be granted for all programs approved under this section and s. 624.5105 is $3,000,000 annually.

(d) All proposals for the granting of the tax credit shall require the prior approval of the secretary.

(e) If the credit granted pursuant to this section is not fully used in any one year *because of insufficient tax liability on the part of the business firm,* the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(10).

(f) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.183(1) may be allowed the credit on a consolidated return basis.

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

Section 124. Effective January 1, 1992, and applicable to all community contributions approved after January 1, 1992, 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 125. 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 126. Section 893.11, Florida Statutes, 1990 Supplement, is amended to read:

893.11 Suspension, revocation, and reinstatement of business and professional licenses.—Upon the conviction in any court of competent jurisdiction of any person holding a license, permit, or certificate issued by a state agency, for sale of, or trafficking in, a controlled substance or for conspiracy to sell, or traffic in, a controlled substance, if such offense is a felony, the clerk of said court shall send a certified copy of the judgment of conviction with the person's license number, permit number, or certificate number on the face of such certified copy to the agency head by whom the convicted defendant has received his license, permit, or certificate to practice his profession or to carry on his business. Such agency head shall suspend or revoke the license, permit, or certificate of the convicted defendant to practice his profession or to carry on his business. Upon a showing by any such convicted defendant whose license, permit, or certificate has been suspended or revoked pursuant to this section that his civil rights have been restored or upon a showing that the convicted defendant meets the following criteria, the agency head may reinstate or reactivate such license, permit, or certificate when:

(1) The person has complied with the conditions of paragraphs (a) and (b) which shall be monitored by the Department of Corrections while the person is under any supervisory sanction. If the person fails to comply with provisions of these paragraphs by either failing to maintain treatment or by testing positive for drug use, the department shall notify the licensing, permitting, or certifying agency, which shall revoke the license, permit, or certification. The person under supervision may:

(a) Seek evaluation and enrollment in, and once enrolled maintain enrollment in until completion, a drug treatment and rehabilitation program which is approved or regulated by the Department of Health and Rehabilitative Services. The treatment and rehabilitation program shall be specified by:

1. The court, in the case of court-ordered supervisory sanctions;

2. The Parole Commission, in the case of parole, control release, or conditional release; or

3. The Department of Corrections, in the case of imprisonment or any other supervision required by law.

(b) Submit to periodic urine drug testing pursuant to procedures prescribed by the Department of Corrections. If the person is indigent, the costs shall be paid by the Department of Corrections; or

(2) The person has completed a Correctional Education School Authority program.

This section does not apply to any of the taxes, fees, or permits regulated, controlled, or administered by the Department of Revenue in accordance with s. 213.05.

Section 127. (1) In addition to the tax imposed by section 220.63, Florida Statutes, on banks and savings associations as defined in section 220.62, Florida Statutes, such banks and savings associations shall pay the additional tax provided in this section. For taxable years beginning on or after July 1, 1990, but beginning not later than June 30, 1991, the additional tax shall equal the amount by which the credit taken pursuant to section 220.68, Florida Statutes, for the preceding taxable year exceeded 40 percent of the 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 in subsection (1), banks and savings associations shall pay an amount equal to 12 percent of the tax due under subsection (1).

(3) It is the intent of the Legislature in enacting section 6 of chapter 90-132, Laws of Florida, that the provisions of such section apply only to taxable years beginning after December 31, 1990. No bank

or savings association shall be allowed a credit pursuant to section 220.68, Florida Statutes, exceeding 40 percent of the sum of the tax due pursuant to part VII of chapter 220, Florida Statutes, before the credit and the tax due pursuant to chapter 221, Florida Statutes, for taxable years ending before January 1, 1991.

Section 128. 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 does not apply to any boat for which 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 that occurs after July 1, 1991. A boat that is first licensed within 1 year after purchase shall be subject to use tax on the full amount of the purchase price; a boat that is first licensed in the second year after purchase shall be subject to use tax on 90 percent of the purchase price; a boat that is first licensed in the third year after purchase shall be subject to use tax on 80 percent of the purchase price; a boat that is first licensed in the fourth year after purchase shall be subject to use tax on 70 percent of the purchase price; a boat that 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 that 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 129. 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:

(a) The dealer is located in the county, delivery is made to a location within the county or to a location within a county also imposing the surtax, and the sale includes tangible personal property, except as otherwise provided herein; provided, that the sale of any motor vehicle or mobile home of a class or type which is required to be registered in this state or in any other state shall be deemed to have occurred only in the county identified as the residence address of the purchaser on the registration or title document for such property;

(b) The event for which an admission is charged is located in the county;

(c) The consumer of utility or television system program services is located in the county, or the telecommunication services are provided to a location within the county;

(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;

(e) The purchaser of any motor vehicle or mobile home of a class or type which is required to be registered in this state is a resident of the taxing county as determined by the address appearing on or to be reflected on the registration document for such property;

(f) Any motor vehicle or mobile home of a class or type which is required to be registered in this state is imported from another state into the taxing county by a user residing therein for the purpose of use, consumption, distribution, or storage in the taxing county; however, it shall be presumed that such items used outside the taxing county for 6 months or longer before being imported into the county were not purchased for use in the county;

(g) The real property which is leased or rented is located in the county;

(h) The transient rental transaction occurs in the county;

(i) The delivery 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 is to a location in the county; however, 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;

(j) The dealer owing a use tax on purchases or leases is located in the county;

(k) The delivery of tangible personal property other than that described in paragraph (d), paragraph (e), or paragraph (f) is made to a location outside the county, but the property is brought into the county within 6 months after delivery, in which event, the owner must pay the surtax as a use tax; ~~or~~

(l) A Florida manufacturer or wholesaler which is located in such county sells tangible personal property to a dealer who is located outside the county imposing the surtax, but delivers the property within the county in which the manufacturer or wholesaler is located or within a county also imposing the surtax to a customer of the dealer, in which event the dealer must collect and remit the surtax for the county in which the manufacturer or wholesaler is located*; or*.

(m) The coin-operated amusement or vending machine is located in the county.

Section 130. Subsections (5) and (6) are 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 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 that 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 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 value adjustment board are not subject to the requirements of this subsection.

(6) 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 131. 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 132. 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, *but is not limited to,* 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 133. 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 134. Subsections (2) and (4) of section 195.096, Florida Statutes, are 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 *value* ~~property appraisal~~ adjustment board.

(a) The Division of Ad Valorem Tax shall, at least 30 days prior to the beginning of an in-depth review in any county, notify the property appraiser in the county of the pending review. At the request of the property appraiser, the Division of Ad Valorem Tax shall consult with the property appraiser regarding the classifications and strata to be studied, in order that the review will be useful to the property appraiser in evaluating his procedures.

(b) Every property appraiser whose upcoming roll is subject to an in-depth review shall, if requested by the department on or before January 1, deliver upon completion of the assessment roll a list of the parcel numbers of all parcels that did not appear on the assessment roll of the previous year, indicating the parcel number of the parent parcel from which each new parcel was created or "cut out."

(c) In the conduct of assessment ratio studies, the Division of Ad Valorem Tax shall utilize a statistically reliable sample of properties in tests of each classification, stratum, or roll made the subject of a ratio study published by it. The department shall compute the median and the value-weighted mean for each classification or subclassification studied and for the roll as a whole.

(d) In the conduct of these reviews, the Division of Ad Valorem Tax shall adhere to all standards to which the property appraisers are required to adhere.

(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.

(f) Within 120 days following the receipt of a county assessment roll by the executive director of the department pursuant to s. 193.1142(1), or within 10 days after approval of the assessment roll, whichever is later, the Division of Ad Valorem Tax shall complete the review for that county and forward its findings, including a statement of the confidence interval for the median and such other measures as may be appropriate for each classification or subclassification studied and for the roll as a whole, employing a 95-percent level of confidence, and related statistical and analytical details to the Senate Finance, Taxation, and Claims Committee; the House Finance and Taxation Committee; and the appropriate property appraiser.

(4) It is declared to be the legislative intent that approval of the rolls by the department pursuant to s. 193.1142 and certification by the *value* ~~property appraisal~~ adjustment board pursuant to s. 193.122(1) shall not be deemed to impugn the use of postcertification reviews to require adjustments in the preparation of succeeding assessment rolls to ensure that such succeeding assessment rolls do meet the constitutional mandates of just value.

Section 135. Section 197.364, Florida Statutes, is repealed.

Section 136. 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 137. Effective January 1, 1992, subsection (13) of section 200.069, Florida Statutes, as amended by chapter 90-343, Laws of Florida, is repealed.

Section 138. Effective January 1, 1992, section 201.022, Florida Statutes, 1990 Supplement, is amended 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 who is required by this section to execute and file a return with the clerk of the circuit court and who fails to do so shall be liable for a penalty of $25. 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.

(3) ~~(2)~~ Failure of any grantee or his agent to execute and file with the clerk of the circuit court a return required in subsection (1) does not impair the validity of any deed heretofore or hereafter recorded transferring an interest in real property.

Section 139. Subsections (7) and (9) of section 193.1145, Florida Statutes, are amended to read:

193.1145 Interim assessment rolls.—

(7) Upon approval of the assessment roll by the executive director, and after certification of the assessment roll by the *value* ~~property appraisal~~ adjustment board pursuant to s. 193.122(2), the property appraiser shall, subject to the provisions of subsection (11), recompute each provisional millage rate of the taxing units within his jurisdiction, so that the total taxes levied when each recomputed rate is applied against the approved roll are equal to those of the corresponding provisional rate applied against the interim roll. Each recomputed rate shall be considered the official millage levy of the taxing unit for the tax year in question. The property appraiser shall notify each taxing unit as to the value of the recomputed or official millage rate.

(9) Any person objecting to an interim assessment placed on any property taxable to him may request an informal conference with the property appraiser, pursuant to s. 194.011(3), or may seek judicial review of the interim property assessment. However, petitions to the *value* ~~property appraisal~~ adjustment board shall not be filed or heard with respect to interim assessments. All provisions of law applicable to objections to assessments shall apply to the final approved assessment roll. The department shall adopt by rule procedures for notifying taxpayers of their final approved assessments and of the time period for filing petitions.

Section 140. Subsection (1) of section 193.116, Florida Statutes, 1990 Supplement, is amended to read:

193.116 Municipal assessment rolls.—

(1) The county property appraiser shall prepare an assessment roll for every municipality in his county. The *value* ~~property appraisal~~ adjustment board shall give notice to the chief executive officer of each municipality whenever an appeal has been taken with respect to property located within that municipality. Representatives of that municipality shall be given an opportunity to be heard at such hearing. The property appraiser shall deliver each assessment roll to the appropriate municipality in the same manner as assessment rolls are delivered to the county commissions. The governing body of the municipality shall have 30 days to certify all millages to the county property appraiser. The county property appraiser shall extend the millage against the municipal assessment roll. The property appraiser shall certify the municipal tax roll to the county tax collector for collection in the same manner as the county tax roll is certified for collection. The property appraiser shall deliver to each municipality a copy of the municipal tax roll.

Section 141. Section 193.122, Florida Statutes, is amended to read:

193.122 Certificates of *value* ~~property appraisal~~ adjustment board and property appraiser; extensions on the assessment rolls.—

(1) The *value* ~~property appraisal~~ adjustment board shall certify each assessment roll upon order of the board of county commissioners pursuant to s. 197.323, if applicable, and again after all hearings required by s. 194.032 have been held. These certificates shall be attached to each roll as required by the Department of Revenue.

(2) After the first certification of the tax rolls by the *value* ~~property appraisal~~ adjustment board, the property appraiser shall make all required extensions on the rolls to show the tax attributable to all taxable property. Upon completion of these extensions, and upon satisfying himself that all property is properly taxed, the property appraiser shall certify the tax rolls and shall within 1 week thereafter publish notice of the date and fact of extension and certification in a periodical meeting the requirements of s. 50.011 and publicly display a notice of the date of certification in the office of the property appraiser. The property appraiser shall also supply notice of the date of the certification to any taxpayer who requests one in writing. These certificates and notices shall be made in the form required by the department and shall be attached to each roll as required by the department by regulation.

(3) When the tax rolls have been extended pursuant to s. 197.323, the second certification of the *value* ~~property appraisal~~ adjustment board shall reflect all changes made by the board together with any adjustments or changes made by the property appraiser. Upon such certification, the property appraiser shall recertify the tax rolls with all changes to the collector and shall provide public notice of the date and fact of recertification pursuant to subsection (2).

(4) An appeal of a *value* ~~property appraisal~~ adjustment board decision pursuant to s. 194.036(1)(a) or (b) by the property appraiser shall be filed prior to extension of the tax roll under subsection (2) or, if the roll was extended pursuant to s. 197.323, within 30 days of recertification under subsection (3). The roll may be certified by the property appraiser prior to an appeal being filed pursuant to s. 194.036(1)(c), but such appeal shall be filed within 20 days after receipt of the decision of the department relative to further judicial proceedings.

(5) The department shall promulgate regulations to ensure that copies of the tax rolls are distributed to the appropriate officials and maintained as part of their records for as long as is necessary to provide for the orderly collection of taxes. Such regulations shall also provide for the maintenance of the necessary permanent copies of such rolls.

(6) The property appraiser may extend millage as required in subsection (2) against the assessment roll and certify it to the tax collector even though there are parcels subject to judicial or administrative review pursuant to s. 194.036(1). Such parcels shall be certified and have taxes extended against them in accordance with the decisions of the *value* ~~property appraisal~~ adjustment board or the property appraiser's valuation if the roll has been extended pursuant to s. 197.323, except that payment of such taxes by the taxpayer shall not preclude the taxpayer from being required to pay additional taxes in accordance with final judicial determination of an appeal filed pursuant to s. 194.036(1).

(7) Each assessment roll shall be submitted to the executive director of the department in the manner and form prescribed by the department within 1 week after extension and certification to the tax collector and again after recertification to the tax collector, if applicable. When the provisions of s. 193.1145 are exercised, the requirements of this subsection shall apply upon extension pursuant to s. 193.1145(3)(a) and again upon reconciliation pursuant to s. 193.1145(8)(a).

Section 142. Subsection (2) of section 193.461, Florida Statutes, 1990 Supplement, is amended to read:

193.461 Agricultural lands; classification and assessment.—

(2) Any landowner whose land is denied agricultural classification by the property appraiser may appeal to the *value* ~~property appraisal~~ adjustment board. The property appraiser shall notify the landowner in writing of the denial of agricultural classification on or before July 1 of the year for which the application was filed. The notification shall advise the landowner of his right to appeal to the *value* ~~property appraisal~~ adjustment board and of the filing deadline. The board may also review all lands classified by the property appraiser upon its own motion. The property appraiser shall have available at his office a list by ownership of all applications received showing the acreage, the full valuation under s. 193.011, the valuation of the land under the provisions of this section, and whether or not the classification requested was granted.

Section 143. Subsection (3) of section 194.011, Florida Statutes, is amended to read:

194.011 Assessment notice; objections to assessments.—

(3) A petition to the *value* ~~property appraisal~~ adjustment board shall describe the property by parcel number and shall be filed as follows:

(a) The property appraiser shall have available and shall distribute forms prescribed by the Department of Revenue on which the petition shall be made. Such petition shall be sworn to by the petitioner.

(b) The completed petition shall be filed with the clerk of the *value* ~~property appraisal~~ adjustment board of the county, who shall acknowledge receipt thereof and promptly furnish a copy thereof to the property appraiser.

(c) The petition shall state the approximate time anticipated by the taxpayer to present and argue his petition before the board.

(d) The petition may be filed, as to valuation issues, at any time during the taxable year on or before the 25th day following the mailing of notice by the property appraiser as provided in subsection (1). With respect to an issue involving the denial of an exemption, an agricultural classification application, or a deferral, the petition shall be filed at any time during the taxable year on or before the 30th day following the mailing of the notice by the property appraiser under s. 193.461 or s. 196.193 or notice by the tax collector under s. 197.253.

(e) A condominium association, cooperative association, or homeowners' association as defined in s. 723.075, with approval of its board of administration or directors, may file with the *value* ~~property appraisal~~ adjustment board a single joint petition on behalf of any association members who own parcels of property which the property appraiser determines are substantially similar with respect to location, proximity to amenities, number of rooms, living area, and condition. The condominium association, cooperative association, or homeowners' association as defined in s. 723.075 shall provide the unit owners with notice of its intent to petition the *value* ~~property appraisal~~ adjustment board and shall provide at least 20 days for a unit owner to elect, in writing, that his unit not be included in the petition.

(f) An owner of contiguous, undeveloped parcels may file with the *value* ~~property appraisal~~ adjustment board a single joint petition if the property appraiser determines such parcels are substantially similar in nature.

Section 144. Section 194.013, Florida Statutes, is amended to read:

194.013 Filing fees for petitions; disposition; waiver.—

(1) If so required by resolution of the *value* ~~property appraisal~~ adjustment board, a petition filed pursuant to s. 194.011 shall be accompanied by a filing fee to be paid to the clerk of the *value* ~~property appraisal~~ adjustment board in an amount determined by the board not to exceed $15 for each separate parcel of property, real or personal, covered by the petition and subject to appeal. However, no such filing fee may be required with respect to an appeal from the disapproval of homestead exemption under s. 196.151 or from the denial of tax deferral under s. 197.253. Only a single filing fee shall be charged under this section as to any particular parcel of property despite the existence of multiple issues and hearings pertaining to such parcel. For joint petitions filed pursuant to s. 194.011(3)(e) or (f), a single filing fee shall be charged. Such fee shall be calculated as the cost of the special master for the time involved in hearing the joint petition and shall not exceed $5 per parcel. Said fee is to be proportionately paid by affected parcel owners.

(2) The *value* ~~property appraisal~~ adjustment board shall waive the filing fee with respect to a petition filed by a taxpayer who demonstrates at the time of filing, by an appropriate certificate or other documentation issued by the Department of Health and Rehabilitative Services and submitted with the petition, that the petitioner is then an eligible recipient of public assistance payments under s. 409.185.

(3) All filing fees imposed under this section shall be paid to the clerk of the *value* ~~property appraisal~~ adjustment board at the time of filing. If such fees are not paid at that time, the petition shall be deemed invalid and shall be rejected.

(4) Should the petitioner prevail at the *value* ~~property appraisal~~ adjustment board hearing or in a conference with the property appraiser, resulting in a reduced assessment or increased exemption, the filing fee shall be refunded to the taxpayer no later than 45 days after certification of the tax roll under s. 193.122(1). The refund shall be made by the clerk of the *value* ~~property appraisal~~ adjustment board without any further authority from the Department of Revenue under s. 197.182.

(5) All filing fees collected by the clerk shall be allocated and utilized to defray, to the extent possible, the costs incurred in connection with the administration and operation of the *value* ~~property appraisal~~ adjustment board.

Section 145. Section 194.015, Florida Statutes, is amended to read:

194.015 *Value* ~~Property appraisal~~ adjustment board.—There is hereby created a *value* ~~property 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 *value* ~~property 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 146. Subsection (1) of section 194.032, Florida Statutes, is amended to read:

194.032 Hearing purposes; timetable.—

(1)(a) The *value* ~~property appraisal~~ adjustment board shall meet not earlier than 30 days and not later than 45 days after the mailing of the notice provided in s. 194.011(1); however, no board hearing shall be held before approval of all or any part of the assessment rolls by the Department of Revenue. The board shall meet for the following purposes:

1. Hearing petitions relating to assessments filed pursuant to s. 194.011(3).

2. Hearing complaints relating to homestead exemptions as provided for under s. 196.151.

3. Hearing appeals from exemptions denied, or disputes arising from exemptions granted, upon the filing of exemption applications under s. 196.011.

4. Hearing appeals concerning ad valorem tax deferrals and classifications.

(b) Notwithstanding the provisions of paragraph (a), the *value* ~~property appraisal~~ adjustment board may meet prior to the approval of the assessment rolls by the Department of Revenue, but not earlier than July 1, to hear appeals pertaining to the denial by the property appraiser of exemptions, agricultural classifications, and deferrals under subparagraphs 2., 3., and 4. of paragraph (a). In such event, however, the board may not certify any assessments under s. 193.122 until the Department of Revenue has approved such assessments in accordance with s. 193.1142 and all hearings have been held with respect to the particular parcel under appeal.

(c) In no event may a hearing be held pursuant to this subsection relative to valuation issues prior to completion of the hearings required under s. 200.065(2)(c).

Section 147. Subsections (1), (2), and (3) of section 194.034, Florida Statutes, are amended to read:

194.034 Hearing procedures; rules.—

(1)(a) Petitioners before the board may be represented by an attorney or agent and present testimony and other evidence. The property appraiser or his authorized representatives may be represented by an attorney in defending his assessment or opposing an exemption and may present testimony and other evidence. The property appraiser, each petitioner, and all witnesses shall be required, upon the request of either party, to testify under oath as administered by the chairman of the board. Hearings shall be conducted in the manner prescribed by rules of the department, which rules shall include the right of cross-examination of any witness.

(b) Nothing herein shall preclude an aggrieved taxpayer from contesting his assessment in the manner provided by s. 194.171, whether or not he has initiated an action pursuant to s. 194.011.

(c) The rules shall provide that no evidence shall be considered by the board except when presented during the time scheduled for the petitioner's hearing or at a time when the petitioner has been given reasonable notice; that a verbatim record of the proceedings shall be made, and proof of any documentary evidence presented shall be preserved and made available to the Department of Revenue, if requested; and that further judicial proceedings shall be as provided in s. 194.036.

(d) Notwithstanding the provisions of this subsection, no petitioner may present for consideration, nor may a board or special master accept for consideration, testimony or other evidentiary materials that were requested of the petitioner in writing by the property appraiser of which the petitioner had knowledge and denied to the property appraiser.

(e) Chapter 120 does not apply to hearings of the *value* ~~property appraisal~~ adjustment board.

(2) In each case, except when a complaint is withdrawn by the petitioner or is acknowledged as correct by the property appraiser, the *value* ~~property appraisal~~ adjustment board shall render a written decision. All such decisions shall be issued within 20 calendar days of the last day the board is in session under s. 194.032. The decision of the board shall contain findings of fact and conclusions of law and shall include reasons for upholding or overturning the determination of the property appraiser. When a special master has been appointed, the recommendations of the special master shall be considered by the board. The clerk, upon issuance of the decisions, shall, on a form provided by the Department of Revenue, notify by first-class mail each taxpayer, the property appraiser, and the department of the decision of the board.

(3) Appearance before an advisory board or agency created by the county may not be required as a prerequisite condition to appearing before the *value* ~~property appraisal~~ adjustment board.

Section 148. Subsection (2) of section 194.035, Florida Statutes, is amended to read:

194.035 Special masters; property evaluators.—

(2) The *value* ~~property appraisal~~ adjustment board of each county may employ qualified property appraisers or evaluators to appear before the *value* ~~property appraisal~~ adjustment board at that meeting of the board which is held for the purpose of hearing complaints.

Such property appraisers or evaluators shall present testimony as to the just value of any property the value of which is contested before the board and shall submit to examination by the board, the taxpayer, and the property appraiser.

Section 149. Paragraph (c) of subsection (1) of section 194.036, Florida Statutes, is amended to read:

194.036 Appeals.—Appeals of the decisions of the board shall be as follows:

(1) If the property appraiser disagrees with the decision of the board, he may appeal the decision to the circuit court if one or more of the following criteria are met:

(c) There is an assertion by the property appraiser to the Department of Revenue that there exists a consistent and continuous violation of the intent of the law or administrative rules by the *value* ~~property appraisal~~ adjustment board in its decisions. The property appraiser shall notify the department of those portions of the tax roll for which the assertion is made. The department shall thereupon notify the clerk of the board who shall, within 15 days of the notification by the department, send the written decisions of the board to the department. Within 30 days of the receipt of the decisions by the department, the department shall notify the property appraiser of its decision relative to further judicial proceedings. If the department finds upon investigation that a consistent and continuous violation of the intent of the law or administrative rules by the board has occurred, it shall so inform the property appraiser, who may thereupon bring suit in circuit court against the *value* ~~property appraisal~~ adjustment board for injunctive relief to prohibit continuation of the violation of the law or administrative rules and for a mandatory injunction to restore the tax roll to its just value in such amount as determined by judicial proceeding. However, when a final judicial decision is rendered as a result of an appeal filed pursuant to this paragraph which alters or changes an assessment of a parcel of property of any taxpayer not a party to such procedure, such taxpayer shall have 60 days from the date of the final judicial decision to file an action to contest such altered or changed assessment pursuant to s. 194.171(1), and the provisions of s. 194.171(2) shall not bar such action.

Section 150. Subsection (1) of section 194.037, Florida Statutes, is amended to read:

194.037 Disclosure of tax impact.—

(1) After hearing all petitions, complaints, appeals, and disputes, the clerk shall make public notice of the findings and results of the board in at least a quarter-page size advertisement of a standard size or tabloid size newspaper, and the headline shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county. The newspaper selected shall be one of general interest and readership in the community, and not one of limited subject matter, pursuant to chapter 50. The headline shall read: TAX IMPACT OF *VALUE* ~~PROPERTY APPRAISAL~~ ADJUSTMENT BOARD. The public notice shall list the members of the *value* ~~property appraisal~~ adjustment board and the taxing authorities to which they are elected. The form shall show, in columnar form, for each of the property classes listed under subsection (2), the following information, with appropriate column totals:

(a) In the first column, the number of parcels for which the board granted exemptions that had been denied or that had not been acted upon by the property appraiser.

(b) In the second column, the number of parcels for which petitions were filed concerning a property tax exemption.

(c) In the third column, the number of parcels for which the board reduced the assessment from that made by the property appraiser on the initial assessment roll.

(d) In the fourth column, the number of parcels for which petitions were filed requesting a change in assessed value, including requested changes in assessment classification.

(e) In the fifth column, the net change in taxable value from the assessor's initial roll which results from board decisions.

(f) In the sixth column, the net shift in taxes to parcels not granted relief by the board. The shift shall be computed as the amount shown in column 5 multiplied by the applicable millage rates adopted by the taxing authorities in hearings held pursuant to s. 200.065(2)(d) or adopted by vote of the electors pursuant to s. 9(b) or s. 12, Art. VII of the State Constitution, but without adjustment as authorized pursuant to s. 200.065(5). If for any taxing authority the hearing has not been completed at the time the notice required herein is prepared, the millage rate used shall be that adopted in the hearing held pursuant to s. 200.065(2)(c).

