



# Journal of the Senate

Number 1—Special Session H

Monday, June 1, 1992

At a Special Session of the Florida Legislature convened under Article III, Section 3(c), of the Constitution of the State, as revised in 1968, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida.

## CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—37:

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

Excused: Senators Gordon, Kirkpatrick and Walker

## PRAYER

The following prayer was offered by James C. Vaughn, Jr., Reading Clerk:

Heavenly Father, as Israel found themselves under Babylonian captivity because of their disobedience to your commandments, the citizens of Florida have found themselves under the captivity of a social, political, economic and moral account labelled insufficient funds.

As these noble women and men have returned to this acropolis, perhaps the words of the prophet Isaiah are appropriate for encouragement and strength: "Hast thou not known? Hast thou not heard, that the everlasting God, Lord, Creator of the ends of the earth, fainteth not, neither is weary? There is no searching of his understanding. He giveth power to the faint; and to them that have no might he increaseth strength. . .but they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; and they shall walk, and not faint." Amen.

## PLEDGE

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

By direction of the President, the following proclamation was read by the Secretary:

### THE FLORIDA LEGISLATURE JOINT PROCLAMATION

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE  
AND THE FLORIDA HOUSE OF REPRESENTATIVES:

We, Gwen Margolis, President of the Florida Senate, and T. K. Wetherell, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Article III, Section 3(c), Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim:

1. That the Legislature of the State of Florida is convened in Special Session pursuant to Article III, Section 3(c), Florida Constitution and Section 11.011, Florida Statutes, at the Capitol in Tallahassee, Florida, beginning at 10:00 a.m. on Monday the 1st day of June, 1992, for a period of 19 days, ending at 11:59 p.m. on Friday the 19th of June, 1992.

2. That the Legislature is convened for the sole and exclusive purpose of considering the following:

- a) A General Appropriations Act for fiscal year 1992-1993
- b) An Implementing Bill implementing provisions of the General Appropriations Act for fiscal year 1992-1993
- c) Legislation relating to the revenues of state and local governments
- d) Legislation relating to PECO and the construction of educational facilities
- e) Legislation relating to laws and rules which will stand repealed between June 1, 1992 and the beginning of the 1993 Regular Session of the Florida Legislature, other than laws relating to Chapter 395, Florida Statutes
- f) Regulation of medical facilities as provided in Chapter 395, Florida Statutes
- g) Legislation relating to the Florida Retirement System
- h) Legislation amending the provisions of Chapters 92-127, 92-177, and 92-178, Laws of Florida
- i) Claim bills
- j) Properly advertised local bills
- k) Legislation containing the provisions of CS for SB 1720 from the 1992 Regular Session of the Florida Legislature, as finally amended by the Florida Senate on March 13, 1992
- l) Legislation authorizing the construction of a natural gas pipeline
- m) Legislation relating to the internal organization of the Department of Agriculture and Consumer Services
- n) Legislation relating to unemployment compensation benefits
- o) Legislation relating to solid waste management
- p) Legislation relating to witness tampering
- q) Legislation transferring the licensure and recruiting of adult foster homes from the Agency for Health Care Administration to the Department of Health and Rehabilitative Services
- r) Legislation limiting the application of definitions contained in section 408.07, Florida Statutes, by excluding such definitions from applying to the provisions of sections 408.031 through 408.045, Florida Statutes.

3. That committees of either house of the Legislature are authorized to consider legislation within the purview of this proclamation beginning May 18, 1992.



*Gwen Margolis*  
President, The Florida Senate  
April 29, 1992



*T. K. Wetherell*  
Speaker, The Florida House  
of Representatives  
April 29, 1992



Duly filed with and received by the Florida  
Department of State this 1st day of May,  
1992 by:

*Jim Smith*  
Secretary of State

### COMMUNICATION FROM THE GOVERNOR

May 29, 1992

*The Honorable Gwen Margolis*  
President of the Florida Senate

*The Honorable T. K. Wetherell*  
Speaker of the Florida House  
of Representatives

Dear Madam President and Mr. Speaker:

Pursuant to the provisions of Section 11.011, Florida Statutes, I request that the purpose of the Special Session of the Legislature of the State of Florida, convened by your Joint Proclamation, dated April 29, 1992, include, in addition to the matters set forth in your Joint Resolution, the following:

1. Creating the Workers' Compensation Reform Act, the Florida Workplace Safety and Health Act, revising Sections of Chapter 627, Florida Statutes, relating to workers' compensation insurance, and providing relief for small businesses providing workers' compensation coverage;
2. Enacting legislation to provide funds for Affordable Housing;
3. Providing the funding necessary to continue Preservation 2000 programs;
4. Providing the funding required to fund the Water Quality Assurance Trust Fund;
5. Providing for property tax relief by resolving to place before the people a constitutional amendment to reduce required local effort ad valorem taxation on homestead property; and
6. Amending Section 196.012(9) relating to the definition of "nursing home."

Thank you for including these matters in the Special Session to be convened on June 1, 1992.

With kind regards, I am

Respectfully,  
*Lawton Chiles*  
Governor

### MOTIONS

On motions by Senator Gardner, provisions of Rule 13.3 relating to committee meeting notices and provisions of Rule 2.39 relating to two-hour notice of amendments to be considered by a committee were waived; and the Committee on Appropriations was granted permission to meet this day from 11:00 a.m. until completion.

On motions by Senator Jenne, the provisions of Rule 13.3 relating to committee meeting notices and provisions of Rule 2.39 relating to two-hour notice of amendments to be considered by a committee were waived; and the Committee on Finance, Taxation and Claims was granted permission to meet this day from 2:00 p.m. until completion to consider the following: **SJR 2-H, SB 8-H, SB 30-H, SJR 36-H, CS for SB 48-H, Senate Bills 58-H, 68-H, 80-H and CS for SB 94-H.**

On motion by Senator Dudley, the rules were waived and the Committee on Judiciary was granted permission to consider **SB 156-H** on June 3.

Senator Scott moved that all bills presented for introduction outside the call of the Special Session be referred to the Committee on Rules and Calendar for examination and recommendation. The motion was adopted.

On motion by Senator Childers, the rules were waived by unanimous consent and the Senate reverted to:

### INTRODUCTION AND REFERENCE OF BILLS

#### MOTION

On motion by Senator Childers, the following bill was introduced out of order:

By the Committee on Commerce—

**SB 150-H**—A bill to be entitled An act relating to bingo; creating s. 849.0931, F.S.; authorizing the conduct of bingo games by specified organizations and prescribing conditions for the conduct of such games; providing penalties; amending s. 718.114, 723.079, 849.09, 849.094, F.S.; correcting cross-references; providing an effective date.

—which was referred to the Committee on Commerce.

On motion by Senator Childers, by two-thirds vote **SB 150-H** was withdrawn from the Committee on Commerce.

On motions by Senator Childers, by unanimous consent **SB 150-H** was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34      Nays—None

#### MOTION

Senator Gardner moved that the Senate admit for introduction, by the required constitutional two-thirds vote the following bills. The motion was adopted. The vote was:

Yeas—35      Nays—None

By Senator Burt—

**SB 164-H**—A bill to be entitled An act relating to campaign finance; amending s. 106.32, F.S.; making the transfer of moneys from the General Revenue Fund to the Election Campaign Financing Trust Fund dependent upon legislative appropriation; providing for distribution of such revenues in specified instances; providing an effective date.

—which was referred to the Committee on Executive Business, Ethics and Elections. On motion by Senator Gardner, the committee was granted permission to consider **SB 164-H** at the meeting scheduled for June 3.

By Senator Burt—

**SB 166-H**—A bill to be entitled An act relating to costs of inmates and probationers; amending s. 944.485, F.S.; requiring prisoner disclosure of income and assets; providing that an order directing payment of prisoner daily subsistence costs survives against the estate; deleting obsolete

language; amending s. 948.09, F.S.; revising the maximum amount that persons in various community supervision programs may be required to contribute for the cost of such supervision; providing cost of supervision for misdemeanor probation; requiring a payment plan and priority order for payments; providing an effective date.

—which was referred to the Committee on Corrections, Probation and Parole. On motion by Senator Gardner, the committee was granted permission to consider **SB 166-H** at the meeting scheduled for June 2.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has adopted HCR 1-H Org. and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative Bo Johnson—

**HCR 1-H Org.**—A concurrent resolution providing that the House of Representatives and Senate convene in joint session for the purpose of receiving a message from the Governor.

—was read the first time in full. On motion by Senator Thomas, by two-thirds vote **HCR 1-H Org.** was read the second time by title, unanimously adopted and certified to the House.

### COMMITTEE MEMBERSHIP CHANGE

The President announced the appointment of Senator Gardner as Vice Chairman of Subcommittee C of the Committee on Appropriations.

## REPORTS OF COMMITTEES

The Committee on Commerce recommends the following pass: SB 24-H

The Committee on Criminal Justice recommends the following pass: SB 54-H with 1 amendment, SB 56-H with 1 amendment

The Committee on Education recommends the following pass: SB 60-H with 1 amendment

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

The Committee on Agriculture recommends the following pass: SB 58-H with 1 amendment

The Committee on Community Affairs recommends the following pass: SB 12-H

The Committee on Education recommends the following pass: SJR 2-H, SB 42-H with 2 amendments, SB 80-H with 1 amendment

**The bills contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.**

The Committee on Commerce recommends the following pass: SB 18-H with 1 amendment

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

The Committee on Criminal Justice recommends the following pass: SB 44-H

The Committee on Finance, Taxation and Claims recommends the following pass: SB 84-H

The Committee on Health and Rehabilitative Services recommends the following pass: SB 20-H, SB 22-H, SB 74-H with 2 amendments, SB 76-H

The Committee on Judiciary recommends the following pass: SB 18-H

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

The Committee on Education recommends the following not pass: SB 98-H

The Committee on International Trade, Economic Development and Tourism recommends the following not pass: SB 62-H

**The bills contained in the foregoing reports were laid on the table.**

The Committee on Personnel, Retirement and Collective Bargaining recommends a committee substitute for the following: SB 102-H

**The bill with committee substitute attached was referred to the Committee on Appropriations under the original reference.**

The Committee on International Trade, Economic Development and Tourism recommends a committee substitute for the following: SB 64-H

**The bill with committee substitute attached was referred to the Committee on Commerce under the original reference.**

The Committee on Agriculture recommends a committee substitute for the following: SB 48-H

The Committee on Community Affairs recommends a committee substitute for the following: SB 94-H

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 96-H

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.**

## INTRODUCTION AND REFERENCE OF BILLS

### FIRST READING

By Senators Johnson and Gardner—

**SJR 2-H**—A joint resolution proposing an amendment to Section 9 of Article XII of the State Constitution, relating to certain bonds, to continue using gross receipts revenue for educational facilities for public school districts, junior college districts, and universities, to continue using motor vehicle license revenues for capital outlay projects and other educational needs of public school districts and junior college districts, and to begin to use motor vehicle license revenues for capital outlay projects and other educational programs of the state university system.

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

By Senator Langley—

**SB 4-H**—A bill to be entitled An act relating to Lake County; providing for liens in favor of operators of hospitals in that county, or in favor of governmental agencies paying for hospital charges or medical treatment of individuals in that county, upon causes of actions, suits, claims, counterclaims, and demands accruing to patients therein, or their legal representatives, and upon judgments, settlements, and settlement agreements, on account of illnesses or injuries of such patients, for all reasonable charges for hospital care, treatment, and maintenance necessitated by such illnesses or injuries; providing a method of perfecting and enforcing such liens; providing for recovery of costs, including attorney's fees, and where suits thereon may be maintained; requiring claims of lien to be recorded; providing for fees for the recording of claims of lien; providing that a release or satisfaction is not valid against the lien unless the lienholder joins therein or executes a release thereof; providing that acceptance of a release or satisfaction of any cause of action, suit, claim, counterclaim, demand, or judgment and any settlement, in the absence of a release or satisfaction of lien, prima facie constitutes impairment of such lien, and giving the lienholder a right of action for damages on account of such impairment, and providing for recovery from one accepting release or satisfaction or making settlement; prohibiting recovery of damages for hospital care, treatment, and maintenance unless the claimant therefor has paid the costs thereof except in certain cases; providing for intervention by the lienholder and verdict and judgment in favor of the lienholder in certain cases; exempting from provisions of this act matters within the purview of the Workers' Compensation Law; 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 Senator Forman—

**SB 6-H**—A bill to be entitled An act relating to tax collectors; increasing service fees collected by tax collectors; amending s. 197.462, F.S.; increasing fee for the transfer of tax certificates; amending s. 197.502, F.S.; increasing fee for obtaining tax deed; amending s. 319.32, F.S.; increasing fee for issuance, duplication, or transfer of certificates of title; amending s. 320.04, F.S.; increasing fee for registration of motor vehicles; amending s. 320.0815, F.S.; increasing fee for mobile homes and recreational vehicles license plates or stickers; amending s. 327.11, F.S.; increasing fees for vessel registration; amending s. 327.25, F.S.; increasing vessel registration service fees; amending s. 328.03, F.S.; increasing fees for vessel certificates of title; amending s. 370.0605, F.S.; increasing salt-water fishing license fee; amending s. 370.1111, F.S.; increasing fee for snook stamp; amending s. 370.14, F.S.; increasing fee for crawfish stamp; amending s. 372.561, F.S.; increasing fees for issuing hunting and fresh-water fishing licenses; amending s. 372.574, F.S.; increasing fee for fishing, hunting, and trapping license or stamp; amending s. 372.60, F.S.; increasing fees for issuing duplicate licenses; providing an effective date.

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

By Senator Forman—

**SB 8-H**—A bill to be entitled An act relating to private activity bonds; amending s. 159.807, F.S.; revising provisions related to eligibility for, and availability of, allocations from the state allocation pool for private activity bonds; amending s. 7, ch. 92-127, Laws of Florida, which establishes a manufacturing facility bond pool, to specify the manner in which written confirmations of allocations for manufacturing projects are to be made when allocation is not available from that pool; providing an effective date.

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

By Senator Forman—

**SB 10-H**—A bill to be entitled An act relating to service charges on state trust funds; amending s. 215.20, F.S.; changing the amount of such service charges; reenacting certain provisions of ss. 200.132, 206.60, 206.875, 206.879, 206.9845, 206.9945, 210.20, 212.06, 212.69, 215.23, 215.24, 215.36, 319.32, 320.072, 325.214, 372.105, 372.106, 376.3071, 455.219, 498.019, 624.506, F.S.; incorporating changes in provisions that cross-reference s. 215.20, F.S.; providing an effective date.

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

By Senator Dudley—

**SB 12-H**—A bill to be entitled An act relating to local occupational license taxes; creating s. 205.0315, F.S.; providing requirements for new occupational license tax ordinances adopted after October 1, 1994; amending ss. 205.032, 205.042, F.S.; revising the time for the publication of notice by a county or municipality prior to adoption of such taxes; amending ss. 205.033, 205.043, F.S.; revising fees for transfer of licenses; providing that provisions relating to distribution of county tax revenues are not applicable in certain circumstances; prohibiting adoption of an ordinance by certain counties levying an additional tax for economic development after January 1, 1994; specifying that revenues generated by the county tax may be used for economic development purposes; creating s. 205.045, F.S.; providing that a municipality may transfer to the county, and a county may transfer to a municipality, administrative duties relating to such taxes; amending s. 205.053, F.S.; revising the date for sale of licenses and the due date thereof; providing civil penalties for failure to obtain a required license; providing for costs and attorney's fees; creating s. 205.0535, F.S.; authorizing counties and municipalities to reclassify occupations and establish new rate structures; providing requirements and limitations; providing requirements for subsequent rate increases; creating s. 205.0536, F.S.; providing for the distribution of county tax revenues after October 1, 1994; creating s. 205.0537, F.S.; providing requirements with respect to licensing of vending and amusement machines; providing effective dates.

—was referred to the Committees on Community Affairs; and Finance, Taxation and Claims.

By Senator Kurth—

**SB 14-H**—A bill to be entitled An act relating to the Canaveral Port Authority; amending chapter 28922, Laws of Florida, 1953, as amended, relating to the authority of the Canaveral Port Authority to operate and maintain foreign trade subzones within the limits of Brevard and Volusia Counties; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on International Trade, Economic Development and Tourism; and Rules and Calendar.

By Senator Thurman—

**SB 16-H**—A bill to be entitled An act relating to Citrus County, Homosassa Special Water District; amending section 2 of chapter 59-1177, Laws of Florida, as amended; increasing the membership of the board of commissioners of the district from three to five; providing for an election for the additional members; decreasing the maximum amount of compensation that may be provided to the members of the board; providing for an increase in such compensation upon approval by the electors of the district; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Girardeau—

**SB 18-H**—A bill to be entitled An act relating to civil rights; amending section 14 of chapter 92-177, Laws of Florida, changing the effective date of that law; providing an effective date.

—was referred to the Committees on Commerce and Judiciary.

By Senator Malchon—

**SB 20-H**—A bill to be entitled An act relating to definitions pertaining to health care; amending s. 408.07, F.S.; providing that the definitions contained in that section do not apply with respect to the Health Facility and Services Development Act; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By Senator Malchon—

**SB 22-H**—A bill to be entitled An act preserving rules and proceedings of the Department of Health and Rehabilitative Services relating to certificates of need; amending s. 381.7155, F.S., renumbered as s. 408.0455, F.S.; providing that certain rules of the department remain in effect and are enforceable by the Agency for Health Care Administration; providing for the continuation of certain proceedings pending on a specified date; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By Senator Weinstein—

**SB 24-H**—A bill to be entitled An act relating to unemployment compensation; amending s. 443.111, F.S.; modifying the maximum weekly unemployment compensation benefit amount that may be paid to an individual; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By Senator Dudley—

**SB 26-H**—A bill to be entitled An act relating to taxation; amending s. 212.04, F.S.; providing an exemption from certain taxes for museums and historic buildings owned by any political subdivision of the state; providing an effective date.

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

By Senator Girardeau—

**SB 28-H**—A bill to be entitled An act relating to the Jacksonville Port Authority, Duval County; amending chapter 63-1447, Laws of Florida, as amended, the Charter of the Jacksonville Port Authority; repealing provisions that require that the Council of the City of Jacksonville must approve the removal of an Authority member from office; amending provisions regarding voting requirements for lease approval; eliminating lan-

guage no longer applicable regarding payment of expenses; eliminating invalid authorization to issue industrial development bonds; expanding authorization to enter into joint ventures for development; eliminating necessity to record leases as they are already public records; eliminating duplication of appraisals and simplifying language regarding intergovernmental contracts; eliminating references to general obligation bonds and revising reference to chapter 159, F.S.; removing transition language no longer applicable; creating provisions concerning rights of bondholders and rights of employees; revising provisions to reflect current practice and eliminate redundancy of oath of office; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Dudley, Gardner and Kurth—

**SB 30-H**—A bill to be entitled An act relating to ad valorem taxation; amending s. 192.001, F.S.; providing standards for determining substantial completion of an improvement to real personal property; creating s. 192.039, F.S.; providing for assessment and taxation of certain real property on a partial-year assessment roll; creating s. 192.044, F.S.; exempting tangible personal property from partial-year assessment; providing for partial-year tangible personal property to take effect upon certain findings; providing for assessment and taxation of certain tangible personal property on a partial-year assessment roll; providing for the assessment of certain railroad property for a partial year; amending s. 192.042, F.S.; providing for the day of assessment; providing for reimbursement of tax collectors for preparation of the initial partial-year assessment rolls; amending s. 193.052, F.S.; providing for partial-year tax returns; amending s. 193.062, F.S.; providing a date for filing of returns; amending s. 193.114, F.S.; providing for preparation of partial-year rolls; amending s. 195.027, F.S.; requiring partial-year returns by agency rule; amending s. 196.011, F.S.; providing a requirement for application for exemption for property listed on a partial-year assessment roll; amending s. 197.3635, F.S.; specifying information to be included on notice for partial-year taxes and assessments; creating s. 200.0701, F.S.; requiring notice of partial-year assessment; requiring inclusion of partial-year property on 1992 and 1993 rolls; amending s. 212.08, F.S.; correcting a cross-reference; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Community Affairs.