Section 151. Subsection (2) of section 194.171, Florida Statutes, is amended to read:

194.171 Circuit court to have original jurisdiction in tax cases.—

(2) No action shall be brought to contest a tax assessment after 60 days from the date the assessment being contested is certified for collection under s. 193.122(2), or after 60 days from the date a decision is rendered concerning such assessment by the *value* ~~property appraisal~~ adjustment board if a petition contesting the assessment had not received final action by the *value* ~~property appraisal~~ adjustment board prior to extension of the roll under s. 197.323.

Section 152. Subsection (2) of section 194.181, Florida Statutes, is amended to read:

194.181 Parties to a tax suit.—

(2) In any case brought by the taxpayer or association contesting the assessment of any property, the county property appraiser shall be party defendant. In any case brought by the property appraiser pursuant to s. 194.036(1)(a) or (b), the taxpayer shall be party defendant. In any case brought by the property appraiser pursuant to s. 194.036(1)(c), the *value* ~~property appraisal~~ adjustment board shall be party defendant.

Section 153. Section 195.022, Florida Statutes, is amended to read:

195.022 Forms to be prescribed by Department of Revenue.—The Department of Revenue shall prescribe and furnish all forms to be used by property appraisers, tax collectors, clerks of the circuit court, and *value* ~~property appraisal~~ adjustment boards in administering and collecting ad valorem taxes. The department shall prescribe a form for each purpose. A county officer may use a form other than the form prescribed by the department, but only at the expense of his office and upon obtaining written permission from the executive director of the department; provided that no county officer shall use a form the substantive content of which is at variance with the form prescribed by the department for the same or a similar purpose. If the executive director finds good cause to grant such permission he may do so, but only for 1 year, subject to renewal upon reapplication by the county officer. Otherwise, all such officers and their employees shall use the forms, and follow the instructions applicable to the forms, furnished to them by the department. The department, upon request of any property appraiser or, in any event, at least once every 3 years, shall prescribe and furnish such aerial photographs and nonproperty ownership maps to the property appraisers as are necessary to ensure that all real property within the state is properly listed on the roll. All forms and maps furnished by the department shall be paid for by the department as provided by law. All forms and maps and instructions relating to their use shall be substantially uniform throughout the state. An officer may employ supplemental forms and maps, at the expense of his office, which he deems expedient for the purpose of administering and collecting ad valorem taxes. The forms required in ss. 193.461(3)(a) and 196.011(1) for renewal purposes shall require sufficient information for the property appraiser to evaluate the changes in use since the prior year. If the property appraiser determines, in the case of a taxpayer, that he has insufficient current information upon which to approve the exemption, or if the information on the renewal form is inadequate for him to evaluate the taxable status of the property, he may require the resubmission of an original application.

Section 154. Subsections (1) and (3) of section 195.027, Florida Statutes, 1990 Supplement, are amended to read:

195.027 Rules and regulations.—

(1) The Department of Revenue shall prescribe reasonable rules and regulations for the assessing and collecting of taxes, and such

rules and regulations shall be followed by the property appraisers, tax collectors, clerks of the circuit court, and *value* ~~property appraisal~~ adjustment boards. It is hereby declared to be the legislative intent that the department shall formulate such rules and regulations that property will be assessed, taxes will be collected, and the administration will be uniform, just, and otherwise in compliance with the requirements of the general law and the constitution.

(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 it is determined that such records are necessary to determine either the classification or the value of the 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).* ~~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 the classification 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 155. Subsections (7), (8), and (10) of section 196.011, Florida Statutes, 1990 Supplement, are amended to read:

196.011 Annual application required for exemption.—

(7) The *value* ~~property appraisal~~ adjustment board shall grant any exemption for an otherwise eligible applicant if the applicant can clearly document that failure to apply by March 1 was the result of postal error.

(8) Any applicant who is qualified to receive any exemption under subsection (1) and who fails to file an application by March 1, may file an application for the exemption and may file, pursuant to s. 194.011(3), a petition with the *value* ~~property appraisal~~ adjustment board requesting that the exemption be granted. Such petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s. 194.011(1). Notwithstanding the provisions of s. 194.013, such person must pay a nonrefundable fee of $15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the exemption and demonstrates particular extenuating circumstances judged by the property appraiser or the *value* ~~property appraisal~~ adjustment board to warrant granting the exemption, the property appraiser or the *value* ~~property appraisal~~ adjustment board may grant the 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* ~~has~~ 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 156. Section 196.151, Florida Statutes, is amended to read:

196.151 Homestead exemptions; approval, refusal, hearings.—The property appraisers of the several counties of the state shall, as soon as practicable after March 1 of each current year and on or before July 1 of that year, carefully consider all applications for tax exemptions that have been filed in their respective offices on or before March 1 of that year. If, upon such investigation, the property appraiser finds that the applicant is entitled to the tax exemption applied for under the law, he shall make such entries upon the tax rolls of the county as will be necessary to allow such exemption to the applicant. If, after due consideration, the property appraiser finds that the applicant is not entitled under the law to the exemption asked for, he shall immediately make out a notice of such disapproval, giving his reasons therefor, a copy of which notice shall be served upon the applicant by the property appraiser either by personal delivery or by registered mail to the post-office address given by the applicant, and shall file the notice with the clerk of the *value* ~~property appraisal~~ adjustment board of the county. The notice of disapproval of application for exemption, when filed with the clerk of the *value* ~~property appraisal~~ adjustment board, shall constitute an appeal of the applicant to the board from the decision of the property appraiser refusing to allow the exemption for which application was made, and the board shall review the application and evidence presented to the property appraiser upon which the applicant based his claim for exemption and shall hear the applicant in person or by agent on behalf of his right to such exemption. The *value* ~~property appraisal~~ adjustment board shall reverse the decision of the property appraiser in the cause and grant exemption to the applicant if in its judgment the applicant is entitled thereto or shall affirm the decision of the property appraiser. Such action of the board shall be final in the cause unless the applicant shall, within 15 days from the date of refusal of the application by the board, file in the circuit court of the county in which the homestead is situated a proceeding against the property appraiser for a declaratory judgment as is provided by chapter 86 or other appropriate proceeding. The failure of the taxpayer to appear before the property appraiser or *value* ~~property appraisal~~ adjustment board or to file any paper other than the application above provided shall not constitute any bar or defense to said proceedings.

Section 157. Paragraph (c) of subsection (1) and subsection (5) of section 196.193, Florida Statutes, are amended to read:

196.193 Exemption applications; review by property appraiser.—

(1)

(c) If the property appraiser does deny such property a tax exemption, appeal of the determination to the *value* ~~property appraisal~~ adjustment board may be made in the manner prescribed for appealed tax exemptions.

(5) In the event the property appraiser shall determine that any property claimed as wholly or partially exempt under this section is not entitled to any exemption or is entitled to an exemption to an extent other than that requested in the application, he shall notify the person or organization filing the application on such property of that determination in writing on or before July 1 of the year for which the application was filed. All notifications must specify the right to appeal to the *value* ~~property appraisal~~ adjustment board and

the procedures to follow in obtaining such an appeal. Thereafter, the person or organization filing such application, or a duly designated representative, may appeal that determination by the property appraiser to the board at the time of its regular hearing. In the event of an appeal, the property appraiser or his representative shall appear at the board hearing and present his findings of fact. If the applicant is not present or represented at the hearing, the board may make a determination on the basis of information supplied by the property appraiser or such other information on file with the board.

Section 158. Section 196.194, Florida Statutes, is amended to read:

196.194 *Value* ~~Property appraisal~~ adjustment board; notice; hearings; appearance before the board.—

(1) The *value* ~~property appraisal~~ adjustment board shall hear disputed or appealed applications for exemption and shall grant such exemptions in whole or in part in accordance with criteria set forth in this chapter. It may review exemptions on its own motion or upon motion of the property appraiser. Review of an exemption application upon motion of the board shall not be held until the applicant has had at least 5 calendar days' notice of the intent of the board to review the application.

(2) At least 2 weeks prior to the meeting of the *value* ~~property appraisal~~ adjustment board, but no sooner than May 15, notice of the meeting shall be published in a newspaper of general circulation within the county or, if no such newspaper is published within the county, notice shall be placed on the courthouse door and two other prominent places within the county. Such notice shall indicate:

(a) That a list maintained by the property appraiser of all applicants for exemption who have had their applications for exemption wholly or partially approved is available to the public, at a location specified in the notice, and the hours during which the list may be seen. The notice shall further indicate, by name, the types of exemptions which are included in the list.

(b) That a list maintained by the property appraiser of all applicants for exemption who have had their applications for exemption denied is available to the public, at a location specified in the notice, and the hours during which the list may be seen. The notice shall further indicate, by name, the types of exemptions which are included in the list.

(3) The exemption procedures of the *value* ~~property appraisal~~ adjustment board shall be as provided in chapter 194, except as otherwise provided in this chapter. Records of the *value* ~~property appraisal~~ adjustment board showing the names of persons and organizations granted exemptions, the street address or other designation of location of the exempted property, and the extent of the exemptions granted shall be part of the public record.

Section 159. Subsections (1) and (4) of section 196.195, Florida Statutes, are amended to read:

196.195 Criteria for determining profit or nonprofit status of applicant.—

(1) Applicants requesting exemption shall supply such fiscal and other records showing in reasonable detail the financial condition, record of operation, and exempt and nonexempt uses of the property, where appropriate, for the immediately preceding fiscal year as are requested by the property appraiser or the *value* ~~property appraisal~~ adjustment board.

(4) No application for exemption may be granted for religious, literary, scientific, or charitable use of property until the applicant has been found by the property appraiser or, upon appeal, by the *value* ~~property appraisal~~ adjustment board to be nonprofit as defined in this section.

Section 160. Subsection (5) of section 196.199, Florida Statutes, is amended to read:

196.199 Exemptions for property owned by governmental units.—

(5) Leasehold interests in governmental property shall not be exempt pursuant to this subsection unless an application for exemption has been filed on or before March 1 with the property appraiser. The property appraiser shall review the application and make findings of fact which shall be presented to the *value* ~~property appraisal~~ adjustment board at its convening, whereupon the board shall take appropriate action regarding the application. If the exemption in whole or in part is granted, or established by judicial proceeding, it shall remain valid for the duration of the lease unless the lessee changes its use, in which case the lessee shall again submit an application for exemption. The requirements set forth in s. 196.194 shall apply to all applications made under this subsection.

Section 161. Subsection (2) of section 197.253, Florida Statutes, is amended to read:

197.253 Homestead tax deferral; application.—

(2)(a) The tax collector shall consider each annual application for homestead tax deferral within 30 days of the day the application is filed or as soon as practicable thereafter. If the tax collector finds that the applicant is entitled to the tax deferral, he shall approve the application and file the application in the permanent records. If the tax collector finds the applicant is not entitled to the deferral, he shall send a notice of disapproval within 30 days of the filing of the application, giving his reasons therefor to the applicant, either by personal delivery or by registered mail to the mailing address given by the applicant and shall make return in the manner in which such notice was served upon the applicant upon the original notice thereof and file among the permanent records of his office. The original notice of disapproval sent to the applicant shall advise the applicant of his right to appeal the decision of the tax collector to the *value* ~~property appraisal~~ adjustment board and shall inform the applicant of the procedure for filing such an appeal.

(b) Appeals of the decision of the tax collector to the *value* ~~property appraisal~~ adjustment board shall be in writing on a form prescribed by the department and furnished by the tax collector. Such appeal shall be filed with the *value* ~~property appraisal~~ adjustment board within 20 days after the applicant's receipt of the notice of disapproval. The *value* ~~property appraisal~~ adjustment board shall review the application and the evidence presented to the tax collector upon which the applicant based his claim for tax deferral and, at the election of the applicant, shall hear the applicant in person, or by agent on his behalf, on his right to homestead tax deferral. The *value* ~~property appraisal~~ adjustment board shall reverse the decision of the tax collector and grant homestead tax deferral to the applicant, if in its judgment the applicant is entitled thereto, or affirm the decision of the tax collector. Such action of the *value* ~~property appraisal~~ adjustment board shall be final unless the applicant or tax collector or other lienholder, within 15 days from the date of disapproval of the application by the board, files in the circuit court of the county in which the property is located, a proceeding for a declaratory judgment or other appropriate proceeding.

Section 162. Subsection (2) of section 197.301, Florida Statutes, is amended to read:

197.301 Penalties.—

(2) Any person against whom the penalties prescribed in this section have been imposed may appeal the penalties imposed to the *value* ~~property appraisal~~ adjustment board within 30 days after said penalties are imposed.

Section 163. Section 197.323, Florida Statutes, is amended to read:

197.323 Extension of roll during adjustment board hearings.—

(1) Notwithstanding the provisions of s. 193.122, the board of county commissioners may, upon request by the tax collector and by majority vote, order the roll to be extended prior to completion of *value* ~~property appraisal~~ adjustment board hearings, if completion thereof would otherwise be the only cause for a delay in the issuance of tax notices beyond November 1. For any parcel for which tax liability is subsequently altered as a result of board action, the tax collector shall resolve the matter by following the same procedures used for correction of errors. However, approval by the department is not required for refund of overpayment made pursuant to this section.

(2) A tax certificate or warrant shall not be issued under s. 197.432 or s. 197.413 with respect to delinquent taxes on real or personal property for the current year if a petition currently filed with respect to such property has not received final action by the *value* ~~property appraisal~~ adjustment board.

Section 164. Subsections (2) and (6) of section 200.011, Florida Statutes, are amended to read:

200.011 Duty of county commissioners and school board in setting rate of taxation.—

(2) The county commissioners shall ascertain the aggregate rate necessary to cover all such taxes and certify the same to the property appraiser within 30 days after the adjournment of the *value* ~~property appraisal~~ adjustment board. The property appraiser shall carry out the full amount of taxes for all county purposes, except for school purposes, under one heading in the assessment roll to be provided for that purpose, and the county commissioners shall notify the clerk and auditor and tax collector of the county of the amounts to be apportioned to the different accounts out of the total taxes levied for all purposes.

(6) The board of county commissioners shall certify to the property appraiser and tax collector the millage rates to be levied for the use of the county and special taxing districts, boards, and authorities and all other taxing units within the county for which the board of county commissioners is required by law to levy taxes. The district school board, each municipality, and the governing board or governing authority of each special taxing district or other taxing unit within the county the taxes of which are assessed on the tax roll prepared by the property appraiser, but for which the board of county commissioners is not required by law to levy taxes, shall certify to the property appraiser and tax collector the millage rate set by such board, municipality, authority, special taxing district, or taxing unit. The certifications required by this subsection shall be made within 30 days after the *value* ~~property appraisal~~ adjustment board adjourns.

Section 165. Subsection (5) of section 200.065, Florida Statutes, 1990 Supplement, is amended to read:

200.065 Method of fixing millage.—

(5) Prior to extension of the rolls pursuant to s. 193.122, the property appraiser shall notify each taxing authority of the aggregate change in the assessment roll, if any, from that certified pursuant to subsection (1), including, but not limited to, those changes which result from actions by the *value* ~~property appraisal~~ adjustment board or from corrections of errors in the assessment roll. Each affected taxing authority may adjust administratively its adopted millage rate without a public hearing if the taxable value within the jurisdiction of the taxing authority as certified pursuant to subsection (1) is at variance by more than 3 percent with the taxable value shown on the roll to be extended. The adjustment shall be such that the taxes computed by applying the adopted rate against the certified taxable value are equal to the taxes computed by applying the adjusted adopted rate to the taxable value on the roll to be extended. However, no adjustment shall be made to levies required by law to be a specific millage amount. Not later than 3 days after receipt of notification pursuant to this subsection, each affected taxing authority shall certify to the property appraiser its adjusted adopted rate. Failure to so certify shall constitute waiver of the adjustment privilege.

Section 166. Section 200.068, Florida Statutes, is amended to read:

200.068 Certification of compliance with this chapter.—Not later than 30 days following adoption of an ordinance or resolution establishing a property tax levy, each taxing authority shall certify compliance with the provisions of this chapter to the Division of Ad Valorem Tax of the Department of Revenue. In addition to a statement of compliance, such certification shall include a copy of the ordinance or resolution so adopted; a copy of the certification of value showing rolled-back millage and proposed millage rates, as provided to the property appraiser pursuant to s. 200.065(1) and (2)(b); and a certified copy of the advertisement, as published pursuant to s. 200.065(3). In certifying compliance, the governing body of the county shall also include a certified copy of the notice required under s. 194.037. However, if the *value* ~~property appraisal~~ adjustment board completes its hearings after the deadline for certification under this section, the county shall submit such copy to the department not later than 30 days following completion of such hearings.

Section 167. Subsection (8) of section 200.069, Florida Statutes, 1990 Supplement, is amended to read:

200.069 Notice of proposed property taxes.—Pursuant to s. 200.065(2)(b), the property appraiser, in the name of the taxing authorities within his jurisdiction and at the expense of the county, shall prepare and deliver by first-class mail to each taxpayer to be listed on the current year's assessment roll a notice of proposed property taxes, which notice shall be in substantially the following form. Notwithstanding the provisions of s. 195.022, no county officer shall use a form other than that provided by the department for this purpose, except as provided in subsection (11).

(8) The notice shall further read:

Your property value as of January 1:

Assessed Value	Exemptions	Taxable Value
$.....	$.....	$.....

Last year's assessed value: $. . . (amount) . . ..

If you feel that the assessed value of your property is inaccurate or does not reflect fair market value, contact your county property appraiser at . . . (phone number) . . . or . . . (location) . . ..

If the property appraiser's office is unable to resolve the matter as to market value, you may file a petition for adjustment with the *Value* ~~Property Appraisal~~ Adjustment Board. Petition forms are available from the county property appraiser and must be filed ON OR BEFORE . . . (date) . . ..

Section 168. Section 212.0515, Florida Statutes, is created to read:

212.0515 Sales from vending machines; sales to vending machine operators; special provisions; registration; quarterly reports; penalties.—

(1) As used in this section:

(a) "Vending machine" means a machine, operated by coin, currency, credit card, slug, token, coupon, or similar device, which dispenses food or beverage items.

(b) "Operator" means any person who possesses a vending machine for the purpose of generating sales through that machine and who maintains the inventory in and removes the receipts from that vending machine.

(2) Notwithstanding any other provision of law, beginning January 1, 1992, the amount of the tax to be paid on food and beverage items that are sold in vending machines shall be calculated by dividing the gross receipts from such sales for the applicable reporting period by a divisor, determined as provided in this subsection, to compute gross taxable sales, and then subtracting gross taxable sales from gross receipts to arrive at the amount of tax due. The divisor shall be equal to the sum of 1.0665 for beverage items, or 1.0645 for food items, plus any applicable local option tax authorized by this part, expressed as a decimal.

(3)(a) An operator of a vending machine may not operate or cause to be operated in this state any vending machine until the operator has registered with the department and has affixed a notice to each vending machine which states the operator's name, address, and Federal Employer Identification (FEI) number. If the operator is not required to have an FEI number, the notice shall include his social security number. The notice must be conspicuously displayed on the vending machine when it is being operated in this state and shall contain the following language in conspicuous type: NOTICE TO CUSTOMER: FLORIDA LAW REQUIRES THIS NOTICE TO BE POSTED ON ALL FOOD AND BEVERAGE VENDING MACHINES. REPORT ALL VIOLATIONS TO (TOLL FREE NUMBER). YOU MAY BE ELIGIBLE FOR A CASH REWARD.

(b) The department shall establish a toll-free number to report any violations of this section. Upon a determination that a violation has occurred, the department shall pay the informant a reward of up to 10 percent of previously unpaid taxes recovered as a result of the information provided.

(4)(a) Each operator shall submit to the department on or before the 20th day of the month following the close of each calendar quarter a report in a format prescribed by the department which provides: the number of vending machines being operated by that operator in this state, which number is coded to indicate whether the machines are food

or beverage machines; separate statements for food machines and for beverage machines which indicate the gross receipts from the operation of the machines during the quarterly period; and the amount of tax remitted pursuant to this part with respect to such receipts. All information shall be broken down by county. The report shall first be filed for the quarter ending December 31, 1991.

(b) A penalty of $250 per machine is imposed on the operator for failing to properly obtain and display the required notice on any machine. A penalty of $250 is imposed on the operator for failing to timely file a quarterly report. Such penalties shall accrue interest as provided for delinquent taxes under this part and shall apply in addition to all other applicable taxes, interest, and penalties.

(c) The department is authorized to adopt rules regarding the form in which the quarterly report required by this subsection is to be submitted, which form may include magnetic tape or other means of electronic transmission.

(5)(a) Any person who sells food or beverages for resale shall submit to the department on or before the 20th day of the month following the close of each calendar quarter a report which identifies by dealer registration number each operator who has purchased such items from said person and states the gross dollar amount of purchases made by each operator from said person. The report shall first be filed for the quarter ending December 31, 1991. In addition, the report shall also include the purchaser's name, dealer registration number, and sales price for any tax-free sale for resale of canned soft drinks of 50 cases or more.

(b) Each dealer or operator purchasing food or beverages for resale shall annually provide to the dealer from whom the items are purchased a certificate on a form prescribed and issued by the department. The certificate must affirmatively state whether or not the purchaser is a vending machine operator. The certificate shall initially be provided by November 1, 1991, or upon the first transaction between the parties, whichever is later, and by November 1 of each year thereafter.

(c) A penalty of $250 is imposed on any person who is required to file the quarterly report required by this subsection who fails to do so. A penalty of $5,000 is imposed on any operator who fails to comply with the requirements of this subsection. A penalty of $250 for such failure shall apply to other dealers who are not operators of vending machines. Such penalties shall accrue interest as provided for delinquent taxes under this part and shall apply in addition to all other applicable taxes, interest, and penalties.

(d) The department is authorized to adopt rules regarding the form in which the quarterly report required by this subsection is to be submitted, which form may include magnetic tape or other means of electronic transmission.

(6) The provisions of this section do not apply to vending machines owned and operated by churches or synagogues.

(7) In addition to any other penalties imposed by this part, a person who knowingly and willfully violates any provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) The department may adopt rules necessary to administer the provisions of this section.

Section 169. Effective January 1, 1992, subsection (1) of section 212.12, Florida Statutes, 1990 Supplement, as amended by section 27 of chapter 90-132, Laws of Florida, is amended to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(1) Notwithstanding any other provision of law and for the purpose of compensating persons granting licenses for and the lessors of real and personal property taxed hereunder, for the purpose of compensating dealers in tangible personal property, for the purpose of compensating dealers providing communication services and taxable services, for the purpose of compensating owners of places where admissions are collected, and for the purpose of compensating remitters of any taxes or fees reported on the same documents utilized for the sales and use tax, as compensation for the keeping of prescribed records and the proper accounting and remitting of taxes by them, such seller, person, lessor, dealer, owner and remitter (except dealers who make mail order sales) shall be allowed 2.5 percent of the amount of the tax due and accounted for and remitted to the department, in the form of a deduction in submitting his report and paying the amount due by him; the department shall allow such deduction of 2.5 percent of the amount of the tax to the person paying the same for remitting the tax in the manner herein provided, for paying the amount due to be paid by him, and as further compensation to dealers in tangible personal property for the keeping of prescribed records and for collection of taxes and remitting the same. However, if the amount of the tax due and remitted to the department for the reporting period exceeds $1,200, the 2.5-percent allowance shall be reduced to *0.83* ~~1~~ percent for all amounts in excess of $1,200. The executive director of the department is authorized to negotiate a collection allowance, pursuant to rules promulgated by the department, with a dealer who makes mail order sales. The rules of the department shall provide guidelines for establishing the collection allowance based upon the dealer's estimated costs of collecting the tax, the volume and value of the dealer's mail order sales to purchasers in this state, and the administrative and legal costs and likelihood of achieving collection of the tax absent the cooperation of the dealer. However, in no event shall the collection allowance negotiated by the executive director exceed 10 percent of the tax remitted for a reporting period.

(a) The collection allowance may not be granted, nor may any deduction be permitted, if the tax is delinquent at the time of payment.

(b) The Department of Revenue may reduce the collection allowance by 10 percent or $50, whichever is less, if a taxpayer files an incomplete return.

1. An "incomplete return" is, for purposes of this chapter, a return which is lacking such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return may not be readily accomplished.

2. The department shall adopt rules requiring such information as it may deem necessary to ensure that the tax levied hereunder is properly collected, reviewed, compiled, and enforced, including, but not limited to: the amount of gross sales; the amount of taxable sales; the amount of tax collected or due; the amount of lawful refunds, deductions, or credits claimed; the amount claimed as the dealer's collection allowance; the amount of penalty and interest; the amount due with the return; and such other information as the Department of Revenue may specify. The department shall require that transient rentals and agricultural equipment transactions be separately shown. *For returns remitted on or after February 1, 1992, the department shall also require that sales made through vending machines as defined in s. 212.015 be separately shown.*

(c) The collection allowance and other credits or deductions provided in this part shall be applied proportionally to any taxes or fees reported on the same documents used for the sales and use tax.

Section 170. Subsection (25) is added to section 212.02, Florida Statutes, 1990 Supplement, to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(25) "Coin-operated amusement machine" means any machine operated by coin, slug, token, coupon, or similar device for the purposes of entertainment or amusement. The term includes, but is not limited to, coin-operated pinball machines, music machines, juke boxes, mechanical games, video games, arcade games, billiard tables, moving picture viewers, shooting galleries, and all other similar amusement devices.

Section 171. Paragraph (j) is added to subsection (1) of section 212.05, Florida Statutes, 1990 Supplement, to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(j)1. Effective July 1, 1991, a tax is imposed at the rate of 6 percent on the charges for the use of coin-operated amusement machines. When a machine is activated by a slug, token, coupon, or any similar device which has been purchased, the tax shall be on the price paid by the user of the device for such device.

2. As used in this paragraph, the term "operator" means any person who possesses a coin-operated amusement machine for the purpose of generating sales through that machine and who is responsible for removing the receipts from the machine.

a. If the owner of the machine is also the operator of it, he shall be liable for payment of the tax without any deduction for rent or a license fee paid to a location owner for the use of any real property on which the machine is located.

b. If the owner or lessee of the machine is also its operator, he shall be liable for payment of the tax on the purchase or lease of the machine, as well as the tax.

3.a. An operator of a coin-operated amusement machine may not operate or cause to be operated in this state any such machine until the operator has registered with the department and has affixed a notice to each machine which states the operator's name, address, and Federal Employer Identification (FEI) number. If the operator is not required to have an FEI number, the notice shall include his social security number. The notice must be conspicuously displayed on the machine when it is being operated in this state and shall contain the following language in conspicuous type: NOTICE TO CUSTOMER: FLORIDA LAW REQUIRES THIS NOTICE TO BE POSTED ON ALL AMUSEMENT MACHINES. REPORT ALL VIOLATIONS TO (TOLL FREE NUMBER). YOU MAY BE ELIGIBLE FOR A CASH REWARD.

b. The department shall establish a toll-free number to report any violations of this paragraph. Upon a determination that a violation has occurred, the department shall pay the informant up to 10 percent of previously unpaid taxes recovered as a result of the information provided.

c. A penalty of $250 per machine is imposed on the operator for failing to properly obtain and display the required notice on any machine. Such penalty shall accrue interest as provided for delinquent taxes under this part and shall apply in addition to all other applicable taxes, interest, and penalties.

d. Operators of coin-operated amusement machines must obtain a separate sales and use tax certificate of registration for each county in which such machines are located. One sales and use tax certificate of registration is sufficient for all of the operator's machines within a single county.

4. The provisions of this paragraph do not apply to coin-operated amusement machines owned and operated by churches or synagogues.

5. In addition to any other penalties imposed by this part, a person who knowingly and willfully violates any provision of this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

6. The department may adopt rules necessary to administer the provisions of this paragraph.

Section 172. 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 173. (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 section 212.20, Florida Statutes, 11.15 percent of the estimated sales taxes collected in January 1992 from any dealer who remits such taxes pursuant to section 212.11, Florida Statutes, as amended by this section, shall be deposited into the General Revenue Fund. The remainder shall be allocated as provided in sections 212.20 and 212.235, Florida Statutes.

Section 174. Effective January 1, 1992, subsection (5) of section 212.04, Florida Statutes, 1990 Supplement, as amended by section 26 of chapter 90-132, Laws of Florida, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(5) All of the provisions of this chapter relating to collection, investigation, discovery, and aids to collection of taxes upon sales of tangible personal property shall likewise apply to all privileges described or referred to in this section, and the obligations imposed in this chapter upon retailers are hereby imposed upon the seller of such admissions. When tickets or admissions are sold and not used but returned and credited by the seller, the seller may apply to the department for a credit allowance for such returned tickets or admissions if advance payments have been made by the buyer and have been returned by the seller, upon such form and in such manner as the department may from time to time prescribe. The department may, upon obtaining satisfactory proof of the refunds on the part of the seller, credit the seller for taxes paid upon admissions that have been returned unused to the purchaser of those admissions. The seller of admissions, upon the payment of the taxes before they become delinquent and the rendering of the returns in accordance with the requirement of the department and as provided in this law, shall be entitled to a discount of 2.5 percent of the amount of taxes upon the payment thereof before such taxes become delinquent, in the same manner as permitted the sellers of tangible personal property in this chapter. However, if the amount of the tax due and remitted to the department for the reporting period exceeds $1,200, the 2.5-percent discount shall be reduced to *0.83* ~~1~~ percent for all amounts in excess of $1,200.

Section 175. Section 320.0804, Florida Statutes, is created to read:

320.0804 Surcharge on license tax.—There is hereby levied and imposed on each license tax imposed under s. 320.08, except those set forth in s. 320.08(11), a surcharge in the amount of $2, which shall be collected in the same manner as the license tax and deposited into the State Transportation Trust Fund. This surcharge shall apply to registration periods beginning July 1, 1991.

Section 176. Effective upon this act becoming a law, 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 $21.5 million of the required repayment to the General Revenue Fund shall be paid to such fund on or before June 1, 1991.* 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 177. 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 includes 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 1.5 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, 10D-99.903, and 10D-99.904 of the Florida Administrative Code.

4. Diagnostic imaging centers that are freestanding outpatient facilities that provide specialized services for the identification or determination of a disease through examination and also provide sophisticated 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 use its authority under ss. 407.02, 407.06, and 407.07 in administering this section.

Section 178. There is hereby appropriated from the Public Medical Assistance 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.

Section 179. Except as otherwise expressly provided in this act, this act shall take effect July 1, 1991.

Conference Committee Amendment 2—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to taxation; amending s. 20.21, F.S.; changing the name of the Division of Technical Assistance of the Department of Revenue; amending ss. 72.011, 215.26, F.S.; providing that taxpayers may contest the legality of any denial of refund of specified taxes, interest, or penalties in circuit court or under ch. 120, F.S.; providing time limitations; amending ss. 26.012, 72.031, 120.575, F.S., to conform; amending s. 198.15, F.S.; providing for a delinquency penalty for late payment of estate taxes; amending s. 199.052, F.S.; requiring certain corporations to file intangible tax returns; providing for application; amending s. 607.1622, F.S.; requiring a statement relating to intangible tax liability on the annual report for the Department of State; amending s. 203.01, F.S.; relating to the option of separately stating the tax on gross receipts for utility service as a component of the charge for providing such taxable services; substituting "utility business" for "telecommunication business" in specifying the type of business to which the tax applies; deleting obsolete language about penalties; providing legislative intent; amending s. 203.012, F.S., relating to separately stated gross receipts tax for telecommunications services; amending s. 206.01, F.S.; excluding alternative fuel from the definition of the term "motor fuel"; amending s. 206.56, F.S.; deleting provisions concerning embezzlement of state funds; providing elements of the crime of theft of state funds; providing penalties; reenacting ss. 206.97, 206.9915(3), 212.66, 336.026(2)(a), F.S.; incorporating the amendment to s. 206.56, F.S., in references thereto; amending s. 206.86, F.S.; including natural gasoline in the definition of the term "alternative fuel"; defining the term "natural gasoline"; amending s. 206.9825, 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. 206.9931, F.S.; requiring any person who purchases a pollutant for sale, use, consumption, or distribution either to document the payment of, or to pay, certain taxes; amending s. 212.02, F.S.; amending the definition of the term "admissions"; exempting, for a specified period, certain charges made by foreign registered vessels from the tax on admissions; amending s. 212.0305, F.S.; allowing an authority to invest and reinvest tax proceeds in the same manner that the municipality in which the authority is located may invest surplus funds; amending s. 212.04, F.S.; providing requirements for disclosing admission charges and for computing taxes on admissions; stating that provisions authorizing a tax-exempt sale for resale do not apply to admission sales; providing for collecting tax on resales of admissions; exempting from tax certain sales of admissions; amending s. 212.0505, F.S.; allowing a designee of the department's executive director to settle or compromise certain taxes, penalties, or interest, as specified; amending s. 212.054, F.S.; providing for the administration of the discretionary sales surtax on certain items of tangible personal property; amending s. 212.055, F.S.; providing restrictions on the effective date of any change in the distribution formula for proceeds of the local government infrastructure surtax; amending s. 212.0596, F.S.; providing for alternative procedures for collecting the use tax from mail-order purchasers; amending s. 212.10, F.S.; providing that an audit is required to secure protection from transferee liability under this section; authorizing the department to contract with private auditors to perform the audit; amending s. 212.12, F.S.; providing tax brackets applicable to all counties, not merely charter counties, that have adopted the discretionary sales surtax at a specified rate; allowing the department to specify, by rule, tax brackets for counties that adopt a different tax rate; amending s. 212.20, F.S.; exempting funds collected pursuant to s. 212.18(5), F.S., from a requirement that all funds collected by the department be credited to the General Revenue Fund; amending s. 213.053, F.S.; allowing the department to provide certain state tax information to certain governmental and nongovernmental agencies for use in the conduct of their official duties; providing for confidentiality of that information; providing penalties for breach of confidentiality; providing that certain information is a public record; allowing the Department of Banking and Finance and the Department of Law Enforcement access to certain information during specified types of joint investigations with the Department of Revenue; allowing use of that information in certain investigations and legal proceedings; creating s. 213.2201, F.S.; allowing the department to produce publications containing the laws under its jurisdiction; authorizing charges for the publications, at the discretion of the Department of Administration; providing for the deposit of moneys received; providing for reciprocal exchange of publications; amending s. 213.27, F.S.; requiring a debt collection agency to have a bond if the agency does not actually collect and remit delinquent funds; amending s.

213.28, F.S.; authorizing the department to contract with a private firm to facilitate the securing of certified public accountants, licensed outside this state; giving the executive director of the department discretion in determining the manner in which compensation will be paid; authorizing the department to establish standards by rule; amending s. 213.30, F.S.; providing for compensating certain persons who provide the department with information that leads to collecting certain taxes, penalties, or interest; prohibiting certain employees or former employees of government agencies from receiving such compensation; providing confidentiality for information that could lead to the identification of persons who supply information to the department under that section; amending s. 213.34, F.S.; providing additional auditing authority to the department; creating s. 213.37, F.S.; allowing the department to require sworn, verified affidavits in connection with certain documents; providing that making a false written declaration under s. 92.525(3), F.S., is a third-degree felony; providing penalties; creating s. 213.756, F.S.; providing that certain funds collected are state funds from the moment of collection; restricting the refund of such funds; amending and transferring parts I, II, and III of ch. 214, F.S., which consist of ss. 214.02, 214.03, 214.04, 214.05, 214.06, 214.07, 214.08, 214.10, 214.11, 214.12, 214.13, 214.14, 214.15, 214.16, 214.17, 214.18, 214.19, 214.20, 214.22, 214.23, 214.40, 214.41, 214.42, 214.425, 214.43, 214.434, 214.44, 214.45, 214.47, 214.48, 214.49, 214.50, 214.51, 214.52, 214.60, 214.61, 214.62, F.S., and relate to administration of designated nonproperty taxes, to parts VIII, IX, and X of ch. 220, F.S., the Florida Income Tax Code, and renumbering those sections, respectively, as ss. 220.701, 220.703, 220.705, 220.707, 220.709, 220.711, 220.713, 220.715, 220.717, 220.719, 220.721, 220.723, 220.725, 220.727, 220.729, 220.731, 220.733, 220.735, 220.737, 220.739, 220.801, 220.803, 220.805, 220.807, 220.809, 220.811, 220.813, 220.815, 220.819, 220.821, 220.823, 220.825, 220.827, 220.829, 220.901, 220.903, 220.905, F.S.; correcting cross-references; conforming language to the transferral and renumbering of those sections; repealing s. 214.01, F.S., which specifies the application of ch. 214; conforming language and correcting references; repealing s. 214.46, F.S., providing for the duration of liens arising under ch. 220, F.S., and other applicable laws; repealing ss. 214.70, 214.71, F.S., which define "tax base" and provide a general method for apportionment; providing that those repealed sections apply to taxable years beginning before January 1, 1991; 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 s. 220.15, F.S.; consolidating in that section provisions for apportionment of adjusted federal income; amending ss. 72.041, 196.012, 213.05, 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. 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. 220.12, F.S.; revising the definition of the term "net income"; amending ss. 220.11, 220.63, F.S.; deleting obsolete language that mandated legislative review and allowed subsequent legislative action during the 1989 legislative session; amending s. 215.20, F.S.; specifying trust funds from which a deduction for the cost of general government shall be made, for deposit in the General Revenue Fund; amending s. 215.22, F.S.; specifying the income and trust funds exempt from the deduction for the General Revenue Fund; providing that certain conflicting legislation relating to public campaign financing will prevail; amending s. 215.23, F.S., to conform; amending ss. 200.132, 206.60, 206.875, 206.879, 206.9845, 206.9945, 210.20, 212.06, 212.69, 319.32, 325.214, 624.506, F.S.; conforming language relating to various revenues and trust funds to the amendments made in s. 215.20, F.S.; repealing s. 6, ch. 90-110, Laws of Florida, relating to the Agency Budget Trust Fund; providing for deposit of moneys into the General Revenue Fund; amending s. 403.717, F.S.; redefining the term "lead-acid battery"; amending s. 403.718, F.S.; amending the deadline for paying waste tire fees to the department; amending s. 403.7185, F.S.; deleting the phrase "new or remanufactured" in reference to lead-acid batteries; amending ss. 220.183, 624.5105, F.S., relating to the community contribution tax credits against the corporate income tax and insurance premium tax; revising provisions relating to limitations on credits and carryover of credits; specifying that a taxpayer eligible for the insurance premium tax credit is not eligible for the corporate income tax credit; amending s. 624.511, F.S.; placing restrictions upon the refund of certain overpayments of taxes; providing that those refunds be made out of the General Revenue Fund; amending s. 893.11, F.S.; providing that this section, which concerns suspension, revocation, and reinstatement of business and professional licenses, does not apply to taxes, fees, or permits that the department regulates, controls, or administers in accordance with s. 213.05, F.S.; providing for an additional tax to be paid by banks and savings associations; providing for a credit to be taken; providing for taxable years; 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. 193.114, F.S.; requiring property appraisers to document certain changes made to assessment rolls; exempting changes made by the property appraisal adjustment board; providing for custodian of the tax roll; amending ss. 193.1142, 200.065, F.S.; specifying the date for mailing notices of proposed property taxes in conjunction with tax roll approval; 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., relating to provisions which regulate the process of contracting with property appraisers, tax collectors, and county commissions; specifying duties of the executive director of the department or his designee; providing 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; 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. 196.012, F.S.; amending the definition of the term "educational institution," to include certain schools that provide continuing dental education instruction; repealing s. 200.069(13), F.S., relating to statement included on notice of proposed property taxes; 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 penalties; allowing penalties to be compromised; amending ss. 193.1145, 193.116, 193.122, 193.461, 194.011, 194.013, 194.015, 194.032, 194.034, 194.035, 194.036, 194.037, 194.171, 194.181, 195.022, 196.011, 196.151, 196.193, 196.194, 196.195, 196.199, 197.253, 197.301, 197.323, 200.011, 200.065, 200.068, 200.069, F.S.; redesignating property appraisal adjustment boards as value adjustment boards; amending s. 195.027, F.S., relating to access to information by property appraisers; creating s. 212.0515, F.S.; imposing a tax on food and beverages sold in vending machines; requiring registration of vending machine operators and display of notice on machines; authorizing payment of rewards for reports of violations; requiring quarterly reports by operators; requiring quarterly reports by persons selling food and beverages to vending machine operators; requiring dealers and operators purchasing food or beverages for resale to provide the dealer with a certificate stating whether the purchaser is a vending machine operator; providing penalties; amending s. 212.12, F.S.; requiring that sales made through such vending machines be separately shown on returns; deleting a revision of the dealer's credit allowance for collecting sales taxes; amending s. 212.02, F.S.; defining "coin-operated amusement machine"; amending s. 212.05, F.S.; imposing a tax on receipts from such machines; requiring registration of operators of such machines and display of notice on machines; authorizing payment of rewards for reports of violations; providing requirements with respect to certificates of registration for operators of such machines; providing penalties; amending s. 212.11, F.S.; delaying the effective date of a reduction in estimated tax rates; revising the threshold amount under which certain taxpayers are required to pay estimated sales taxes; providing for application; providing for distribution of certain estimated sales tax revenues; amending s. 212.04, F.S.; deleting a revision in the credit allowance for taxes paid on admissions; creating s. 320.0804, F.S.; imposing a surcharge on motor vehicle license taxes; amending s. 335.035, F.S.; requiring the repayment to the General Revenue Fund by a specified date of certain funds appropriated for interstate highway purposes; creating s. 395.1015, F.S.; imposing annual assessments on health care entities; providing an appropriation to the Health Care Cost Containment Board; providing effective dates.

The Conference Committee Report was read and on motion by Senator Jenne was adopted. **CS for HB 2523** passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—27 Nays—11

RETURNING MESSAGES—FINAL ACTION

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed CS for SB's 58 and 2294, as amended by the Conference Committee Report.

John B. Phelps, Clerk

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments to SB 78 and CS for SB 724 and passed as further amended.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed SB 570, CS for SB 772, CS for CS for SB 998, Senate Bills 1166, 1168, 1344, 1644, 1712, 2026, CS for CS for SB 2040, Senate Bills 2370, 2372, 2384, 2386, 2392, 2394, 2396, 2404, 2420, 2440, 2448, 2456, and 2462.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed as amended CS for HB's 343, 759, 1139 and 2073, CS for HB 1719, House Bills 2361 and 2363.

John B. Phelps, Clerk

AMENDMENTS TO SENATE BILLS

SB 386

The Committee on Commerce recommended the following amendment which was moved by Senator Kurth:

Amendment 1—On page 1, line 11, strike "prescribed by a physician"

Senator Kurth moved the following substitute amendment which was adopted:

Amendment 2—On page 1, strike all of lines 10-13 and insert:

Section 1. Any policy of health insurance that provides coverage for massage shall also cover the services of persons licensed to practice massage pursuant to chapter 480, Florida Statutes, where the massage has been prescribed by a physician, licensed under chapter 458, chapter 459, chapter 460, or chapter 461, Florida Statutes, as being medically necessary and the prescription specifies the number of treatments. Further, this provision shall only apply where the physician has referred the patient to a licensed massage therapist who has completed advanced training requirements as determined pursuant to the Board of Massage of the Department of Professional Regulation.

The Committee on Commerce recommended the following amendment which was moved by Senator Kurth and failed:

Amendment 3—On page 1, line 13, after "Statutes" insert: , if the massage has been prescribed by a physician licensed under chapter 458 and chapters 459, 460 and 461 as medically necessary and the physician licensed under chapter 458 and chapters 459, 460 and 461 has referred the patient to a licensed massage therapist

CS for SB 1022

Senators Jenne and Margolis offered the following amendment which was moved by Senator Jenne:

Amendment 1—On page 15, between lines 9 and 10, insert:

Section 3. Section 175.402, Florida Statutes, is created to read:

175.402 Unless specifically excluded, the provisions of this chapter shall apply as minimum requirements for each municipal firefighter retirement fund which has received or is eligible to receive state premium tax moneys as provided in this chapter.

Section 4. Section 185.51, Florida Statutes, is created to read:

185.51 Unless specifically excluded, the provisions of this chapter shall apply as minimum requirements for each municipal police officer retirement fund which has received or is eligible to receive state premium tax moneys as provided in this chapter.

Section 5. Sections 175.321 and 185.32, Florida Statutes, are repealed.

(Renumber subsequent section.)

CS for SB 1246

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

Amendment 1—On page 11, line 13, strike "October" and insert: July

Senator Dudley moved the following amendments which were adopted:

Amendment 2—On page 11, strike line 13 and insert:

Section 8. Effective January 1, 1992, section 450.012, Florida Statutes, is amended to read:

450.012 Definitions.—For the purpose of this chapter, the word, phrase, or term:

(1) "Farm work" includes all agricultural labor performed upon farms.

(2) "Farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms; ranches; nurseries; and orchards.

~~(3) "Street trades" means:~~

~~(a) Selling, offering for sale, soliciting for, collecting for, displaying, or distributing newspapers, magazines, periodicals, or peanuts; or~~

~~(b) Polishing shoes;~~

~~on any street or other public place or from house to house.~~

(3)~~(4)~~ "Child" *or "minor"* means any person 17 years of age or younger, unless:

(a) The person is or has been married;

(b) The person's disability of nonage has been removed by a court of competent jurisdiction;

(c) The person is serving or has served in the Armed Forces of the United States;

(d) It has been found by a court having jurisdiction over the person that it is in the best interest of such minor to work and the court specifically approves any employment of such person, including the terms and conditions of such employment; or

(e) The person has graduated from an accredited high school *or holds a high school equivalency diploma.*

(4)~~(5)~~ "Division" means the Division of Labor, Employment, and Training of the Department of Labor and Employment Security.

(5) "Entertainment industry" means any group, entity, organization, or individual, in which the services of any minor are rendered in any capacity in conjunction with any motion picture, television, video, audio, theatrical, or still photography, using any format whether now existing or hereafter developed, including, but not limited to, theatrical film, commercial, documentary, television, radio, and/or cable, by any medium, whether now existing or hereafter developed, including theater, television, audio cassette, or video cassette; legitimate theaters or photography; recording; modeling; theatrical productions or publicity; rodeos; circuses; musical performances; or any other performances where minors perform.

Section 9. Effective January 1, 1992, section 450.021, Florida Statutes, is amended to read:

450.021 Minimum age; general.—

(1) Minors of any age may be employed:

(a) As pages in the Florida Legislature.

(b) By *the entertainment industry* ~~motion picture studios, television studios, and legitimate theaters~~ as prescribed in *s. 450.012 and* s. 450.132.

(c) In domestic or farm work in connection with their own homes and directly for their own parents during the hours public schools are not in session.

(2) No person *10* ~~9~~ years of age or younger shall engage in *the sale and distribution of newspapers* ~~street trades~~.

(3) Except as provided in subsection (1), no person *13* ~~11~~ years of age or younger shall be employed, permitted, or suffered to work in any gainful occupation at any time.

(4) No person 17 years old or younger, whether or not such person's disabilities of nonage have been removed by marriage or otherwise, shall be employed, permitted, or suffered to work in any place where alcoholic beverages are sold at retail, except as provided in s. 562.13.

Section 10. Effective January 1, 1992, section 450.045, Florida Statutes, is amended to read:

450.045 Proof of age*; posting of notices.*—

(1) Any person who hires, employs, or suffers to work any child shall, in addition to the limitations provided in this part, first obtain and keep on record during the entire period of such employment proof of the child's age. This requirement shall be satisfied by:

(a)~~(1)~~ A photocopy of the child's birth certificate;

(b)~~(2)~~ A photocopy of the child's driver's license;

(c)~~(3)~~ An age certificate issued by the district school board of the district in which the child is employed, certifying the child's date of birth; or

(d)~~(4)~~ A photocopy of a passport or visa which lists the child's date of birth.

(2) Any person who hires, employs, or suffers to work any minor shall post at a conspicuous place on the property or place of employment, where it may be easily read, a poster notifying minors of the Child Labor Law, to be provided by the division upon request.

Section 11. Effective January 1, 1992, section 450.061, Florida Statutes, is amended to read:

450.061 Hazardous occupations prohibited.—

(1) No minor 15 years of age or younger, whether or not such person's disabilities of nonage have been removed by marriage or otherwise, shall be employed or permitted or suffered to work in any of the following occupations:

(a) In connection with power-driven machinery, except power mowers with cutting blades 40 inches or less.

(b) *In any manufacturing that makes or processes a product with the use of industrial machines* ~~Mines or quarries~~.

(c) The manufacture, transportation, or use of explosive or highly *flammable* ~~inflammable~~ substances.

(d) Sawmills or logging operations.

(e) On any scaffolding.

(f) In heavy work in the building trades.

(g) In the operation of a motor vehicle, except a motorscooter which he is licensed to operate, except that 14-year-old and 15-year-old workers may drive farm tractors in the course of their farmwork under the close supervision of their parents on a family-operated farm, and except that qualified 14-year-old and 15-year-old workers may drive tractors in the course of their farmwork under the close supervision of the farm operator. "Qualified," as used herein, means having completed a training course in tractor operation sponsored by a recognized agricultural or vocational agency, as evidenced by duly executed certificate, such certificate to be filed with the farm operator for the duration of the employment.

(h) In oiling, cleaning, or wiping machinery or shafting or applying belts to pulleys.

(i) In repairing of elevators or other hoisting apparatus.

(j) *Work in freezers or meat coolers and all work in preparation of meats for sale, except wrapping, sealing, labeling, weighing, pricing, and stocking when performed in another area. This shall not prohibit work done in the normal operations of a food service facility licensed by chapter 509.* ~~In operating meat grinding machines, dough brakes, or mixing machines in bakeries or operating cracker making machinery.~~

~~(k) In the operation of emery or polishing wheels.~~

~~(l) In the operation of punch presses or stamping machines.~~

~~(m) In the manufacture of paints, colors, white lead, or dangerous or poisonous dyes or in preparing compositions in which dangerous leads or acids are used.~~

(k)~~(n)~~ In the operation of power-driven laundry or dry cleaning machinery or any similar power-driven machinery.

(l)~~(o)~~ At spray painting.

~~(p) Spraying of insecticides or other toxic substances determined to be poisonous to human beings through skin contact or inhalation.~~

(m)~~(q)~~ Alligator wrestling work in connection with snake pits, or similar hazardous activities.

(n) Door-to-door selling of magazine subscriptions, candy, cookies, flowers, or other merchandise or commodities, except merchandise of nonprofit organizations, such as the Girl Scouts of America or the Boy Scouts of America.

(o) In working with meat and vegetable slicing machines.

(2) No minor under 18 years of age, whether such person's disabilities of nonage have been removed, shall be employed or permitted or suffered to work in any of the following places of employment or in any of the following occupations:

(a) In or around explosive or radioactive materials.

(b) On any scaffolding, roof, superstructure, residential or nonresidential building construction, or ladder above 6 feet.

(c) In or around toxic substances or corrosives, including pesticides or herbicides, unless proper field entry time allowances have been followed.

(d) Any mining occupation.

(e) In the operation of power-driven woodworking machines.

(f) In the operation of power-driven hoisting apparatus.

(g) In the operation of power-driven metal forming, punching, or shearing machines.

(h) Slaughtering, meat packing, processing, or rendering.

(i) In the operation of power-driven bakery machinery.

(j) In the operation of power-driven paper products and printing machines.

(k) Manufacturing brick, tile, and like products.

(l) Wrecking or demolition.

(m) Excavation operations.

(n) Logging or sawmilling.

(o) Working on electric apparatus or wiring.

(p) Firefighting.

(q) Operating or assisting to operate, including starting, stopping, connecting or disconnecting, feeding, or any other activity involving physical contact associated with operating, a tractor over 20 PTO horsepower, any trencher or earthmoving equipment, fork lift, or any harvesting, planting, or plowing machinery, or any moving machinery.

~~(r) The manufacture, transportation, or use of radioactive materials.~~

(3)~~(2)~~ No minor under 18 years of age, whether such person's disabilities of nonage have been removed by marriage or otherwise, shall be employed or permitted or suffered to work in any place of employment or at any occupation hazardous or injurious to the life, health, safety, or welfare of such minor, as such places of employment or occupations may be determined and declared by the Division of Labor, Employment, and Training of the Department of Labor and Employment Security to be hazardous and injurious to the life, health, safety, or welfare of such minor.

(4) This section shall not apply to minors employed in the entertainment industry.

Section 12. Effective January 1, 1992, section 450.081, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 450.081, F.S., for present text.)

450.081 Hours of work in certain occupations.—

(1)(a) Minors 15 years of age or younger shall not be employed, permitted, or suffered to work before 7 a.m. or after 7 p.m. when school is scheduled the following day or for more than 15 hours in any one week. On any school day, minors 15 years of age or younger who are not enrolled in a vocational education program shall not be gainfully employed for more than 3 hours, unless there is no session of school the following day.

(b) During holidays and summer vacations, minors 15 years of age or younger shall not be employed, permitted, or suffered to work before 7 a.m. or after 9 p.m., for more than 8 hours in any one day, or for more than 40 hours in any one week.