By Senator Dudley—

**SB 32-H**—A bill to be entitled An act relating to local government finance; amending s. 192.001, F.S.; providing standards for determining substantial completion of an improvement to real personal property; creating s. 192.039, F.S.; providing for assessment and taxation of certain real property on a partial-year assessment roll; creating s. 192.044, F.S.; exempting tangible personal property from partial-year assessment in certain circumstances; providing for partial-year tangible personal property assessments to take effect upon certain findings; providing for assessment and taxation of certain tangible personal property on a partial-year assessment roll; providing for the assessment of certain railroad property for a partial year; amending s. 192.042, F.S.; providing for the date of assessment; providing for reimbursement of tax collectors for preparation of the initial partial-year assessment rolls; amending s. 193.052, F.S.; providing for partial-year tax returns; amending s. 193.062, F.S.; providing a date for filing of returns; amending s. 193.114, F.S.; providing for preparation of partial-year rolls; amending s. 195.027, F.S.; requiring partial-year returns by agency rule; amending s. 196.011, F.S.; providing a requirement for application for exemption for property listed on a partial-year assessment roll; amending s. 197.3635, F.S.; specifying information to be included on notice for partial-year taxes and assessments; creating s. 200.0701, F.S.; requiring notice of partial-year assessment; requiring inclusion of partial-year property on 1993 rolls; amending s. 196.081, F.S.; providing that the exemption for certain permanently and totally disabled veterans may be claimed by the veteran's spouse after the veteran's death under certain circumstances; providing that such veteran's spouse may claim the exemption for another residence under certain circumstances; amending s. 212.08, F.S.; correcting a cross-reference; amending ss. 218.61, 218.62, F.S.; providing a cross-reference; creating s. 218.66, F.S.; providing for a supplemental distribution to certain small counties participating in the local government half-cent sales tax; creating s. 205.0315, F.S.; providing requirements for new occupational license tax ordinances adopted after October 1, 1994; amending ss. 205.032, 205.042, F.S.; revising the time for the publication of notice by

a county or municipality prior to adoption of such taxes; amending ss. 205.033, 205.043, F.S.; revising fees for transfer of licenses; providing that provisions relating to distribution of county tax revenues are not applicable in certain circumstances; prohibiting adoption of an ordinance by certain counties levying an additional tax for economic development after January 1, 1994; specifying that revenues generated by the county tax may be used for economic development purposes; creating s. 205.045, F.S.; providing that a municipality may transfer to the county, and a county may transfer to a municipality, administrative duties relating to such taxes; amending s. 205.053, F.S.; revising the date for sale of licenses and the due date thereof; providing civil penalties for failure to obtain a required license; providing for costs and attorneys' fees; creating s. 205.0535, F.S.; authorizing counties and municipalities to reclassify occupations and establish new rate structures; providing requirements and limitations; providing requirements for subsequent rate increases; creating s. 205.0536, F.S.; providing for the distribution of county tax revenues after October 1, 1993; creating s. 205.0537, F.S.; providing requirements with respect to licensing of vending and amusement machines; creating s. 218.80, F.S.; providing a short title; providing a title for part VIII of chapter 218, F.S.; amending and renumbering s. 166.231, F.S.; authorizing counties to impose public service taxes in the same manner as municipalities; amending and renumbering s. 166.232, F.S.; providing for the county public service tax to be levied on a physical unit basis; amending s. 212.054, F.S.; repealing the limit on the amount of sales subject to the discretionary sales surtax; providing for computation of the sales surtax rate; amending s. 212.055, F.S.; authorizing a county to levy a discretionary sales surtax without a referendum in certain circumstances; deleting the durational limit on levy of the surtax; authorizing additional use of the proceeds from the surtax; conforming the section to amendments enacted in the special session "F" of 1992; amending s. 336.021, F.S.; providing for extension of a county's voted gas tax to sales of aviation fuel; providing for additional uses of the proceeds of the tax; amending s. 336.025, F.S.; providing for extension of a county's local option gas tax to sales of aviation fuel; providing for additional uses of the proceeds of the tax; amending s. 218.65, F.S.; providing that the emergency distribution of moneys to counties is not affected by the small county supplemental distribution; increasing the amount appropriated for emergency distributions; providing an appropriation for annual crisis distributions to certain small counties; amending s. 186.901, F.S.; revising requirements of the Executive Office of the Governor with respect to estimated population counts for purposes of revenue-sharing calculations; creating s. 200.46, F.S.; prescribing millage limits on levies by units of local government that receive revenues from the local option real property transfer tax; creating s. 201.015, F.S.; authorizing counties to levy a local option real property transfer tax; prescribing requirements for the ordinance imposing the tax; providing for its approval by the county governing authority; prescribing a maximum rate; providing for sharing of revenues with municipalities; prescribing purposes for which the revenues may be used; amending s. 201.15, F.S.; providing that local option real property transfer taxes are not subject to the distribution formula applicable to excise taxes on documents; requiring the Department of Revenue to use certain estimated population counts in revenue-sharing calculations for the 1991-1992 state fiscal year; providing severability; providing effective dates.

—was referred to the Committees on Finance, Taxation and Claims; and Community Affairs.

By Senator Forman—

**SB 34-H**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending ss. 212.02, 212.03, 212.031, 212.04, 212.05, 212.0506, 212.052, 212.054, 212.0598, 212.06, 212.0601, 212.07, 212.08, 212.0821, 212.09, 212.12, 212.21, F.S.; repealing certain exemptions from said tax over a specified period; creating ss. 212.056, 212.0561, 212.0562, 212.0563, 212.0564, F.S.; imposing a tax on the sale and use of services for a specified period; providing for collecting and remitting thereof; requiring multistate purchasers that self-accrue the tax to file an annual supplementary tax return; providing for apportionment of the tax on interstate and international transportation services; requiring applicants for certain licenses or permits to attest that applicable use taxes have been paid; providing rules of construction with respect to said tax; providing for administration of the exemption for services sold in this state for use outside this state; providing for exempt purchase permits and affidavits; requiring dealers to maintain monthly logs; providing a penalty; providing for refunds; providing special provisions applicable to the tax on construction services; prohibiting issuance of certificate of occupancy under certain circumstances; exempting certain improvements to real property from the tax; providing penalties; providing definitions

applicable to the tax on services; specifying conditions under which sale of a service is considered a sale for resale; specifying those activities included within the meaning of "services"; including the tax on services in provisions relating to discretionary sales surtaxes, special provisions relating to air carriers, dealers and collection of tax, penalties for violation, enforcement, and intent regarding exemptions; amending s. 212.11, F.S.; authorizing quarterly returns for dealers registered as service providers under certain circumstances; amending s. 212.183, F.S.; authorizing the Department of Revenue to provide by rule for self-accrual of tax for purchasers of services; amending ss. 212.61, 203.01, 790.0655, F.S.; conforming and correcting references; providing for review of the repeal of sales tax exemptions and expenditures and providing criteria for reinstatement; providing for periodic repeal and review of sales tax exemptions and expenditures; providing for calculation of the aggregate required local effort under the Florida Education Finance Program for a specified period; providing effective dates.

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

By Senator Dudley—

**SJR 36-H**—A joint resolution proposing an amendment to Section 2, Article VII of the State Constitution, relating to taxation of real property.

—was referred to the Committees on Finance, Taxation and Claims; and Rules and Calendar.

By Senator Dudley—

**SJR 38-H**—A joint resolution proposing an amendment to Section 9 of Article VII of the State Constitution relating to municipal taxing authority.

—was referred to the Committees on Finance, Taxation and Claims; and Rules and Calendar.

By Senator Dudley—

**SB 40-H**—A bill to be entitled An act relating to real property transfer taxes; creating s. 200.46, F.S.; prescribing millage limits on levies by units of local government that receive revenues from the local option real property transfer tax; creating s. 201.015, F.S.; authorizing counties to levy a local option real property transfer tax; prescribing requirements for the ordinance imposing the tax; providing for its approval by the county governing authority; prescribing a maximum rate; providing for sharing of revenues with municipalities; prescribing purposes for which the revenues may be used; amending s. 201.15, F.S.; providing that local option real property transfer taxes are not subject to the distribution formula applicable to excise taxes on documents; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Community Affairs.

By Senator Johnson—

**SB 42-H**—A bill to be entitled An act relating to public school financing; providing that district school boards may use ad valorem tax revenues collected for capital outlay purposes to fund classroom operations under certain circumstances; authorizing school districts to defer compliance with certain budgeting requirements until a specified date; providing requirements for repayment; providing an effective date.

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

By Senator Johnson—

**SB 44-H**—A bill to be entitled An act relating to the offense of witness tampering; amending s. 914.22, F.S.; prohibiting causing or inducing a person to testify untruthfully in an official investigation or proceeding, for which criminal penalties are provided; reenacting ss. 914.24(1)(a), (2)(a), 772.102(1)(a), and 895.02(1)(a), F.S., relating to civil actions to restrain harassment of a victim or witness, civil remedies for criminal practices, and racketeering offenses, to incorporate the amendment in references thereto; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Kirkpatrick—

**SB 46-H**—A bill to be entitled An act relating to solid waste; amending s. 125.01, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 166.021, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 212.055, F.S.; expanding the uses of the local option sales tax to include certain solid waste landfill closures; amending s. 212.08, F.S.; providing for a sales tax exemption prior to purchase for certain recycling equipment and machinery; providing an exemption for boiler retrofitting services; exempting pelletized paper waste used as a boiler fuel; amending s. 287.045, F.S.; deleting obsolete provisions; requiring the purchase of materials with recycled content under certain conditions; authorizing the Division of Purchasing and other state agencies to consider life-cycle costing when evaluating certain bids; requiring the Division of Purchasing to adopt certain rules; providing a price preference for materials or products that contain recycled Florida scrap; amending the definition of the term "recycled content"; requiring state agencies and others to procure products with recycled content; amending ss. 316.003, 377.709, F.S.; conforming cross-references; amending s. 381.006, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 381.0098, F.S.; redesignating biohazardous waste as biomedical waste; providing that biomedical waste does not include disposal of human remains; deleting exemptions from registration and fee requirements; amending s. 395.002, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 395.0101, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 403.1834, F.S.; allowing landfill closures to be financed by certain bonds; amending s. 403.4131, F.S.; abolishing the Clean Florida Commission; amending s. 403.4135, F.S.; requiring litter bags in motor vehicles and vessels; amending s. 403.702, F.S.; redesignating biohazardous waste as biomedical waste; encouraging school districts and other such education facilities to participate in certain recycling programs; amending s. 403.703, F.S.; amending definitions pertaining to resource recovery and management; prohibiting local governments from adopting definitions that are inconsistent with those in this section; amending s. 403.704, F.S.; redesignating biohazardous waste as biomedical waste; allowing certain funds to be used for composting programs; allowing the Department of Environmental Regulation to impose certain conditions on the disposal of waste generated outside this state; amending s. 403.7045, F.S.; redesignating biohazardous waste as biomedical waste; deleting provisions that pertain to regulating recovered materials; creating s. 403.7046, F.S.; providing for regulation of certain recovered materials; providing for registration, reporting, and inspection; providing for fees; providing for rulemaking; providing for confidentiality for certain information received by the Department of Environmental Regulation; providing for review under the Open Government Sunset Review Act; amending s. 403.7049, F.S.; requiring the disclosure of the funds rebated to the recycling program as a result of fees recovered pursuant to the Advance Disposal Fee Program; amending s. 403.705, F.S.; correcting a cross-reference; changing the date by which certain reports must be prepared by the Department of Environmental Regulation; deleting certain obsolete provisions; amending s. 403.706, F.S.; requiring steel cans to be separated from the waste stream; allowing certain counties to provide an opportunity to recycle; requiring counties to implement a program for the separation and composting of organic materials; specifying that the solid waste goal is a reduction goal; providing that innovative programs for uses of yard trash or wood in construction and demolition debris may qualify as a credit toward waste reduction goal; requiring counties to provide a description of the progress made toward implementing a composting program; requiring certain local governments to enact certain ordinances; encouraging counties or municipalities to enact local ordinances that require all institutional, commercial, and industrial generators to establish programs for the separation of certain recyclable materials; encouraging counties or municipalities to ensure that solid waste programs are separate enterprises and that user fees are sufficient to completely support the program; encouraging counties or municipalities that provide solid waste collection services to charge fees based upon the volume or weight of solid waste that is collected from each user; providing one-time incentive grants to counties or municipalities; providing for certain fees; amending s. 403.7065, F.S.; specifying when state agencies must use products with recycled content; amending the definition of the term "recycled content" to include steel and plastics; amending s. 403.707, F.S.; redesignating clean debris as construction and demolition debris in certain circumstances and redesignating biohazardous waste as biomedical waste; prohibiting open fires, air curtain incinerators, and trench burning, unless permitted by the department; requiring an application for a solid waste management facility permit to contain certain affirmations that the proposed facility is in compliance with local zoning

requirements and the local comprehensive plan; amending s. 403.708, F.S.; redesignating biohazardous waste as biomedical waste; describing the triangle that must appear on certain plastic labels; exempting plastic casings for lead-acid batteries from certain labeling requirements; substituting the term "PETE" for "PET"; prohibiting the regulation of packaging under certain circumstances; amending s. 403.7084, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 403.709, F.S.; providing for certain research and demonstration projects to be funded from the Solid Waste Management Trust Fund; specifying the uses for moneys allocated to the Solid Waste Management Trust Fund from lead-acid battery fees; amending s. 403.7095, F.S.; requiring the Department of Environmental Regulation to consider the progress made by the local government in meeting solid waste requirements when determining whether to continue, eliminate, or place conditions on certain grants to the local government; requiring a county or municipality to demonstrate on grant application how money will be used regarding recycling at both single-family and multifamily dwellings; requiring that certain information be contained in a grant application regarding the use of the private sector in recycling; deleting certain obsolete provisions; amending s. 403.7125, F.S.; allowing certain revenues to be deposited into the local government general fund under certain conditions; preserving certain obligations of a landfill owner or operator; creating s. 403.7126, F.S.; establishing the Landfill Closure Revolving Loan Trust Fund; providing terms and conditions for loans from such fund; amending s. 403.713, F.S.; providing for ownership and control of certain recovered materials; amending s. 403.714, F.S.; deleting obsolete provisions; allowing the Legislature, state agencies, and the judicial branch to use proceeds from sale of recyclable materials in certain ways; requiring state agencies to use compost products; requiring agencies and others to report certain information regarding compost products; requiring the Department of Agriculture and Consumer Services to develop certain specifications; amending s. 403.717, F.S.; correcting a cross-reference; creating s. 403.7184, F.S.; providing certain requirements for consumers, manufacturers, and sellers of certain batteries; providing penalties; providing for the state to recover reasonable administrative expenses, court costs, and attorneys' fees incurred in an action to enforce this section; amending s. 403.7185, F.S.; providing that proceeds from the lead-acid battery fees be deposited into the battery account within the Solid Waste Management Trust Fund instead of the Water Quality Assurance Trust Fund; amending s. 403.7195, F.S.; increasing the waste disposal fee on newsprint, and credits against such fee, under certain conditions; providing minimum recycled fiber content for newsprint; amending s. 403.7197, F.S.; providing the intent and purpose of the advance disposal fee; providing definitions; requiring the Department of Environmental Regulation to conduct certain studies and designate certain materials subject to such fee; requiring recyclable packaging materials; revising the recycling rate that triggers the fee; specifying the containers subject to the fee; creating the Container Recycling Advisory Council; providing that fee collections and charges be made at certain retail establishments; providing for the remittance of fees on a basis other than retail sales; providing for certain refunds from the Department of Revenue; authorizing the Department of Environmental Regulation to establish certain exemption criteria and redemption rates; providing that reimbursement of fees to redemption centers shall not be made before a specified date; providing for private buyback businesses; providing for rebates to certain households; providing for consolidated returns; specifying that the advance disposal fee applies to vending machine sales; requiring a bond for certain redemption centers; requiring certain identification from persons redeeming materials for the advance disposal fee; providing confidentiality for certain taxpayer records; specifying uses for moneys in the Solid Waste Management Trust Fund; subjecting certain fast-food products to the fee; providing for fee revenues to be deposited into the Litter Prevention Trust Fund, which is created; providing for the remittance of fees on a basis other than retail collections on individual transactions; allowing retail business operators to retain a certain amount for direct expenditures for litter prevention or control; providing for a biannual litter survey; providing for uses of moneys in the fund; amending s. 403.727, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 483.615, F.S.; redesignating biohazardous waste as biomedical waste; providing for use of the term "biohazardous waste" under certain circumstances; requiring hospitals to conduct a study and report to the Department of Environmental Regulation; providing for the recycling of mercury-containing devices; providing for demonstration projects; requiring a report to the Legislature; providing an appropriation; prohibiting the use of certain toxic materials in packaging; prohibiting the use of certain packaging material; prohibiting certain environmental representations on consumer products; requiring recycling receptacles in cer-

tain locations; amending s. 72.011, F.S.; providing that a taxpayer may contest the assessment of the fee and penalties and interest assessed pursuant to s. 403.7197, F.S., the advance disposal fee; amending s. 213.05, F.S.; authorizing the Department of Revenue to collect the advance disposal fee; amending s. 213.053, F.S.; providing for confidentiality of certain information obtained by the Department of Revenue pursuant to the advance disposal fee collection; creating s. 288.18, F.S.; creating the Recycled Materials Markets Development Board in the Department of Commerce; providing membership; providing powers, duties, and functions; providing for an annual report; providing for repeal; creating s. 288.1181, F.S.; creating the Recycling Markets Trust Fund; specifying uses of fund moneys; creating s. 288.1182, F.S.; authorizing the Recycling Materials Markets Development Board to enter into certain contracts to finance certain programs; providing for certain legislative review; creating s. 403.7199, F.S.; creating the Florida Packaging Waste Reduction Council; providing membership, purposes, and duties; providing for an annual summary report to the Governor and the Legislature; providing for the confidentiality of certain materials that are in the possession of the council; providing for open government sunset review of that exemption; requiring minimum content and source-reduction rates for certain packaging materials by a certain date; providing for repeal under certain conditions; providing requirements for review of new incinerator capacity by the Department of Environmental Regulation; providing a more stringent review process, for a limited period of time, for certain incinerator facilities; providing appropriations; providing for legislative review; providing appropriations; repealing s. 403.7145, F.S., relating to the Capitol Recycling Demonstration Area; repealing s. 403.7198, F.S., relating to container deposits; providing certain responsibilities for Keep Florida Beautiful, Inc.; repealing s. 403.708(10), F.S., relating to degradable plastic bags; providing effective dates.

—was referred to the Committees on Natural Resources and Conservation; and Appropriations.