(2) Minors 16 and 17 years of age shall not be employed, permitted, or suffered to work before 6:30 a.m. or after 11:00 p.m. or for more than 8 hours in any one day when school is scheduled the following day. When school is in session, minors 16 and 17 years of age shall not work more than 30 hours in any one week. On any school day, minors 16 and 17 years of age who are not enrolled in a vocational education program shall not be gainfully employed during school hours.

(3) Minors 17 years of age or younger shall not be employed, permitted, or suffered to work in any gainful occupation for more than 6 consecutive days in any one week.

(4) Minors 17 years of age or younger shall not be employed, permitted, or suffered to work for more than 4 hours continuously without an interval of at least 30 minutes for a meal period; and for the purposes of this law, no period of less than 30 minutes shall be deemed to interrupt a continuous period of work.

(5) The provisions of subsections (1) through (4) shall not apply to:

(a) Minors 16 and 17 years of age who have graduated from high school or received a high school equivalency diploma.

(b) Minors who are within the compulsory school attendance age limit who hold a valid certificate of exemption issued by the school superintendent or his designee pursuant to the provisions of s. 232.06.

(c) Minors enrolled in a public educational institution who qualify on a hardship basis such as economic necessity or family emergency. Such determination shall be made by the school superintendent or his designee, and a waiver of hours shall be issued to the minor and the employer. The form and contents thereof shall be prescribed by the division.

(d) Children in domestic service in private homes, children employed by their parents, or pages in the Florida Legislature.

(6) The presence of any minor in any place of employment during working hours shall be prima facie evidence of his employment therein.

Section 13. Effective January 1, 1992, subsection (1) of section 450.121, Florida Statutes, is amended to read:

450.121 Enforcement of Child Labor Law.—

(1) The Division of Labor, Employment, and Training shall administer this chapter. It shall employ such help as is necessary to effectuate the purposes of this chapter~~, all of whom shall be employed in accordance with the merit system of the division~~. Other agencies of the state may cooperate with the division in the administration and enforcement of this part. To accomplish this joint, cooperative effort, the division may enter into intergovernmental agreements with other agencies of the state whereby the other agencies may assist the division in the administration and enforcement of this part. Any action taken by an agency pursuant to an intergovernmental agreement entered into pursuant to this section shall be considered to have been taken by the division.

Section 14. Effective January 1, 1992, section 450.132, Florida Statutes, is amended to read:

450.132 Employment of children by *the entertainment industry* ~~motion picture and television studios~~; rules ~~and regulations~~; procedures.—

(1) Children within the protection of our child labor statutes may, notwithstanding such statutes, be employed by *the entertainment industry* ~~motion picture studios, television studios, and legitimate theaters~~ in the production of motion pictures, legitimate plays, ~~and~~ television shows, *still photography, recording, publicity, musical and live performances, circuses, and rodeos,* in any work not determined by the Division of Labor, Employment, and Training to be hazardous, or detrimental to their health, morals, education, or welfare.

(2) The Division of Labor, Employment, and Training shall, as soon as convenient, and after such investigation as to the division may seem necessary or advisable, determine what work, in connection with the *entertainment industry* ~~production of motion pictures, legitimate plays, and television shows~~, is not hazardous, or detrimental to the health, morals, education, or welfare of *minors* ~~children~~ within the purview and protection of our child labor laws. When so adopted, such rules ~~and regulations~~ shall have the force and effect of law in this state.

(3) *Entertainment industry employers or agents* ~~Motion picture studios, legitimate theaters, and television studios~~ wishing to qualify for the employment of *minors* ~~children~~ in work not hazardous or detrimental to their health, morals, or education shall make application to the division for a permit qualifying them to employ *minors in the entertainment industry* ~~children in the production of motion pictures and television shows~~. The form and contents thereof shall be prescribed by the division.

~~(4) Motion picture studios, legitimate theaters, and television studios desiring to employ children shall file with the division, on forms to be prescribed by the division, applications requesting that named children be certified as eligible for employment in the motion picture, legitimate theater, and television industries. Upon the filing of such application, the division shall investigate the age, school record and attendance, and health of each child named and whether or not employment of the child named in the production of motion pictures, legitimate plays, and television shows would be detrimental to such child. Upon completion of the investigation, the division shall issue certificates of identification of those children who satisfactorily meet the requirements of its rules and regulations and the statutes of this state. The division shall place upon an eligibility list the names of the children to whom certificates of identification are issued, and it shall be presumed that any child for whom such a certificate of identification may be issued is eligible for employment, unless such certificate be revoked or suspended by the division for cause.~~

(4)~~(5)~~ Any duly qualified *entertainment industry employer* ~~motion picture studio, legitimate theater, or television studio~~ may employ any *minor.* ~~child holding a certificate of identification, as aforesaid;~~ However, if any *entertainment industry employer* ~~studio or theater~~ employing a *minor* ~~child~~ causes, permits, or suffers such *minor* ~~child~~ to be placed under conditions which are dangerous to the life or limb or injurious or detrimental to the health or morals or education of the *minor* ~~child~~, the right of that *entertainment industry employer* ~~studio or theater~~ and its representatives and agents to employ *minors* ~~children~~ as provided herein shall stand revoked, unless otherwise ordered by the division, and the person responsible for such unlawful employment is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5)~~(6)~~ Any *entertainment industry employer* ~~motion picture studio, legitimate theater, or television studio~~ and its agents employing *minors* ~~children~~ hereunder are required to notify the division, showing the date of the commencement of work, the number of days worked, the location of the work, and the date of termination.

(6)~~(7)~~ The time spent by *minors* ~~children~~ in rehearsals and in learning or practicing any of the arts, such as singing and dancing, for or under the direction of *an entertainment industry employer* ~~a motion picture studio, legitimate theater, or television studio~~, shall be counted as work time when such learning or practicing is connected with or is in contemplation of particular pictures or shows.

Section 15. The Motion Picture, Television, and Recording Industry Advisory Council, created pursuant to s. 20.17, Florida Statutes, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, no later than December 1, 1991, the council's recommendations on additional procedures necessary to protect minors employed by motion picture and television studios, theaters, and other related industries. Such recommendations shall include standards necessary to ensure that minors employed by these industries receive adequate education during their time of employment. In making such recommendations, the council shall consider information provided by the Florida Motion Picture and Television Association, the Screen Actors Guild of Florida, the Department of Labor and Employment Security, the Department of Education, and other related organizations.

Section 16. Effective January 1, 1992, section 450.141, Florida Statutes, is amended to read:

450.141 Employing minor children in violation of law; *penalties* ~~penalty~~.—

(1) Whoever violates any provisions of this law, or employs or permits or suffers any minor to be employed or to work in violation of this law, or of any order issued under the provisions of this law, or obstructs persons authorized under this law in the inspection of places of employment, and whoever, having under his control any minor, permits him to be employed or to work in violation of this law, shall for such offense be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Each day during which any violation of this law continues shall constitute a separate and distinct offense, and the employment of any minor in violation of the law shall, with respect to each minor so employed, constitute a separate and distinct offense.

(2) Any person, firm, corporation, or governmental agency, or agent thereof, that has employed minors in violation of this part, or any rule adopted pursuant thereto, may be subject by the division to fines not to exceed $2,500 per offense. The division shall adopt, by rule, disciplinary guidelines specifying a meaningful range of designated penalties based upon the severity and repetition of the offenses, and which distinguish minor violations from those which endanger a minor's health and safety.

(3) If the division has reasonable grounds for believing there has been a violation of this part, or any rule adopted pursuant thereto, it shall give written notice to the person alleged to be in violation. Such notice shall include the provision or rule alleged to be violated, the facts alleged to constitute such violation, and requirements for remedial action within a time specified in the notice. No fine may be levied unless the person alleged to be in violation fails to take remedial action within the time specified in the notice.

Section 17. Effective January 1, 1992, section 450.155, Florida Statutes, is created to read:

450.155 Child Labor Law Trust Fund.—

(1) There is created in the State Treasury an account to be known as the Child Labor Law Trust Fund. Subject to such appropriations as the Legislature may make therefor from time to time, disbursements from this account may be made by the division, subject to the approval of the department, in order to carry out the proper responsibilities of administering the Child Labor Law, to protect the working youth of the state, and to provide education about the Child Labor Law to employers, public school employees, the general public, and working youth. The Child Labor Law Trust Fund and the moneys deposited therein shall be under the direct supervision and control of the department, and such moneys may be disbursed by the Treasurer from time to time as determined by the department.

(2) Notwithstanding the provisions of s. 216.292, the Child Labor Law Trust Fund shall not be available for transfer for any purposes other than those provided for in this section.

Section 18. Section 9 of chapter 90-245, Laws of Florida, is amended to read:

Section 9. Except as otherwise provided in this act, this act shall take effect July 1, *1992* ~~1991~~.

Section 19. Except as otherwise provided herein, this act shall take effect upon becoming a law.

Amendment 3—Strike the title and insert: A bill to be entitled An act relating to employment; amending s. 446.205, F.S.; providing for a Job Training Partnership Act family dropout prevention program; providing for development and implementation of a program; providing for funding; providing requirements for participation in the program; deleting provisions relating to incentive awards; amending s. 446.22, F.S.; revising definitions; amending s. 446.23, F.S.; revising terminology and mentor obligations; amending s. 446.24, F.S.; revising youth participant obligations; amending s. 446.25, F.S.; providing for coordination of services by service delivery areas and revising advisory council purposes; amending s. 446.26, F.S.; revising funding provisions; amending s. 446.27, F.S.; revising reporting requirements; amending s. 450.012, F.S.; revising definitions relating to child labor; amending s. 450.021, F.S.; revising provisions relating to the minimum age for employment; amending s. 450.045, F.S.; providing for posting of notices; amending s. 450.061, F.S.; revising provisions relating to prohibited hazardous occupations; amending s. 450.081, F.S.; revising provisions relating to hours of work which are permitted; amending s. 450.121, F.S.; revising provisions relating to employees of the Division of Labor, Employment, and Training; amending s. 450.132, F.S.; providing requirements for employment of children by the entertainment industry; deleting provisions relating to certificates of identification for eligibility for employment; requiring the Motion Picture, Television, and Recording Industry Advisory Council to make recommendations regarding the employment of minors in the entertainment industry; amending s. 450.141, F.S.; providing penalties; requiring notice; creating s. 450.155, F.S.; creating the Child Labor Law Trust Fund and providing for uses of funds; amending s. 9, ch. 90-245, Laws of Florida, delaying effective date relating to certain farm labor registration provisions; providing effective dates.

SB 1314

Senator Johnson offered the following amendments which were moved by Senator Margolis and adopted:

Amendment 1—On page 3, strike line 6 and insert:

Section 2. 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. 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, *except that $109.5 million of such repayment shall be paid to the General Revenue Fund in fiscal year 1991-1992.*

Section 3. Effective July 1, 1991, there is hereby appropriated from the General Revenue Fund in fiscal year 1991-1992 $109.5 million to the Florida Education Finance Program.

Section 4. Except as otherwise expressly provided in this act, this act shall take effect October 1, 1991.

Amendment 2—In title, on page 1, line 11, following the semicolon (;) insert: amending s. 335.035, F.S.; providing for repayment to the General Revenue Fund during fiscal year 1991-1992 of certain funds appropriated for interstate highway purposes; providing an appropriation for the Florida Education Finance Program;

CS for SB 1426

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Forman and adopted:

Amendment 1—On page 2, lines 23 and 24, strike "Labor and Employment Security" and insert: Health and Rehabilitative Services

Amendment 2—On page 9, between lines 16 and 17, insert:

Section 7. Duties and responsibilities of the Florida Health Access Corporation.—

(1) The Florida Health Access Corporation, as created in s. 409.701, is directed to develop a plan for implementing and administering the FloridaCare plan. The Florda Health Access Corporation shall:

(a) Establish the benefit coverage.

(b) Estimate the premium levels.

(c) Identify health insurance providers that wish to participate in the FloridaCare plan.

(d) Determine the actuarial soundness of the FloridaCare plan.

(e) Evaluate the advantages and disadvantages of phasing in the FloridaCare plan on a geographic basis.

(f) Establish the required activities that must be performed to administer the FloridaCare plan.

(g) Identify employer groups that are eligible to participate in the plan.

(2) By January 1, 1992, the Florida Health Access Corporation shall prepare a report for the FloridaCare Commission containing the corporation's recommendations on the implementation activities provided in subsection (1). In the report, the corporation shall identify any statutory revisions that it recommends as necessary to implement the FloridaCare plan.

(Renumber subsequent sections.)

Amendment 3—In title, on page 1, line 14, after the semicolon (;) insert: providing duties and responsibilities of the Florida Health Access Corporation; requiring a report;

Amendment 4—On page 14, line 31, after "requirements" insert: for themselves and their dependents

Amendment 5 —On page 15, between lines 12 and 13, insert:

Section 17. The planning and development activities performed by the Florida Health Access Corporation pursuant to section 7 must be accomplished using the funds appropriated to the Department of Health and Rehabilitative Services for the Florida Small Business Health Access Corporation.

(Renumber subsequent sections.)

Amendment 6—In title, on page 1, line 23, after the semicolon (;) insert: specifying funding for certain activities of the Florida Health Access Corporation;

Senator Thurman moved the following amendments which were adopted:

Amendment 7—On page 15, between lines 12 and 13, insert:

Section 17. Legislative findings and intent.—The Legislature recognizes that elderly persons have a higher rate of prescription use and that they spend proportionately more of their income on prescription drugs than does the population in general. It is further recognized that Medicare does not cover the cost of prescribed drugs unless they are dispensed in an institutional setting. Many of Florida's elderly residents are forced to go without medications upon which maintenance of their health depends. This results in the deterioration of health, a loss of independence, and medical expenses that can deplete financial resources. Recognizing that Florida benefits from the self-sufficiency of its elderly residents, the Legislature intends that a study of the benefits and costs associated with a program of pharmaceutical assistance to elderly residents be conducted.

Section 18. (1) There is hereby created the Florida Task Force on Pharmaceutical Assistance to the Elderly to be composed of seven members as follows:

(a) Three persons appointed by the Governor, including a pharmacist licensed under chapter 465, Florida Statutes, who has been engaged in the practice of the profession of pharmacy in this state for the 4 years prior to the date of appointment and a person who is a member of an organization the primary purpose of which is advocating for health and social services for the elderly.

(b) One member of the Senate and a physician licensed under chapter 458 or chapter 459, Florida Statutes, who has experience in the provision of services to the medically underserved, both to be appointed by the President of the Senate.

(c) One member of the House of Representatives and a representative of the pharmaceutical industry who has extensive knowledge of the provision of health care for the elderly, both to be appointed by the Speaker of the House of Representatives.

Appointments shall be made no later than August 1, 1991, by which date the Governor, the President of the Senate, and the Speaker of the House of Representatives shall jointly agree upon a chairman and a vice chairman.

(2) The task force shall be assigned to the Department of Health and Rehabilitative Services for administrative purposes and, therefore, administrative and staff support for the task force shall be provided primarily by the department; however, staff of the Governor, the Senate, and the House of Representatives may also contribute support to the task force, as needed.

(3) The task force shall, by December 15, 1991, submit its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the following issues relating to the Pharmaceutical Assistance to the Elderly Program:

(a) The eligibility criteria that should be established for the program.

(b) Potential sources of funding for the program.

(c) The formulary establishing the prescribed drugs that should be covered by the program.

(d) The number, age, and county of residence of elderly persons who may be eligible for the program.

(e) The projected expenditures of the program.

(f) The financial benefits that would be derived from the program.

(g) Program limitations and exclusions, including recommendations regarding the use of brand name and generic drugs.

(h) The amount of copayments that should be required of participants in the program.

(i) Requirements that should be imposed to ensure that abuse of the program by participants and health care providers is minimized.

(4) Members of the task force shall serve without compensation, but shall be entitled to reimbursement for per diem and travel expenses while engaging in activities directly associated with the task force as provided in section 112.061, Florida Statutes.

(Renumber subsequent section.)

Amendment 8—In title, on page 1, line 23, following the semicolon (;) insert: providing legislative findings and intent; creating the Florida Task Force on Pharmaceutical Assistance to the Elderly; specifying members to serve on the task force; assigning the task force to the Department of Health and Rehabilitative Services for administrative purposes and providing for other staff support; directing the task force to submit recommendations by a specified date;

CS for CS for SB 1820

Senator Jenne moved the following amendments which were adopted:

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

Section 1. Present subsection (19) of section 163.514, Florida Statutes, is renumbered as subsection (20), and a new subsection (19) is added to that section, to read:

163.514 Powers of neighborhood improvement districts.—Unless prohibited by ordinance, the board of any district shall be empowered to:

(19)(a) Subject to referendum approval, make and collect special assessments pursuant to ss. 197.3632 and 197.3635 to pay for improvements to the district and for the reasonable expenses of operating the district, including the payment of expenses included in the district's budget, subject to an affirmative vote by a majority of the registered voters residing in the district. Such assessments shall not exceed $500 for each individual parcel of land per year. Notwithstanding the provisions of s. 101.6102, the referendum to approve the special assessment shall be by mail ballot.

Any election costs, as defined in s. 97.021, associated with a referendum to approve a special assessment shall be paid by the district for which the referendum is held.

(b) In order to implement this subsection, the municipal clerk or the supervisor of elections, whichever is appropriate, shall compile a list of the names and last known addresses of the electors in the neighborhood improvement district from the list of registered voters of the county as of the last day of the preceding month. The same shall constitute the registration list for the purposes of a referendum. Within 45 days after compilation of the voter registration list, the municipal clerk or the supervisor of elections shall notify each elector of the general provisions of this section, including the taxing authority and the date of the upcoming referendum. Notification shall be by United States mail and, in addition thereto, by publication one time in a newspaper of general circulation in the county or municipality in which the district is located.

(c) Any resident of the district whose name does not appear on the list compiled pursuant to paragraph (b) may register to vote as provided by law. The registration list shall remain open for 75 days after the notification required in paragraph (b).

(d) Within 15 days after the closing of registration, the municipal clerk or the supervisor of elections shall send a ballot to each elector at his last known mailing address by first-class United States mail. The ballot shall include:

1. A description of the general provisions of this section applicable to the neighborhood improvement district; and

2. Immediately following said information, the following:

"Do you favor the imposition of a special assessment of not greater than $500 for each individual parcel of land per year to pay for the expenses of operating the neighborhood improvement district?

.....Yes, for the special assessment.

.....No, against the special assessment."

(e) Ballots shall be returned by United States mail or by personal delivery.

(f) All ballots received within 60 days after the closing of registration shall be tabulated by the municipal clerk or the supervisor of elections, who shall certify the results thereof to the municipal governing body or county commission no later than 5 days after said 60-day period.

Section 2. Provisions of this act prevail over any conflicting provisions of CS for CS for CS for HB 827 enacted during the 1991 regular session.

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

Amendment 2—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to neighborhood improvement districts; amending s. 163.514, F.S.; authorizing neighborhood improvement districts to make and collect special assessments; requiring referendum approval and providing requirements with respect thereto; providing that this act prevails over certain conflicting provisions; providing an effective date.

CS for SB 1898

Senator Meek moved the following amendments which were adopted:

Amendment 1—On page 2, line 4, after "*county*" insert: *, as defined in s. 125.011(1),*

Amendment 2—On page 2, strike all of lines 6 and 7 and insert: *discretionary health care surtax, pursuant to an ordinance either approved by an extraordinary vote of the governing body or conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum. For the*

Amendment 3—In title, on page 1, strike line 5 and insert: care surtax, pursuant to ordinance approved by an extraordinary majority of the governing body or pursuant to referendum; providing

Amendment 4—On page 1, line 14, insert:

Section 1. Subsection (5) of section 154.01, Florida Statutes, is amended to read:

154.01 Public health unit delivery system.—

(5) In order to provide for the effective delivery of health services in keeping with expanding needs or modernization, the Legislature may authorize funding for construction or expansion projects to public health units *or other nonprofit primary health care providers who are under contract with the department.* . The department shall submit a list of construction or expansion needs arranged in order of priority to the Legislature in conjunction with each biennial budget request. The priority list shall be based on the following criteria:

(a) The capacity of the health facility to efficiently provide the full set of authorized services for the number of patients who can be served with available funds;

(b) The capacity of the health facility to meet the anticipated growth in demand for service over the next 10 years; and

(c) The adequacy of the facility to ensure patient and staff safety, provide privacy during eligibility determination and examination, and enable an efficient movement of patients through service areas.

Section 2. The Department of Health and Rehabilitative Services may conduct studies concerning the epidemiology of health risk associated with electromagnetic radiation, such as cancer, leukemia, and other diseases. Until scientific agreement occurs about the effect of such radiation, the public is advised and should make prudent decisions concerning its exposure to such radiation in the workplace and throughout their private endeavors. Every effort shall be made to mitigate such exposure in an effort to protect the public health.

(Renumber subsequent sections.)

Amendment 5—In title, on page 1, strike all of lines 2 and 3 and insert: amending s. 154.01, F.S.; authorizing funding for nonprofit primary health care providers under contract with the Department of Health and Rehabilitative Services; authorizing the department to conduct studies concerning certain health risks;

Amendment 6—On page 2, lines 28 and 29, strike "*total county budget*" and insert: *county's general revenues*

Senator Thurman moved the following amendments which were adopted:

Amendment 7—On page 3, between lines 9 and 10, insert:

Section 2. Legislative findings and intent.—The Legislature recognizes that elderly persons have a higher rate of prescription use and that they spend proportionately more of their income on prescription drugs than does the population in general. It is further recognized that Medicare does not cover the cost of prescribed drugs unless they are dispensed in an institutional setting. Many of Florida's elderly residents are forced to go without medications upon which maintenance of their health depends. This results in the deterioration of health, a loss of independence, and medical expenses that can deplete financial resources. Recognizing that Florida benefits from the self-sufficiency of its elderly residents, the Legislature intends that a study of the benefits and costs associated with a program of pharmaceutical assistance to elderly residents be conducted.

Section 3. (1) There is hereby created the Florida Task Force on Pharmaceutical Assistance to the Elderly to be composed of seven members as follows:

(a) Three persons appointed by the Governor, including a pharmacist licensed under chapter 465, Florida Statutes, who has been engaged in the practice of the profession of pharmacy in this state for the 4 years prior to the date of appointment and a person who is a member of an organization the primary purpose of which is advocating for health and social services for the elderly.

(b) One member of the Senate and a physician licensed under chapter 458 or chapter 459, Florida Statutes, who has experience in the provision of services to the medically underserved, both to be appointed by the President of the Senate.

(c) One member of the House of Representatives and a representative of the pharmaceutical industry who has extensive knowledge of the provision of health care for the elderly, both to be appointed by the Speaker of the House of Representatives.

Appointments shall be made no later than August 1, 1991, by which date the Governor, the President of the Senate, and the Speaker of the House of Representatives shall jointly agree upon a chairman and a vice chairman.

(2) The task force shall be assigned to the Department of Health and Rehabilitative Services for administrative purposes and, therefore, administrative and staff support for the task force shall be provided primarily by the department; however, staff of the Governor, the Senate, and the House of Representatives may also contribute support to the task force, as needed.

(3) The task force shall, by December 15, 1991, submit its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the following issues relating to the Pharmaceutical Assistance to the Elderly Program:

(a) The eligibility criteria that should be established for the program.

(b) Potential sources of funding for the program.

(c) The formulary establishing the prescribed drugs that should be covered by the program.

(d) The number, age, and county of residence of elderly persons who may be eligible for the program.

(e) The projected expenditures of the program.

(f) The financial benefits that would be derived from the program.

(g) Program limitations and exclusions, including recommendations regarding the use of brand name and generic drugs.

(h) The amount of copayments that should be required of participants in the program.

(i) Requirements that should be imposed to ensure that abuse of the program by participants and health care providers is minimized.

(4) Members of the task force shall serve without compensation, but shall be entitled to reimbursement for per diem and travel expenses while engaging in activities directly associated with the task force as provided in section 112.061, Florida Statutes.

(Renumber subsequent section.)

Amendment 8—In title, on page 1, line 11, following the semicolon (;) insert: providing legislative findings and intent; creating the Florida Task Force on Pharmaceutical Assistance to the Elderly; specifying members to serve on the task force; assigning the task force to the Department of Health and Rehabilitative Services for administrative purposes and providing for other staff support; directing the task force to submit recommendations by a specified date;

Senator Jenne moved the following amendments which were adopted:

Amendment 9—On page 3, between lines 9 and 10, insert:

Section 2. Paragraph (l) of subsection (3) of section 125.0104, Florida Statutes, 1990 Supplement, is amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(l) In addition to any other tax which is imposed pursuant to this section, a county may impose up to an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by majority vote of the governing board of the county in order to pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility *or a motorsport racing or testing facility, or construction of tourist-oriented capital facilities for sports, recreation, or cultural activities in the unincorporated areas of the county.* The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section, and the provisions of paragraphs (4)(a) through (d), shall not apply to the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

Section 3. Subsection (6) of section 288.1162, Florida Statutes, is amended to read:

288.1162 Professional sports franchises; duty of Department of Commerce; procedure.—

(6) For any county which imposes a tax under the authority of s. 125.0104(3)(l) *for a professional sports franchise facility*, the provisions of this section, s. 288.1161, and ss. 288.1164-288.1167 shall not apply, unless such county also applies for funding in the form of direct state aid pursuant to this section.

Section 4. Paragraph (b) of subsection (4) of section 212.0305, Florida Statutes, 1990 Supplement, is amended to read:

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(4) AUTHORIZATION TO LEVY; USE OF PROCEEDS; OTHER REQUIREMENTS.—

(b) Charter county levy for convention development.—

1. Each county, as defined in s. 125.011(1), may impose, pursuant to an ordinance enacted by the governing body of the county, a levy on the exercise within its boundaries of the taxable privilege of leasing or letting transient rental accommodations described in subsection (3) at the rate of 3 percent of the total consideration charged therefor. The proceeds of this levy shall be known as the charter county convention development tax.

2. All charter county convention development moneys, including any interest accrued thereon, received by a county imposing the levy shall be used as follows:

a. Two-thirds of the proceeds shall be used to extend, enlarge, and improve the largest existing publicly owned convention center in the county.

b. One-third of the proceeds shall be used to construct a new multipurpose convention/coliseum/exhibition center/stadium or the maximum components thereof as funds permit in the most populous municipality in the county.

c. After the completion of any project under sub-subparagraph a., the tax revenues and interest accrued under sub-subparagraph a. may be used to acquire, construct, extend, enlarge, remodel, repair, improve, plan for, operate, manage, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, or auditoriums, and may be used to acquire and construct an intercity light rail transportation system as described in the Light Rail Transit System Status Report to the Legislature dated April 1988, which shall provide a means to transport persons to and from the largest existing publicly owned convention center in the county and the hotels north of the convention center and to and from the downtown area of the most populous municipality in the county as determined by the county.

d. After completion of any project under sub-subparagraph b., the tax revenues and interest accrued under sub-subparagraph b. may be used to acquire, construct, extend, enlarge, remodel, repair, improve, operate, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, or auditoriums in the most populous municipality in the county as determined by the county.

e. For the purposes of completion of any project pursuant to this paragraph, tax revenues and interest accrued may be used:

(I) As collateral, pledged, or hypothecated for projects authorized by this paragraph, including bonds issued in connection therewith; or

(II) As a pledge or capital contribution in conjunction with a partnership, joint venture, or other business arrangement between a municipality and one or more business entities for projects authorized by this paragraph.

3. The governing body of each municipality in which a municipal tourist tax is levied may adopt a resolution prohibiting imposition of the charter county convention development levy within such municipality. If the governing body adopts such a resolution, the convention development levy shall be imposed by the county in all other areas of the county except such municipality. No funds collected pursuant to this paragraph may be expended in a municipality which has adopted such a resolution.

4.*a.* Before the county enacts an ordinance imposing the levy, the county shall notify the governing body of each municipality in which

projects are to be developed pursuant to sub-subparagraph 2.a. or sub-subparagraph 2.b. The governing bodies of such municipalities shall designate or appoint an authority that shall have the sole power to approve the concept, location, program, and design of the facilities or improvements to be built in accordance with this paragraph and to administer and disburse such proceeds and any other related source of revenue. The members of each such authority shall be selected from the tourism and hospitality industry that does business within such municipality and shall serve at the pleasure of the governing body of such municipality. The annual budget of such authority shall be subject to approval of the governing body of the municipality.

b. The authority, by resolution to be adopted from time to time, may invest and reinvest the proceeds from the convention development tax and any other revenues generated by the authority in the same manner that the municipality in which the authority is located may invest surplus funds.

5. The charter county convention development levy shall be in addition to any other levy imposed pursuant to this section.

6. A certified copy of the ordinance imposing the levy shall be furnished by the county to the department within 10 days after approval of such ordinance. The effective date of imposition of the levy shall be the first day of any month at least 60 days after enactment of the ordinance.

7. Revenues collected pursuant to this paragraph shall be deposited in a convention development trust fund, which shall be established by the county as a condition precedent to receipt of such funds.

(Renumber subsequent section.)

Amendment 10—In title, on page 1, strike all of lines 1-3 and insert: A bill to be entitled An act relating to taxation; amending s. 125.0104, F.S.; revising provisions which authorize the levy of an additional tax to pay debt service on bonds for the construction or renovation of a professional sports franchise facility, to provide for use of the tax for such debt service for a motorsport racing or testing facility or for construction of tourist-oriented capital facilities; amending s. 288.1162, F.S., to conform; amending s. 212.0305, F.S.; allowing an authority to invest and reinvest tax proceeds in the same manner that the municipality in which the authority is located may invest surplus funds;

Senator Diaz-Balart moved the following amendments which were adopted:

Amendment 11—On page 1, line 16, after "Supplement," insert: and subsection (1) of that section is amended

Amendment 12—On page 1, between lines 29 and 30, insert:

(1) CHARTER COUNTY *TRANSPORTATION* ~~TRANSIT~~ SYSTEM SURTAX.—

(a) Each charter county which adopted a charter prior to June 1, 1976, and each county the government of which is consolidated with that of one or more municipalities, may levy a discretionary sales surtax, *and shall create a trust fund to receive the proceeds of the discretionary sales surtax:*

1. Pursuant to ordinance enacted by a majority of the members of the county governing authority and approved ~~subject to approval~~ by a majority vote of the electorate of the county*; or.*

2. Pursuant to a charter amendment approved by a majority vote of the electorate of the county pursuant to law.

(b) The rate shall be up to 1 percent.

(c) The proposal to adopt a discretionary sales surtax as provided in this subsection and to create a ~~rapid transit~~ trust fund within the county accounts shall be placed on the ballot in accordance with law at a time to be set at the discretion of the governing body.

(d) Proceeds from the surtax shall be:

1. Deposited by the county in the ~~rapid transit~~ trust fund and shall be used only for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, and related costs of a fixed guideway rapid transit system; ~~or~~

2. Remitted by the governing body of the county to an expressway or transportation authority *or deposited by the county in a trust fund* created by law to be used, at the discretion of *the governing body of the county, the authority, or the trust* ~~such authority~~, for the development, construction, operation, or maintenance of roads or bridges in the county, for the operation and maintenance of a bus system, ~~or~~ for the payment of principal and interest on existing bonds issued for the construction of such *fixed guideway rapid transit system,* roads or bridges, and, upon approval by the county commission, such proceeds may be pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges *or such fixed guideway rapid transit systems; or.*

3. Allocated for any combination of the options identified in subparagraphs 1. and 2.

Amendment 13—In title, on page 1, line 3, after the second semicolon (;) insert: renaming the charter county transit system surtax as the charter county transportation system surtax; providing for the levy of such surtax by ordinance approved by the electorate, or by charter amendment approved by the electorate; creating a trust fund for the deposit of proceeds from the surtax; revising uses of the proceeds from the surtax;

SB 1910

Senator Plummer moved the following amendment which was adopted:

Amendment 1—On page 1, strike all of lines 15-19 and insert:

(4) HARVESTING OF MULLET.—In the region west of the Ochlockonee River, mullet

Senator Plummer moved the following amendment:

Amendment 2—In title, on page 1, strike all of lines 2-5 and insert: An act relating to ocean resources; amending s. 370.011, F.S.; limiting the periods in

Amendment 2 was ruled out of order on a point of order.

Senator Plummer moved the following amendment which was adopted:

Amendment 3—In title, on page 1, strike all of lines 2-5 and insert: An act relating to Saltwater Fisheries; amending s. 370.011, F.S.; limiting the periods in

Senator Kiser moved the following amendment which was adopted:

Amendment 4—On page 1, between lines 21 and 22, insert:

(5) No person shall use any gill or trammel net to harvest or attempt to harvest mullet in any residential, manmade saltwater canal.

CS for SB 2120

Senator Meek moved the following amendments which were adopted:

Amendment 1—On page 1, line 26, strike everything after the enacting clause and insert:

Section 1. Present subsection (9) of section 11.42, Florida Statutes, is renumbered as subsection (10), and a new subsection (9) is added to that section, to read:

11.42 The Auditor General.—

(9) When authorized to audit the administrative services functions of any state agency, the Auditor General shall include, as a part of that review, a statement regarding agency compliance with the minority business enterprise procurement goals set forth in s. 287.042.

Section 2. Subsection (1) of section 24.113, Florida Statutes, is amended to read:

24.113 Minority participation.—

(1) It is the intent of the Legislature that the department encourage participation by minority business enterprises as defined in s. 288.703. Accordingly, 15 percent of the ~~total number of all~~ retailers ~~and vendors taken together~~ shall be minority business enterprises as defined in s. 288.703(2); however, no more than 35 percent of such retailers ~~or vendors~~ shall be owned by the same type of minority person, as defined in s. 288.703(3). *The department is encouraged to meet the minority business enterprise procurement goals set forth in s. 287.042 in the procurement of commodities, contractual services, construction, and architectural and engineering services.* This section shall not preclude or prohibit a minority person from competing for any other retailing or vending agreement awarded by the department.

Section 3. Subsection (5) of section 215.422, Florida Statutes, is amended to read:

215.422 Warrants, vouchers, and invoices; processing time limits; dispute resolution; agency compliance.—

(5) All purchasing agreements between a state agency and a vendor, applicable to this section, shall include a statement of the vendor's rights and the state's responsibilities under this section. *The vendor's rights shall include being provided with the name and telephone number of the vendor ombudsman within the Department of Banking and Finance, which information shall also be placed on all agency purchase orders.*

Section 4. Paragraph (a) of subsection (1) of section 255.05, Florida Statutes, 1990 Supplement, is amended to read:

255.05 Bond of contractor constructing public buildings; form; action by materialmen.—

(1)(a) Any person entering into a formal contract with the state or any county, city, or political subdivision thereof, or other public authority, for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work shall be required, before commencing the work, to execute, deliver to the public owner, and record in the public records of the county where the improvement is located, a payment and performance bond with a surety insurer authorized to do business in this state as surety. The bond must state the name and principal business address of both the principal and the surety and must contain a description of the project sufficient to identify it. Such bond shall be conditioned that the contractor perform the contract in the time and manner prescribed in the contract and promptly make payments to all persons defined in s. 713.01 whose claims derive directly or indirectly from the prosecution of the work provided for in the contract. Any claimant may apply to the governmental entity having charge of the work for copies of the contract and bond and shall thereupon be furnished with a certified copy of the contract and bond. The claimant shall have a right of action against the contractor and surety for the amount due him. Such action shall not involve the public authority in any expense. When such work is done for the state and the contract is for $100,000 or less, no payment and performance bond shall be required. At the discretion of the official or board awarding such contract when such work is done for any county, city, political subdivision, or public authority, any person entering into such a contract which is for $200,000 or less may be exempted from executing the payment and performance bond. When such work is done for the state, the director of the Department of General Services may delegate to state agencies the authority to exempt any person entering into such a contract amounting to more than $100,000 but less than $200,000 from executing the payment and performance bond. In the event such exemption is granted, the officer or officials shall not be personally liable to persons suffering loss because of granting such exemption. *The Department of General Services shall compile an annual report that lists the number of requests by state agencies for delegation of authority to waive the bond requirements by agency and project number and states whether any request for delegation was denied and the justification for the denial. The report shall be submitted no later than February 1 to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Majority and Minority Leaders of the Senate and the House of Representatives, and the Small and Minority Business Advisory Council.*

Section 5. Paragraphs (b) and (f) of subsection (4) and subsection (15) of section 287.042, Florida Statutes, 1990 Supplement, are amended to read:

287.042 Powers, duties, and functions.—The division shall have the following powers, duties, and functions:

(4) To establish a system of coordinated, uniform procurement policies, procedures, and practices to be used by agencies in acquiring commodities and contractual services, which shall include, but not be limited to:

(b) Development of procedures for the releasing of requests for proposals and invitations to bid, which procedures shall include, but not be limited to, publication in the Florida Administrative Weekly of notice for requests for proposals at least 28 days before the date set for submittal of proposals and publication of notice for invitations to bid at least 10 *calendar* days before the date set for submission of bids. Upon written request of the agency, the division may waive the requirement for notice in the Florida Administrative Weekly. Notice of the request for proposals shall be mailed to prospective offerors at least 28 calendar days prior to the date for submittal of proposals. Notice of the invitation to bid shall be mailed to prospective bidders at least 10 calendar days prior to the date set for submittal of bids.

(f)*1.* Development of procedures to be used by an agency in identifying commodities, contractual services, *architectural and engineering services,* and construction contracts, except those construction contracts subject to the provisions of chapter 339, that could be provided by minority business enterprises. Each agency is encouraged to spend *21 percent of the moneys actually expended for construction contracts, 25 percent of the moneys actually expended for architectural and engineering contracts, 24 percent of the moneys actually expended for commodities, and 50.5 percent of the moneys actually expended for contractual services* ~~15 percent of the moneys actually expended for commodities, contractual services, and construction~~ during the previous fiscal year and reported to the Legislature pursuant to s. 216.023, for the purpose of entering into contracts with certified minority business enterprises as defined in s. 288.703(2). *However, in the event of budget reductions pursuant to s. 216.221, the base amounts may be adjusted to reflect such reductions. The overall spending goal for each industry category shall be subdivided as follows:*

a. For construction contracts: 4 percent for black Americans, 6 percent for Hispanic Americans, and 11 percent for American women.

b. For architectural and engineering contracts: 9 percent for Hispanic Americans, 1 percent for Asian Americans, and 15 percent for American women.

c. For commodities: 2 percent for black Americans, 4 percent for Hispanic Americans, 0.5 percent for Asian Americans, 0.5 percent for native Americans, and 17 percent for American women.

d. For contractual services: 6 percent for black Americans, 7 percent for Hispanic Americans, 1 percent for Asian Americans, 0.5 percent for native Americans, and 36 percent for American women.

2. For the purposes of commodities contracts for the purchase of equipment to be used in the construction and maintenance of state transportation facilities involving the Department of Transportation, "minority business enterprise" means any business concern which is organized to engage in commercial transactions, which is domiciled in this state, and which is at least 51 percent controlled by minority persons and the management and daily operations of which are controlled by such persons. "Minority person" has the same meaning as in s. 288.703(3). *In order to ensure that the goals established under this paragraph for contracting with certified minority business enterprises are met, the division shall make recommendations to the Legislature on revisions to the goals, based on an updated statistical analysis, at least once every 5 years. Such recommendations shall be based on statistical data indicating the availability of and disparity in the use of minority businesses contracting with the state. The results of the first updated disparity study must be presented to the Legislature no later than December 1, 1995.*

3. In determining the base amounts for assessing compliance with this paragraph, the Minority Business Enterprise Assistance Office within the Department of General Services shall develop by rule guidelines for all agencies to use in establishing such base amounts. These rules must include, but are not limited to, a deadline for the agencies to submit base amounts, a deadline for approval of the base amounts by the Minority Business Enterprise Assistance Office, and procedures for adjusting the base amounts as a result of budget reductions made pursuant to s. 216.221.

(15)(a) To establish a system to record and measure the use of certified minority business enterprises in state contracting. This system shall maintain information and statistics on certified minority business enterprise participation, awards, dollar volume of expenditures and agency goals, and other appropriate types of information to analyze progress in the access of certified minority business enterprises to state contracts and to monitor agency compliance with this section. *Such reporting must include, but is not limited to, the identification of all subcontracts in state contracting by dollar amount and by number of subcontracts and the identification of the utilization of certified minority business enterprises as prime contractors and subcontractors by dollar amounts of contracts and subcontracts, number of contracts and subcontracts, minority status, and industry.* Agencies shall report their compliance with the requirements of this reporting system at least annually and at

the request of the division. All agencies shall cooperate with the division in establishing this reporting system. *Except in construction contracting, all agencies shall, when practical, break contracts into logically smaller components within a larger contract or, notwithstanding s. 287.057(8), into multiple smaller contracts to encourage minority participation, and such activity shall be reported to the division at least annually.*

(b) To report agency compliance with the provisions of paragraph (a) for the preceding fiscal year to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Small and Minority Business Advisory Council on or before February 1 of each year. *The report must contain, at a minimum, the following:*

1. The dollar amount and percentage of contracts awarded to certified minority business enterprises by each state agency.

2. The dollar amount and percentage of contracts awarded indirectly to certified minority business enterprises as subcontractors by each state agency.

3. The total dollar amount and percentage of contracts awarded to certified minority business enterprises, whether directly or indirectly, as subcontractors.

4. A statement of good faith efforts taken by each state agency.

5. A status report of agency compliance with s. 287.0947, as determined by the Minority Business Enterprise Office.

Section 6. Each port authority, as defined in section 315.02, Florida Statutes; expressway and bridge authority, as created by chapter 348, Florida Statutes; transportation authority, as created by chapter 163, Florida Statutes; and water management district, as created in chapter 373, Florida Statutes, is encouraged to contract for, or conduct, a study concerning discrimination against the minority groups defined in section 288.703, Florida Statutes, in its procurement and contracting process.

Section 7. Paragraph (d) of subsection (3) of section 287.055, Florida Statutes, 1990 Supplement, is amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or land-surveying services; definitions; procedures; contingent fees prohibited; penalties.—

(3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—

(d) Each agency shall adopt administrative procedures for the evaluation of professional services, including, but not limited to, capabilities, adequacy of personnel, past record, experience, whether the firm is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985, and such other factors as may be determined by the agency to be applicable to its particular requirements. When securing professional services, an agency shall endeavor to meet the minority business enterprise procurement *goals* ~~goal~~ set forth in s. 287.042.

Section 8. Subsections (6) and (7) of section 287.057, Florida Statutes, 1990 Supplement, are amended to read:

287.057 Procurement of commodities or contractual services.—

(6) In order to strive to meet the minority business enterprise *procurement* goals set forth in s. 287.042, an agency may reserve any contract for competitive sealed bidding only among certified minority business enterprises. Agencies shall review all their contracts each fiscal year and shall determine which contracts may be reserved for bidding only among certified minority business enterprises. This reservation may only be used when it is determined before the invitation to bid that there are capable, qualified certified minority business enterprises available to bid on a contract to provide for effective competition. Before a contract may be reserved for bidding only by certified minority business enterprises, the agency head must find that such a reservation is in the best interests of the state. Once a decision has been made to reserve a contract, but before sealed bids are requested, the agency shall estimate what it expects the amount of the contract to be, based on the nature of the services or commodities involved and their value under prevailing market conditions. If all the sealed bids received are over this estimate, the agency may reject the bids and request new ones from certified minority business enterprises, or the agency may reject the bids and reopen the bidding to all eligible qualified bidders.

(7) An agency may reserve any contract for competitive sealed bidding only among qualified bidders who agree to utilize certified minority *business* enterprises as subcontractors or subvendors. The percentage of funds which must be expended with certified minority business enterprise subcontractors and subvendors shall be determined by the agency before such contracts may be reserved~~, but may not be below 15 percent~~. In order to bid on a contract so reserved, the qualified bidder shall identify those certified minority business enterprises which will be utilized as subcontractors or subvendors.

Section 9. Subsection (1) of section 287.0585, Florida Statutes, is amended to read:

287.0585 Late payments by contractors to subcontractors and suppliers; penalty.—

(1) When a contractor receives from a state agency any payment for contractual services, commodities, ~~or~~ supplies, *or construction contracts, except those construction contracts subject to the provisions of chapter 339,* the contractor shall pay such moneys received to each subcontractor and supplier in proportion to the percentage of work completed by each subcontractor and supplier at the time of receipt of the payment. If the contractor receives less than full payment, then the contractor shall be required to disburse only the funds received on a pro rata basis with the contractor, subcontractors, and suppliers, each receiving a prorated portion based on the amount due on the payment. If the contractor without reasonable cause fails to make payments required by this section to subcontractors and suppliers within 7 working days after the receipt by the contractor of full or partial payment, the contractor shall pay to the subcontractors and suppliers a penalty in the amount of one-half of 1 percent of the amount due, per day, from the expiration of the period allowed herein for payment. Such penalty shall be in addition to actual payments owed and shall not exceed 15 percent of the outstanding balance due. In addition to other fines or penalties, a person found not in compliance with any provision of this subsection may be ordered by the court to make restitution for attorney's fees and all related costs to the aggrieved party or the Department of Legal Affairs when it provides legal assistance pursuant to this section. The Department of Legal Affairs may provide legal assistance to subcontractors or vendors in proceedings brought against contractors under the provisions of this section.

Section 10. Section 287.0935, Florida Statutes, is amended to read:

287.0935 Surety bond insurers.—*When the contract amount of a project does not exceed $500,000 and when public funds are utilized for the project, a person, the state, or a political subdivision shall not refuse, as surety for the project, bid bonds, performance bonds, labor and materials payment bonds, or any other surety bonds which are issued by a surety company which fulfills each of the following provisions:*

(1) the surety company is licensed to due business in the state of Florida;

(2) the surety company holds ~~No surety bond issued by an insurer holding~~ a certificate of authority authorizing it to write surety bonds in this state*;* ~~shall be refused by any person or by the state or any political subdivision thereof requiring a surety bond on any project for which the bond requirement does not exceed $500,000 and for which public funds are utilized, if the insurer~~

(3) the surety company has twice the minimum surplus and capital required by the Florida Insurance Code at the time the invitation to bid is issued*;*

(4) the surety company, ~~if the insurer~~ is otherwise in compliance with the provisions of the Florida Insurance Code*; and*

(5) the surety company, ~~and if the insurer~~ holds a currently valid certificate of authority issued by the United States Department of the Treasury under ss. 31 U.S.C. 9304-9308.

Section 11. Subsections (1) and (3) of section 287.0943, Florida Statutes, 1990 Supplement, are amended, and subsection (12) is added to that section, to read:

287.0943 Certification of minority business enterprises.—

(1) The Department of General Services shall certify minority business enterprises, as defined in s. 288.703, and shall recertify such minority business enterprises not less than once each year. *Minority business*

enterprises must be recertified annually by affidavit. The Minority Business Enterprise Office shall perform random, onsite reviews of recertified minority business enterprises to determine whether the applicants are meeting all certification requirements. All certified minority business enterprises must be currently performing a useful business function. A "useful business function" is defined as one which results in the provision of materials, supplies, equipment, or services to customers other than state government. Acting as a conduit to transfer funds to a nonminority business does not constitute a useful business function unless it is done so in a normal industry practice. Upon certification of a minority business enterprise, the department shall notify the certified minority business enterprise in writing of obligations provided in subsection (7).

(3) The department shall maintain an up-to-date vendors list of certified minority business enterprises and shall make this list available to all agencies. The list may include information about minority business enterprises that provide legal services, auditing services, and health services. Agencies shall use this list in efforts to meet the minority business enterprise *procurement goals* ~~goal~~ set forth in s. 287.042.

(12) Local governments must accept minority business enterprises that are certified by the Department of General Services as fully certified for their respective minority business enterprise programs when such minority business enterprises fall within one of the racial or gender classifications established by the respective local governmental unit. Local governments may not revoke certification of any minority business enterprise from the local government minority business enterprise program which has been certified by the department, unless notice of the revocation is given to the department contemporaneously with notice of the revocation to the minority business enterprise.

Section 12. Section 287.0945, Florida Statutes, 1990 Supplement, is amended to read:

287.0945 Minority Business Enterprise Assistance Office; powers, duties, and functions.—

(1) The Legislature finds that *there is evidence of a systematic pattern of past and continuing racial discrimination against minority business enterprises and a disparity in the availability and use of minority business enterprises in the state procurement system. It is determined to be a compelling state interest to rectify such discrimination and disparity. Based upon statistical data profiling this discrimination, the Legislature has enacted race-conscious and gender-conscious remedial programs to ensure minority participation in the economic life of the state, in state contracts for the purchase of commodities and services, and in construction contracts.* ~~the lack of minority participation in the economy as a whole is reflected in state contracting for the purchases of commodities and services and in construction contracts.~~ The purpose and intent of this section is to *increase* ~~provide the maximum practicable opportunity for increased~~ participation by ~~the largest number of~~ minority business enterprises in the state procurement system. This purpose will be accomplished by encouraging the ~~full~~ use of ~~the largest number of existing~~ minority business enterprises and the entry of new and diversified minority business enterprises into the marketplace.

(2) The Minority Business Enterprise Assistance Office is established *as a bureau* within the *Division of Purchasing* ~~Department of General Services, reporting directly to the executive director of the department,~~ to assist minority business enterprises in becoming suppliers of commodities, services, and construction to state government.

(3) The Minority Business Enterprise Assistance Office shall have the following powers, duties, and functions:

(a) To adopt rules to determine what constitutes a "good faith effort" for purposes of state agency compliance with the ~~15 percent~~ minority business enterprise procurement *goals* ~~goal~~ set forth in s. 287.042. Factors which shall be considered by the Minority Business Enterprise Assistance Office in determining good faith effort shall include, but not be limited to:

1. Whether the agency scheduled presolicitation or prebid meetings for the purpose of informing minority business enterprises of contracting and subcontracting opportunities;

2. Whether the agency provided interested minority business enterprises or minority persons with adequate information about the plans, specifications, and requirements of contracts or the availability of jobs;

3. Whether the agency effectively used services and resources of available minority community organizations; minority contractors' groups; local, state, and federal minority business assistance offices; and other organizations that provide assistance in the recruitment and placement of minority business enterprises or minority persons; and

4. Whether the agency provided written notice to a reasonable number of minority business enterprises that their interest in contracting with the agency was being solicited in sufficient time to allow the minority business enterprises to participate effectively.

(b) To adopt rules to determine what constitutes a "good faith effort" for purposes of contractor compliance with contractual requirements relating to the use of services or commodities of a minority business enterprise under s. 287.094(2). Factors which shall be considered by the Minority Business Enterprise Assistance Office in determining whether a contractor has made good faith efforts shall include, but not be limited to:

1. Whether the contractor attended any presolicitation or prebid meetings that were scheduled by the agency to inform minority business enterprises of contracting and subcontracting opportunities;

2. Whether the contractor advertised in general circulation, trade association, and/or minority-focus media concerning the subcontracting opportunities;

3. Whether the contractor provided written notice to a reasonable number of specific minority business enterprises that their interest in the contract was being solicited in sufficient time to allow the minority business enterprises to participate effectively;

4. Whether the contractor followed up initial solicitations of interest by contacting minority business enterprises or minority persons to determine with certainty whether the minority business enterprises or minority persons were interested;

5. Whether the contractor selected portions of the work to be performed by minority business enterprises in order to increase the likelihood of meeting the minority business enterprise *procurement* goals, including, where appropriate, breaking down contracts into economically feasible units to facilitate minority business enterprise participation;

6. Whether the contractor provided interested minority business enterprises or minority persons with adequate information about the plans, specifications, and requirements of the contract or the availability of jobs;

7. Whether the contractor negotiated in good faith with interested minority business enterprises or minority persons, not rejecting minority business enterprises or minority persons as unqualified without sound reasons based on a thorough investigation of their capabilities; and

8. Whether the contractor effectively used the services of available minority community organizations; minority contractors' groups; local, state, and federal minority business assistance offices; and other organizations that provide assistance in the recruitment and placement of minority business enterprises or minority persons.

(c) To adopt rules and do all things necessary or convenient to guide all state agencies toward ~~the goal of~~ making ~~15 percent of~~ expenditures for commodities, *contractual* services, ~~and~~ construction, *and architectural and engineering services* with *certified* minority business enterprises *in accordance with the minority business enterprise procurement goals set forth in s. 287.042.*

(d) To review and comment on proposed agency rules relating to minority business enterprise procurement.

(e) To monitor the degree to which agencies procure services, commodities, and construction from minority business enterprises in conjunction with the Department of Banking and Finance as specified in s. 17.11.

(f) To receive and disseminate information relative to procurement opportunities, availability of minority business enterprises, and technical assistance.

(g) To advise agencies on methods and techniques for achieving procurement objectives.

(h) To provide a central minority business enterprise certification process which includes independent verification of status as a minority business enterprise.