By Senator Dantzler—

**SB 48-H**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending ss. 20.14, 570.29, F.S.; revising administrative structure of the department; amending ss. 570.02, 570.242, F.S.; modifying definitions; amending s. 570.07, F.S.; modifying department powers and duties; creating s. 570.073, F.S.; authorizing establishment of an Office of Agricultural Law Enforcement within the department; providing duties and authority of officers; creating s. 570.091, F.S.; providing for deputy commissioners of agriculture; creating s. 570.092, F.S.; providing for an inspector general and providing duties; amending s. 570.30, F.S.; transferring certain responsibilities relating to public fairs and expositions from the Division of Administration to the Division of Standards and the Division of Marketing and Development; amending s. 570.33, F.S.; deleting qualifications for director of the Division of Plant Industry; amending s. 570.37, F.S.; revising qualifications for director of the Division of Animal Industry; amending s. 570.41, F.S.; deleting qualifications for director of the Division of Dairy Industry; amending s. 570.44, F.S.; renaming the Division of Inspections as the Division of Agricultural Environmental Services; transferring various duties to the Division of Food Safety, the Division of Dairy Industry, and the Office of Agricultural Law Enforcement; providing additional duties relating to soil and water conservation; transferring responsibilities for analysis of fertilizers, pesticides, commercial feed, and seed to the Division of Agricultural Environmental Services from the Division of Chemistry; amending s. 570.45, F.S.; revising duties of division director; amending s. 570.46, F.S.; transferring responsibility for testing certain samples for conformity with state specifications to the Division of Standards from the Division of Chemistry; amending s. 570.47, F.S.; deleting qualifications for division director; amending s. 570.48, F.S.; renaming the Division of Fruit and Vegetable Inspection as the Division of Fruit and Vegetables; amending s. 570.50, F.S.; renaming the Division of Chemistry as the Division of Food Safety; providing additional duties relating to inspection of meat and poultry, and food and food products; amending s. 570.51, F.S.; deleting qualifications for division director; amending s. 570.53, F.S.; renaming the Division of Marketing as the Division of Marketing and Development; providing additional responsibilities relating to public fairs and expositions; amending s. 570.544, F.S.; providing procedure for resolution of complaints by the Division of Consumer Services; amending s. 570.549, F.S.; deleting qualifications for director of the Division of Forestry; amending s. 570.55, F.S.; renaming the Florida Avocado, Mango, and Lime Sales Law as the "Florida Avocado, Mango, Lime, and Tomato Sales Law"; transferring from the Division of Inspection to the Office of Agricultural Law Enforcement enforcement duties relating to

sale of avocados, mangoes, limes, and tomatoes; revising definitions; amending ss. 585.001, 585.002, 585.01, F.S.; conforming provisions relating to the Division of Animal Industry; amending s. 585.21, F.S.; clarifying responsibilities; amending s. 585.715, F.S.; providing that the Division of Food Safety enforce pt. II of ch. 585, F.S.; amending ss. 616.001, 616.21, 616.28, F.S.; deleting references to the Bureau of Public Fairs and Expositions; creating s. 932.708, F.S.; creating the Law Enforcement Trust Fund within the department; providing for deposit therein of revenues from certain criminal or forfeiture proceedings; amending ss. 235.014, 468.382, F.S.; conforming cross-references; amending ss. 487.159, 570.09, 570.23, 570.244, 570.248, 570.31, 570.34, 570.38, 570.42, 570.49, 570.531, 570.54, 570.541, 570.543, 571.23, 573.111, 574.01, 574.03, 601.28, 601.58, 601.66, F.S.; conforming terminology; directing the Division of Statutory Revision to prepare a reviser's bill; repealing ss. 534.081(3), 570.36(6), 590.02(4), F.S., relating to enforcement of agricultural provisions by law enforcement officers, special officers, the Division of Animal Industry, and special officers of the Division of Forestry; amending s. 501.015, F.S.; requiring health studios to post a certificate; providing requirements with respect to occupational licenses; amending s. 501.016, F.S.; revising provisions with respect to health studio security requirements; amending s. 501.019, F.S.; revising provisions with respect to administrative penalties for health studios; amending s. 501.059, F.S.; providing for the deposit of civil penalties with respect to telephone solicitation in the Consumer Protection Trust Fund; amending s. 501.604, F.S.; revising exemptions; amending s. 501.912, F.S.; revising definitions; amending s. 501.913, F.S.; revising registration provisions under the Antifreeze Act of 1978; amending s. 501.917, F.S.; clarifying provisions relating to inspections by the department; amending s. 501.918, F.S.; clarifying provisions with respect to prohibited activities; amending s. 501.919, F.S.; revising provisions with respect to stop-sale orders; amending s. 501.922, F.S.; increasing timeframes for revocation or suspension of registration under the act; providing for deposit of funds into the General Inspection Trust Fund; amending s. 525.01, F.S.; providing definitions with respect to gasoline and oil inspections by the Department of Agriculture and Consumer Services; amending s. 525.02, F.S.; revising provisions with respect to analysis of petroleum fuel; repealing s. 525.03, F.S., relating to the submission of samples of gasoline or oil to the department; creating s. 525.035, F.S., relating to mislabeled petroleum fuel being subject to stop sale; creating s. 525.037, F.S.; providing for stop sale with respect to petroleum fuel which is below standard; amending s. 525.07, F.S.; revising provisions with respect to the power of the department to make inspections; revising penalties; providing for registration of persons who repair or install certain pump meter devices; amending s. 525.08, F.S.; revising provisions with respect to the access of the department; amending s. 525.09, F.S.; revising provisions with respect to inspection fees; amending s. 525.10, F.S.; revising provisions with respect to the payment of expenses; amending s. 525.14, F.S.; revising provisions with respect to rules; amending s. 525.15, F.S.; clarifying provisions with respect to inspectors; amending s. 525.16, F.S.; providing for administrative fines and penalties; amending s. 526.50, F.S.; revising definitions with respect to the law governing the sale of brake fluid; amending s. 526.53, F.S.; revising provisions with respect to enforcement, inspection, and analysis, stop sale and disposition, and regulations; amending s. 531.41, F.S.; revising provisions with respect to the powers and duties of the department under the Weights and Measures Act of 1971; amending ss. 559.803, 559.805, 559.807, 559.815, F.S.; changing the term "division" to "department"; increasing a fee in s. 559.805, F.S.; amending s. 559.813, F.S.; authorizing the Department of Agriculture and Consumer Services to bring an action for injunction or civil relief; amending s. 559.927, F.S.; revising provisions with respect to regulation of sellers of travel; amending s. 570.5441, F.S.; providing for the uses of the Consumer Protection Trust Fund in the Division of Consumer Services; amending s. 616.091, F.S.; revising provisions with respect to safety standards for the operation of amusement devices; providing permitting and inspection procedures for amusement rental companies; providing an exemption from requirements of ch. 616, F.S., under certain conditions; prohibiting the operation of certain amusement attractions; repealing s. 525.06, F.S., relating to gasoline or oil which is below standard and subject to confiscation; repealing s. 525.11, F.S., relating to the requirement that the Comptroller must pay certain expenses of the Department of Agriculture and Consumer Services; repealing s. 525.13, F.S., relating to a report of the department; repealing s. 525.17, F.S., relating to penalties for violation of law relating to gasoline and oil inspection; repealing s. 525.18, F.S., relating to injunctions; repealing s. 559.925, F.S., relating to receptive tour operators; redesignating s. 616.091(2), F.S., as s. 616.0915, F.S.; providing for future review and repeal; providing effective dates.

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

By Senator Weinstock—

**SB 50-H**—A bill to be entitled An act relating to medical practice; amending s. 7, ch. 92-178, Laws of Florida; correcting cross-references; providing that a hospital that discriminates against a health care provider is subject to an administrative penalty and disciplinary proceedings; amending ss. 8, 9, ch. 92-178, Laws of Florida; providing a penalty and disciplinary proceedings against health care providers who engage in kickbacks and markups; amending s. 16, ch. 92-178, Laws of Florida providing joint venture fee caps for referred designated health services; providing rulemaking authority to the Health Care Board; providing for severability; providing an effective date.

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

By Senator Burt—

**SB 52-H**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.052, F.S.; providing for the calculation of a legislator's retirement benefits under the Elected State and County Officers' Class and under other classes of the system as separate benefits; providing for combined payment of benefits; providing applicability; prohibiting creditable service earned by a legislator under the Elected State and County Officers' Class from being used to attain the normal retirement date under any other class of the system; providing applicability; providing an effective date.

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

By Senators Malchon, Burt, Gardner and Bankhead—

**SB 54-H**—A bill to be entitled An act relating to fiscal matters; amending s. 27.702, F.S.; requiring the capital collateral representative to file certain motions for compensation and reimbursement and providing for deposit of funds into a trust fund; repealing s. 27.3455(9), F.S., relating to the future repeal of provisions regarding additional court costs; amending ss. 27.38, 27.60, F.S.; authorizing expenditure of appropriated state funds for items enumerated in s. 27.34 or s. 27.54, F.S.; providing an effective date.

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

By Senator Yancey—

**SB 56-H**—A bill to be entitled An act relating to fiscal matters; amending s. 27.702, F.S.; requiring the capital collateral representative to file certain motions for compensation and reimbursement and providing for deposit of funds into a trust fund; repealing s. 27.3455(9), F.S., relating to the future repeal of provisions regarding additional court costs; amending ss. 27.38, 27.60, F.S.; authorizing expenditure of appropriated state funds for items enumerated in ss. 27.34, 27.54, F.S.; providing for reporting requirements; providing for carryforward of unexpended funds appropriated for state attorneys and public defenders; providing an effective date.

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

By Senator Thurman—

**SB 58-H**—A bill to be entitled An act relating to public fairs and expositions; amending s. 616.21, F.S.; increasing the membership of the Agricultural and Livestock Fair Council; prescribing duties of the council; creating s. 616.221, F.S.; establishing the Florida Fairs, Festivals, and Livestock Shows Trust Account; providing for collection and disbursement of funds in the account; prescribing uses of moneys in the trust account; authorizing the Department of Agriculture and Consumer Services to adopt rules; repealing s. 616.22, F.S., which provides matching funds for construction or repair of exhibit buildings; providing for construction of laws enacted at the 1992 Regular Session in relation to this act; providing an effective date.

—was referred to the Committees on Agriculture; and Finance, Taxation and Claims.

By Senator Myers—

**SB 60-H**—A bill to be entitled An act relating to education finance; authorizing district school boards to use moneys collected for capital outlay purposes for school operation under specified circumstances and conditions; providing for review and repeal; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Thurman—

**SB 62-H**—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; authorizing the use of tax revenues for public recreational parks in less populous counties; providing an effective date.

—was referred to the Committees on International Trade, Economic Development and Tourism; and Finance, Taxation and Claims.

By Senators Souto and Kurth—

**SB 64-H**—A bill to be entitled An act relating to the Uniform Commercial Code; amending s. 679.402, F.S.; revising language with respect to an additional fee and changing the fee required for filing any instrument permitted or required to be filed under the provisions of the code relating to secured transactions; amending s. 679.404, F.S.; revising language with respect to termination statements; amending s. 15.091, F.S.; revising language with respect to processing fees under the Uniform Commercial Code; providing appropriations; providing an effective date.

—was referred to the Committees on International Trade, Economic Development and Tourism; Commerce; Finance, Taxation and Claims; and Appropriations.

By Senators Dantzler, Bankhead, Dudley and Crotty—

**SB 66-H**—A bill to be entitled An act relating to corrections; amending s. 20.315, F.S.; transferring legal services in the Department of Corrections from the Office of Management and Budget to the secretary; renaming the Community Services Program Office the Probation and Parole Program Office; transferring program evaluation responsibilities from the Office of Management and Budget to the Assistant Secretary for Programs; transferring staff development from the Office of Programs to the Office of Management and Budget; deleting authorization for the Governor to appoint an advisory council to the program offices; amending s. 922.10, F.S.; exempting information identifying an executioner from public records requirements; providing for future legislative review of this exemption under the Open Government Sunset Review Act; amending s. 944.17, F.S.; requiring agencies to release records relating to inmate custody classification to the Department of Corrections under certain circumstances; amending s. 944.702, F.S.; revising intent relating to the Transition Assistance Program Act; amending s. 944.703, F.S.; amending the time period within which the department must confirm certain information; amending s. 944.704, F.S.; deleting the title of transition assistance coordinator and specifying the duties of staff who provide such assistance; amending s. 944.705, F.S.; deleting requirements relating to the release orientation program; amending s. 944.706, F.S.; eliminating provisions of basic release assistance; amending s. 944.707, F.S.; eliminating certain postrelease services; amending s. 944.277, F.S.; expanding exceptions to eligibility for grants of provisional credits and authorizing use of certain information in determining eligibility for provisional credits; requiring the Department of Corrections to deliver a report to the Legislature; specifying what is to be considered in the report; authorizing the department to use sole-source contracted services; amending s. 947.1405, F.S.; requiring maximum level and length of supervision of offenders convicted of certain offenses; amending s. 947.146, F.S.; limiting control release to in-state inmates; requiring certain recommendations; requiring a review process for certain inmates; creating s. 947.149, F.S.; requiring a conditional medical release program for inmates determined to be permanently incapacitated or terminally ill; providing procedure; providing rulemaking authority; requiring a study by the Department of Corrections concerning the treatment of adult inmates with chronic health care needs; creating s. 944.471, F.S.; providing a short title; creating s. 944.472, F.S.; providing legislative findings and purposes; creating s. 944.473, F.S.; providing for the establishment of a program for random drug and alcohol testing for inmates in the correctional system; requiring the department to adopt rules; providing for substance abuse treatment programs; providing reporting requirements; amending s. 242.68, F.S.; authorizing the Board of Correctional Education to contract with state-licensed independent postsecondary schools for educational services; providing contract requirements; requiring the board to adopt rules governing the contracts; authorizing the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools to investigate violations of rules adopted by the Board of Correctional Education; requiring each independent postsecondary school operating under a contract with the Board of Correctional Education to document its compliance with rules; providing for termination of contracts by the Board of Correctional Education; authorizing school districts and com-

munity colleges to provide education services to inmates under the federal Pell Grant program; providing for in-kind contributions as partial payment for inmate education; amending s. 246.203, F.S.; revising the definition of the term "school" for purposes of ss. 246.201-246.231, F.S.; amending s. 246.213, F.S.; requiring the State Board of Education to adopt certain licensing requirements for independent postsecondary schools that operate within state correctional facilities; requiring the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools to make certain recommendations to the Board of Correctional Education; amending s. 246.215, F.S.; providing licensing requirements for independent postsecondary schools that operate within state correctional facilities; amending s. 246.228, F.S.; authorizing the Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools to take certain disciplinary actions against schools that violate rules adopted by the Board of Correctional Education; amending s. 246.229, F.S.; authorizing the Department of Legal Affairs and the state attorney to enforce rules adopted by the Board of Correctional Education; amending s. 246.231, F.S.; providing penalties; amending s. 775.16, F.S.; disqualifying persons convicted of a drug offense under the laws of other states or countries, if such offense would be a felony under ch. 893, F.S., from applying for state employment, licenses, and other benefits unless specified conditions are met; creating s. 766.317, F.S., relating to medical malpractice; providing that ch. 766, F.S., does not apply to prisoners in state, county, or municipal detention facilities; amending s. 794.011, F.S.; prohibiting grants of basic gain-time to persons convicted of sexual battery against a minor; amending s. 921.187, F.S.; authorizing the court to require an offender on community control, probation, or probation following incarceration to make a good-faith effort toward completion of basic or functional literacy skills or a high school equivalency diploma; amending s. 948.03, F.S.; requiring an offender, as a condition of his probation or community control, to make a good-faith effort toward completion of basic or functional literacy skills or a high school equivalency diploma; providing legislative intent and purpose; providing guidelines for regulating inmate behavior at state correctional institutions; providing definitions; prescribing certain behaviors; requiring the Department of Corrections to adopt certain rules; amending s. 39.01, F.S.; revising the definition of "serious or habitual juvenile offender"; reenacting ss. 39.052(5), 39.058(3)(e) and (4)(a), F.S., relating to serious or habitual delinquent child placement and assessments, to incorporate the amendment in references thereto; amending s. 39.052, F.S.; providing for arraignment at an adjudicatory hearing; amending s. 39.0585, F.S.; revising provisions relating to information systems and records to authorize identification files on chronic delinquent offenders; defining "chronic delinquent offender"; providing for certain sharing of information; amending s. 39.044, F.S.; amending detention criteria, and reenacting ss. 39.037(1), 39.042(3)(b)1., 39.049(5), 39.064(1), 39.402(4), F.S., relating to taking a child into custody, use of detention, process and service, detention of escaped child, and placement in a shelter, to incorporate said amendment in references thereto; amending s. 39.038, F.S.; requiring the child to join in the release agreement; amending s. 39.047, F.S.; amending the responsibilities of the case manager; creating s. 39.0445, F.S.; providing for placement of juvenile domestic violence offenders; amending s. 39.054, F.S.; revising powers of disposition; providing for the conversion of certain orders of restitution into judgment liens; amending ss. 960.001, 960.002, 960.003, 960.01, 960.02, 960.03, 960.07, 960.17, 960.20, 960.28, F.S., relating to victim assistance, to provide that victims and witnesses in juvenile delinquency cases have the same rights as those afforded to victims and witnesses in adult criminal cases; providing for the removal of the disabilities of nonage for certain minors; providing for a separate program for young offenders; creating s. 39.0215, F.S.; providing for administering county and municipal juvenile delinquency programs and facilities, including secure detention facilities; providing for transfers of children; providing for payment of children performing services in work programs; requiring that county and municipal programs comport with state law and department rules and coordinate with other services; requiring quarterly inspections and evaluations by the department; requiring a monitoring fee; ensuring the training of personnel; providing enforcement powers to the Department of Health and Rehabilitative Services; amending s. 39.057, F.S.; authorizing county and municipal boot camps; providing for enforcement, including injunctive relief and proceedings to terminate facility operation; providing for a study of prison industries by a committee of the Senate; repealing s. 945.25(4), F.S., relating to the rulemaking authority of the department with respect to the privacy or privilege of certain information; providing effective dates.

—was referred to the Committees on Corrections, Probation and Parole; and Appropriations.

By Senators Johnson, Forman and Gardner—

**SB 68-H**—A bill to be entitled An act relating to taxation; requiring the Department of Revenue to develop and implement a limited-duration tax amnesty program for certain state taxes; providing definitions; providing conditions for participation in such program; amending s. 72.011, F.S.; providing conditions for filing an action to contest assessment or denial of refund; amending s. 196.011, F.S.; requiring homestead exemption applications to include the social security numbers of the property owner and spouse before a property appraiser may issue the homestead exemption; amending ss. 198.15, 198.18, F.S.; increasing penalties and interest for estate taxes due; amending s. 199.062, F.S.; requiring security brokers and investment advisers to file certain statements regarding customers' securities; allowing the department to require property appraisers to send intangible tax brochures to property owners; providing for retroactivity; authorizing the department to require state-registered security brokers and investment advisers to transmit once every 2 years a copy of the department's intangible tax brochure to certain clients; amending s. 199.282, F.S.; increasing penalties and interest for intangible taxes due; requiring a person applying for homestead exemption to certify in writing whether such person is required to file an annual intangible tax return in this state; providing a penalty; amending ss. 201.17, 203.01, 203.06, F.S., relating to the documentary stamp tax and the gross receipts tax on utility services, to increase the interest and penalties on those taxes due; amending ss. 206.06, 206.08, 206.09, 206.44, 206.87, 207.007, 211.076, 211.33, F.S., relating to motor and special fuel taxes, motor and special fuel use tax, and the severance tax, to increase the interest and penalties on those taxes due; amending s. 212.03, F.S.; requiring condominium associations or other persons responsible for the rental of condominium units to annually submit to the department certain information on rental units; providing a penalty; amending ss. 212.04, 212.085, F.S.; providing for increases in penalties on sales and use taxes due; amending s. 212.12, F.S.; providing for increases in interest and penalties on sales and use taxes due; amending s. 212.18, F.S.; providing that a state or local agency, board, or commission may not issue a license to any person engaged in any business without first ensuring that such person possesses a valid state sales tax registration certificate; providing an additional registration fee under certain circumstances; amending s. 213.051, F.S.; authorizing the department to issue subpoenas or subpoenas duces tecum under certain circumstances; amending s. 213.29, F.S.; increasing the penalty for failure to collect certain taxes; amending s. 213.30, F.S.; providing for compensation by the department to persons who provide information regarding a taxpayer not in compliance with registration requirements; creating s. 213.36, F.S.; requiring in-state manufacturer's or distributor's representatives to register annually with the department; providing definitions; requiring representatives to submit annually a current list of their clients and certain information to the department; providing a penalty; creating s. 213.50, F.S.; providing for the revocation of a corporate charter under certain circumstances; prohibiting the Division of Corporations of the Department of State from issuing or reinstating a corporate charter under certain circumstances; creating s. 213.67, F.S.; authorizing the Department of Revenue to garnish property under certain circumstances; creating s. 213.69, F.S.; authorizing the department, upon final determination of unpaid taxes, to issue warrants for unpaid taxes; creating s. 213.70, F.S.; authorizing the department to require persons who are registered to submit certain state taxes to place them in escrow; creating s. 213.71, F.S.; providing that a person may not be issued a license to practice any profession regulated by the Department of Professional Regulation if that person has an outstanding tax warrant that has existed for a specified period of time; amending ss. 220.181, 220.211, 220.801, 220.803, 220.901, F.S.; increasing penalties for corporate income taxes due; amending s. 895.02, F.S., providing additional definitions for the term "racketeering activity" as used in the Florida RICO (Racketeer Influenced and Corrupt Organization) Act; authorizing the Department of Revenue to adopt emergency rules; creating s. 213.0535, F.S.; establishing the Registration Information Sharing and Exchange Program; requiring certain local governments and state agencies to share specified tax and licensing information; providing duties of the department; providing for application of confidentiality and penalty provisions; providing for the exemption to be subject to the Open Government Sunset Review Act; restricting use of such information; amending s. 125.0104, F.S.; providing for the payment of interest on local option tourist development taxes remitted to the department; requiring state and local governmental entities administering specified local option taxes to make certain reports regarding the amounts and purposes for which moneys are withheld from tax proceeds; providing for expiration of that requirement; amending s. 216.262, F.S.; providing an additional condition

under which the Administration Commission may authorize an increase in the number of positions that were provided in an appropriations act; amending s. 213.053, F.S.; authorizing the department to provide certain information to eligible participants in the Registration Information Sharing and Exchange Program; providing appropriations; establishing positions; providing for pilot projects to improve the collection and enforcement of taxes; providing applicability of increased penalty and interest provisions; providing appropriations; providing effective dates.

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

By Senator Burt—

**SB 70-H**—A bill to be entitled An act relating to corrections; amending s. 944.711, F.S.; providing for bidding on the operation of state correctional facilities; providing an effective date.