(i) To refer all information on businesses suspected of misrepresenting minority status to the Department of General Services for investigation. When an investigation is completed and there is reason to believe that a violation has occurred, the Department of General Services shall refer the matter to the office of the Attorney General, Department of Legal Affairs, for prosecution.

(j) To maintain a directory of all minority business enterprises which have been certified and provide this information to any agency or business requesting it.

(k) To encourage all firms which do more than $1 million in business with the state within a 12-month period to develop, implement, and submit to this office a minority business development plan.

(l) To communicate on a monthly basis with the Small and Minority Business Advisory Council to keep the council informed on issues relating to minority enterprise procurement.

Section 13. Section 288.1167, Florida Statutes, is amended to read:

288.1167 Sports franchise contract provisions for food and beverage concession awards to minority business enterprises.—Any applicant who receives funding pursuant to the provisions of this act shall include a provision in any contract with a sports franchise facility agreeing that ~~at least 15 percent of~~ funds and facilities with respect to food and beverage and related concessions shall be awarded to minority business enterprises as defined in s. 288.703 on the same terms and conditions as the general food and beverage concessionaire *and in accordance with the minority business enterprise procurement goals set forth in s. 287.042.*

Section 14. Subsections (1) and (3) of section 288.703, Florida Statutes, are amended to read:

288.703 Definitions.—As used in this act, the following words and terms shall have the following meanings unless the content shall indicate another meaning or intent:

(1) "Small business" means an independently owned and operated business concern *that* ~~which~~ employs *50* ~~25~~ or fewer permanent full-time employees~~,~~ and *that* ~~which~~ has a net worth of not more than $1 million. As applicable to sole proprietorships, the $1 million net worth requirement shall include both personal and business investments.

(3) "Minority person" means a lawful, permanent resident of Florida who is:

(a) A black American, a person having origins in any of the black racial groups of Africa.

(b) A Hispanic American, a person of Spanish or Portuguese culture with origins in Mexico, South America, Central America, or the Caribbean, regardless of race.

(c) An Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, *including the Hawaiian Islands prior to 1778.*

(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~~.

~~(e) A native Hawaiian, a person any of whose ancestors were native of the area which consists of the Hawaiian Islands prior to 1778.~~

(e)~~(f)~~ An American woman.

~~(g) A physically disabled person, a person who has a physical impairment, defect, disease, ailment, or disability of a permanent nature which in any way limits the type of employment for which the person would otherwise be qualified.~~

Section 15. Paragraph (k) of subsection (8) of section 325.207, Florida Statutes, is amended to read:

325.207 Inspection stations; department contracts; inspection requirements; recordkeeping.—

(8) Any contract authorized under this section shall contain:

(k) A provision requiring *compliance with minority business enterprise procurement goals set forth in s. 287.042 in contracts* ~~that no less than 15 percent of all amounts expended by a contractor~~ for the construction of inspection stations *and* ~~shall be expended on minority business enterprises as defined in s. 288.703. Additionally, no less than 15 percent of all amounts expended annually by a contractor~~ for document printing costs and costs associated with the maintenance, repair, reconstruction, renovation, and expansion of inspection stations ~~shall be expended on such minority business enterprises~~. Each contractor shall submit to the department no later than March 1 of each year an affidavit certifying compliance with the provisions of this paragraph.

Section 16. Section 337.17, Florida Statutes, is amended to read:

337.17 Bid guaranty.—The department shall *only* require guaranty with each bid for a construction contract in excess of $150,000 in an amount to be specified by the department which shall not exceed 10 percent of the preliminary estimate of the cost of the work. The guaranty may, in the discretion of the bidder, be in the form of a cashier's check, bank money order, bank draft of any national or state bank, certified check, or surety bond, payable to the Governor and his successors in office. The surety on any bid bond shall be a company recognized to execute bid bonds for contracts of the Federal Government.

Section 17. (1) The Department of General Services shall review and assess the recommendations presented in the study of the availability and the use of minority business enterprises in state contracting, which was funded in item 718A of section 1 of chapter 89-253, Laws of Florida, and item 5 of section 1 of chapter 89-546, Laws of Florida. The review conducted by the department shall include, but not be limited to:

(a) An evaluation of whether the minority business enterprise goals should be mandatory;

(b) An evaluation of whether bid preferences should be provided to minority business enterprises;

(c) An evaluation of whether certification and recertification procedures should be modified;

(d) An evaluation of how the training and education of agency personnel as to minority business contracting could be improved;

(e) An analysis of methods of conducting outreach programs to minority businesses; and

(f) An evaluation of proposed methods for recording and maintaining information necessary to effectively monitor the use of minority business enterprises in state contracting.

(2) The department shall assess the measures that should be taken to allow the state to conduct, using state personnel rather than contracting with an outside vendor, future disparity studies of the use of minority business enterprises in state contracting. The department must present its recommendations, which shall include any suggested statutory modifications necessary to implement its recommendations, to the Legislature no later than December 1, 1991.

Section 18. This act shall take effect upon becoming a law.

Amendment 2—In title, on page 1, strike all of lines 1-22 and insert: A bill to be entitled An act relating to purchasing; amending s. 11.42, F.S., relating to the Auditor General; providing for an audit statement regarding agency compliance with minority business enterprise procurement goals; amending s. 24.113, F.S.; revising provisions governing minority business enterprise participation in the state lottery; providing clarifying language; amending s. 215.422, F.S.; specifying certain rights of vendors in state agency purchasing agreements; amending s. 255.05, F.S.; revising certain contractor bonding requirements; allowing state agencies to grant exemptions from payment and performance bonds, in specified circumstances; requiring specified annual reports; amending s. 287.042, F.S., relating to the powers, duties, and functions of the Division of Purchasing of the Department of General Services; revising the date of publication of notice for invitations to bid; revising percentage requirements

for procurement contracts by minority business enterprises; requiring periodic studies of the disparity between goals and practices and recommendations for revising goals; providing clarifying language with respect to determining the base amount for assessing compliance therewith; providing certain reporting requirements with respect to minority business enterprises in state contracting; providing for the breaking of contracts into smaller units or multiple smaller contracts; requiring annual reports; encouraging certain governmental entities to conduct studies; amending s. 287.055, F.S.; conforming language; amending s. 287.057, F.S., relating to procurement of commodities or contractual services; requiring annual reports; revising language relating to minority business enterprise procurement goals; amending s. 287.0585, F.S.; including construction contracts in provisions for progress payments; providing an exception; amending s. 287.0943, F.S.; providing for recertification; requiring acceptance of state certification of minority business enterprises by local governments; conforming language; amending s. 287.0935, F.S.; revising language with respect to surety bond insurers; amending s. 287.0945, F.S.; revising language relating to minority business enterprise procurement goals in provisions relating to the Minority Business Enterprise Assistance Office; amending s. 288.1167, F.S.; relating to sports franchise concession contracts; amending s. 288.703, F.S.; amending definitions of the terms "small business" and "minority person"; amending s. 325.207, F.S.; revising language relating to minority business enterprise procurement goals in provisions relating to contracts for the construction of motor vehicle emissions inspection stations; amending s. 337.17, F.S., relating to bid guaranty requirements in Department of Transportation construction contracts; requiring the Department of General Services to review and assess recommendations presented in the study of availability and use of minority business enterprises in stated contracting; providing an effective date.

AMENDMENTS TO HOUSE BILLS

CS for HB 441

Senator Meek moved the following amendments which were adopted:

Amendment 1—On page 11, strike all of lines 24 and 25 and insert: Florida Statutes, 1990 Supplement, are amended to read:

Amendment 2—On page 13, strike all of lines 1-14

Amendment 3—On page 13, lines 26-31, and on page 14, lines 1-6, strike all of said lines and insert: payment. If the

Amendment 4—On page 14, lines 30 and 31, and on page 15, lines 1-15, strike all of said lines and renumber subsequent sections.

Amendment 5—On page 15, strike line 21 and insert: *political subdivision shall not refuse, as surety for the project, bid*

Amendment 6—In title, on page 3, line 9, strike "access" and insert: assess

Amendment 7—In title, on page 2, strike all of lines 7-23 and insert: commodities or contractual services; requiring annual reports; revising language relating to minority business enterprise procurement goals; amending s. 287.0585, F.S.; including construction contracts in provisions for progress payments; providing an exception; amending s. 287.0943, F.S.; providing for recertification; requiring acceptance of state certification of minority business enterprises by local governments; conforming language; amending s. 287.0935, F.S.; revising language with respect to surety bond insurers; amending s. 287.0945,

CS for HB 663

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

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

Section 1. *(1) The creation of regional criminal justice assessment centers is hereby authorized. Each center shall be under the direction and control of a postsecondary public school, hereinafter called the "directing school," or of a criminal justice agency, hereinafter called the "directing agency," within the region.*

(2) Each center shall provide standardized evaluation of preservice candidates for all units of the local criminal justice system in the region, thereby establishing a pool of qualified candidates for criminal justice agencies throughout the region.

(3) Each center shall also provide standardized evaluation of inservice officers for all units of the local criminal justice system in the region, thereby establishing a pool of qualified officers for criminal justice agencies throughout each region.

Section 2. *As used in sections 1 through 11 of this act, the term:*

(1) "Region" means a geographic area which is no less than one county.

(2) "Participating agency" means any public county or municipal law enforcement or corrections agency that elects to use the center in its region.

Section 3. *Each center's policies shall be established by an advisory board comprised of not more than 11 members, the composition of which shall be determined by the participating agencies.*

Section 4. *(1) Each advisory board shall elect a chairman from among its members. Other offices may be created as each board finds necessary or appropriate, and any such offices shall be filled by election from the membership of the board.*

(2) Each advisory board shall meet at least once during each calendar quarter, at such other times as the board may determine, and at any time upon the call of the chairman. Each board shall recommend the adoption of rules for the transaction of its business. Based upon such recommendation, the center shall adopt procedural and substantive rules for its operation.

(3) A quorum of each advisory board shall consist of a simple majority, and no official action of the board other than declaring a recess or rescheduling a meeting may be taken unless a quorum is present. A majority vote of the members present and voting is necessary for an advisory board to act on any matter.

(4) Each center shall submit to its advisory board for approval the following:

(a) Criteria for testing, physical examination, and background investigation for criminal justice personnel.

(b) The amounts of any applicant fees charged.

(c) The amounts of any user fees charged.

(d) The annual budget for the center, including any fixed capital expenditures.

(e) The number, types, and salaries of employees employed by the center.

(f) Any other criteria or requirements for proper administration of the center.

Section 5. *Each center shall operate in the facility of, and under the day-to-day supervision of, a directing school or directing agency. The advisory board shall provide input into the selection and hiring of all employees of the center, but the employees shall be selected and employed by the center's directing school or directing agency and shall have all of the rights and privileges of other similar employees of the directing school or directing agency. All budgeting and accounting for the operations of the center shall be accomplished in accordance with the standards and procedures otherwise established for programs by the directing school or directing agency.*

Section 6. *(1) Each center shall develop, establish, and maintain a centralized information center on prospective candidates for criminal justice positions in the region served. Each center shall provide and undertake standardized screening, testing, examination, and background investigation of applicants.*

(2) Upon the request of any participating criminal justice agency in the region served, the center shall provide a list of qualified applicants for employment and report all information gathered during the testing, screening, and investigation of each applicant.

(3) Each center may make recommendations concerning uniform standards for the recruitment and testing of criminal justice personnel.

(4) Each center shall comply with local, state, and federal regulations for the hiring and promotion of minorities and women.

(5) Each center may enter into contracts and agreements to carry out its purposes. Any such contracts require approval by the advisory board and the directing school or directing agency.

(6) Those centers operating under a directing school shall not generate full-time equivalent students for the directing school as a part of the directing school's enrollment. Classes which are part of the regular program of the college to train law enforcement and correctional officers are not affected by this prohibition.

Section 7. *Upon the request of any participating criminal justice agency in its region, the center shall engage in a feasibility study to establish a qualified pool of evaluators to assess qualifications of inservice officers for purposes of determining promotions.*

Section 8. *(1) Each directing agency or school is authorized to create an account in the name of its regional assessment center within the restricted current fund at the directing school or directing agency, which account within the restricted current fund must be used exclusively for the operation and administration of the center in the county's region. Moneys deposited into the account within the restricted current fund shall consist of the following:*

(a) Applicant fees and user fees, as established by the center's advisory board for use of the services of the center by prospective employees and participating criminal justice agencies in each region.

(b) Such donations and grants as the center may receive.

No funds may be transferred from the general current fund, the auxiliary fund, or any other restricted current fund for the operation of any center.

(2) Each directing school or directing agency shall prepare an annual budget for the operation and administration of its center. The budget for any fiscal year shall be submitted to the advisory board of the center for its consideration and approval no later than June 1 of the previous fiscal year. The total expenditures for any fiscal year may not exceed the funds available from the account within the restricted current fund described in subsection (1), and no program for the center may be approved by the advisory board unless all funds for the program are available from the account within the restricted current fund.

Section 9. *Members of advisory boards shall not receive compensation for their services but shall receive reimbursement for expenses as provided in section 112.061, Florida Statutes.*

Section 10. *Each center shall contract with an independent certified public accountant to conduct annual audits of the center. Each audit must comply with the rules of the Auditor General for fiscal audits.*

Section 11. *The Criminal Justice Standards and Training Commission may inspect and copy the documentation of independent audits conducted of the centers to ensure that candidate and inservice officer assessments have been made and that expenditures are in conformance with the requirements of sections 1 through 11 of this act and with other applicable procedures.*

Section 12. *Definitions.—As used in section 13 of this act, the term:*

(1) "Crime Stoppers" means members of the Florida Association of Crime Stoppers, Incorporated, a Florida corporation.

(2) "Department" means the Department of Legal Affairs.

(3) "Units of local government" means the various city and county governments of the state.

Section 13. *Authority and duties of the department.—*

(1) The department shall have all the powers necessary or appropriate to carry out the purposes and provisions of this act.

(2) The department shall establish a trust fund for the purpose of grant administration to fund Crime Stoppers and its crime-fighting programs within the units of a local government.

(3) The department shall make applications for all federal and state grants or private grants that meet the purposes of advancing Crime Stoppers in the state. Upon securing such grants, the funds shall be deposited in the Crime Stoppers Trust Fund. The department shall then be the disbursing authority for distribution of funding to units of local government, upon their applications to the department for funding assistance.

(4) The department shall adopt and enforce rules to implement the provisions of this section. Such rules must include, but need not be limited to:

(a) Criteria for a local government to apply for funding from the Crime Stoppers Trust Fund in order to aid its law enforcement agency.

(b) The limits of funding to be distributed to units of local government based on a pro rata share of grants made available through the Crime Stoppers Trust Fund.

(c) Provisions for the return of unused funds for redeposit in the Crime Stoppers Trust Fund if the unit of local government does not use the funds as intended within an agreed-upon time.

(d) Provisions for the coordination with appropriate governmental agencies to support and enhance efforts to train the public in crime-prevention methods and in personal safety principles, especially for citizens who live in, work at, or frequent locations having high crime rates.

Section 14. Section 812.171, Florida Statutes, 1990 Supplement, is amended to read:

812.171 Definition.—As used in this act, the term "convenience store" means any place of business that is engaged in the retail sale of groceries *or*~~, including the sale of prepared foods, and~~ gasoline ~~and services~~, that is ~~regularly~~ open for business *after 11* ~~at any time between the hours of 10~~ p.m. and *before* 5 a.m.~~, and that is attended during such hours by one employee.~~ The term "convenience store" does not include*:*

(1) A store *that* ~~which~~ is solely or primarily a restaurant~~;~~.

(2) A store that always has at least six employees on the premises when the store is open after 11 p.m. and before 5 a.m.;

(3) A store that has at least 10,000 square feet of retail floor space; or

(4) A store in which the owner or a member of his family works in the store throughout the hours of 11 p.m. to 5 a.m. ~~The term "convenience store" does not include any store in which the owner and members of his family work in the store between the hours of 10 p.m. and 5 a.m.~~

Section 15. Section 812.172, Florida Statutes, 1990 Supplement, is amended to read:

812.172 Applicability.—

~~(1)~~ The Legislature finds that the provisions of this act are most beneficial to areas where death, serious injury, or sexual battery occurs during the commission of a theft or robbery at a convenience store. *It is the intent of the Legislature that security standards for convenience stores be uniform throughout this state. A political subdivision of this state may not adopt security standards for convenience stores which differ from those contained in ss. 812.173 and 812.174, and all such differing standards, whether existing or proposed, are hereby preempted and superseded by general law. However, notwithstanding this section, any local ordinance that provides more stringent security standards for convenience stores than those contained in ss. 812.173 and 812.174 and that was enacted prior to January 1, 1992, is not preempted and superseded by general law.* ~~Each local government in which a death, serious injury, or sexual battery has occurred during the commission of a theft or robbery at a convenience store within its jurisdiction during the preceding 12 months shall adopt within 90 days an ordinance which mandates the provisions of ss. 812.173, 812.174, and 812.175. Such ordinance shall be sent within 30 days after its adoption to the Attorney General. The Attorney General shall provide notice to counties and municipalities failing to adopt the required ordinance during the specified time period of their obligation to do so under this act.~~

~~(2) For purposes of this section, the term "serious injury" means a physical condition which creates a substantial risk of death; serious personal disfigurement; or protracted loss or impairment of the function of any bodily member or organ. For the purposes of this section, the term "sexual battery" has the same meaning as described in s. 794.011.~~

Section 16. Section 812.173, Florida Statutes, 1990 Supplement, is amended to read:

812.173 Convenience store security.—Each convenience store ~~located within a jurisdiction adopting an ordinance as required by s. 812.172~~ shall:

(1) Be equipped with the following security devices:

(a) A silent alarm *to* ~~that notifies local~~ law enforcement or ~~a~~ private security ~~agency that a robbery is taking place~~.

(b) A security camera system capable of *recording and retrieving an image to assist in offender* ~~the~~ identification and apprehension *by law enforcement* ~~of a robber~~.

(c) A drop safe or cash management device *for restricted* ~~that provides minimum~~ access to ~~the facility's~~ cash ~~receipts~~.

(2) A lighted parking *lot* ~~lots~~ illuminated at an intensity of *at least* 2 foot-candles per square foot *at 18 inches above the surface* with a uniformity ratio of no more than 5 to 1 ~~at 18 inches above the surface~~.

(3) Post a conspicuous *notice* ~~sign~~ in the ~~convenience store~~ entrance ~~which states~~ that the cash register contains $50 or less.

(4) Maintain window signage *for* ~~so that there is a clear and~~ unobstructed *exterior* view of the cash register and *sales* transaction area *in a normal line of sight*.

(5) *Remove* ~~Prohibit~~ window tinting *that* ~~on the windows of the establishment if such tinting~~ reduces exterior or interior *view in a normal line of sight* ~~viewing during the hours of operation to which this act is applicable~~.

(6) Install height markers at the entrance of the establishment which display height measures ~~from the floor~~.

(7) Establish a cash management policy to limit the ~~amount of available~~ cash on hand *at all times after 11* ~~between the hours of 9~~ p.m. and *before 5* ~~6~~ a.m.

(8) Implement at least one of the following security measures:

(a) Provide at least two employees on the premises at all times after 11 p.m. and before 5 a.m.;

(b) Install for use by employees at all times after 11 p.m. and before 5 a.m. a secured safety enclosure of transparent polycarbonate or other material that meets at least one of the following minimum standards:

1. American Society for Testing and Materials Standard D3935 (classification PC110 B 3 0800700) and that has a thickness of at least 0.375" and has an impact strength of at least 200 foot pounds; or

2. Underwriters Laboratory Standard UL 752 for medium power small arms (level one), Bullet Resisting Equipment;

(c) Provide a security guard on the premises at all times after 11 p.m. and before 5 a.m.;

(d) Close the store at all times after 11 p.m. and before 5 a.m.; or

(e) Lock the store throughout the hours of 11 p.m. to 5 a.m. and only transact business through an indirect pass-through trough, trap door, or window.

Section 17. Section 812.174, Florida Statutes, 1990 Supplement, is amended to read:

812.174 Training of employees.—~~No later than June 30, 1991,~~ The owner or principal operator of a convenience store shall provide ~~proper~~ robbery deterrence and safety training to at least its employees who work *after 11* ~~between the hours of 9~~ p.m. and *before 5* ~~6~~ a.m. ~~Any~~ Proposed *curricula* ~~program of training~~ shall be submitted in writing to the Attorney General. The Attorney General shall review and approve or disapprove *the curriculum* ~~of training programs~~ in writing within 60 days after receipt ~~of a proposal describing the training to be provided~~. The state shall have no liability for approving or disapproving training *curricula* ~~programs~~ under this section. Approval shall be given to *curricula* ~~programs~~ which train and familiarize store employees with the security principles, devices, *personal safety principles,* and measures required by s. 812.173. *Disapproval* ~~Decisions~~ of *curricula* ~~the Attorney General relating to approval of training programs~~ shall be subject to the provisions of chapter 120. No person shall be liable for ordinary negligence due to implementing an approved *curriculum if* ~~training program, provided that~~ the training was actually provided.

Section 18. Section 812.175, Florida Statutes, 1990 Supplement, is amended to read:

812.175 ~~Noncompliance fees;~~ Civil fine*; enforcement; Convenience Store Security Act Trust Fund.*—~~Each local government subject to the provisions of this act shall adopt with its ordinance a noncompliance fee schedule of up to $5,000 for failure to meet the requirements of this act. If noncompliance with the ordinance is corrected within 10 days after receipt of written notice, no noncompliance fee shall be assessed. However,~~

(1) Any owner or principal operator of a convenience store who ~~willfully and deliberately~~ violates *any requirement* ~~the requirements~~ of *s. 812.173 or s. 812.174* ~~this act or who deliberately fails to initially implement the requirements of this act~~ shall be *subject to injunction,* ~~required to pay to the local government, upon complaint filed by the local government,~~ a civil fine of up to $5,000, *and enforcement costs and attorney's fees upon civil action filed by the Attorney General.*

(2) There is established in the Department of Legal Affairs a trust fund to be known as the Convenience Store Security Act Trust Fund. Moneys deposited therein shall be used by the Attorney General to enforce the provisions of this section and ss. 812.173, 812.174, and 812.175. Moneys received by the Attorney General in proceedings brought under this section shall be deposited in the trust fund.

Section 19. This act shall take effect October 1, 1991, except that sections 14 through 18 shall take effect November 1, 1991, and compliance with the revised requirements for convenience stores shall be established no later than July 1, 1992.

Senator Crotty moved the following amendment to **Amendment 1**:

Amendment 1A—On page 6, between lines 27 and 28, insert:

Section 12. Section 794.065, Florida Statutes, is amended to read:

794.065 Sexual battery against persons between the ages of 11 and 18; prohibiting gain-time.—If the victim of a sexual battery is over the age of 11 and under the age of 18 at the time the offense is committed, a person convicted of the offense is not eligible for gain-time, except The Department of Corrections may grant up to 20 days of incentive gain-time each month as provided in s. 944.275(4)(b).

(Renumber subsequent section.)

Amendments 1 and **1A** were withdrawn.

CS for HB 1027

Senator Malchon moved the following amendments which were adopted:

Amendment 1—On page 7, line 25, through page 8, line 5, strike all of said lines and renumber subsequent section.

Amendment 2—In title, on page 1, strike all of lines 14-18 and insert: bone marrow donors in the state; providing an effective date.

Amendment 3—On page 7, strike all of lines 23 and 24 and insert: conducting initial human leukocyte A and B antigen typing of certain potential bone marrow donors in the state. Such testing shall be performed by nonprofit blood banks and nonprofit organ and tissue procurement agencies. Testing entities may seek reimbursement from the Department of Health and Rehabilitative Services to recover the cost of the typing tests. To qualify for reimbursement for typing tests, test results must be accepted by the National Marrow Donor Program and the testing shall have been performed on a potential donor who would have otherwise been deterred from the testing process because of an inability to pay for the typing tests. The Department of Health and Rehabilitative Services shall adopt rules to implement this section.

Amendment 4—In title, on page 1, line 14, after the semicolon (;) insert: providing guidelines for seeking reimbursement; providing for rules;

HB 1503

Senator Kirkpatrick moved the following amendment:

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

Section 1. Section 3 of chapter 90-496, Laws of Florida, is amended to read:

Section 3. *Supplemental* ~~Preemption~~; effect of other laws.—The provisions of this act *are supplemental and in addition to* ~~preempt and supersede~~ any general or special law *relating to municipal annexation or contraction* ~~to the contrary and any local ordinance to the contrary~~. *However,* when the reserve area designations and statements of a municipality become *effective* ~~final~~, this act shall be the sole method of annexation or contraction for that municipality. *Notwithstanding any other provision of law, land may not be annexed by voluntary annexation under section 10 or section 171.044, Florida Statutes, from April 30, 1991, through October 30, 1991, in order to permit the orderly establishment of reserve areas under section 5.*

Section 2. Subsections (17) and (19) of section 4 of chapter 90-496, Laws of Florida, are amended to read:

Section 4. Definitions.—As used in this act, the following words and terms have the following meanings unless some other meaning is plainly indicated:

(17) "Urban in character" means an area used ~~intensively~~ for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes or an area undergoing development for any of these purposes, *including any parcels of land retained in their natural state or kept free of development as greenbelt areas.*

(19) "Urban services" means any services, other than electric utility services, *provided* ~~offered~~ by a municipality *on substantially the same basis and in the same manner*, either directly or by contract, to ~~any of~~ its present residents.

Section 3. Subsection (2), paragraph (b) of subsection (5), subsection (6), and subsection (7) of section 5 of chapter 90-496, Laws of Florida, are amended to read:

Section 5. Establishment of reserve areas.—

(2) Not more than *90* ~~60~~ days after each hearing, the municipality shall designate, on a map or maps, a proposed reserve area or reserve areas for itself, and the county shall designate, on a map or maps, proposed reserve areas for each of the municipalities within its boundaries. Such proposed reserve areas shall meet the criteria specified in section 6.

(5)

(b) If a municipality or the county fails to submit its proposed reserve area designation and the required accompanying statement within 7 days after the deadline for designation as required by this subsection, it waives all rights to participate in any proceedings conducted under this section for 5 years. No reserve area shall be designated for a municipality which fails to submit its proposed reserve area designation and the required accompanying statement as required by this subsection. *Accordingly, the county, or the most populous municipality which is eligible to perform the duties required by this section, is prohibited from designating a reserve area for a municipality which fails to submit its proposed reserve area designation and the required accompanying statement as required by this subsection.*

(6) The municipalities within the county and the county itself shall attempt, through informal negotiation or mediation, assisted, upon request, by the Regional Planning Council or other mediator mutually acceptable to the county and the municipality or municipalities negotiating with the county, to eliminate any conflicts or overlaps in the proposed reserve area designations, and the positions of the county and the municipalities within the county with regard to the statements required by paragraphs (7)(a), (b), (c), and (d). Such negotiations shall be completed not later than *120* ~~60~~ days following the deadline for designation of proposed reserve areas.