—was referred to the Committee on Corrections, Probation and Parole.

By Senator Burt—

**SB 72-H**—A bill to be entitled An act relating to correctional education; amending s. 242.68, F.S.; requiring all education-related positions to be provided through contract; eliminating the Board of Correctional Education's responsibility for direct operation of correctional education programs; expanding the board's contract monitoring functions; removing the board's authority to adopt rules governing the compensation of teachers; expanding and setting priorities for the goals of correctional education; eliminating the responsibility of the Director of Correctional Education for the development of a compensation, classification plan, staffing, and funding formula; mandating certain contract education services; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; Education; and Appropriations.

By Senator Weinstock—

**SB 74-H**—A bill to be entitled An act redesignating agencies that administer specified health and human services; amending s. 400.623, F.S.; providing for licensure of adult foster homes by the Department of Health and Rehabilitative Services rather than the Agency for Health Care Administration to serve clients of the department; directing the Division of Statutory Revision of the Joint Legislative Management Committee to prepare a reviser's bill to make certain changes consistent with the intent and purposes of ch. 92-33, Laws of Florida, as amended; repealing s. 2, ch. 92-33, Laws of Florida, relating to directions for preparing the official edition of the Florida Statutes; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By Senator Malchon—

**SB 76-H**—A bill to be entitled An act abrogating the repeal of s. 381.0035, F.S., relating to education course requirements on human immunodeficiency virus; providing for retroactivity; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By Senator Bankhead—

**SB 78-H**—A bill to be entitled An act relating to costs of judicial proceedings; repealing s. 27.3455(9), F.S., as created by s. 2 of ch. 88-280, Laws of Florida; abrogating the future repeal of provisions regarding additional court costs; providing an effective date.

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

By Senator Walker—

**SB 80-H**—A bill to be entitled An act relating to education; amending s. 246.011, F.S.; providing legislative purpose; amending s. 246.021, F.S.; revising definitions and providing additional definitions; amending s. 246.031, F.S.; revising the membership of the State Board of Independent Colleges and Universities; requiring the board to appoint a standing advisory committee; providing for the terms of the present board to expire; requiring the Governor to appoint a new board; amending s. 246.041, F.S.; providing additional powers and duties of the board; authorizing the board to impose certain fines; amending s. 246.081, F.S.; revising licens-

ing requirements for nonpublic colleges; requiring the board to review accreditation standards established by organizations that accredit colleges in the state; requiring certain degrees to disclose the nature of certain programs; prohibiting colleges from employing certain agents; amending s. 246.085, F.S.; revising provisions granting certain colleges an exemption from licensing requirements; creating s. 246.086, F.S.; requiring certain colleges to obtain an authorization to operate; providing for annual review of secular and nonsecular degree titles; amending s. 246.087, F.S.; revising certain licensing requirements for colleges and agents that represent colleges; amending s. 246.091, F.S.; revising provisions relating to temporary and provisional licenses; amending s. 246.095, F.S.; revising requirements for disclosures to be made to prospective students; amending s. 246.101, F.S.; revising provisions relating to fees for operating the State Board of Independent Colleges and Universities; requiring a fee schedule; providing for base, workload, and late fees; amending s. 246.111, F.S.; requiring the board to adopt rules for taking certain disciplinary actions; amending s. 246.121, F.S.; revising circumstances under which certain nonlicensed colleges may use the designation "college" or "university"; amending s. 246.203, F.S.; requiring certain vocational programs to be subject to rules of the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; amending s. 232.02, F.S.; requiring that certain public and nonpublic high school diplomas must disclose the nature of certain programs; requiring that certain community college or university degrees disclose the nature of certain programs; amending s. 246.215, F.S.; requiring that certain independent school diplomas disclose the nature of certain programs; reviving and readopting provisions of ch. 246, F.S., notwithstanding repeals scheduled under the Regulatory Sunset Act; repealing s. 246.051, F.S., relating to powers of the State Board of Independent Colleges and Universities; providing an effective date.

—was referred to the Committees on Education; and Finance, Taxation and Claims.

By Senators Dantzer, Dudley and Bankhead—

**SB 82-H**—A bill to be entitled An act relating to juvenile offenders; amending s. 39.01, F.S.; revising the definition of "serious or habitual juvenile offender"; reenacting ss. 39.052(5), 39.058(3)(e) and (4)(a), F.S., relating to serious or habitual delinquent child placement and assessments, to incorporate the amendment in references thereto; amending s. 39.052, F.S.; providing for arraignment at an adjudicatory hearing; amending s. 39.0585, F.S.; revising provisions relating to information systems and records to authorize identification files on chronic delinquent offenders; defining "chronic delinquent offender"; providing for certain sharing of information; amending s. 39.044, F.S.; amending detention criteria, and reenacting ss. 39.037(1), 39.042(3)(b)1., 39.049(5), 39.064(1), 39.402(4), F.S., relating to taking a child into custody, use of detention, process and service, detention of escaped child, and placement in a shelter, to incorporate said amendment in references thereto; amending s. 39.038, F.S.; requiring the child to join in the release agreement; amending s. 39.047 F.S.; amending the responsibilities of the case manager, creating s. 39.0445, F.S.; providing for placement of juvenile domestic violence offenders; amending s. 39.054, F.S.; revising powers of disposition; providing for the conversion of certain orders of restitution into judgment liens; amending ss. 960.001, 960.002, 960.003, 960.01, 960.02, 960.03, 960.07, 960.17, 960.20, 960.28, F.S., relating to victim assistance, to provide that victims and witnesses in juvenile delinquency cases have the same rights as those afforded to victims and witnesses in adult criminal cases; providing for the removal of the disabilities of nonage for certain minors; providing for a separate program for young offenders; creating s. 39.0215, F.S.; providing for administering county and municipal juvenile delinquency programs and facilities, including secure detention facilities; providing for transfers of children; providing for payment of children performing services in work programs; requiring that county and municipal programs comport with state law and department rules and coordinate with other services; requiring quarterly inspections and evaluations by the department; requiring a monitoring fee; ensuring the training of personnel; providing enforcement powers to the Department of Health and Rehabilitative Services; amending s. 39.057, F.S.; authorizing county and municipal boot camps; providing for enforcement, including injunctive relief and proceedings to terminate facility operation; providing an effective date.

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

By Senator Jenne—

**SB 84-H**—A bill to be entitled An act relating to taxation; transferring, renumbering, and amending s. 166.231, F.S.; authorizing counties with a population less than a specified number to levy a tax within the unincorporated area on electricity, gas, water, and telecommunications service; providing a tax rate; providing for certain exemptions from the tax; providing for collection of the tax; transferring, renumbering, and amending s. 166.232, F.S.; conforming cross-references and terminology to changes made by the act; amending s. 212.055, F.S.; providing circumstances under which certain counties and municipalities may use the proceeds and interest from the local government infrastructure surtax for any public purpose; authorizing counties with a population less than a specified number to levy a discretionary sales surtax pursuant to ordinance or referendum; providing procedures and requirements for levying the surtax; specifying uses of proceeds of the surtax; revising provisions that authorize certain counties to levy a discretionary sales surtax for the purpose of funding indigent health care; authorizing counties with a population less than a specified number to levy a discretionary sales surtax for the purpose of funding indigent health care; providing procedures and requirements for levying the surtax; limiting the combined rate of discretionary sales surtaxes; providing for repeal of the surtax; amending s. 336.021, F.S.; authorizing the governing body of counties with a population less than a specified number to levy a gas tax pursuant to ordinance for purposes other than servicing bond indebtedness; providing procedures and requirements for levying the gas tax; redesignating the Voted Gas Tax Trust Fund as the Ninth-cent Gas Tax Trust Fund; creating the Small County Technical Assistance Program; requiring the Comptroller to enter into contracts with program providers for the purpose of assisting certain counties in financial and administrative matters; requiring the Advisory Council on Intergovernmental Relations to advise the Comptroller and conduct performance reviews of the program; amending ss. 212.02, 212.08, 212.60, 290.0065, 290.007, 366.11, F.S.; conforming cross-references and terminology to changes made by the act; providing an effective date.

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

By Senator McKay—

**SB 86-H**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; repealing s. 212.08(5)(k), F.S., as added by s. 3, ch. 92-113, Laws of Florida, relating to an exemption for certain machinery and equipment used by marine discharge response corporations; repealing s. 212.08(7)(bb), F.S., as added by s. 1, ch. 92-164, Laws of Florida, relating to an exemption for certain works of art sold to or used by educational institutions; repealing s. 212.08(7)(bb), (cc), F.S., as added by s. 1, ch. 92-168, Laws of Florida, relating to exemptions for certain purchases for community cemeteries and for certain purchases by Coast Guard auxiliaries; repealing s. 2, ch. 92-206, Laws of Florida, relating to an exemption for feeds for ostriches; providing retrospective application; providing an effective date.

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

By Senator Jenne—

**SB 88-H**—A bill to be entitled An act relating to taxation; amending s. 125.0104, F.S.; providing for the payment of interest on local option tourist development taxes remitted to the Department of Revenue; requiring state and local governmental entities administering specified local option taxes to make certain reports regarding the amounts and purposes for which moneys are withheld from tax proceeds; providing for expiration; amending s. 193.023, F.S.; requiring the property appraiser to use sales data as the primary measure of just valuation in specified circumstances; amending s. 193.085, F.S.; providing venue for actions challenging assessed value of certain railroad property; amending s. 193.1142, F.S.; requiring the department to use sales data in determining if assessment rolls meet requirements of law; amending s. 195.096, F.S.; requiring the Division of Ad Valorem Tax of the Department of Revenue to use sales data in conducting in-depth reviews of assessment rolls; requiring property appraisers to report real estate transfers to the Division of Ad Valorem Tax with specified information; requiring the property appraiser to submit information as to disqualified transactions to the Division of Ad Valorem Tax; requiring the Department of Revenue to develop a methodology for using sales data and develop a plan to implement such methodology; requiring recommendations to be included for the reallocation of resources; amending s. 199.062, F.S.; revising certain reporting requirements for security dealers and investment advisers; amending s.

199.282, F.S.; clarifying penalties with respect to intangible personal property taxes; expanding penalties for security dealers and investment advisors; providing for retroactive effect; creating s. 199.106, F.S.; providing credits against the annual tax on certain intangible personal property in the amount of any like tax paid on such property in another state or territory or the District of Columbia; providing for retroactive application; creating s. 199.303, F.S.; providing legislative intent regarding application of such taxes and severability; amending s. 212.0515, F.S.; revising reporting requirements for vending machine operators and persons who sell food and beverages to vending machine operators; providing additional penalties; amending s. 213.053, F.S.; authorizing the Department of Revenue to disclose certain confidential information to specified persons; creating s. 213.0535, F.S.; establishing the Registration Information Sharing and Exchange Program; requiring certain local governments and state agencies to share specified tax and licensing information; providing duties of the department; providing for application of confidentiality and penalty provisions; providing an exemption from public records requirements; providing for future legislative review of this exemption under the Open Government Sunset Review Act; restricting use of such information; amending s. 213.27, F.S.; allowing the Department of Revenue to contract with a collection agency to collect taxes due; removing the requirement that taxpayers be notified by certified mail and replacing with regular mail; amending s. 216.262, F.S.; providing an additional condition under which the Administration Commission may authorize an increase in the number of positions beyond those provided in the appropriations acts; amending s. 624.5092, F.S.; providing for minimum estimated insurance premium tax payments; providing for retroactive effect; providing effective dates.

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

By Senator Thurman—

**SB 90-H**—A bill to be entitled An act relating to medical practice; amending s. 8, ch. 92-178, Laws of Florida; providing for a penalty and disciplinary actions against health care providers and providers of health care services for engaging in kickbacks after April 1, 1992; amending s. 9, ch. 92-178, Laws of Florida; providing for a penalty and disciplinary actions against health care providers for engaging in markups after April 1, 1992; amending s. 10, ch. 92-178, Laws of Florida; providing for licensure of facilities providing designated health services; amending s. 15, ch. 92-178, Laws of Florida; prescribing date for the applicability of the prohibition against the referral of certain designated health services; repealing s. 16, ch. 92-178, Laws of Florida, that provides a fee schedule; providing for severability; providing an effective date.

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

By Senators Kirkpatrick, Grant, Crenshaw and Childers—

**SB 92-H**—A bill to be entitled An act relating to natural gas transmission pipelines; creating ss. 403.9401-403.9425, F.S.; creating the Natural Gas Transmission Pipeline Siting Act to establish a certification process for siting natural gas transmission pipelines; providing legislative intent; providing definitions; providing powers and duties of the Department of Environmental Regulation; providing applicability and exemptions; providing for applications; specifying pipeline corridor requirements; providing for appointment of a hearing officer; providing for distribution of applications and schedules; providing for determination of completeness of application; providing for determination of sufficiency of application; providing for preliminary statements of issues, reports, and studies by affected agencies; providing for notice, proceedings, parties, and participants; providing for the proposal of alternate corridors; providing for amendment of an application; providing for alteration of time limits; providing for final disposition of the application; providing for certification as the sole license for natural gas transmission pipeline siting; providing for use of a corridor by other applicants; providing for notice of certified corridor routes; providing for modification of certification; providing for enforcement; providing for superseding of laws, rules, and ordinances; establishing fees; providing for applicability to existing natural gas transmission pipelines or applications; providing for determination of need by the Florida Public Service Commission; providing for admissibility of certification in eminent domain proceedings; prohibiting the requesting of certain attorney's fees and costs; providing for local government informational meetings; providing for revocation or suspension of certification; creating the Natural Gas Intrastate Regulatory Act; providing legislative declaration; providing definitions; providing powers and duties of the Florida Public Service Commission to regulate rates and services of natu-

ral gas transmission companies; providing for the setting of rates; providing for a statement of intent to revise rates, a hearing on revised rates, and determination of rate level; providing for determination of rates as unreasonable or violative; providing for confidentiality and discovery; providing for Open Government Sunset review and repeal; providing for regulatory assessment fees; providing for administrative fines; providing for judicial review; amending s. 361.05, F.S.; giving natural gas transmission pipeline companies the power of eminent domain; amending s. 366.02, F.S.; excluding certain natural gas sales companies from the definition of the term "public utility" for the purposes of ch. 366, F.S.; providing appropriations and positions; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Appropriations.

By Senators Kirkpatrick, Forman, Kurth, Thomas, Davis, Margolis, Gardner, Jennings, Beard, Grant, Malchon, Weinstock, Weinstein and Gordon—

**SB 94-H**—A bill to be entitled An act relating to affordable housing; providing a short title; amending s. 201.02, F.S.; increasing the excise tax on deeds and other instruments relating to real property; amending s. 201.15, F.S.; revising the distribution of excise taxes on documents; allocating a portion of the excise tax on documents to the State Housing Trust Fund and to the Local Government Housing Trust Fund; providing for the use of moneys deposited in those trust funds; amending s. 240.5111, F.S.; requiring the Multidisciplinary Center for Affordable Housing to establish a research agenda in cooperation with the Department of Community Affairs; amending s. 420.0001, F.S.; revising the short title of the State Housing Incentive Partnership Act of 1988, amending s. 420.0002, F.S.; revising the legislative findings; amending s. 420.0005, F.S.; providing that funds from the State Housing Trust Fund may be used to administer housing programs; amending s. 420.306, F.S.; revising and providing definitions for the Housing Predevelopment and Elderly Homeowner Rehabilitation Assistance Act; amending s. 420.307, F.S.; revising provisions relating to administration of the Housing Predevelopment Trust Fund and providing for availability of funds; amending s. 420.308, F.S.; revising provisions relating to authorized loans and grants made from the trust fund and activities eligible for support; amending s. 420.309, F.S.; revising application procedures for receipt of funds; requiring notice and establishment of a review committee and scoring system; amending s. 420.31, F.S.; revising provisions relating to rules and annual reports; amending s. 420.32, F.S.; revising provisions relating to default on a loan; providing for deposit of funds; creating s. 420.36, F.S.; creating the Low-income Emergency Home Repair Program; providing eligibility, allowable expenses, fund distribution, and departmental powers; creating s. 420.37, F.S.; providing additional powers of the Florida Housing Finance Agency; amending s. 420.503, F.S.; providing additional definitions under the Florida Housing Finance Agency Act; amending s. 420.507, F.S.; revising powers of the agency with respect to loans under the Florida Homeownership Assistance Program and the State Apartment Incentive Loan Program; amending s. 420.5087, F.S., relating to the State Apartment Incentive Loan Program; amending provisions relating to eligibility for loans; amending provisions relating to allocation of loans; transferring certain duties of the Department of Community Affairs to the Florida Housing Finance Agency; amending s. 420.5088, F.S.; amending provisions relating to the Florida Homeownership Assistance Program; amending requirements with respect to mortgage loans; providing requirements with respect to construction loans; providing for allocation of program funds; providing for transfer of moneys to the Florida Homeownership Assistance Trust Fund; creating s. 420.5089, F.S.; creating the HOME Partnership Program and establishing a trust fund; providing for loans based on competitive selection; providing for pilot programs; providing for eligible activities; providing for a review committee; providing for approval and determination of loans; providing agency powers; providing for the deposit of funds; creating s. 420.5091, F.S.; providing for rules to implement the HOPE Program, providing for the acquisition of property; creating s. 420.5092, F.S., creating the Florida Affordable Housing Guarantee Program and authorizing agency action; providing purposes; providing definitions; providing for funding; providing for establishing rates and fees for guarantees; providing for the issuance of revenue bonds; providing a specified maximum amount of such bonds; providing for an annual audit; providing for a feasibility study; amending s. 420.601, F.S.; revising the short title; amending s. 420.6015, F.S.; revising the legislative findings; amending s. 420.606, F.S.; requiring the Department of Community Affairs to provide technical support for the implementation of the State Housing Initiatives Partnership Program; amending s. 420.6075, F.S.; requiring the Department

of Community Affairs to participate in establishing an annual research agenda for the Multidisciplinary Center for Affordable Housing; amending s. 420.609, F.S.; requiring the Affordable Housing Study Commission to make recommendations regarding an annual research agenda for the Multidisciplinary Center for Affordable Housing; creating ss. 420.907, 420.9071, 420.9072, 420.9075, 420.9076, 420.9078, 420.9079, F.S.; providing a short title; providing definitions relating to affordable housing; establishing the State Housing Initiatives Partnership Program; providing legislative findings and intent; providing for administration of the program and for rules; providing approval procedures and requirements; providing for the distribution and use of funds; providing criteria for the issuance of revenue bonds by local governments; establishing criteria and administrative procedures for local housing assistance programs adopted by local governments; requiring a report; requiring reporting of violations to the Office of the Governor and the Auditor General; requiring adoption of affordable housing incentive plans; providing for affordable housing advisory committees; providing for state administration of remaining local housing distribution funds; providing for notice of the availability of funds; creating the Local Government Housing Trust Fund; providing for the distribution of moneys from the trust fund; transferring the program functions of the Housing Predevelopment Trust Fund to the Florida Housing Finance Agency; providing that each county that has implemented ch. 83-220, Laws of Florida, as amended, shall not be subject to section 2 of the act and shall be eligible for certain programs on a limited basis; amending s. 1, ch. 83-220, Laws of Florida, as amended; appropriating moneys from the Land Acquisition Trust Fund to fund the debt service on the Preservation 2000 bonds; providing appropriations from the Local Government Housing Trust Fund and from the State Housing Trust Fund to fund housing programs; repealing ss. 420.603, 420.604, 420.605, F.S., relating to the Florida Affordable Housing Trust Fund, the Florida Affordable Housing Demonstration Program, and the Affordable Housing Loan Program; repealing ss. 420.801, 420.802, 420.803, 420.804, 420.805, 420.806, 420.808, 420.809, 420.810, 420.811, 420.812, 420.813, F.S., relating to the Pocket of Poverty Programs; repealing ss. 420.901, 420.902, 420.903, 420.904, 420.905, 420.906, F.S., the Maintenance of Housing for the Elderly Act of 1988; providing a severability clause; providing effective dates.

—was referred to the Committees on Community Affairs; Finance, Taxation and Claims; and Appropriations.

By Senator Malchon—

**SB 96-H**—A bill to be entitled An act relating to health care; revising and reorganizing ch. 395, F.S., relating to licensing and regulation of hospitals and similar facilities; amending s. 395.002, F.S.; revising definitions related thereto; amending s. 395.003, F.S.; revising licensure provisions; providing for licensure of hospitals and ambulatory surgical centers to be conducted by the Agency for Health Care Administration; amending s. 395.004, F.S.; revising procedures for application for license; providing for disposition of fees; amending s. 395.006, F.S.; revising provisions relating to licensure inspection; providing criteria; deleting the public records exemption provided for certain inspection reports; amending s. 395.008, F.S., relating to inspection reports; providing a maximum copying fee; and amending s. 395.007, F.S.; providing for disposition of fees; deleting authority to delegate review of plans and specifications to a county or municipality; amending s. 395.011, F.S.; modifying provisions relating to staff membership and clinical privileges; amending s. 395.0115, F.S.; revising provisions related to peer review and disciplinary powers; amending s. 395.014, F.S.; revising provisions providing for access by chiropractors to diagnostic reports; amending s. 395.041, F.S., relating to internal risk management programs; limiting responsibilities of part-time risk managers; providing for annual, rather than quarterly, reports to the Agency for Health Care Administration; changing procedure for reports of adverse or untoward incidents; requiring the Agency for Health Care Administration to publish an annual summary of incident reports; deleting a requirement relating to information bulletins; amending s. 395.0172, F.S., relating to private utilization review; deleting duplicate provisions; authorizing the Agency for Health Care Administration to adopt rules; amending s. 395.0101, F.S.; revising provisions related to the treatment of biomedical waste; amending s. 395.0201, F.S.; requiring certain facilities to treat and protect the anonymity of sexual assault victims; amending s. 395.0205, F.S.; requiring protocols for the treatment of victims of child abuse or neglect; transferring, renumbering, and amending s. 395.038, F.S., relating to regional poison control centers; creating s. 395.1028, F.S.; requiring hospital emergency departments to be capable of specified communications with life support vehicles and aircraft and municipal aid channels; amending s. 395.0142, F.S.; expanding requirements for provid-

ing access to emergency services; providing for inventory of hospital emergency services; revising provisions relating to legislative intent, medically necessary transfers, discrimination, liability, and records; prohibiting retaliation for patient transfers; providing penalties; providing for civil actions; requiring reports; providing for treatment of emergency medical conditions of certain psychiatric patients; providing procedure for further psychiatric treatment; amending s. 395.0175, F.S.; revising complaint investigation procedures; providing access to certain records; transferring, renumbering, and amending s. 395.005, F.S., relating to rules and enforcement; providing for standards for the use of seclusion and restraint; providing for hospital quality improvement programs; transferring, renumbering, and amending s. 395.018, F.S.; increasing fines for operating without a license; increasing administrative fines; transferring, renumbering, and amending s. 395.0185, F.S.; prohibiting the payment or receipt of rebates; amending s. 395.015, F.S., relating to itemized patient bills; requiring certain hospitals to notify patients of their right to an itemized bill upon request; requiring hospitals to provide itemized bills when requested; providing for a copy to the physician, upon request; revising applicability; providing certain liability; amending s. 395.0165, F.S., relating to penalties for altering patient records; improving grammar; amending s. 395.017, F.S.; revising requirements for disclosure of patient records; providing charges for copies and searches of records; providing exemptions; limiting use and disclosure of such records; providing for additional regulatory studies to be conducted by the Agency for Health Care Administration; requiring a report; transferring, renumbering, and amending s. 395.031, F.S.; revising definitions applicable to trauma care; providing additional component of trauma care system plans; specifying a period for approval of plans; providing for hearings; transferring and renumbering s. 395.032, F.S., relating to state regional trauma planning; transferring, renumbering, and amending s. 395.033, F.S., relating to trauma service areas; conforming a cross-reference; transferring, renumbering, and amending s. 395.0335, F.S.; revising provisions relating to selection of state-approved trauma centers; revising provisions relating to notice of termination of operation; providing certain immunity from liability for out-of-state experts; transferring, renumbering, and amending s. 395.034, F.S.; revising provisions relating to reimbursement of state-sponsored trauma centers; transferring and renumbering s. 395.0345, F.S., relating to the Trauma Services Trust Fund; transferring, renumbering, and amending s. 395.035, F.S., relating to review of trauma registry data; providing for trauma transport protocols for use of air ambulance service; transferring, renumbering, and amending s. 395.036, F.S., relating to transport of trauma victims to centers; providing for trauma transport protocols for use of air ambulance service; transferring, renumbering, and amending s. 395.037, F.S., relating to rulemaking authority; conforming cross-references; transferring, renumbering, and amending s. 395.102, F.S., relating to rural hospitals; providing definitions; deleting certain limitations on rural hospital swing-bed length of stay; transferring, renumbering, and amending s. 395.103, F.S., relating to rural hospital impact statements; providing for a process by which certain rural hospitals may deactivate general hospital beds; providing for reactivation of such beds; transferring, renumbering, and amending ss. 395.104, 395.01465, F.S., relating to other rural hospital programs and emergency care hospitals, respectively; conforming cross-references; transferring, renumbering, and amending s. 395.101, F.S., relating to hospital annual assessments; providing liability for fines, penalties, and assessments upon transfer or termination of a facility; providing alternative payment method for certain statutory teaching hospitals; transferring, renumbering, and amending s. 395.1015, F.S., relating to annual assessments of other health care entities; providing an exclusion from annual assessments for certain out-of-state revenues; clarifying an exemption for blood and plasma centers; transferring, renumbering, and amending s. 395.60, F.S., relating to the short title for the Medical Education and Tertiary Care Act; conforming cross-references; transferring and renumbering s. 395.61, F.S., relating to legislative intent with respect to that act; transferring, renumbering, and amending s. 395.62, F.S., relating to the Medical Education and Tertiary Care Trust Fund; conforming a cross-reference; transferring and renumbering s. 395.63, F.S., relating to distribution of trust fund moneys; repealing ss. 395.012, 395.013, F.S., relating to prohibitions against interference with the prescription of amygdalin (laetrile) or dimethyl sulfoxide (DMSO); repealing s. 395.0141, F.S., relating to inventory of hospitals with emergency departments; repealing s. 395.0143, F.S., relating to denial of emergency treatment; repealing s. 395.0144, F.S., relating to duty to admit or transfer emergency patients; repealing s. 395.0146, F.S., relating to certificates of need for termination or reduction of emergency services; saving ss. 394.4787(4), 394.4788(2), (3), 395.001, 395.002, 395.003, 395.004, 395.005, 395.006, 395.007, 395.008, 395.009, 395.0101, 395.011, 395.0115, 395.014, 395.0142, 395.01465,

395.015, 395.016, 395.0165, 395.017, 395.0172, 395.0175, 395.018, 395.0185, 395.0201, 395.0205, 395.031, 395.032, 395.033, 395.0335, 395.034, 395.035, 395.036, 395.037, 395.038, 395.041, 395.101, 395.102, 395.103, 395.104, 395.63, F.S., from repeal October 1, 1992; amending ss. 119.07, 240.4067, 320.0801, 322.0602, 381.026, 381.703, 381.706, 394.4787, 401.425, 401.251, 408.07, 408.072, 408.08, 409.918, 427.708, 440.185, 458.331, 459.015, 468.505, 627.912, 641.55, 766.314, F.S.; conforming cross-references; amending s. 394.463, F.S., relating to involuntary examination; conforming cross-references; revising provisions related to patient transfers with respect to emergency medical conditions; revising detention period for involuntary examination of certain patients; amending s. 7, ch. 92-178, Laws of Florida; revising provisions to conform to changes made by the act; directing the Division of Statutory Revision of the Joint Legislative Management Committee to prepare reviser's bills to make certain changes consistent with the intent and purposes of ch. 92-33, Laws of Florida, as amended, and with this act; repealing ss. 34, 84 of ch. 92-33, Laws of Florida, relating to directions for preparing the official edition of the Florida Statutes; providing an appropriation and for positions; providing effective dates.

—was referred to the Committees on Health and Rehabilitative Services; Finance, Taxation and Claims; and Appropriations.

By Senator Myers—

**SB 98-H**—A bill to be entitled An act relating to public school finance; amending s. 236.081, F.S.; prescribing a minimum allocation of state funds under the Florida Education Finance Program to a school district for current operation of the schools in the district; revising the formula for calculating the total annual state allocation to each district; limiting the local required effort under that program for a school district; providing for retroactive application; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Kirkpatrick—

**SB 100-H**—A bill to be entitled An act relating to environmental resources; amending s. 259.101, F.S.; extending the repeal date for provisions relating to the distribution of certain Preservation 2000 bond proceeds; revising the criteria for determining project eligibility under the Florida Preservation 2000 Act; amending s. 201.02, F.S.; exempting certain real estate transactions involving nonprofit organizations from the excise tax on documents; requiring certain notice; amending s. 253.023, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to allocate Conservation and Recreation Lands Trust Fund moneys for certain public purposes; specifying the use of lands acquired pursuant to s. 253.023, F.S.; specifying users of the Conservation and Recreation Lands Trust Fund; requiring funds and personnel needed to manage lands purchased to be identified in the legislative budget request and providing for the transfer of funds from the Conservation and Recreation Lands Trust Fund for managing lands; providing for payment in lieu of taxes to certain counties for actual tax losses incurred as a result of land acquisitions under the Florida Preservation 2000 Program; amending s. 253.025, F.S.; revising appraisal thresholds for purchasing state lands; authorizing the Board of Trustees of the Internal Improvement Trust Fund to waive certain limitations with respect to negotiating the purchase of land under certain circumstances; authorizing the Division of State Lands to disclose appraisal information to public agencies or nonprofit organizations under certain conditions; revising requirements for the contents of the appraisal report; amending requirements relating to legal staff's reviewing offers; authorizing the Board of Trustees of the Internal Improvement Trust Fund to accept certain gifts and donations when the title is nonmarketable; authorizing the purchase of certain lands on an immediate basis; amending s. 259.035, F.S.; requiring the Department of Natural Resources to provide staff support to the Land Acquisition Advisory Council; requiring the Department of Natural Resources to adopt rules regarding the Land Acquisition Advisory Council; requiring the council to rank acquisition projects in order of priority; requiring certain information to be provided for each acquisition project; requiring the council to develop and adopt proposals for certain acquisition projects; amending s. 259.04, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to develop a comprehensive statewide plan to conserve and protect certain lands; amending s. 259.07, F.S.; requiring the Land Acquisition Advisory Council to hold certain public meetings; amending s. 260.015, F.S.; providing requirements for land acquisition; amending s. 373.59, F.S.; specifying the portion of the Water Management Lands Trust Fund that may be allocated to and used by counties for management, maintenance, and capital improvements;

providing that capital improvements include control of invasive exotic species, controlled burning, habitat inventory and restoration, and law enforcement; providing for payment in lieu of taxes to certain counties for lands acquired under the Florida Preservation 2000 Program; providing procedures; amending s. 375.031, F.S.; deleting the requirement that the seller disclose the annual tax assessment in certain land transactions; deleting the requirement that certain acquisition projects be subject to the selection procedures of s. 259.035, F.S.; amending s. 380.0666, F.S.; authorizing the land authority created by a county under s. 380.0663, F.S., to acquire and dispose of certain real and personal property under certain circumstances; amending s. 380.08, F.S.; deleting the requirement that the seller disclose the annual tax assessment in certain land transactions; providing an appropriation to the Department of Natural Resources for allocation to the Florida Natural Areas Inventory; repealing s. 375.031(11), F.S., relating to land acquisition projects of a certain value; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations.

By Senator Childers—

**SB 102-H**—A bill to be entitled An act relating to state-administered retirement systems; amending s. 112.363, F.S.; increasing the retiree health insurance subsidy rate; increasing the employer contribution rate to fund the increased subsidy; creating s. 112.666, F.S.; creating the Florida Protection of Public Employee Retirement Benefits Trust Fund; providing for annual assessment of participating employers to pay for the cost of administering the Florida Protection of Public Employee Retirement Benefits Act; amending ss. 121.052, 121.055, 121.071, 121.40, F.S.; revising contribution rates applicable to members of the Elected State and County Officers' Class, the Senior Management Service Class, and the Regular, Special Risk, and Special Risk Administrative Support Classes of the Florida Retirement System and the contribution rate applicable to the supplemental retirement plan for the Institute of Food and Agricultural Sciences of the University of Florida; providing legislative findings with respect to governmental retirement systems; repealing s. 17, ch. 86-149, Laws of Florida, to eliminate the October 1, 1992, repeal of ss. 121.22, 121.23, and 121.24, F.S., relating to the State Retirement Commission; providing an effective date.

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

By Senator Grant—

**SB 104-H**—A bill to be entitled An act relating to Hillsborough County; repealing ch. 84-449, Laws of Florida, relating to the Northdale Maintenance District; abolishing the present district, transferring its assets and obligations to the county or to a successor district created by ordinance, and providing for assumption of the present district's obligations and liabilities by the county or the successor district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Langley—

**SB 106-H**—A bill to be entitled An act relating to public educational facilities; repealing ss. 235.26, 235.018, F.S.; amending ss. 235.056, 235.06, 553.77, F.S.; repealing provisions relating to a uniform building code; providing an effective date.

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

By Senator Dudley—

**SB 108-H**—A bill to be entitled An act relating to juvenile offenders; authorizing a board of county commissioners, upon approval by the electors, to create an independent special district for the purpose of providing and maintaining a facility for housing juvenile offenders; providing for the district to be governed by an elected board of commissioners; providing terms of office; providing for compensating members of the board of commissioners of the district for per diem and travel expenses; providing powers of the board; requiring approval by the electors for the borrowing of money, issuance of bonds, and the levy of taxes; providing an effective date.

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

By Senator Forman—

**SB 110-H**—A bill to be entitled An act relating to transportation; amending s. 316.1001, F.S., relating to a prohibition against using a toll facility without paying the toll; providing for the assessment of a fine against any person who fails to pay a prescribed toll; providing for the designation of “toll enforcement officers” and for their training and qualifications; providing for the issuance of tickets by such officers and for the contents of such tickets; providing that the owner of a vehicle used to violate the section is liable for that violation; providing for the amount of fines assessed for violations of the section and for the distribution of the proceeds of such fines; authorizing the issuance of a uniform traffic citation to a vehicle owner who does not respond; providing for the admissibility into evidence of photographic evidence to enforce the section; authorizing a governmental entity to supply the department with a magnetically encoded tape or cartridge listing persons with three or more outstanding violations of the section; amending s. 318.18, F.S., to conform; amending s. 320.03, F.S., to conform; amending s. 316.660, F.S.; providing for the collection and distribution of fines assessed pursuant to the section; amending s. 316.2952, F.S.; authorizing an additional windshield attachment; amending s. 318.14, F.S., exempting a citation issued pursuant to the section from having to be signed; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

By Senator Jennings—

**SB 112-H**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; removing the requirement that the exemption for butane, propane, and other liquefied petroleum gases used for agricultural purposes inure to the taxpayer only through refund; providing an effective date.

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

By Senator Forman—

**SB 114-H**—A bill to be entitled An act relating to traffic regulations; amending ss. 316.1301, 316.1303, F.S.; increasing fines for violations of regulations which result in injury or property damage to a pedestrian crossing a public street or highway; providing for the distribution of such fines; providing an effective date.

—was referred to the Committees on Transportation; and Finance, Taxation and Claims.

By Senator Davis—

**SB 116-H**—A bill to be entitled An act relating to tax on sales from food and beverage vending machines; amending s. 212.0515, F.S.; revising the method for calculating the tax for certain beverages; revising the reporting requirement for persons who sell food or beverages for resale; removing a requirement that dealers who purchase food or beverages for resale provide certain information to the dealer from whom such items are purchased; requiring operators who purchase food or beverages for resale to furnish certain information to the dealer from whom such items are purchased; providing penalties for failing to file required information with, or providing false information to, the Department of Revenue; providing an effective date.

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

By Senators Weinstock, Malchon and Forman—

**SB 118-H**—A bill to be entitled An act relating to nursing homes and other adult living arrangements; amending s. 400.23, F.S.; revising legislative intent under part I, ch. 400, F.S.; providing additional requirements for rules adopted by the Department of Health and Rehabilitative Services; creating the Nursing Home Advisory Committee; providing membership of the committee; providing duties of the committee; revising evaluation requirements for nursing home facilities; revising requirements for rating such facilities; amending s. 400.063, F.S.; conforming a cross-reference to changes made by the act; amending s. 400.401, F.S.; revising purposes of part II, ch. 400, F.S.; providing legislative findings regarding the significance of a license under part II, ch. 400, F.S.; amending s. 400.402, F.S.; adding and amending definitions of terms used in that part; amending s. 651.011, F.S.; conforming a cross-reference to changes made by the act; amending s. 400.407, F.S.; revising a violation relating to failure to obtain a license after receiving notification; creating a violation and penalties relating to failure to obtain a license and the

maintenance of a threatening condition; revising the provisions relating to the issuance of licenses; amending s. 400.408, F.S.; deleting certain responsibilities of the Agency for Health Care Administration with respect to adult congregate living facilities; amending s. 400.412, F.S., relating to sale or transfer of ownership of a facility; revising the penalties and responsibilities of the transferor and the transferee of certain facilities; requiring a plan of correction or the correction of the condition before issuance of a license or lifting of a moratorium on admissions; amending s. 400.414, F.S.; listing the categories of licenses that the department may deny, revoke, or suspend; revising the actions that may result in license denial, revocation, or suspension or the imposition of a fine; prohibiting certain actions; providing for applicability to a part owner of a facility; providing for denial of licenses to certain applicants who had licenses denied or suspended, facilities closed under certain circumstances, or unpaid fines; providing a time period for a hearing under ch. 120, F.S., by the Division of Administrative Hearings; amending s. 400.415, F.S.; providing for immediate imposition of a moratorium on admissions under certain circumstances; amending s. 400.419, F.S.; revising provisions requiring the department to list facilities cited for violations of part II, ch. 400, F.S.; creating s. 400.4193, F.S.; providing for the Agency for Health Care Administration to perform licensing and enforcement duties of the department under part II, ch. 400, F.S.; amending s. 400.426, F.S.; providing that certain residents may not be retained in an adult congregate living facility; prescribing duties of a facility that retains such a resident; creating s. 400.5615, F.S.; providing for the Agency for Health Care Administration to perform licensing and enforcement duties of the department under part IV, ch. 400, F.S.; amending s. 400.616, F.S.; redesignating the Adult Foster Home Care Act as the Adult Family-Care Home Act; amending s. 400.617, F.S.; revising legislative intent; amending s. 400.618, F.S.; providing definitions; amending s. 400.619, F.S.; providing for licensure; providing license fees; providing access for the nursing home and long-term care facility ombudsman council; prohibiting the transfer of licenses; providing for conditional licenses; providing circumstances under which the department may deny, suspend, or revoke a license; creating s. 400.6196, F.S.; authorizing the department to impose penalties and require corrective action for certain violations; creating s. 400.6197, F.S.; requiring certain adult congregate living facilities to become licensed as adult family-care homes within a specified time; amending s. 400.621, F.S.; providing for rules; providing for placement of clients; creating s. 400.6211, F.S.; requiring the department to provide training and education for persons who operate adult family-care homes; amending s. 400.622, F.S.; providing for injunctive proceedings; amending s. 400.623, F.S.; requiring the department to recruit and license adult family-care homes; deleting obsolete provisions; creating s. 400.625, F.S.; providing contract requirements for residents of adult family-care homes; creating s. 400.455, F.S.; prescribing duties of the Department of Health and Rehabilitative Services with respect to coordinating certain safety and other matters with the Department of Business Regulation; amending ss. 410.033, 410.035, F.S.; providing for subsidy payments to providers of goods and services under the home care program for disabled adults and elderly persons; authorizing payment for goods and extraordinary medical, dental, or pharmaceutical expenses as a special supplement; amending s. 196.012, F.S.; deleting obsolete terminology with respect to certain tax exemptions allowed for homes for the aged; amending s. 509.241, F.S.; clarifying that the division may defer disposition of an application for licensure of facilities previously licensed under part II of ch. 400, F.S., in certain circumstances; directing the Division of Statutory Revision of the Joint Legislative Management Committee to prepare a reviser's bill to make certain changes consistent with the intent and purposes of ch. 92-33, Laws of Florida, as amended; repealing s. 11, ch. 92-33, Laws of Florida, relating to directions for preparing the official edition of the Florida Statutes; providing effective dates.

—was referred to the Committees on Health and Rehabilitative Services; and Finance, Taxation and Claims.

By Senator Thurman—

**SB 120-H**—A bill to be entitled An act relating to bingo; amending s. 849.093, F.S.; authorizing specified organizations to conduct bingo; prescribing conditions under which bingo may be conducted; providing for licenses and license fees; prescribing penalties; prescribing legislative intent with respect to bingo license fees; requiring the Division of Parimutuel Wagering to report to the Legislature; providing an effective date.