(7) After the informal negotiation, but not more than 90 days after the end of the *120-day* ~~60-day~~ period permitted for negotiation pursuant to subsection (6), the county shall adopt a final reserve area designation for each of the municipalities within its boundaries and shall submit copies of such designation to each municipality within its boundaries. The county shall also adopt a statement for each reserve area stating:

(a) Whether the comprehensive plan and land use regulations of the county or the municipality for which the reserve area is designated shall apply prior to its being annexed.

(b) Whether the municipality or the county shall enforce and administer the comprehensive plan and how proceeds from fines and fees charged pursuant to such enforcement will be distributed.

(c) Which services identified pursuant to this section the county shall provide and which services the municipality shall provide in the reserve area, both before and after annexation, and how these services will be financed.

(d) Any other matters related to the reserve area designation on which there is agreement.

Such statements shall include only statements on which there is agreement between the county and the municipality for which the reserve area has been designated. Prior to adopting the designation and statements pursuant to this subsection, the county shall give public notice and shall hold a public hearing. The designations of reserve areas made by the county pursuant to this subsection shall be limited to resolving any remaining areas of overlap and conflict in the initial designations made pursuant to subsections (1), (2), (3), and (4) and shall incorporate agreements made pursuant to the informal negotiations. The reserve areas designated by the county under this subsection shall be the reserve areas for the municipalities unless a municipality or affected person challenges the designation of a reserve area pursuant to subsection (8). The county shall submit copies of the final designations and statements to each municipality which has not waived its rights to participate in proceedings under this section. If the county has failed to submit a reserve area designation and statements as required under subsection (5), the most populous municipality therein which has submitted a reserve area designation and statements as required under subsection (5) shall perform the duties of the county pursuant to this subsection. If the county did designate a reserve area and submitted statements as required under subsection (5) but fails to perform the duties required by this subsection, the most populous municipality therein which is eligible to perform the duties required by this subsection shall perform such duties and the county shall have waived its rights to participate in any proceedings conducted under this section for 5 years. Any municipality failing to perform its duties as required hereunder shall have waived its rights to participate in any proceedings conducted under this section, and its right to have a reserve area designated for it, for 5 years. Failure of the county *to adopt the final reserve area designations for each of the municipalities as* ~~or municipality to perform the duties~~ required by this subsection shall extend the 90-day time limit for an additional 90 days *for the next succeeding most populous municipality.*

Section 4. Section 6 of chapter 90-496, Laws of Florida, is amended to read:

Section 6. Criteria for designating reserve areas.—Reserve areas designated for a municipality shall comply with the following criteria:

(1) Reserve areas designated for a municipality shall:

(a) Be adjacent to the municipality.

(b) Be urban in character or likely to become urban in character within the next 10 years.

(c) Be areas in which population growth should be directed so as to promote efficient delivery of *urban* services, including police, fire protection, solid waste disposal, potable water, sanitary sewer, drainage or flood control, parks and recreation, housing, street lighting, transportation and other services, and to encourage more concentrated urban development.

(2) Reserve areas designated for a municipality shall not:

(a) Contain areas outside the county in which the municipality lies, contain areas within the corporate limits of another municipality, or contain areas within another municipality's reserve area.

(b) Contain areas which could be provided with *urban* ~~the following~~ services more efficiently by *the* a county or other municipality~~: police, fire protection, solid waste disposal, potable water, sanitary sewer, drainage or flood control, parks and recreation, housing, street lighting, and transportation~~.

(c) Contain areas which cannot reasonably be foreseen to be provided with the *urban* ~~following~~ services *provided* by the municipality within the next 10 years~~: police, fire protection, solid waste disposal, potable water, sanitary sewer, drainage or flood control, parks and recreation, housing, street lighting, and transportation~~.

(d) Contain areas which the municipality cannot reasonably have the capacity or capital facilities within the next 10 years to provide, at a minimum, the level of services provided by the county to the reserve areas.

~~(3) In making designations of reserve areas, areas with respect to which there is a substantial state interest in preserving their nonurban character shall not be included unless there is a compelling local interest in including such areas, proven by clear and convincing evidence. Such areas shall include undeveloped coastal barriers and wetlands, as defined in s. 403.911(7), Florida Statutes.~~

Section 5. Section 9 of chapter 90-496, Laws of Florida, is amended to read:

Section 9. Character of the area to be annexed.—

(1) A municipal governing body may propose to annex an area only if it meets the general standards of *paragraph (a)* ~~subsection (1)~~ and the requirements of either *paragraph (b)* ~~subsection (2)~~ or *paragraph (c)* ~~subsection (3)~~.

(a)~~(1)~~ The total area to be annexed must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun and reasonably compact, and no part of the area shall be included within the boundary of another county or another incorporated municipality. No portion of the area to be annexed may be outside the reserve area of the annexing municipality. An annexation shall not create an enclave.

(b)~~(2)~~ Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

1.~~(a)~~ It has a total resident population equal to at least two persons for each acre of land included within its boundaries;

2.~~(b)~~ It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; or

3.~~(c)~~ It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size.

(c)~~(3)~~ In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of *paragraph (b)* ~~subsection (2)~~ if such area either:

1.~~(a)~~ Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; or

2.~~(b)~~ Is adjacent to, on at least 60 percent of its external boundary, any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in *paragraph (b)* ~~subsection (2)~~.

(2) The purpose of this *section* ~~subsection~~ is to permit municipal governing bodies to extend corporate limits to include all reserve areas developed for urban purposes and, where necessary, to include areas which at the time of annexation are not yet developed for urban purposes, the future probable use of which is urban and which constitute necessary land connections between the municipality and areas developed for urban purposes or between two or more areas developed for urban purposes.

(3) This section does not apply to voluntary annexations under section 10.

Section 6. Subsection (2) of section 10 of chapter 90-496, Laws of Florida, is amended to read:

Section 10. Voluntary annexation.—

(2) At least 60 days before a municipality adopts an ordinance effecting a voluntary annexation pursuant to this section *or section 171.044, Florida Statutes,* the municipality shall give the owner or owners of the real property proposed to be annexed *the* ~~a~~ report *adopted by ordinance as provided in* ~~containing the information required by~~ section 13. Within 20 days after the owner or owners receive the report, the owner or owners may withdraw their petition. If the owner or owners do not withdraw their petition, the municipality may proceed with the annexation.

Section 7. Section 12 of chapter 90-496, Laws of Florida, is repealed.

Section 8. Section 13 of chapter 90-496, Laws of Florida, is amended to read:

Section 13. Prerequisites to annexation.—

(1) Prior to commencing the annexation procedures under section 8, the governing body of the municipality shall prepare a report setting forth the plans to provide urban services to any area to be annexed, and the report shall include the following:

(a) A map or maps of the municipality and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, as required in paragraph (c), and the general land use pattern in the area to be annexed.

(b) A statement certifying that the area to be annexed meets the criteria in section 9. *For a voluntary annexation under section 10 or section 171.044, Florida Statutes, the report shall state: to what extent services to existing residents would need to be reduced within the next 5 years because of the annexation; to what extent taxes would need to be adjusted within the next 5 years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria in section 9.*

(c) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, such as those described in subsection (4) of section 5. Specifically, such plans shall:

1. Provide for extending urban services except as otherwise provided herein to the area to be annexed on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.

2. Provide for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect in such municipality for extending water and sewer lines to individual lots or subdivisions.

3. If extension of major trunk water mains and sewer mains into the area to be annexed is necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.

4. Set forth the method under which the municipality plans to finance extension of services into the area to be annexed.

(2) Prior to commencing the annexation procedures under section 8 *or section 10(3),* the governing body of the municipality shall *adopt the report by a nonemergency ordinance and* file a copy of the report required by this section with the board of county commissioners of the county ~~wherein the municipality is located~~.

Section 9. All laws or parts of laws in conflict herewith are hereby superseded to the extent of such conflict.

Section 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 11. This act shall take effect upon becoming a law and shall operate retroactively to October 1, 1990.

Senator Kirkpatrick moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A—On page 11, between lines 4 and 5, insert:

Section 9. An area that is within a municipal service taxing unit and is voluntarily annexed by a municipality under section 10 of chapter 90-496, Laws of Florida, shall remain a part of the municipal service taxing unit, shall be subject to the taxes and assessments imposed by the municipal service taxing unit, and shall receive services from the municipal service taxing unit until such time as the municipality provides services to the annexed area.

(Renumber subsequent sections.)

Amendment 1A was reconsidered and withdrawn.

Amendment 1B—On page 1, line 25, strike "*October 30, 1991,*" and insert: *July 31, 1991,*

Amendment 1C—On page 9, line 27, strike "A" and insert: *For annexation under section 8,*

Amendment 1D—On page 11, strike all of lines 13 and 14 and insert:

Section 11. This act shall take effect May 15, 1991, or upon becoming a law, whichever occurs later.

Amendment 1 as amended was adopted.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 2—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to Alachua County; amending chapter 90-496, Laws of Florida, known as the "Alachua County Boundary Adjustment Act"; providing for the effect of other laws; prohibiting voluntary annexations for a specified period; revising definitions of the term "urban in character" and the term "urban services"; extending the deadline for the designation of proposed reserve areas, and prohibiting the designation of a reserve area for any municipality which fails to perform certain duties; extending the period of time for negotiating conflicts in proposed reserve area designations; revising the criteria for designating reserve areas; providing that certain requirements do not apply to voluntary annexations; repealing section 12 of chapter 90-496, Laws of Florida, relating to annexation of certain enclaves; providing requirements for preparing and submitting reports in voluntary annexations; providing for adoption of reports by ordinance; providing for conflict; providing severability; providing an effective date to operate retroactively.

HB 2283

Senator Meek moved the following amendments which were adopted:

Amendment 1—On page 12, line 7, through page 13, line 3, strike all of said lines and insert:

Section 3. Subsections (4) and (8) of section 230.2312, Florida Statutes, 1990 Supplement, are amended to read:

230.2312 Florida Primary Education Program.—

(4) PROMOTION, EXTENSION, OR DISMISSAL.—~~Third grade students may be eligible for promotion from the Florida Primary Education Program to grade four upon satisfactory attainment of the minimum student performance standards required by s. 229.565; however, a student who has been properly classified in accordance with rules established by the state board as "mentally handicapped," "deaf," "specific learning disabled," "emotionally handicapped," or "profoundly handicapped" and who is assigned to a full time special program for such students may be exempted from this requirement. Non-English speaking children may be permitted to demonstrate mastery of skills in their native languages.~~ At the end of grade three, there shall be three alternatives provided for each student:

(a) The student ~~has met the minimum performance standards and~~ shall enter the fourth grade;

(b) The student shall continue in an extension of the program experience for no more than 1 year ~~in order to have an additional opportunity to meet the minimum performance standards of grade three~~, at which time he shall progress according to the district's student progression plan; or

(c) The student shall be referred to exceptional student education if it appears that he requires the services of exceptional student education.

(8) CLASS SIZE REPORT.—By *January* ~~March~~ 1 of each year, the Commissioner of Education shall report to the President of the Senate, the Speaker of the House of Representatives, and the State Board of Education concerning class size in the primary grades. The report shall list by district and by grade the number of classes having 25 or fewer students; for each integer greater than 25 and less than 35, the number of classes having a number of students equal to such integer; and the number of classes having 35 or more students. The number of students shall be determined according to the actual student membership per kindergarten through grade three classroom during the spring and fall count of full-time equivalent students. The report shall also list by district the number of classrooms in each grade that accommodate more than one full-time certified teacher and the number of classrooms for which a full-time aide is employed. The department shall assist districts in reporting any factors that contribute to unusual size or organization of classes in the primary grades.

Amendment 2—In title, on page 1, line 12, after the semicolon (;) insert: revising a reporting requirement;

CS for HB 2557

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Forman:

Amendment 1—On page 1, line 30, strike everything after the enacting clause and insert:

Section 1. Section 627.6482, Florida Statutes, 1990 Supplement, is amended to read:

627.6482 Definitions.—As used in ss. 627.648-627.6498, the term:

(1) "Agent" means a person who is licensed to sell health insurance in this state.

(2) "Association" means the Florida Comprehensive Health Association created in s. 627.6488.

(3) "Case management" means the specific supervision and management of the medical care provided or prescribed for a specific individual which may include the use of health care providers designated by the plan case manager.

(4) "Plan case manager" means the person or persons employed by the association to supervise and manage or coordinate with the administrator the supervision and management of the medical care provided or prescribed for a specific individual.

(5)~~(3)~~ "Board" means the board of directors of the association.

(6)~~(4)~~ "Health insurance" means any hospital and medical expense incurred policy, minimum premium plan, stop-loss coverage, health maintenance organization contract, prepaid health clinic contract, multiple-employer welfare arrangement contract, or fraternal benefit society health benefits contract, whether sold as an individual or group policy or contract. The term does not include any policy covering ~~short-term accidents only, a fixed indemnity policy, a limited benefit policy,~~ medical payment coverage or personal injury protection coverage in a motor vehicle policy, coverage issued as a supplement to liability insurance, or workers' compensation.

(7)~~(5)~~ "Insurer" means any insurance company authorized to transact health insurance in this state, any insurance company authorized to transact health insurance or casualty insurance in this state that is offering a minimum premium plan or stop-loss coverage for any person or entity providing health care benefits, health maintenance organization authorized to transact business in this state pursuant to part II of chapter 641, prepaid health clinic authorized to transact business in this state pursuant to part III of chapter 641, multiple-employer welfare arrangement authorized to transact business in this state pursuant to ss. 624.436-624.45, or fraternal benefit society providing health benefits to its members as authorized pursuant to chapter 632.

(8)~~(6)~~ "Medicare" means coverage under both parts A and B of Title XVIII of the Social Security Act, 42 U.S.C. ss. 1395 et seq., as amended.

(9)~~(7)~~ "Minimum premium plan" means an arrangement whereby the expected amount of health care claims is self-funded, but the insurance company assumes the risk that claims will exceed that amount.

(10)~~(8)~~ "Physician" means a physician licensed under chapter 458; an

osteopath licensed under chapter 459; a chiropractor licensed under chapter 460; a podiatrist licensed under chapter 461; or, for purposes of oral surgery only, a dental surgeon licensed under chapter 466.

(11)~~(9)~~ "Plan" means the comprehensive health insurance plan adopted by the association or by rule of the Department of Insurance.

(12)~~(10)~~ "Premium" means the entire cost of an insurance plan, including the administrative fee, the risk assumption charge, and, in the instance of a minimum premium plan or stop-loss coverage, the incurred claims whether or not such claims are paid directly by the insurer. "Premium" shall not include a health maintenance organization's annual earned premium revenue for Medicare and Medicaid contracts for any assessment due for calendar years 1990 and 1991. For assessments due for calendar year 1992 and subsequent years, a health maintenance organization's annual earned premium revenue for Medicare and Medicaid contracts is subject to assessments unless the department determines that the health maintenance organization has made a reasonable effort to amend its Medicare or Medicaid government contract for 1992 and subsequent years to provide reimbursement for any assessment on Medicare or Medicaid premiums paid by the health maintenance organization and the contract does not provide for such reimbursement.

(13)~~(11)~~ "Resident" means a person who is legally domiciled in this state.

(14)~~(12)~~ "Stop-loss coverage" means an arrangement whereby an insurer insures against the risk that any one claim will exceed a specific dollar amount or that an entire self-insurance plan's loss will exceed a specific amount.

Section 2. Section 627.6484, Florida Statutes, 1990 Supplement, is amended to read:

627.6484 *Termination of enrollment;* availability of other coverage.—

(1) *The association shall accept applications for insurance only until June 30, 1991, after which date no further applications may be accepted.* Upon receipt of an application for insurance, the association shall issue coverage for an eligible applicant. When appropriate, the administrator shall forward a copy of the application to a market assistance plan created by the department, which shall conduct a diligent search of the private marketplace for a carrier willing to accept the application.

(2) The department shall, after consultation with the health insurers licensed in this state, adopt a market assistance plan to assist in the placement of risks of Florida Comprehensive Health Association applicants. All health insurers and health maintenance organizations licensed in this state shall participate in the plan.

(3) Guidelines for the use of such program shall be a part of the association's plan of operation. The guidelines shall describe which types of applications are to be exempt from submission to the market assistance plan. An exemption shall be based upon a determination that due to a specific health condition an applicant is ineligible for coverage in the standard market. The guidelines shall also describe how the market assistance plan is to be conducted, and how the periodic reviews to depopulate the association are to be conducted.

(4) If a carrier is found through the market assistance plan, the individual shall ~~be given notification to~~ apply to that company. If the individual's application is accepted, association coverage shall terminate upon the effective date of the coverage with the private carrier. For the purpose of applying a preexisting condition limitation or exclusion, any carrier accepting a risk pursuant to this section shall provide coverage as if it began on the date coverage was effectuated on behalf of the association, and shall be indemnified by the association for claims costs incurred as a result of utilizing such effective date.

(5) The association shall establish a policyholder assistance program by July 1, 1991, to assist in placing eligible policyholders in other coverage programs, including Medicare and Medicaid.

Section 3. Section 627.6486, Florida Statutes, 1990 Supplement, is amended to read:

627.6486 Eligibility.—

(1) Except as provided in subsection (2), any resident of this state shall be eligible for coverage under the plan, including:

(a) The insured's spouse.

(b) Any dependent unmarried child of the insured, from the moment of birth. Subject to the provisions of s. 627.6055, such coverage shall terminate at the end of the premium period in which the child marries, ceases to be a dependent of the insured, or attains the age of 19, whichever occurs first. However, if the child is a full-time student at an accredited institution of higher learning, the coverage may continue while the child remains unmarried and a full-time student, but not beyond the premium period in which the child reaches age 23.

(c) The former spouse of the insured whose coverage would otherwise terminate because of annulment or dissolution of marriage, if the former spouse is dependent upon the insured for financial support. The former spouse shall have continued coverage and shall not be subject to waiting periods because of the change in policyholder status.

(2)(a) The board or administrator shall require verification of residency and shall require any additional information or documentation, or statements under oath, when necessary to determine residency upon initial application and for the entire term of the policy.

(b) No person who is currently eligible for health care benefits under Florida's Medicaid program is eligible for coverage under the plan unless:

1. He has an illness or disease which requires supplies or *medication* ~~services~~ which are covered by the association but are not included in the benefits provided under Florida's Medicaid program *in any form or manner;* and

2. He is not receiving health care benefits or coverage under Florida's Medicaid program.

(c) No person who is covered under the plan and terminates the coverage is again eligible for coverage ~~unless 12 months have elapsed since the person's latest termination~~.

(d) No person on whose behalf the plan has paid out $500,000 in covered benefits is eligible for coverage under the plan.

(e) The coverage of any person who ceases to meet the eligibility requirements of this section may be terminated immediately. ~~However,~~ If such person again becomes eligible for subsequent coverage under the plan, any *previous claims payments shall be applied towards the $500,000 lifetime maximum benefit and any* limitation *relating to preexisting conditions in effect at the time such person again becomes eligible shall apply to such person* ~~applicable to preexisting conditions shall be deemed waived to the extent of the period during which such person was previously covered by the plan~~. *However, no such person may again become eligible for coverage after June 30, 1991.*

(f) No person is eligible for coverage under the plan unless such person has been rejected by two insurers for coverage substantially similar to the plan coverage and no insurer has been found through the market assistance plan pursuant to s. 627.6484 that is willing to accept the application. As used in this paragraph, "rejection" includes an offer of coverage with a material underwriting restriction or an offer of coverage at a rate greater than the association plan rate.

(g) No person is eligible for coverage under the plan if such person has, on the date of issue of coverage under the plan, substantially similar coverage under another contract or policy, unless such coverage is provided pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985, Pub. L. No. 99-272, 100 Stat. 82 (1986) (COBRA), as amended, and scheduled to end at a time certain and the person meets all other requirements of eligibility. Coverage provided by the association shall be secondary to any coverage provided by an insurer pursuant to COBRA.

(h) All eligible persons who are classified as high-risk individuals pursuant to s. 627.6498(4)(a)4. shall, upon application or renewal, agree to be placed in a case management system when it is determined by the board and the plan case manager that such system will be cost-effective and provide quality care to the individual.

Section 4. Section 627.6488, Florida Statutes, 1990 Supplement, is amended to read:

627.6488 Florida Comprehensive Health Association.—

(1) There is created a nonprofit legal entity to be known as the "Florida Comprehensive Health Association." All insurers, as a condition of doing business, shall be members of the association.

(2)(a) The association shall operate subject to the supervision and approval of a three-member board of directors. The board of directors shall be appointed by the Insurance Commissioner as follows:

1. The chairman of the board shall be the Insurance Commissioner or his designee.

2. One representative of policyholders who is not associated with the medical profession, a hospital, or an insurer.

3. One representative of insurers.

The administrator or his affiliate shall not be a member of the board. Any board member appointed by the commissioner may be removed and replaced by him at any time without cause.

(b) All board members, including the chairman, shall be appointed to serve for staggered 3-year terms beginning on a date as established in the plan of operation.

(c) The board of directors shall have the power to employ or retain such persons as are necessary to perform the administrative and financial transactions and responsibilities of the association and to perform other necessary and proper functions not prohibited by law.

(d) Board members may be reimbursed from moneys of the association for actual and necessary expenses incurred by them as members, but may not otherwise be compensated for their services.

(e) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer, or its agents or employees, agents or employees of the association, members of the board of directors of the association, or the departmental representatives for any act or omission taken by them in the performance of their powers and duties under this act, unless such act or omission by such person is in intentional disregard of the rights of the claimant.

(f) Meetings of the board are subject to s. 286.011.

(3) The association shall adopt a plan pursuant to this act and submit its articles, bylaws, and operating rules to the department for approval. If the association fails to adopt such plan and suitable articles, bylaws, and operating rules within 180 days after the appointment of the board, the department shall adopt rules to effectuate the provisions of this act; and such rules shall remain in effect until superseded by a plan and articles, bylaws, and operating rules submitted by the association and approved by the department.

(4) The association shall:

(a) Establish administrative and accounting procedures for the operation of the association.

(b) Establish procedures under which applicants and participants in the plan may have grievances reviewed by an impartial body and reported to the board.

(c) Select an administrator in accordance with s. 627.649.

(d) Collect assessments from all insurers to provide for operating losses incurred or estimated to be incurred during the period for which the assessment is made. The level of payments shall be established by the board, as formulated in s. 627.6492(1). Annual assessment of the insurers for each calendar year shall occur as soon thereafter as the operating results of the plan for the calendar year and the earned premiums of insurers being assessed for that year are known. Annual assessments are due and payable within 30 days of receipt of the assessment notice by the insurer.

(e) Require that all policy forms issued by the association conform to standard forms developed by the association. The forms shall be approved by the department.

(f) Develop and implement a program to publicize the existence of the plan, the eligibility requirements for the plan, and the procedures for enrollment in the plan and to maintain public awareness of the plan.

(g) Design and employ cost containment measures and requirements which may include preadmission certification, home health care, hospice care, negotiated purchase of medical and pharmaceutical supplies, and individual case management.

(h) Contract with preferred provider organizations and health maintenance organizations giving due consideration to the preferred provider organizations and health maintenance organizations which have contracted with the state group health insurance program pursuant to s. 110.123. *If cost-effective and available in the county where the policyholder resides, the board, upon application or renewal of a policy, shall place a high-risk individual, as established under s. 627.6498(4)(a)4., with the plan case manager who shall determine the most cost-effective quality care system or health care provider and shall place the individual in such system or with such health care provider. If cost-effective and available in the county where the policyholder resides, the board, with the consent of the policyholder, may place a low-risk or medium-risk individual, as established under s. 627.6498(4)(a)4., with the plan case manager who may determine the most cost-effective quality care system or health care provider and shall place the individual in such system or with such health care provider. Prior to and during the implementation of case management, the plan case manager shall obtain input from the policyholder, parent, or guardian.*

(i) Make a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives not later than *October* ~~February~~ 1 of each year. The report shall summarize the activities of the plan for the ~~most recent~~ 12-month period *ending July 1 of that year* ~~for which data is available~~, including then-current data and estimates as to net written and earned premiums, the expense of administration, and the paid and incurred losses for the year. The report shall also include analysis and recommendations for legislative changes regarding utilization review, quality assurance, an evaluation of the administrator of the plan, access to cost-effective health care, and cost containment/case management policy *and recommendations concerning the opening of enrollment to new entrants as of July 1, 1992.*

(j) Make a report to the Governor, the Insurance Commissioner, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and House of Representatives, not later than 45 days after the close of each calendar quarter, which includes, for the prior quarter, current data and estimates of net written and earned premiums, the expenses of administration, and the paid and incurred losses. The report shall identify any statutorily mandated program that has not been fully implemented by the board.

(k) ~~(j)~~ To facilitate preparation of assessments and for other purposes, the board shall direct preparation of annual audited financial statements for each calendar year as soon as feasible following the conclusion of that calendar year, and shall, within 30 days after rendition of such statements, file with the department the annual report containing such information as required by the department to be filed on March 1 of each year.

(l) Employ a plan case manager or managers to supervise and manage the medical care or coordinate the supervision and management of the medical care with the administrator of specified individuals. The plan case manager, with the approval of the board, shall have final approval over the case management for any specific individual.

(5) The association may:

(a) Exercise powers granted to insurers under the laws of this state.

(b) Sue or be sued.

(c) In addition to imposing annual assessments under paragraph (4)(d), levy interim assessments against insurers to ensure the financial ability of the plan to cover claims expenses and administrative expenses paid or estimated to be paid in the operation of the plan for a calendar year prior to the association's anticipated receipt of annual assessments for that calendar year. Any interim assessment shall be due and payable within 30 days of receipt by an insurer of an interim assessment notice. Interim assessment payments shall be credited against the insurer's annual assessment.

(d) Prepare or contract for a performance audit of the administrator of the association.

(6) The department shall examine and investigate the association in the manner provided in part II of chapter 624.