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

By Senator Thurman—

**SB 122-H**—A bill to be entitled An act relating to bingo; amending s. 3, ch. 91-421, Laws of Florida; postponing the effective date of the repeal of s. 849.093, F.S., relating to bingo games; providing an effective date.

—was referred to the Committees on Commerce; and Finance, Taxation and Claims.

By Senator Langley—

**SB 124-H**—A bill to be entitled An act relating to the North Lake County Hospital District; reconstituting the board of trustees of the district; prescribing the number and qualifications of trustees; providing for election of trustees; prescribing terms of office of trustees; extending the terms of certain trustees presently serving; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

**SB 126-H**—A bill to be entitled An act for the relief of Mary Theresa Boyle, Brian Boyle, and Amy Boyle; providing an appropriation to compensate them for the damages they sustained as a result of the wrongful death of Edward Boyle; providing an effective date.

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

By Senator Wexler—

**SB 128-H**—A bill to be entitled An act relating to public pension or retirement benefits and subsidies; amending ss. 175.032, 175.061, 175.121, 175.261, 175.341, 175.351, 175.361, 175.401, 185.02, 185.05, 185.10, 185.221, 185.23, 185.35, 185.37, and 185.50, F.S., relating to municipal firefighters' and police officers' pension or retirement plans and retiree health insurance subsidies; transferring certain powers, duties, and functions of the Department of Insurance respecting those plans and subsidies to the Department of Administration and assigning these and other duties respecting those plans and subsidies to the Division of Retirement; providing for inclusion of matters assigned to the Division of Retirement in the transfer of the division to the Department of Management Services at a subsequent time; providing for transfer of related records, personnel, property, and funds; providing for continuation of certain existing rules of the Department of Insurance as rules of the division; abolishing the Bureau of Municipal Police Officers' Retirement Trust Fund and Municipal Firefighters' Pension Trust Fund of the Division of Benefits of the Department of Insurance; providing for disposition of premium tax moneys collected under chs. 175 and 185, F.S.; providing for annual appropriation of such moneys; providing for payment of the respective expenses of the Department of Insurance and the Division of Retirement in administering their respective duties under chs. 175 and 185, F.S.; conforming the provisions of those chapters to this act; conforming cross-references; deleting obsolete provisions; revising terminology; improving clarity; repealing s. 185.24, F.S., relating to annual appropriations for administrative expenses, which section is superseded by this act; amending s. 20.13, F.S., relating to the structure of the Department of Insurance, to delete duties of the Division of Benefits that are assigned or eliminated by this act; creating s. 112.666, F.S.; establishing the Florida Protection of Public Employee Retirement Benefits Trust Fund; providing for assessment of local retirement systems or plans to pay the costs of administering the Florida Protection of Public Employee Retirement Benefits Act; providing an effective date.

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

By Senators Kirkpatrick, Thomas, Scott, Childers, Grizzle, Thurman, Malchon, Dudley, Kiser, Gardner, Myers, Walker, Girardeau, Casas, Grant, Jenne, Souto, Diaz-Balart, Davis, Meek, Weinstock, Wexler, Kurth, McKay, Forman, Beard, Crenshaw, Yancey, Weinstein and Johnson—

**SB 130-H**—A bill to be entitled An act relating to higher education; creating the State University System equity accountability program; requiring the development of a plan by each state university; providing for the submission of reports; providing for administrative evaluations; creating pools of vacant positions to be used to reward managers who attain equity goals; requiring the establishment of a similar equity

accountability program in the Community College System; establishing educational leadership enhancement grants; amending s. 240.1201, F.S.; adding certain persons to the classification of residents for tuition purposes; amending s. 240.2011, F.S.; revising the State University System to include the two partner campuses of Florida Atlantic University; amending s. 240.209, F.S.; revising powers and duties of the Board of Regents; authorizing the provision of workers' compensation coverage for certain contractors and subcontractors; creating s. 240.255, F.S.; creating the Challenge Grants Trust Fund; providing for administration, New College and State University matching grants, and accounts; prohibiting certain uses; amending s. 240.319, F.S.; revising provisions relating to certain community college district boards of trustees contracts; amending s. 240.35, F.S.; revising provisions relating to establishment of community college student fees; authorizing certain fee waivers; amending s. 240.359, F.S.; revising provisions relating to the funding category of lifelong learning; amending s. 240.36, F.S.; revising provisions relating to payments from the Florida Academic Improvement Trust Fund for Community Colleges; amending s. 240.367, F.S.; revising provisions relating to negotiation of current loans; amending s. 240.528, F.S., relating to the Broward County branch of Florida Atlantic University; adding references to and requirements for Florida Atlantic University, Boca Raton; amending s. 240.61, F.S., relating to the college reach-out program; providing student eligibility criteria; specifying data required to evaluate program effectiveness; providing for the collection of such data; redesignating the college reach-out advisory committee as a council; providing for terms of its members; requiring the Postsecondary Education Planning Commission to report on program effectiveness; amending s. 283.33, F.S.; providing an exemption for State University System press books from bidding requirements; repealing ss. 240.257, 240.259, 240.2605, F.S., relating to the Florida Endowment Trust Fund for Eminent Scholars Act, the Trust Fund for New Donors, and the Trust Fund for Major Gifts; providing for certain allocations; providing a one-time voluntary-reduction-in-force retirement bonus for employees of the Department of Education; providing an effective date.

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

By Senator Johnson—

**SB 132-H**—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; revising terminology in definitions of the terms "school day" and "exceptional student" and defining the term "year-round school"; amending s. 228.053, F.S.; conforming a cross-reference to changes made by the act; amending s. 228.195, F.S.; providing for school breakfast programs for prekindergarten students; amending s. 229.555, F.S.; requiring school improvement plans to meet certain planning and budgeting requirements; amending s. 229.58, F.S.; revising provisions for establishing school advisory councils; defining the term "education support employee"; amending s. 229.591, F.S.; adding the arts to the state education goals; amending s. 229.592, F.S.; conforming cross-references to changes made by the act; amending s. 229.808, F.S.; providing for biennial nonpublic school surveys; amending s. 229.8341, F.S.; revising terminology relating to services for infants and preschool children; amending s. 230.23, F.S.; revising provisions relating to district school board powers and duties for provision of special instruction and services for exceptional students; amending and renumbering s. 235.439, F.S.; revising provisions relating to program monitoring and evaluation of full school utilization programs; amending s. 230.2303, F.S.; revising terminology relating to the Florida First Start Program; amending s. 230.2305, F.S., relating to prekindergarten early intervention program plan approval; revising terminology; revising requirements for plans and plan approval; requiring certain guidelines; amending s. 230.2316, F.S.; revising provisions relating to dropout prevention programs and program plans; deleting provisions relating to dropout retrieval assistance programs, a dropout prevention manual, community-based dropout prevention program grants, grants for mini-schools as educational alternatives, and grants for alternatives to out-of-school suspension; amending s. 230.2318, F.S.; conforming provisions to changes made by the act; amending s. 230.33, F.S.; revising provisions relating to planned school programs with respect to duties of the superintendent; providing for extension of a suspension if additional time is required by the school board to provide for a fair hearing; providing conditions to be met prior to the extension of a suspension; amending s. 231.15, F.S.; revising provisions relating to fees for certification; amending s. 231.17, F.S.; revising provisions relating to issuance of certificates, application procedures, the professional orientation program, and application of rules; requiring the state board to adopt rules under which applicants who have failed certain test requirements may be awarded a

teaching certificate; amending s. 231.1711, F.S.; revising provisions relating to the statement of eligibility for certification; amending s. 231.173, F.S.; providing for qualification for certification of out-of-state administrators; amending s. 231.24, F.S.; revising provisions relating to certificate renewal; creating s. 231.263, F.S.; creating a recovery network program for educators who are impaired as a result of alcohol abuse, drug abuse, or a mental condition; providing an implementation date; providing eligibility for participation; providing for staff; providing for treatment contracts; providing procedures; providing an exemption from public records requirements for certain disclosed information and providing for review and repeal of the exemption; providing for determination of ineligibility for further assistance; providing for funds to implement this act; providing for rules; providing for review and repeal; amending s. 231.603, F.S.; revising provisions relating to teacher education center inservice plans; amending s. 231.606, F.S.; revising teacher education center council duties; amending s. 231.609, F.S.; deleting college and university funding for teacher education centers; amending s. 231.613, F.S.; revising provisions relating to inservice training institutes; deleting requirements for plan approval; amending s. 231.62, F.S.; conforming a cross-reference to changes made by the act; creating s. 231.66, F.S.; providing for tuition-free courses for instructional personnel and teacher aides; amending s. 232.01, F.S., relating to school attendance; revising terminology; amending s. 232.032, F.S.; providing for automated transfer of immunization certification; amending s. 232.246, F.S.; revising provisions relating to funding for special instruction for certain high school students; amending s. 232.2462, F.S.; revising provisions relating to attendance requirements for receipt of credit; creating s. 232.259, F.S.; authorizing rules to assist schools and school districts in implementing driver's license requirements; amending s. 233.056, F.S.; revising terminology relating to certain instructional programs; amending s. 233.07, F.S.; revising definition of the term "instructional materials"; amending s. 233.16, F.S.; authorizing cash deposits in lieu of bonds for instructional materials contracts; amending s. 233.18, F.S.; revising provisions relating to copies of bids, contracts, and books; amending s. 233.25, F.S.; revising provisions relating to publishers and manufacturers of instructional materials; amending s. 234.01, F.S.; authorizing the provision of certain transportation; amending s. 234.02, F.S.; revising terminology relating to transportation of certain students; including participants in teenage parent programs in student transportation requirements; amending s. 234.041, F.S.; revising terminology relating to transportation of certain students; amending s. 235.014, F.S., and repealing subsection (3), relating to off-site hazards; revising provisions relating to functions of the Office of Educational Facilities; providing Department of General Services' duties; amending s. 235.19, F.S.; providing for waiver of site standards; providing for request relating to off-site hazards; amending s. 235.196, F.S.; revising conditions with respect to requests for funds to construct a community educational facility; requiring the Office of Educational Facilities through an independent appraiser to determine the value of sites for purposes of developing community education facilities; amending s. 235.211, F.S.; providing exceptions from requirements for architect services in certain educational facility plans; amending s. 235.26, F.S.; revising provisions relating to conformance to the state uniform building code; amending s. 235.31, F.S.; providing for purchase of maintenance, repair, and site improvement services by district school boards from other governmental contracts; amending s. 236.013, F.S., relating to definitions; revising requirements for summer school programs; amending s. 236.081, F.S.; revising provisions relating to a program membership survey of schools and year-round schools; limiting the required local effort under the Florida Education Finance Program; amending s. 236.0815, F.S.; revising provisions relating to funding of additional educational services to certain high school students; amending s. 236.083, F.S.; providing for funding for transportation to year-round schools; amending s. 236.0835, F.S.; revising terminology; amending s. 236.13, F.S.; conforming a cross-reference to changes made by the act; amending s. 236.145, F.S., relating to residential nonpublic school contract reimbursement; revising terminology; amending s. 237.041, F.S.; revising provisions relating to the examination of annual budgets; amending s. 237.081, F.S.; revising provisions relating to submission of budgets; amending s. 240.405, F.S.; revising provisions relating to grants for teachers for training in exceptional student education; amending s. 242.332, F.S.; revising terminology; amending ss. 200.065, 236.25, 237.161, F.S.; permitting the purchase of instructional materials and equipment, including software; amending s. 318.21, F.S.; providing for funding crossing guard training programs from civil penalties for certain traffic infractions; authorizing community college boards of trustees to grant certain fee waivers; authorizing the Department of Education to purchase annuities to be used as reduction-in-force bonuses for eligible employees; repealing ss. 229.565(5), 231.532, 233.0615,

236.022, 236.1227, 236.135, F.S., relating to evaluation of prekindergarten early intervention programs, district quality instruction incentives programs, law education, study of alternative methods of school finance, quality instruction incentive categorical program, and equipment purchasing or leasing; providing an effective date.

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

By Senator Crenshaw—

**SB 134-H**—A bill to be entitled An act relating to jurors; amending s. 40.013, F.S.; revising exemptions for prior juror service; amending s. 40.24, F.S.; providing for a juror compensation and reimbursement policy; amending s. 40.41, F.S.; revising provisions governing the length of service of petit jurors; amending s. 905.37, F.S.; prescribing compensation for certain grand jurors; providing effective dates.

—was referred to the Committees on Judiciary and Appropriations.

By Senators Burt and Gardner—

**SB 136-H**—A bill to be entitled An act relating to criminal proceedings; amending s. 939.01, F.S.; providing requirements for the deposit and use of funds received by a State Attorney in payment of a judgment rendered in a criminal proceeding; providing an effective date.

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

By Senator Meek—

**SB 138-H**—A bill to be entitled An act relating to municipal clerks; 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; providing an effective date.

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

Numbers 140 and 142 have been reserved for appropriations bills.

By Senator Girardeau—

**SB 144-H**—A bill to be entitled An act for the relief of Mr. and Mrs. Darriel Swindell; providing an appropriation to compensate them for injuries caused by the negligence of Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE); providing an effective date.

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

By the Committee on Commerce—

**SB 146-H**—A bill to be entitled An act relating to unemployment compensation; amending s. 443.101, F.S.; providing for the application of a provision excluding from unemployment compensation calculations any benefits from programs under the United States Social Security Act; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By Senators Malchon, Gardner and Plummer—

**SB 148-H**—A bill to be entitled An act relating to environmental protection; amending s. 206.9935, F.S.; revising provisions with respect to the levy of an excise tax on certain pollutants imported into the state; revising the formula under which the tax rates are established; deleting obsolete provisions; amending s. 287.0595, F.S.; conforming a cross-reference to changes made in ch. 92-33, Laws of Florida; amending s. 376.307, F.S.; providing an additional activity for which moneys in the Water Quality Assurance Trust Fund may be used; revising requirements for funds expended for water supply systems or filters for contaminated potable water wells; providing circumstances under which the Department of Environmental Regulation may transfer moneys in the Water Quality Assurance Trust Fund to the Board of Trustees of the Internal Improvement Trust Fund; amending s. 403.7185, F.S.; increasing the fee imposed on lead-acid batteries sold at retail in the state; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations.

**SB 150-H** was introduced out of order and passed this day.

By Senators Grant and Weinstein—

**SB 152-H**—A bill to be entitled An act relating to tobacco products; creating the Florida Prevention of Access by Children to Tobacco Products Act; defining terms used in the act; providing for retail tobacco products dealer permits to be issued by the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation; providing for application, issuance, and renewal; providing fees; providing for duplicate permits and fees; providing for searches without warrants; providing a penalty for operating without a permit; providing for appeal; authorizing the division to suspend or revoke permits and impose administrative fines; restricting the sale or delivery of tobacco products through vending machines; authorizing dealers to require proof of age by purchasers; permitting wholesale dealers, distributing agents, and distributors to sell or deliver tobacco products only to retail tobacco products dealers who have permits; providing for responsible retail tobacco products dealers; providing legislative intent; providing qualifications; providing criteria for mitigating penalties; providing rulemaking authority; amending s. 561.025, F.S., relating to the Alcoholic Beverage and Tobacco Trust Fund; providing for deposit of fees collected for retail tobacco products dealers permits into that fund; providing for use of the funds; amending s. 859.06, F.S., relating to the prohibition against selling, delivering, bartering, furnishing, or giving tobacco products and cigarette wrappers to minors; revising the prohibition to apply to persons under 18 years of age; providing penalties; providing a defense; amending s. 859.061, F.S., relating to the posting of a sign with respect to the prohibition of the sale of cigarettes and other tobacco products to minors; revising requirements with respect to such signs; eliminating a fee for signs; providing an appropriation and positions; providing an effective date.

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

By Senators Kirkpatrick, Johnson, Gardner and Casas—

**SB 154-H**—A bill to be entitled An act relating to public libraries; amending s. 257.171, F.S.; providing for multicounty libraries rather than regional libraries; amending s. 257.172, F.S.; revising provisions relating to state grants to libraries; providing for use of funds and computation and adjustment of grants; amending s. 257.18, F.S.; revising provisions relating to the computation of equalization grants; creating s. 257.195, F.S.; providing procedures in the event of revenue shortfalls; amending s. 24.115, F.S.; requiring a specified sum of unclaimed state lottery prize money to be transferred annually to the Library Services Trust Fund and used for state aid to libraries; providing an effective date.

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

By Senator Dudley—

**SB 156-H**—A bill to be entitled An act relating to construction contracts; creating the Construction Contract Prompt Payment Law; providing for applicability; providing definitions; requiring payment of such contracts within certain time periods and requiring accrual of interest; providing an exception; amending s. 255.05, F.S.; providing a revised time period for filing a notice to proceed against a bond with respect to rental equipment used at a public building construction site; providing that a prevailing party may receive attorney's fees; amending s. 713.01, F.S.; providing definitions; amending s. 713.08, F.S.; providing the time period for recording certain claims of lien; amending s. 713.132, F.S.; revising requirements for a notice of termination of a notice of commencement to improve real property; amending s. 713.16, F.S.; authorizing contractors to demand a written statement of a lienor's account; authorizing lienors to demand a written statement from owners; amending s. 713.29, F.S.; providing for attorney's fees in an action brought to enforce a claim against a bond; creating s. 713.347, F.S.; requiring lenders to give notice of a decision to cease further advances; restricting use of certain construction loan proceeds; providing for liability for noncompliance; amending s. 713.245, F.S.; delaying the date of repeal of s. 713.245, F.S.; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator McKay—

**SB 158-H**—A bill to be entitled An act relating to motor vehicle license plates; creating s. 320.08095, F.S.; providing for the issuance of specialized public education license plates; providing for fees and for the

deposit and use of such fees; providing for deauthorization based on sales; providing an effective date.

—was referred to the Committees on Transportation; and Finance, Taxation and Claims.

By Senator Dantzer—

**SB 160-H**—A bill to be entitled An act relating to delinquent children; creating s. 39.0215, F.S.; providing for administering county and municipal juvenile delinquency programs and facilities, including secure detention facilities; providing for transfers of children; providing for payment of children performing services in work programs; requiring that county and municipal programs comport with state law and department rules and coordinate with other services; requiring quarterly inspections and evaluations by the Department of Health and Rehabilitative Services; authorizing a monitoring fee ensuring the training of personnel; providing enforcement powers to the department; providing for injunctions and termination proceedings; amending s. 39.057, F.S.; authorizing county and municipal boot camps; providing for injunctions and termination proceedings; amending s. 39.054, F.S.; providing for the conversion of certain orders of restitution into judgment liens; providing an effective date.

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

By Senator Crotty—

**SB 162-H**—A bill to be entitled An act relating to the state correctional system; amending s. 794.011, F.S.; prohibiting the grant of basic gain-time to persons convicted of sexual battery against persons under 18 years of age; providing that the indictment or information in such a case must indicate that the victim was under 18 years of age; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; and Appropriations.

**SB 164-H** was introduced out of order and referenced this day.

**SB 166-H** was introduced out of order and referenced this day.

By Senator Gardner—

**SB 168-H**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; authorizing boards of trustees of community college districts to designate a limited number of certain positions for inclusion in the Senior Management Service Class of that system; providing for publication of notice of intent to designate such positions; providing that, once a position is designated for inclusion in the Senior Management Service Class, it may not be removed from that class except under specified circumstances; increasing the contribution rate required with respect to members of the Senior Management Service Class; providing for the calculation of the monthly benefit of a member of that class whose employment was terminated after the member had completed 20 years of creditable service; providing an effective date.