Section 5. Section 627.6492, Florida Statutes, 1990 Supplement, is amended to read:

627.6492 Participation of insurers.—

(1)(a) As a condition of doing business in this state an insurer shall pay an assessment to the board, in the amount prescribed by this section. *For operating losses incurred on July 1, 1991, and thereafter, each insurer shall annually be assessed by the board in the following calendar year a portion of such incurred operating losses of the plan; such portion shall be determined by multiplying such operating losses by a fraction, the numerator of which equals the insurer's earned premium pertaining to direct writings of health insurance in the state during the calendar year preceding that for which the assessment is levied, and the denominator of which equals the total of all such premiums earned by participating insurers in the state during such calendar year.*

(b) For operating losses incurred from July 1, 1991, through December 31, 1991, the total of all assessments upon a participating insurer shall not exceed .375 percent of such insurer's health insurance premiums earned in this state during 1990. For operating losses incurred in 1992 and thereafter, the total of all assessments upon a participating insurer shall not exceed 1 percent of such insurer's health insurance premium earned in this state during the calendar year preceding the year for which the assessments were levied.

(c) For operating losses incurred from October 1, 1990, through June 30, 1991, the board shall assess each insurer in the amount and manner prescribed by chapter 90-334, Laws of Florida. The maximum assessment against an insurer, as provided in such act, shall apply separately to the claims incurred in 1990 (October 1 through December 31) and the claims incurred in 1991 (January 1 through June 30). For operating losses incurred on January 1, 1991, through June 30, 1991, the maximum assessment against an insurer shall be one-half of the amount of the maximum assessment specified for such insurer in former s. 627.6492(1)(b), 1990 Supplement, as amended by chapter 90-334, Laws of Florida.

(d) All rights, title, and interest in the assessment funds collected shall vest in this state. However, all of such funds and interest earned shall be used by the association to pay claims and administrative expenses.

~~(b) The maximum annual amount of the assessment shall be determined by the insurer's earned premium pertaining to direct writings of health insurance in this state during the calendar year preceding that for which the assessment is levied, except that the amount of premium for an insurer writing a minimum premium plan or stop-loss coverage shall not include the cost of claims paid by a health maintenance organization, prepaid health clinic, multiple employer welfare arrangement, or fraternal benefit society covered by such insurer, as follows:~~

~~1. $15,000, if such premiums did not exceed $5 million.~~

~~2. $75,000, if such premiums exceeded $5 million but did not exceed $10 million.~~

~~3. $200,000, if such premiums exceeded $10 million, but did not exceed $25 million.~~

~~4. $350,000, if such premiums exceeded $25 million, but did not exceed $50 million.~~

~~5. $450,000, if such premiums exceeded $50 million, but did not exceed $100 million.~~

~~6. $700,000, if such premiums exceeded $100 million.~~

~~(c) The assessments provided in paragraph (b) shall be the maximum annual assessment against an insurer. The actual assessment shall be determined based upon the following formula:~~

~~1. The board shall determine the total dollar amount of the deficit for which the assessment is to be levied.~~

~~2. The board shall determine the total dollar amount that can be assessed against all insurers if the maximum assessment is collected.~~

~~3. Each insurer shall be assessed an amount determined by multiplying the maximum assessment provided in paragraph (b) applicable to that insurer by a fraction, the numerator of which equals the amount in subparagraph (c)1., and the denominator of which equals the amount in subparagraph (c)2.~~

~~(d) If an insurance company authorized to transact insurance in this state and a health maintenance organization are under common control or ownership and are both subject to assessment under this act, only the entity with the greater volume of earned premiums pertaining to direct writings of health insurance in this state during the calendar year preceding that for which the assessment is levied shall be subject to assessments for deficits of the plan pursuant to this section.~~

~~(e) In the event that the Legislature appropriates funds to be used in funding the deficit of the Florida Comprehensive Health Association, such funds shall be used prior to assessing insurers pursuant to this section.~~

(2) If assessments and other receipts by the association, board, or administrator exceed the actual losses and administrative expenses of the plan, the excess shall be held at interest and used by the board to offset future losses ~~or to reduce plan premiums~~. As used in this subsection, the term "future losses" includes reserves for claims incurred but not reported.

(3)~~(a)~~ Each insurer's *assessment* ~~level of participation in the plan~~ shall be determined annually by the association based on annual statements and other reports deemed necessary by the association and filed with it by the insurer.

~~(b)~~ Any deficit incurred under the plan shall be recouped by assessments *against* ~~apportioned among~~ participating insurers by the board in the manner provided in subsection (1); and the insurers may recover the *assessment* ~~net loss, if any,~~ in the normal course of their respective businesses without time limitation.

Section 6. Section 627.6494, Florida Statutes, 1990 Supplement, is amended to read:

627.6494 Assessments; deferment, limitation.—

(1) Notwithstanding the provisions of s. 624.509, premiums for coverage issued or reinsured through the association shall, as to the association and participating insurers, be exempt from premium taxation.

(2) The association, upon approval of the department, may abate or defer, in whole or in part, the assessment of a participating insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the participating insurer to fulfill its contractual obligations. In the event that an assessment against a participating insurer is abated or deferred, in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other participating insurers in a manner consistent with the basis for assessments set forth in s. 627.6492; and the insurer receiving such abatement or deferment shall remain liable to the association for the deficiency for 4 years. ~~The association shall not assess a participating insurer who is a multiple employer welfare arrangement which does not have a fund balance at the end of its most recent fiscal year in an amount equal to or greater than one-tenth of premiums received during the fiscal year.~~

Section 7. Section 627.6496, Florida Statutes, 1990 Supplement, is amended to read:

627.6496 Issuing of policies.—The coverage provided by this plan shall be directly insured by the association, and the policies shall be issued through the administrator *pursuant to s. 627.6498(1)(a)*.

Section 8. Section 627.6498, Florida Statutes, 1990 Supplement, is amended to read:

627.6498 Minimum benefits coverage; exclusions; premiums; deductibles.—

(1) COVERAGE OFFERED.—

(a) The plan shall offer in *a semiannually* ~~an annually~~ renewable policy the coverage specified in this section for each eligible person. *For applications accepted on or after the effective date of this act but before July 1, 1991, coverage shall be effective on July 1, 1991, and shall be renewable on January 1, 1992, and every 6 months thereafter. Policies in existence on the effective date shall, upon renewal, be for a term of less than 6 months that terminates and becomes subject to subsequent renewal on the next succeeding January 1 or July 1, whichever is sooner.*

(b) If an eligible person is also eligible for Medicare coverage, the plan shall not pay or reimburse any person for expenses paid by Medicare.

(c)~~(b)~~ Any person whose health insurance coverage is involuntarily terminated for any reason other than nonpayment of premium may apply

for coverage under the plan. If such coverage is applied for within 60 days after the involuntary termination and if premiums are paid for the entire period of coverage, the effective date of the coverage shall be the date of termination of the previous coverage.

(d)~~(c)~~ The plan shall provide that, upon the death or divorce of the individual in whose name the contract was issued, every other person then covered in the contract may elect within 60 days to continue under the same or a different contract.

(c)~~(d)~~ No coverage provided to a person who is eligible for Medicare benefits shall be issued as a Medicare supplement policy as defined in s. 627.672.

(2) *BENEFITS* ~~MAJOR MEDICAL EXPENSE COVERAGE~~.—

(a) The plan shall offer major medical expense coverage *similar* ~~identical~~ to that provided by the state group health insurance program as defined in s. 110.123 except as specified in *subsection* ~~paragraph~~ (3) to every eligible person who is not eligible for Medicare. Major medical expense coverage offered under the plan shall pay an eligible person's covered expenses, subject to limits on the deductible and coinsurance payments authorized under subsection (4), up to a lifetime limit of $500,000 per covered individual. The maximum limit under this paragraph shall not be altered by the board, and no actuarially equivalent benefit may be substituted by the board.

(b) The plan shall provide that any policy issued to a person eligible for Medicare shall be separately rated to reflect differences in experience reasonably expected to occur as a result of Medicare payments.

(3) COVERED EXPENSES.—The coverage to be issued by the association shall be patterned after the state group health insurance program as defined in s. 110.123, including its benefits, exclusions, and other limitations, except as otherwise provided in this act. *The plan may cover the cost of experimental drugs which have been approved for use by the Food and Drug Administration on an experimental basis if the cost is less than the usual and customary treatment. Such coverage shall only apply to those insureds who are in the case management system upon the approval of the insured, the case manager, and the board.*

(4) PREMIUMS, DEDUCTIBLES, AND COINSURANCE.—

(a) The plan shall provide for ~~a choice of~~ annual deductibles for major medical expense coverage in the *amount* ~~amounts~~ of $1,000~~, $1,500, or $2,000~~ or any higher amounts proposed by the board and approved by the department, plus the benefits payable under any other type of insurance coverage or workers' compensation. ~~If two individual members of a family satisfy the applicable deductibles, no other member of that family is required to meet the deductibles for that calendar year.~~ The schedule of premiums and deductibles shall be established by the association. With regard to any preferred provider arrangement utilized by the association, the deductibles provided in this paragraph shall be the minimum deductibles applicable to the preferred providers and higher deductibles, as approved by the department, may be applied to providers who are not preferred providers.

~~1. Rates for coverages issued by the association may not be unreasonable in relation to the benefits provided, the risk experience, and the reasonable expenses of providing the coverage.~~

1.~~2.~~ Separate schedules of premium rates based on age may apply for individual risks.

2.~~3.~~ Rates are subject to approval by the department.

3.~~4.~~ Standard risk rates for coverages issued by the association shall be established by the association, subject to approval by the department, using reasonable actuarial techniques, and shall reflect anticipated experience and expenses of such coverages for standard risks.

4.~~5.~~ The board shall establish separate premium schedules for low-risk individuals, medium-risk individuals, and high-risk individuals *and shall revise premium schedules pursuant to this section for each 6-month policy period beginning January 1992.* For the calendar year 1991 *and thereafter*, no rate shall exceed 200 percent of the standard risk rate for low-risk individuals, 225 percent of the standard risk rate for medium-risk individuals, or 250 percent of the standard risk rate for high-risk individuals. ~~Thereafter, no rate shall exceed 300 percent of the standard risk rate for low-risk individuals, 250 percent of the standard risk rate for medium-risk individuals, or 300 percent of the standard risk rate for high-risk individuals.~~ For the purpose of determining what constitutes a low-risk individual, medium-risk individual, or high-risk individual, the board shall consider the anticipated claims payment for individuals based upon an individual's health condition.

(b) ~~Except as provided in paragraph (c),~~ If the covered costs incurred by the eligible person exceed the deductible for major medical expense coverage selected by the person in a policy year, the plan shall pay *in the following manner:*

1. For individuals placed under case management, the plan shall pay 90 percent of the additional covered costs incurred by the person during the policy year for the first $10,000, after which the plan shall pay 100 percent of the covered costs incurred by the person during the policy year.

2. For individuals utilizing the preferred provider network, the plan shall pay 80 percent of the additional covered costs incurred by the person during the policy year for the first $10,000, after which the plan shall pay 90 percent of covered costs incurred by the person during the policy year.

3. If the person does not utilize either the case management system or the preferred provider network, the plan shall pay 60 percent of the additional covered costs incurred by the person for the first $10,000, after which the plan shall pay 70 percent of the additional covered costs incurred by the person during the policy year.

~~at least 80 percent of any additional covered costs incurred by the person during the policy year. With regard to any preferred provider arrangement utilized by the association, the coinsurance provision provided in this paragraph shall be the minimum coinsurance applicable to the preferred providers and higher coinsurance amounts payable by policyholders, as approved by the department, may be applied to providers who are not preferred providers.~~

~~(c) If the aggregate of the covered costs not paid by the plan, exclusive of applicable deductibles, exceeds $500 for an eligible person receiving Medicare, $1,500 for any other eligible person during a policy year, or $3,000 for all eligible persons in a family, the plan shall pay 100 percent of all covered costs, exclusive of applicable deductibles, incurred by the eligible person during the policy year after the payment ceilings under this paragraph are exceeded.~~

(5) PREEXISTING CONDITIONS.—An association policy may contain provisions under which coverage is excluded during a period of 12 months following the effective date of coverage with respect to a given covered individual for any preexisting condition, as long as:

(a) The condition manifested itself within a period of 6 months before the effective date of coverage; or

(b) Medical advice or treatment was recommended or received within a period of 6 months before the effective date of coverage.

(6) OTHER SOURCES PRIMARY.—

(a) No amounts paid or payable by Medicare or any other governmental program or any other insurance, or self-insurance maintained in lieu of otherwise statutorily required insurance, may be made or recognized as claims under such policy or be recognized as or towards satisfaction of applicable deductibles or out-of-pocket maximums or to reduce the limits of benefits available.

(b) The association has a cause of action against a participant for any benefits paid to the participant which should not have been claimed or recognized as claims because of the provisions of this subsection or because otherwise not covered.

Section 9. Section 627.6499, Florida Statutes, is created to read:

627.6499 Reporting by insurers and third-party administrators.—The department may require any insurer, third-party administrator, or service company to report any information reasonably required to assist the board in assessing insurers as required by this act.

Section 10. (1) Except as provided in subsection (2), if the assessment methods specified in section 627.6492(1)(c), Florida Statutes, as amended by this act, for funding operating losses incurred from October 1, 1990, through June 30, 1991, is determined by a court of competent jurisdiction to be unlawful, then:

(a) The assessment method specified in section 627.6492(1)(b), Florida Statutes, as amended by this act, for funding operating losses incurred from July 1, 1991, through December 31, 1991, shall be applied to the operating losses incurred from January 1, 1991, through June 30, 1991; and

(b) The provisions in sections 627.648-627.6498, Florida Statutes, relating to assessments for funding the deficit of the association that were in effect on January 1, 1990, shall be applied to operating losses incurred from October 1, 1990, through December 31, 1990.

(2) In the event that the application of the assessment to minimum premium plans, stop-loss plans or any other specific type of insurer or health insurance is determined by a court of competent jurisdiction to be unlawful, then the assessment method specified in this act shall continue to apply to all other insurers.

(3) The provisions of section 12 of chapter 90-335, Laws of Florida, shall continue in full force and effect, but the provisions of this section shall control to the extent of any conflict.

Section 11. This act shall take effect upon becoming a law.

The Committee on Finance, Taxation and Claims recommended the following amendment to **Amendment 1** which was moved by Senator Kiser and failed:

Amendment 1A—On page 24, between lines 7 and 8, insert:

Section 1. Effective upon becoming a law, the board of County Commissioners of any charter county which contains one or more public hospitals may create a commission to study the structures, functions, and operations of all types of health care providers to include, but not be limited to, public, private, not-for-profit, or volunteer providers located within the county. The commission shall be known as the County Comprehensive Health Care Study Commission and shall be hereinafter referred to as the "commission."

Section 2. Effective upon becoming a law, the commission shall conduct public hearings; shall research and study health care issues to determine the need, if any, for revisions of the public hospital or public health service structures; and shall research and study the functions and operations of all health care providers to determine the present availability to all citizens of quality health care services, to create a summary of all available health care services, and to determine and recommend whether health care cost containment or savings can be made and whether efficiency can be gained through revision of such structures, functions, and operations.

Section 3. Effective upon becoming a law, it shall be the further function and duty of the commission to draft a plan or plans for the solution of any problem disclosed as a result of such research and study which it deems to be feasible, desirable, and economical, and not later than December 15, 1991, to submit such plan or plans to the members of the legislature that represent the county in which the commission is created together with all of the commissions permanent files and records. The commission shall also address a copy of such plan or plans to the Chairman of the Board of County Commissioners, the Chairman of the board of Public Instruction, the Chairman of any public hospital board and the mayor of any incorporated municipality within the county in which the commission is created, and it shall make such plan or plans public.

Section 4. Effective upon becoming a law, the commission shall consider:

(1) The scope and range and reasonable access of present medical services;

(b) The future needs for medical services considering demographics, growth patterns, and reasonable access and costs; and

(3) Whether any public medical service now provided can better serve the future needs of a county with a change in ownership or governance structure or in the manner of delivery or administration, considering all pertinent issues.

Section 5. Effective upon becoming a law, the commission shall be composed of representatives of such groups as public, private, profit or not-for-profit, and volunteer medical service providers and of representatives of groups, organizations, or classes of citizens that represent, without limitation, Charter County demographics. This list is illustrative only and does not guarantee any group or person membership. The maximum number of commissioners shall be 25. The commission shall be appointed by the legislative delegation. In the event of a vacancy, it may, at the discretion of the legislative delegation, be filled by the legislative delegation.

Section 6. (1) Effective upon becoming a law, any person may apply to be a member of the commission and any person may be nominated by any organization or group as contemplated by this act.

(2) An application signed by the nominee must include the person's:

(a) Name;

(b) address;

(c) Telephone number;

(d) affiliations and memberships, disclosing any and all relationships to any health care providers of whatsoever nature or character; and

(e) A statement that the person understands that the commission will require personal involvement of time and energy, including public hearings, reading, and deliberation.

(f) The application must be postmarked on or before June 1, 1991, and be mailed to an address designated by the commission.

(g) The legislative delegation shall consider all applications in a public place as announced to the public through news media.

Section 7. Effective upon becoming a law, the commission shall meet and organize on or before July 1, 1991; shall elect a chairman and other officers from its membership; and shall adopt rules for conducting its meetings. The plan or plans resulting from the commission's research and study shall, when signed by a majority of the full commission, be filed with the members of the legislative delegation from the county on or before December 15, 1991, and the commission shall dissolve, and all terms of membership thereon shall terminate on April 1, 1992. The commission shall provide for the preparation of a reasonable number of copies of its plan or plans for use by all governmental agencies affected thereby, and for use by the public.

Section 8. Effective upon becoming a law, in making its study, the commission is authorized to call upon the State of Florida and any political subdivision thereof or any of its agencies or institutions for any aid or assistance that may be rendered it and to call upon the various departments and subdivisions of the county and the municipalities therein for assistance and input as to medical health services provided or contemplated. The commission may conduct such hearings as are necessary to assemble the required data and information upon which to base its opinions, to analyze the same, and to draft its report.

Section 9. Effective upon becoming a law, it is hereby found, determined, and declared that the creation of the commission and the carrying out of its purposes is, in all respects, for the benefit of the people of the county in which the commission is created and is a proper purpose and that the commission will perform an essential and governmental function in the exercise of the powers conferred upon it by this act. This act, being for the welfare of the citizens of the county, shall be construed to effect the purposes thereof. The expenses of the commission may be borne by the county Public Hospital Board and may not exceed $40,000, unless approved by the board. The board is hereby authorized to disburse from its general funds, upon written request of the commission, all reasonable expenses required to implement this act by the provision of meeting facilities and of recording, stenographic, copying or duplication services, publication of notices, and consulting services. Such services shall be administered and performed when requested by the commission in furtherance of this act and shall be accounted for by the public hospital in the same manner as other public funds. The members of the commission shall serve without pay.

(Renumber subsequent sections.)

Amendment 1 was adopted.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Forman and adopted:

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to health insurance; amending s. 627.6482, F.S.; revising definitions; excluding certain policies from the definition of "health insurance"; amending s. 627.6484, F.S.; providing for termination of enrollment; revising provi-

sions relating to availability of other coverage; requiring the State Comprehensive Health Association to establish a policyholder assistance program; amending s. 627.6486, F.S.; revising certain eligibility criteria for coverage under the comprehensive health insurance plan; amending s. 627.6488, F.S.; providing additional cost containment requirements; requiring the association to provide for the placement of high-risk individuals in managed care programs; revising date for submission of annual report; providing an additional reporting requirement; requiring the board to hire one or more case managers; amending s. 627.6492, F.S.; revising the annual assessments of insurers; deleting certain provisions relating to specified assessments; amending s. 627.6494, F.S.; revising provisions related to abating or deferring assessments; amending s. 627.6496, F.S.; providing a cross-reference for purposes of issuing policies; amending s. 627.6498, F.S.; revising provisions relating to benefits, premiums, deductibles, and coinsurance; providing for effective dates of certain coverages; creating s. 627.6499, F.S.; authorizing the Department to require insurers and third-party administrators to report certain information; specifying methods of assessment in the event a court determines certain provisions to be unlawful; providing an effective date.

ROLL CALLS ON SENATE BILLS

CS for SB's 58 and 2294—Conference Committee Report

Yeas—34

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

Nays—6

Davis	Grizzle	Malchon
Gordon	Kiser	Myers

SB 122

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Scott

CS for CS for SB's 212 and 266

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Thurman

SB 386

Yeas—34

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

Nays—3

Bruner	Dantzler	Jennings

Vote after roll call:

Nay to Yea—Dantzler, Jennings

CS for SB 406

Yeas—37

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

Nays—None

SB 860

Yeas—39

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

Nays—None

SB 938

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Scott

CS for SB 970

Yeas—38

Madam President	Brown	Childers	Dantzler
Bankhead	Bruner	Crenshaw	Davis
Beard	Casas	Crotty	Diaz-Balart

Dudley	Jenne	McKay	Walker
Forman	Jennings	Meek	Weinstein
Gardner	Johnson	Myers	Weinstock
Girardeau	Kirkpatrick	Scott	Wexler
Gordon	Kiser	Souto	Yancey
Grant	Kurth	Thomas	
Grizzle	Langley	Thurman	

Nays—None

SB 1144

Yeas—38

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

Nays—None

CS for SB 1246

Yeas—34

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

Nays—None

SB 1314

Yeas—40

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

Nays—None

CS for SB 1426

Yeas—37

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

Nays—None

CS for SB 1428

Yeas—40

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

Nays—None

CS for SB 1554

Yeas—38

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

Nays—None

CS for SB 1662

Yeas—38

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

Nays—None

CS for CS for SB 1820

Yeas—38

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

Nays—None

CS for SB 1898

Yeas—31

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

Nays—1

Kiser

Vote after roll call:

Yea to Nay—Plummer

SB 1910

Yeas—29

Bankhead	Dudley	Kurth	Thurman
Beard	Forman	Langley	Walker
Brown	Girardeau	Malchon	Weinstein
Bruner	Gordon	Myers	Weinstock
Casas	Grant	Plummer	Yancey
Childers	Grizzle	Scott	
Davis	Jennings	Souto	
Diaz-Balart	Johnson	Thomas	

Nays—2

Dantzler	Gardner

SB 2000

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Thurman

CS for SB 2010

Yeas—38

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

Nays—None

CS for SB 2014

Yeas—37

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

Nays—None

CS for SB 2120—Amendment 1

Yeas—24

Madam President	Dudley	Kirkpatrick	Thomas
Beard	Forman	Kurth	Walker
Brown	Girardeau	Malchon	Weinstein
Casas	Gordon	McKay	Weinstock
Childers	Grizzle	Meek	Wexler
Davis	Jenne	Souto	Yancey

Nays—7

Bankhead	Dantzler	Grant	Langley
Bruner	Gardner	Jennings	

Vote after roll call:

Nay—Kiser

CS for SB 2120

Yeas—28

Madam President	Dudley	Kiser	Scott
Brown	Forman	Kurth	Souto
Bruner	Girardeau	Malchon	Thomas
Casas	Gordon	McKay	Walker
Childers	Grizzle	Meek	Weinstein
Crotty	Johnson	Myers	Weinstock
Davis	Kirkpatrick	Plummer	Yancey

Nays—4

Beard	Gardner	Jennings	Langley

Vote after roll call:

Yea—Jenne

Nay—Grant

Yea to Nay—Bruner

CS for SB 2126

Yeas—38

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

Nays—None

CS for SB 2144

Yeas—39

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

Nays—None

SB 2146

Yeas—39

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

Nays—None

SB 2300—Conference Committee Report

Yeas—40

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

Nays—None

SB 2302—Conference Committee Report

Yeas—40

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

Nays—None

CS for SB 2342

Yeas—36

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

Nays—1

Langley

SR 2510

Yeas—31

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

Nays—None

ROLL CALLS ON HOUSE BILLS

CS for HB 175

Yeas—34

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

Nays—1

Plummer

CS for HB 441

Yeas—37

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

Nays—2

Bruner Langley

Vote after roll call:

Nay to Yea—Bruner

HB 497

Yeas—37

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

Nays—None

HB 553

Yeas—37

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

Nays—None

CS for HB 663

Yeas—39

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

Nays—None

HB 1019

Yeas—33

Bankhead	Dudley	Kurth	Thurman
Beard	Forman	Langley	Walker
Brown	Gardner	Malchon	Weinstein
Bruner	Girardeau	McKay	Weinstock
Childers	Grant	Myers	Wexler
Crotty	Grizzle	Plummer	Yancey
Dantzler	Jennings	Scott	
Davis	Johnson	Souto	
Diaz-Balart	Kiser	Thomas	

Nays—None

CS for HB 1027

Yeas—36

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

Nays—None

CS for HB 1027—After Reconsideration

Yeas—38

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

Nays—None

HB 1503

Yeas—39

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

Nays—None

HB 1503—After Reconsideration

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Souto

HB 1609

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Malchon, Scott

HB 1881

Yeas—35

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

Nays—None

HB 2283

Yeas—36

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

Nays—None

HB 2309

Yeas—35

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

Nays—None

HB 2313

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crotty, McKay, Plummer

HB 2397

Yeas—37

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

Nays—None

HB 2473

Yeas—8

Girardeau	Malchon	Thomas	Weinstein
Grizzle	Meek	Thurman	Yancey

Nays—22

Bankhead	Crotty	Jennings	Scott
Beard	Dantzler	Johnson	Souto
Brown	Davis	Kurth	Walker
Bruner	Dudley	Langley	Wexler
Casas	Gordon	Myers	
Childers	Grant	Plummer	

Vote after roll call:

Yea—Diaz-Balart

Nay—Jenne

CS for HB 2523—Conference Committee Report

Yeas—27

Beard	Gardner	Kirkpatrick	Thurman
Brown	Girardeau	Kurth	Walker
Casas	Gordon	Malchon	Weinstein
Crotty	Grant	Meek	Weinstock
Diaz-Balart	Grizzle	Plummer	Wexler
Dudley	Jenne	Souto	Yancey
Forman	Johnson	Thomas	

Nays—11

Bankhead	Crenshaw	Kiser	Myers
Bruner	Dantzler	Langley	Scott
Childers	Jennings	McKay	

Vote after roll call:

Yea to Nay—Walker

CS for HB 2557

Yeas—39

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

Nays—1

Gordon

HB 2607

Yeas—36

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

Nays—None

ENROLLING REPORTS

CS for SB 1192 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 30, 1991.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 29 was corrected and approved.

CO-SPONSORS

Senator Plummer withdrew as a co-sponsor of CS for SB 1898.

RECESS

On motion by Senator Thomas, the Senate recessed at 7:23 p.m. to reconvene at 10:00 a.m., Wednesday, May 1, or upon call of the President.