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

By the Committee on Commerce—

**SB 170-H**—A bill to be entitled An act relating to insurance; amending s. 322.20, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to sell copies of its driver history record data base to insurers for a negotiated price; providing certain limitations; amending s. 627.062, F.S.; requiring documentation of risks that are subject to individual risk-rating; specifying provisions of the insurance code that do not apply to individual risk rates; creating s. 627.0613, F.S.; requiring the Insurance Commissioner to appoint a consumer advocate; providing duties of the consumer advocate; amending s. 627.162, F.S.; authorizing insurers to charge delinquency and collection fees; providing certain limitations on fees and charges; amending s. 627.311, F.S.; requiring the joint underwriting association to provide lists of insureds to association members; prohibiting the joint underwriting plan from offering certain credits or discounts; deleting a requirement that self-insurers participate in the joint underwriting association; amending s. 626.022, F.S.; revising application of part I, ch. 626, F.S.; amending s. 626.031, F.S.; redefining the term "agent" for purposes of part I, ch. 626, F.S.; amending s. 626.241, F.S.; providing requirements for licensure examinations for title insurance agents; amending s. 626.2815, F.S.; providing continuing education

requirements for title insurance agents; amending s. 626.331, F.S.; providing a limitation on agents and agency licenses; amending s. 626.611, F.S.; providing circumstances under which the department may deny, suspend, revoke, or refuse to renew a title agent's license or appointment; amending s. 626.841, F.S.; providing definitions; creating s. 626.8411, F.S.; providing for application of part II, ch. 626, F.S., to title insurance agents; providing an exemption; creating s. 626.8412, F.S.; providing licensure and appointment requirements for title insurance agents; creating s. 626.8414, F.S.; providing licensure requirements for title insurance agents; providing certain exemptions from the examination requirement; amending s. 626.8417, F.S.; revising qualification requirements for licensure as a title insurance agent; authorizing the designation of an insurer's corporate officer to take certain actions on behalf of the insurer; providing an exemption from licensing and appointment requirements; creating s. 626.8418, F.S.; providing application requirements for licensure as a title insurance agency; providing requirements for a surety deposit or bond; creating s. 626.8419, F.S.; providing for the appointment of title insurance agencies by title insurers; requiring a fidelity bond and errors and omissions insurance of specified amounts; amending s. 627.7711, F.S.; providing definitions; amending s. 627.776, F.S.; providing for the application of the Insurance Code to title insurers; amending s. 627.777, F.S.; requiring the approval of title insurance forms by the department; amending s. 627.7773, F.S.; providing for accountings and audits of forms used by title insurance agents; amending s. 627.7776, F.S.; prohibiting the furnishing of supplies; providing a penalty; amending s. 627.778, F.S.; providing certain limitations on assumption of risk by title insurers; amending s. 627.780, F.S.; prohibiting certain illegal dealings in risk premiums; amending s. 627.782, F.S.; requiring the department to adopt minimum rates for title services; providing requirements for the department in adopting premium rates; amending s. 627.783, F.S.; providing for deviations in rates for title insurance upon order of the department; creating s. 627.7831, F.S.; requiring charging and collection of the risk premium; amending s. 627.784, F.S.; prohibiting the issuance of title insurance with disregard to possible title defects; amending s. 627.7841, F.S.; providing requirements for insurance against adverse matters and defects in title; amending s. 627.7842, F.S.; providing for certain exceptions from coverage in title insurance policies; creating s. 627.7843, F.S.; providing requirements for ownership and encumbrance reports; amending s. 627.7845, F.S.; providing requirements for title searches; providing requirements for maintaining records pertaining to title searches, risk premiums, and service charges; amending s. 627.785, F.S.; preempting to the state the regulation of title insurers and title insurance; amending s. 627.786, F.S.; prohibiting the transaction of title insurance and other kinds of insurance; amending s. 627.7865, F.S.; providing for payment of unpaid outstanding claims through insurer assessments; amending s. 627.791, F.S.; providing penalties; amending s. 627.792, F.S.; providing for liability in the event of defalcation, conversion, or misappropriation of funds held in trust by a title insurance agent; creating s. 627.4236, F.S.; providing requirements for the coverage of bone marrow transplants; requiring the Secretary of Health and Rehabilitative Services to appoint an advisory panel to recommend rules; providing for an administrative review of a decision by an insurer to refuse authorization for a bone marrow transplant; creating s. 627.4238, F.S., relating to cancellation, nonrenewal, and nonissuance of policies or excluding benefits based upon diagnosis of fibrocystic condition; creating s. 627.6407, F.S.; requiring health insurance policies that provide coverage for massage to also cover the services of persons licensed to practice massages; amending s. 627.6515, F.S.; providing requirements for group health insurance policies issued or delivered outside the state; amending s. 627.6575, F.S.; providing clarification for prospective charges; creating s. 627.6619, F.S.; requiring group health insurance policies that provide coverage for massage to also cover the services of persons licensed to practice massages; amending s. 627.6675, F.S.; revising requirements for conversion policies; deleting provisions requiring retroactive application; amending s. 627.668, F.S.; providing requirements for optional coverage for mental and nervous disorders; providing for certain limitations of benefits; providing for the confidentiality of certain patient records submitted to an insurer; repealing s. 627.781, F.S., relating to the definition of the term "risk premium"; amending s. 627.727, F.S.; providing coverage limitations for bodily injury under uninsured motorist insurance; expanding definition of "uninsured motor vehicle"; revising provisions with respect to subrogation rights of underinsured motorist insurers; specifying damages recoverable from an underinsured motorist carrier; providing legislative intent; amending s. 627.736, F.S.; requiring reports from physicians licensed under the same chapter as the treating physician; reviving provisions of s. 634.045, F.S., of part V, ch. 626, F.S., and of ch. 627, F.S., notwithstanding repeals scheduled under the Regulatory Sunset Act; providing effective dates.

—was referred to the Committee on Commerce.

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Agriculture and Senator Dantzler—

**CS for SB 48-H**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending ss. 20.14, 570.29, F.S.; revising administrative structure of the department; amending ss. 570.02, 570.242, F.S.; modifying definitions; amending s. 570.07, F.S.; modifying department powers and duties; creating s. 570.073, F.S.; authorizing establishment of an Office of Agricultural Law Enforcement within the department; providing duties and authority of officers; amending s. 570.09, F.S.; providing for the appointment of an assistant commissioner of agriculture; creating s. 570.091, F.S.; providing for deputy commissioners of agriculture; creating s. 570.092, F.S.; providing for an inspector general and providing duties; amending s. 570.30, F.S.; transferring certain responsibilities relating to public fairs and expositions from the Division of Administration to the Division of Standards and the Division of Marketing and Development; amending s. 570.33, F.S.; deleting qualifications for director of the Division of Plant Industry; amending s. 570.37, F.S.; revising qualifications for director of the Division of Animal Industry; amending s. 570.41, F.S.; deleting qualifications for director of the Division of Dairy Industry; amending s. 570.44, F.S.; renaming the Division of Inspection as the Division of Agricultural Environmental Services; transferring various duties to the Division of Food Safety, the Division of Dairy Industry, and the Office of Agricultural Law Enforcement; providing additional duties relating to soil and water conservation; transferring responsibilities for analysis of fertilizers, pesticides, commercial feed, and seed to the Division of Agricultural Environmental Services from the Division of Chemistry; amending s. 570.45, F.S.; revising duties of division director; amending s. 570.46, F.S.; transferring responsibility for testing certain samples for conformity with state specifications to the Division of Standards from the Division of Chemistry; amending s. 570.47, F.S.; deleting qualifications for division director; amending s. 570.48, F.S.; renaming the Division of Fruit and Vegetable Inspection as the Division of Fruit and Vegetables; amending s. 570.50, F.S.; renaming the Division of Chemistry as the Division of Food Safety; providing additional duties relating to inspection of meat and poultry, and food and food products; amending s. 570.51, F.S.; deleting qualifications for division director; amending s. 570.53, F.S.; renaming the Division of Marketing as the Division of Marketing and Development; providing additional responsibilities relating to public fairs and expositions; amending s. 570.544, F.S.; providing procedure for resolution of complaints by the Division of Consumer Services; amending s. 570.549, F.S.; deleting qualifications for director of the Division of Forestry; amending s. 570.55, F.S.; renaming the Florida Avocado, Mango, and Lime Sales Law as the "Florida Avocado, Mango, Lime, and Tomato Sales Law"; transferring from the Division of Inspection to the Office of Agricultural Law Enforcement enforcement duties relating to sale of avocados, mangoes, limes, and tomatoes; revising definitions; amending ss. 585.001, 585.002, 585.01, F.S.; conforming provisions relating to the Division of Animal Industry; amending s. 585.21, F.S.; clarifying responsibilities; amending s. 585.715, F.S.; providing that the Division of Food Safety enforce part II, ch. 585, F.S.; amending ss. 235.014, 468.382, F.S.; conforming cross-references; amending ss. 487.159, 570.23, 570.244, 570.248, 570.31, 570.34, 570.38, 570.42, 570.49, 570.531, 570.54, 570.541, 570.543, 571.23, 573.111, 574.01, 574.03, 601.28, 601.58, 601.66, F.S.; conforming provisions to changes made by the act; amending s. 501.015, F.S.; requiring health studios to post a certificate; providing requirements with respect to occupational licenses; amending s. 501.016, F.S.; revising provisions with respect to health studio security requirements; amending s. 501.019, F.S.; revising provisions with respect to administrative penalties for health studios; amending s. 501.059, F.S.; providing for the deposit of civil penalties with respect to telephone solicitation in the Consumer Protection Trust Fund; amending s. 501.604, F.S.; revising exemptions; amending s. 501.912, F.S.; revising definitions; amending s. 501.913, F.S.; revising registration provisions under the Antifreeze Act of 1978; amending s. 501.917, F.S.; clarifying provisions relating to inspections by the department; amending s. 501.918, F.S.; clarifying provisions with respect to prohibited activities; amending s. 501.919, F.S.; revising provisions with respect to stop-sale orders; amending s. 501.922, F.S.; increasing timeframes for revocation or suspension of registration under the act; providing for deposit of funds into the General Inspection Trust Fund; amending s. 525.01, F.S.; providing definitions with respect to gasoline and oil inspections by the Department of Agriculture and Consumer Services; amending s. 525.02, F.S.; revising provisions with respect to analysis of petroleum fuel; repealing s. 525.03, F.S., relating to the submission of samples of gasoline or oil to the

department; creating s. 525.035, F.S., relating to mislabeled petroleum fuel being subject to stop sale; creating s. 525.037, F.S.; providing for stop sale with respect to petroleum fuel which is below standard; amending s. 525.07, F.S.; revising provisions with respect to the power of the department to make inspections; revising penalties; providing for registration of persons who repair or install certain pump meter devices; amending s. 525.08, F.S.; revising provisions with respect to the access of the department; amending s. 525.09, F.S.; revising provisions with respect to inspection fees; amending s. 525.10, F.S.; revising provisions with respect to the payment of expenses; amending s. 525.14, F.S.; revising provisions with respect to rules; amending s. 525.15, F.S.; clarifying provisions with respect to inspectors; amending s. 525.16, F.S.; providing for administrative fines and penalties; amending s. 526.50, F.S.; revising definitions with respect to the law governing the sale of brake fluid; amending s. 526.53, F.S.; revising provisions with respect to enforcement, inspection, and analysis, stop sale and disposition, and regulations; amending s. 531.41, F.S.; revising provisions with respect to the powers and duties of the department under the Weights and Measures Act of 1971; amending ss. 559.801, 559.803, 559.805, 559.807, 559.815, F.S.; changing the term "division" to "department", increasing a fee in s. 559.805, F.S.; amending s. 559.813, F.S.; authorizing the Department of Agriculture and Consumer Services to bring an action for injunction or civil relief; amending s. 559.927, F.S.; revising provisions with respect to regulation of sellers of travel; amending s. 570.5441, F.S.; providing for the uses of the Consumer Protection Trust Fund in the Division of Consumer Services; creating s. 616.0915, F.S.; providing safety standards for the operation of amusement devices and amusement attractions; providing permitting and inspection procedures; providing for inspection fees; providing insurance requirements; providing for future legislative review and repeal of s. 616.0915, F.S.; repealing s. 525.06, F.S., relating to gasoline or oil which is below standard and subject to confiscation; repealing s. 525.11, F.S., relating to the requirement that the Comptroller must pay certain expenses of the Department of Agriculture and Consumer Services; repealing s. 525.13, F.S., relating to a report of the department; repealing s. 525.17, F.S., relating to penalties for violation of law relating to gasoline and oil inspection; repealing s. 525.18, F.S., relating to injunctions; repealing s. 559.925, F.S., relating to receptive tour operators; repealing s. 616.091(2), F.S., relating to safety standards for operating amusement devices; amending ss. 616.001, 616.21, 616.28, F.S.; deleting references to the Bureau of Public Fairs and Expositions; creating s. 932.708, F.S.; creating the Law Enforcement Trust Fund within the department; providing for deposit therein of revenues from certain criminal or forfeiture proceedings; amending ss. 500.11, 523.21, 568.07, F.S.; deleting provisions relating to the state chemist; directing the Division of Statutory Revision of the Joint Legislative Management Committee to prepare a reviser's bill to make certain changes consistent with the act; abrogating the repeal of ss. 500.12, 500.121, F.S., scheduled under the Regulatory Sunset Act; providing for future legislative review and repeal of those sections; repealing ss. 534.081(3), 570.36(6), 590.02(4), F.S., relating to enforcement of agricultural provisions by law enforcement officers, special officers, the Division of Animal Industry, and special officers of the Division of Forestry; providing effective dates.

By the Committee on International Trade, Economic Development and Tourism; and Senators Souto and Kurth—

**CS for SB 64-H**—A bill to be entitled An act relating to the Uniform Commercial Code; amending s. 679.402, F.S.; revising language with respect to an additional fee and changing the fee required for filing any instrument permitted or required to be filed under the provisions of the code relating to secured transactions; amending s. 679.404, F.S.; revising language with respect to termination statements; amending s. 15.091, F.S.; revising language with respect to processing fees under the Uniform Commercial Code; providing appropriations; providing an effective date.

By the Committee on Community Affairs and Senators Kirkpatrick, Forman, Kurth, Thomas, Davis, Margolis, Gardner, Jennings, Beard, Grant, Malchon, Weinstock, Weinstein and Gordon—

**CS for SB 94-H**—A bill to be entitled An act relating to affordable housing; providing a short title; amending s. 201.02, F.S.; increasing the excise tax on deeds and other instruments relating to real property; amending s. 201.15, F.S.; revising the distribution of excise taxes on documents; allocating a portion of the excise tax on documents to the State Housing Trust Fund and to the Local Government Housing Trust Fund; providing for the use of moneys deposited in those trust funds; amending s. 240.5111, F.S.; requiring the Multidisciplinary Center for Affordable Housing to establish a research agenda in cooperation with the Depart-

ment of Community Affairs; amending s. 420.0001, F.S.; revising the short title of the State Housing Incentive Partnership Act of 1988; amending s. 420.0002, F.S.; revising the legislative findings; amending s. 420.0005, F.S.; providing that funds from the State Housing Trust Fund may be used to administer housing programs; amending s. 420.306, F.S.; revising and providing definitions for the Housing Predevelopment and Elderly Homeowner Rehabilitation Assistance Act; amending s. 420.307, F.S.; revising provisions relating to administration of the Housing Predevelopment Trust Fund and providing for availability of funds; amending s. 420.308, F.S.; revising provisions relating to authorized loans and grants made from the trust fund and activities eligible for support; amending s. 420.309, F.S.; revising application procedures for receipt of funds; requiring notice and establishment of a review committee and scoring system; amending s. 420.31, F.S.; revising provisions relating to rules and annual reports; amending s. 420.32, F.S.; revising provisions relating to default on a loan; providing for deposit of funds; creating s. 420.36, F.S.; creating the Low-income Emergency Home Repair Program; providing eligibility, allowable expenses, fund distribution, and departmental powers; creating s. 420.37, F.S.; providing additional powers of the Florida Housing Finance Agency; amending s. 420.503, F.S.; providing additional definitions under the Florida Housing Finance Agency Act; amending s. 420.507, F.S.; revising powers of the agency with respect to loans under the Florida Homeownership Assistance Program and the State Apartment Incentive Loan Program; amending s. 420.5087, F.S., relating to the State Apartment Incentive Loan Program; amending provisions relating to eligibility for loans; amending provisions relating to allocation of loans; transferring certain duties of the Department of Community Affairs to the Florida Housing Finance Agency; amending s. 420.5088, F.S.; amending provisions relating to the Florida Homeownership Assistance Program; amending requirements with respect to mortgage loans; providing requirements with respect to construction loans; providing for allocation of program funds; providing for transfer of moneys to the Florida Homeownership Assistance Trust Fund; creating s. 420.5089, F.S.; creating the HOME Partnership Program and establishing a trust fund; providing for loans based on competitive selection; providing for pilot programs; providing for eligible activities; providing for a review committee; providing for approval and determination of loans; providing agency powers; providing for the deposit of funds; creating s. 420.5091, F.S.; providing for rules to implement the HOPE Program; providing for the acquisition of property; creating s. 420.5092, F.S.; creating the Florida Affordable Housing Guarantee Program and authorizing agency action; providing purposes; providing definitions; providing for funding; providing for establishing rates and fees for guarantees; providing for the issuance of revenue bonds; providing a specified maximum amount of such bonds; providing for an annual audit; providing for a feasibility study; amending s. 420.601, F.S.; revising the short title; amending s. 420.6015, F.S.; revising the legislative findings; amending s. 420.606, F.S.; requiring the Department of Community Affairs to provide technical support for the implementation of the State Housing Initiatives Partnership Program; amending s. 420.6075, F.S.; requiring the Department of Community Affairs to participate in establishing an annual research agenda for the Multidisciplinary Center for Affordable Housing; amending s. 420.609, F.S.; requiring the Affordable Housing Study Commission to make recommendations regarding an annual research agenda for the Multidisciplinary Center for Affordable Housing; creating ss. 420.907, 420.9071, 420.9072, 420.9075, 420.9076, 420.9078, 420.9079, F.S.; providing a short title; providing definitions relating to affordable housing; establishing the State Housing Initiatives Partnership Program; providing legislative findings and intent; providing for administration of the program and for rules; providing approval procedures and requirements; providing for the distribution and use of funds; providing criteria for the issuance of revenue bonds by local governments; establishing criteria and administrative procedures for local housing assistance programs adopted by local governments; requiring a report; requiring reporting of violations to the Office of the Governor and the Auditor General; requiring adoption of affordable housing incentive plans; providing for affordable housing advisory committees; providing for state administration of remaining local housing distribution funds; providing for notice of the availability of funds; creating the Local Government Housing Trust Fund; providing for the distribution of moneys from the trust fund; transferring the program functions of the Housing Predevelopment Trust Fund to the Florida Housing Finance Agency; providing that each county that has implemented ch. 83-220, Laws of Florida, as amended, shall not be subject to section 2 of the act and shall be eligible for certain programs on a limited basis; amending s. 1, ch. 83-220, Laws of Florida, as amended; appropriating moneys from the Land Acquisition Trust Fund to fund the debt service on the Preservation 2000 bonds; providing appropriations from the

Local Government Housing Trust Fund and from the State Housing Trust Fund to fund housing programs; repealing ss. 420.603, 420.604, 420.605, F.S., relating to the Florida Affordable Housing Trust Fund, the Florida Affordable Housing Demonstration Program, and the Affordable Housing Loan Program; repealing ss. 420.801, 420.802, 420.803, 420.804, 420.805, 420.806, 420.808, 420.809, 420.810, 420.811, 420.812, 420.813, F.S., relating to the Pocket of Poverty Programs; repealing ss. 420.901, 420.902, 420.903, 420.904, 420.905, 420.906, F.S., the Maintenance of Housing for the Elderly Act of 1988; providing a severability clause; providing effective dates.

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

**CS for SB 96-H**—A bill to be entitled An act relating to health care; revising and reorganizing ch. 395, F.S., relating to licensing and regulation of hospitals and similar facilities; amending s. 395.002, F.S.; revising definitions related thereto; amending s. 395.003, F.S.; revising licensure provisions; providing for licensure of hospitals and ambulatory surgical centers to be conducted by the Agency for Health Care Administration; amending s. 395.004, F.S.; revising procedures for application for license; providing for disposition of fees; amending s. 395.006, F.S.; revising provisions relating to licensure inspection; providing criteria; deleting the public records exemption provided for certain inspection reports; amending s. 395.008, F.S., relating to inspection reports; providing a maximum copying fee; and amending s. 395.007, F.S.; providing for disposition of fees; deleting authority to delegate review of plans and specifications to a county or municipality; amending s. 395.011, F.S.; modifying provisions relating to staff membership and clinical privileges; amending s. 395.0115, F.S.; revising provisions related to peer review and disciplinary powers; amending s. 395.014, F.S.; revising provisions providing for access by chiropractors to diagnostic reports; amending s. 395.041, F.S., relating to internal risk management programs; limiting responsibilities of part-time risk managers; providing for annual, rather than quarterly, reports to the Agency for Health Care Administration; changing procedure for reports of adverse or untoward incidents; requiring the Agency for Health Care Administration to publish an annual summary of incident reports; deleting a requirement relating to information bulletins; amending s. 395.0172, F.S., relating to private utilization review; deleting duplicate provisions; authorizing the Agency for Health Care Administration to adopt rules; amending s. 395.0101, F.S.; revising provisions related to the treatment of biomedical waste; amending s. 395.0201, F.S.; requiring certain facilities to treat and protect the anonymity of sexual assault victims; amending s. 395.0205, F.S.; requiring protocols for the treatment of victims of child abuse or neglect; transferring, renumbering, and amending s. 395.038, F.S., relating to regional poison control centers; creating s. 395.1028, F.S.; requiring hospital emergency departments to be capable of specified communications with life support vehicles and aircraft and municipal aid channels; amending s. 395.0142, F.S.; expanding requirements for providing access to emergency services; providing for inventory of hospital emergency services; revising provisions relating to legislative intent, medically necessary transfers, discrimination, liability, and records; prohibiting retaliation for patient transfers; providing penalties; providing for civil actions; requiring reports; providing for treatment of emergency medical conditions of certain psychiatric patients; providing procedure for further psychiatric treatment; amending s. 395.0175, F.S.; revising complaint investigation procedures; providing access to certain records; transferring, renumbering, and amending s. 395.005, F.S., relating to rules and enforcement; providing for standards for the use of seclusion and restraint; providing for hospital quality improvement programs; transferring, renumbering, and amending s. 395.018, F.S.; increasing fines for operating without a license; increasing administrative fines; transferring, renumbering, and amending s. 395.0185, F.S.; prohibiting the payment or receipt of rebates; amending s. 395.015, F.S., relating to itemized patient bills; requiring certain hospitals to notify patients of their right to an itemized bill upon request; requiring hospitals to provide itemized bills when requested; providing for a copy to the physician, upon request; revising applicability; providing certain liability; amending s. 395.0165, F.S., relating to penalties for altering patient records; improving grammar; amending s. 395.017, F.S.; revising requirements for disclosure of patient records; providing charges for copies and searches of records; providing exemptions; limiting use and disclosure of such records; providing for additional regulatory studies to be conducted by the Agency for Health Care Administration; requiring a report; transferring, renumbering, and amending s. 395.031, F.S.; revising definitions applicable to trauma care; providing additional component of trauma care system plans; specifying a period for approval of plans; providing for hearings; transferring and renumbering s. 395.032, F.S., relating to state regional

trauma planning; transferring, renumbering, and amending s. 395.033, F.S., relating to trauma service areas; conforming a cross-reference; transferring, renumbering, and amending s. 395.0335, F.S.; revising provisions relating to selection of state-approved trauma centers; revising provisions relating to notice of termination of operation; providing certain immunity from liability for out-of-state experts; transferring, renumbering, and amending s. 395.034, F.S.; revising provisions relating to reimbursement of state-sponsored trauma centers; transferring and renumbering s. 395.0345, F.S., relating to the Trauma Services Trust Fund; transferring, renumbering, and amending s. 395.035, F.S., relating to review of trauma registry data; providing for trauma transport protocols for use of air ambulance service; transferring, renumbering, and amending s. 395.036, F.S., relating to transport of trauma victims to centers; providing for trauma transport protocols for use of air ambulance service; transferring, renumbering, and amending s. 395.037, F.S., relating to rulemaking authority; conforming cross-references; transferring, renumbering, and amending s. 395.102, F.S., relating to rural hospitals; providing definitions; deleting certain limitations on rural hospital swing-bed length of stay; transferring, renumbering, and amending s. 395.103, F.S., relating to rural hospital impact statements; providing for a process by which certain rural hospitals may deactivate general hospital beds; providing for reactivation of such beds; transferring, renumbering, and amending ss. 395.104, 395.01465, F.S., relating to other rural hospital programs and emergency care hospitals, respectively; conforming cross-references; transferring, renumbering, and amending s. 395.101, F.S., relating to hospital annual assessments; providing liability for fines, penalties, and assessments upon transfer or termination of a facility; providing alternative payment method for certain statutory teaching hospitals; transferring, renumbering, and amending s. 395.1015, F.S., relating to annual assessments of other health care entities; providing an exclusion from annual assessments for certain out-of-state revenues; clarifying an exemption for blood and plasma centers; transferring, renumbering, and amending s. 395.60, F.S., relating to the short title for the Medical Education and Tertiary Care Act; conforming cross-references; transferring and renumbering s. 395.61, F.S., relating to legislative intent with respect to that act; transferring, renumbering, and amending s. 395.62, F.S., relating to the Medical Education and Tertiary Care Trust Fund; conforming a cross-reference; transferring and renumbering s. 395.63, F.S., relating to distribution of trust fund moneys; requiring preferred provider networks to provide access to osteopathic hospitals; repealing ss. 395.012, 395.013, F.S., relating to prohibitions against interference with the prescription of amygdalin (laetrile) or dimethyl sulfoxide (DMSO); repealing s. 395.0141, F.S., relating to inventory of hospitals with emergency departments; repealing s. 395.0143, F.S., relating to denial of emergency treatment; repealing s. 395.0144, F.S., relating to duty to admit or transfer emergency patients; repealing s. 395.0146, F.S., relating to certificates of need for termination or reduction of emergency services; saving ss. 394.4787(4), 394.4788(2), (3), 395.001, 395.002, 395.003, 395.004, 395.005, 395.006, 395.007, 395.008, 395.009, 395.0101, 395.011, 395.0115, 395.014, 395.0142, 395.01465, 395.015, 395.016, 395.0165, 395.017, 395.0172, 395.0175, 395.018, 395.0185, 395.0201, 395.0205, 395.031, 395.032, 395.033, 395.0335, 395.034, 395.035, 395.036, 395.037, 395.038, 395.041, 395.101, 395.102, 395.103, 395.104, 395.63, F.S., from repeal October 1, 1992; amending ss. 119.07, 240.4067, 320.0801, 322.0602, 381.026, 381.703, 381.706, 394.4787, 401.425, 401.251, 408.07, 408.072, 408.08, 409.918, 427.708, 440.185, 458.331, 459.015, 468.505, 627.912, 641.55, 766.314, F.S.; conforming cross-references; amending s. 394.463, F.S., relating to involuntary examination; conforming cross-references; revising provisions related to patient transfers with respect to emergency medical conditions; revising detention period for involuntary examination of certain patients; amending s. 7, ch. 92-178, Laws of Florida; revising provisions to conform to changes made by the act; directing the Division of Statutory Revision of the Joint Legislative Management Committee to prepare reviser's bills to make certain changes consistent with the intent and purposes of ch. 92-33, Laws of Florida, as amended, and with this act; repealing ss. 34, 84 of ch. 92-33, Laws of Florida, relating to directions for preparing the official edition of the Florida Statutes; providing an appropriation and for positions; amending s. 34, ch. 92-58, Laws of Florida; preserving judicial and administrative actions pending and licenses in effect as of the dates specified; amending s. 196.012, F.S.; revising the definition of the term "nursing home" in provisions relating to property tax exemptions; providing effective dates.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senator Childers—

**CS for SB 102-H**—A bill to be entitled An act relating to public retirement systems; amending s. 20.13, F.S., relating to the structure of

the Department of Insurance, to delete duties of the Division of Benefits that are assigned elsewhere or eliminated by this act; amending s. 112.363, F.S.; increasing the retiree health insurance subsidy rate; increasing the employer contribution rate to fund the increased subsidy; creating s. 112.666, F.S.; creating the Florida Protection of Public Employee Retirement Benefits Trust Fund; providing for annual assessment of local retirement systems or plans to pay for the cost of administering the Florida Protection of Public Employee Retirement Benefits Act; providing legislative intent with respect to governmental retirement systems; amending s. 121.021, F.S.; conforming the definition of the term "covered group" as used with respect to the Florida Retirement System to a change in terminology made by this act; amending ss. 121.052, 121.055, 121.071, 121.40, F.S.; revising contribution rates applicable to members of the Elected State and County Officers' Class, the Senior Management Service Class, and the Regular, Special Risk, and Special Risk Administrative Support Classes of the Florida Retirement System and the contribution rate applicable to the supplemental retirement plan for the Institute of Food and Agricultural Sciences of the University of Florida; amending s. 121.091, F.S., revising death benefit provisions under the Florida Retirement System; providing for reinstatement of benefit to a surviving spouse whose benefit terminated because of remarriage; providing for retrospective application; amending ss. 122.08, 122.35, F.S.; advancing the effective date for provisions that provide for retirement after 30 years of service for members of the State and County Officers and Employees' Retirement System; amending ss. 175.021, 175.032, 175.041, 175.061, 175.071, 175.081, 175.091, 175.101, 175.111, 175.121, 175.122, 175.131, 175.141, 175.152, 175.162, 175.191, 175.201, 175.211, 175.251, 175.261, 175.291, 175.301, 175.311, 175.321, 175.341, 175.351, 175.361, 175.401, 185.02, 185.05, 185.10, 185.221, 185.23, 185.35, 185.37, 185.50, F.S., relating to municipal firefighters' and police officers' pension or retirement plans and retiree health insurance subsidies; transferring certain powers, duties, and functions of the Department of Insurance respecting those plans and subsidies to the Department of Administration and assigning these and other duties respecting those plans and subsidies to the Division of Retirement; providing for inclusion of matters assigned to the Division of Retirement in the transfer of the division to the Department of Management Services at a subsequent time; providing for transfer of related records, personnel, property, and funds; providing for continuation of certain existing rules of the Department of Insurance as rules of the division; abolishing the Bureau of Municipal Police Officers' and Firefighters' Pension Funds of the Division of Benefits of the Department of Insurance; providing for disposition of premium tax moneys collected under chs. 175 and 185, F.S.; providing for annual appropriation of such moneys; providing for payment of the respective expenses of the Department of Insurance and the Division of Retirement in administering their respective duties under chs. 175 and 185, F.S.; providing that it is the legislative intent that firefighters employed by special fire control districts should be entitled to the same retirement benefits as municipal firefighters; providing for pension funds, retirement benefits, and retiree health insurance subsidies for firefighters employed by special fire control districts, which funds, benefits, and subsidies are subject to the same statutory requirements as pension funds and retirement benefits for municipal firefighters; clarifying that undistributed funds are annually transferred to support the firefighters' supplemental compensation program; providing for redistribution of certain funds to certain municipalities and special fire control districts; conforming the provisions of chs. 175 and 185, F.S., to this act; conforming cross-references; deleting obsolete provisions; revising terminology; improving clarity; repealing s. 185.24, F.S., relating to annual appropriations for administrative expenses, which section is superseded by this act; amending ss. 238.07, 238.11, F.S.; advancing the effective date for provisions that provide for retirement after 30 years of service for members of the Teachers' Retirement System of Florida; amending s. 624.520, F.S., relating to preemption by the state of insurer premium taxes, to conform that section to changes by this act; amending s. 633.382, F.S., relating to the Firefighters Supplemental Compensation Trust Fund; providing for curing of deficits; providing for redistribution of certain funds; providing effective dates.

### VETO BILLS 1992 REGULAR SESSION

Honorable Gwen Margolis  
Senate President

April 8, 1992

Dear Madam President:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objec-

tions, Senate Bill 588, enacted by the 24th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1992, and entitled:

An act relating to housing finance authorities; amending ss. 159.602, 159.608, F.S.; authorizing a housing finance authority to own and operate a savings and loan bank; providing a purpose; providing for the reinvestment of proceeds; providing minimum capital requirements; requiring compliance with state and federal banking regulations; providing an effective date.

This legislation, were it to become law, would allow a public entity; a housing finance authority, to operate a savings and loan institution. Such activity which necessarily involves risk, is ordinarily reserved to the private sector, and is not the proper function of a state agency entrusted with the protection of public funds.

I am therefore withholding my approval of Senate Bill 588 and do hereby veto the same.

With kind regards, I am

Sincerely,  
Lawton Chiles  
Governor

Honorable Gwen Margolis  
Senate President

April 8, 1992

Dear Madam President:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Committee Substitute for Senate Bill 674, enacted by the 24th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1992, and entitled:

An act relating to accounting; providing for the transfer of the Board of Accountancy from the Division of Professions of the Department of Professional Regulation to the Division of Certified Public Accounting of the Department of Banking and Finance; amending s. 20.12, F.S.; creating the Division of Certified Public Accounting; repealing s. 20.30(4)(a), F.S.; relating to the Board of Accountancy; creating part II of chapter 17, F.S.; providing legislative intent; providing powers and duties of the department; providing for headquarters of the Board of Accountancy and the Division of Certified Public Accounting; providing for the membership of the board; providing for the publication of information; providing for the accountability and liability of board members; providing for board rules, final agency action, and challenges; providing for licensing; providing for board intervention in licensing proceedings; providing for examinations; providing for special examination and licensing provisions for foreign-trained professionals; providing for fees, receipts and the disposition of such fees and receipts; creating the Certified Public Accounting Regulatory Trust Fund; providing for legal and investigative services; providing for the power to administer oaths, take depositions and issue subpoenas; providing for disciplinary proceedings; providing grounds for discipline, penalties, and enforcement; providing disciplinary guidelines; providing penalties for giving false information; prohibiting the unlicensed practice of public accounting; providing a penalty; providing for the public inspection of information required from applicants; providing exceptions; providing for discovery and challenge with respect to examinations; providing penalties for the disclosure of certain information; creating s. 215.375, F.S.; providing for fees collected by the Department of Banking and Finance and the Board of Accountancy; amending s. 473.302, F.S.; redefining the term "department" and defining the term "division" to conform to the act; amending ss. 473.303, 473.308, 473.311, 473.323, F.S.; conforming to the act; providing for the continued validity of licenses and legal actions; providing an effective date.

Committee Substitute for Senate Bill 674 would transfer the Board of Accountancy from the Department of Professional Regulation to the Department of Banking and Finance. If this bill were to become law it would mark a precedent which other professions might utilize to "shop" for the agency they perceive to be best for their interests. I recognize the importance and uniqueness of the profession of Accountancy within those professions regulated by the Department. Acknowledging that uniqueness, I have directed the Secretary of the Department to move toward the establishment of a Division of Accountancy in next years leg-

islative session. In the interim, I am asking the Secretary to provide the regulation of the profession of Accountancy all possible autonomy within the Department. The creation of a distinct budget and regulatory entity will facilitate the proper regulation of the profession while avoiding a precedent which does not serve the needs of Florida.

For these reasons, I am withholding my approval of Committee Substitute for Senate Bill 674 and hereby veto the same.

With kind regards, I am

Sincerely,  
*Lawton Chiles*  
Governor

Honorable Gwen Margolis  
Senate President

April 8, 1992

Dear Madam President:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Committee Substitute for Senate Bill 720, enacted by the 24th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1992, and entitled:

An act relating to invitations to bid, requests for proposals, and related documents; amending s. 119.07, F.S.; exempting from public records requirements certain invitations to bid and requests for proposals and related documents; providing an exception; providing for review and repeal; providing an effective date.

I believe that exceptions to the Sunshine Law should be carefully reviewed to ensure that the public is better served by the exception than if the information was to remain open to public scrutiny. With respect to the exception proposed by Committee Substitute for Senate Bill 720, there is no demonstrated governmental need to exclude this information from public inspection.

For these reasons, I am withholding my approval of Committee Substitute for Senate Bill 720 and hereby veto the same.

With kind regards, I am

Sincerely,  
*Lawton Chiles*  
Governor

Honorable Gwen Margolis  
Senate President

April 8, 1992

Dear Madam President:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Committee Substitute for Senate Bill 904, enacted by the 24th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1992, and entitled:

An act relating to public construction; amending s. 287.084, F.S.; including construction services within those services which may receive a preference in the competitive bidding process if the bidder is a Florida business; prohibiting any county, municipality, school district, or other political subdivision of the state from granting its local businesses bid preferences over other Florida businesses; providing an effective date.

This legislation, if it were to become law would limit a local government's ability to decide the specifications it may lawfully place on the award of contracts for public purposes. I am opposed to legislation that erodes the home rule authority of local governments.

For these reasons, I am withholding my approval of Committee Substitute for Senate Bill 904 and hereby veto the same.

With kind regards, I am

Sincerely,  
*Lawton Chiles*  
Governor

Honorable Gwen Margolis  
Senate President

April 8, 1992

Dear Madam President:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Committee Substitute for Senate Bill 918, enacted by the 24th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1992, and entitled:

An act relating to taxation; amending s. 125.0104, F.S.; providing for the payment of interest on local option tourist development taxes remitted to the Department of Revenue; requiring state and local governmental entities administering specified local option taxes to make certain reports regarding the amounts and purposes for which moneys are withheld from tax proceeds; providing for expiration; amending s. 193.023, F.S.; requiring the property appraiser to use comparable sales data as the primary measure of just valuation in specified circumstances; amending s. 195.096, F.S.; requiring the Division of Ad Valorem Tax of the Department of Revenue to use comparable sales data in reviewing assessment rolls and in conducting in-depth reviews; providing that deeds be reported to the Division of Ad Valorem Tax with specified information; requiring the property appraiser to submit a form with information as to disqualified sales data to the Division of Ad Valorem Tax; requiring the Department of Revenue to develop a methodology for using sales data and develop a plan to implement such methodology; requiring recommendations to be included for the reallocation of resources; amending s. 199.062, F.S.; revising certain reporting requirements for security brokers; amending s. 199.282, F.S.; clarifying penalties with respect to intangible personal property taxes; expanding penalties for security brokers; providing for retroactive effect; creating s. 199.106, F.S.; providing credits against the annual tax on certain intangible personal property in the amount of any like tax paid on such property in another state or territory or the District of Columbia; providing for retroactive application; creating s. 199.303, F.S.; providing legislative intent regarding application of such taxes and severability; amending s. 212.04, F.S.; providing an exemption from the tax on admissions for zoos owned by the Federal Government, the state, or any political subdivision of the state; creating s. 212.0516, F.S.; providing requirements for an identifying device issued to coin-operated amusement machines; providing for an annual fee; providing for issuing identifying devices; providing reporting requirements; providing exemptions; providing penalties; repealing s. 212.05(1)(j), F.S., relating to a tax on the use of coin-operated amusement machines; authorizing the Department of Revenue to issue identifying devices upon partial payment of the fee until a specified date; requiring a study be conducted by the Department of Revenue; amending s. 212.055, F.S.; deleting a repeal date for the indigent care surtax for some counties; repealing section 3 of chapter 91-81, Laws of Florida, deleting repeal dates to conform; amending s. 193.085, F.S.; requiring venue for actions challenging centrally assessed value to be in Leon County; providing the provision apply to actions currently pending; amending s. 201.22, F.S.; requiring the clerk of the circuit court to execute and file the returns required as a condition precedent to recording any deed transferring an interest in real property under certain circumstances; providing for compensation; amending s. 197.432, F.S.; providing that ad valorem taxes due on governmental leaseholds become liens or leaseholds and may be collected pursuant to ch. 197, F.S.; amending ss. 1, 2, and 3, ch. 67-930, Laws of Florida; revising provisions which authorize certain cities to levy a municipal resort tax, to remove an exemption for beer and malt beverages; amending s. 212.0515, F.S.; revising reporting requirements for persons who sell food and beverages to vending machine operators; amending s. 213.053, F.S.; authorizing the Department of Revenue to disclose certain confidential information to specified persons; creating s. 213.0535, F.S.; establishing the Registration Information Sharing and Exchange Program; requiring certain local governments and state agencies to share specified tax and licensing information; providing duties of the department; providing for application of confidentiality and penalty provisions; providing for review and repeal; restricting use of such information; amending s. 213.27, F.S.; allowing the Department of Revenue to contract with a collection agency to collect taxes due; removing the requirement that taxpayers be notified by certified mail and replacing with regular mail; amending s. 216.262, F.S.; providing an additional condition under which the Administration Commission may authorize an increase in the number of positions beyond those provided in the appropriations

acts; amending s. 624.5092, F.S.; providing for minimum estimated insurance premium tax payments; providing for retroactive effect; amending s. 212.02, F.S.; narrowing the definition of "admission" to exclude those relating to cruises to nowhere; providing an effective date.

Were this bill to become law, it would provide an exemption from taxation for those admission fees charged by the operators of "cruises to nowhere." These operators cruise outside the territorial waters of Florida and the United States to provide those aboard the opportunity to gamble. While it is argued that this practice is transportation, and thus exempt from Florida's sales tax, I believe that such an enterprise is akin to a helicopter ride or other amusement ride which leaves and returns to the same point.

More importantly, however, this exemption would carve out an advantage to a special interest group; the operators of these cruises to nowhere. The law is replete with special interest exemptions, and if there is to be fairness within our present taxing system, these exceptions must be removed. This legislation does not purport to provide an exemption to serve a greater public good such as that provided for food and medicine. Instead, this embodies the kind of special interest exception which I have asked the Legislature to repeal.

For these reasons, I am withholding my approval of Committee Substitute for Senate Bill 918 and hereby veto the same.

With kind regards, I am

Sincerely,  
*Lawton Chiles*  
Governor

*Honorable Gwen Margolis*  
Senate President

April 8, 1992

Dear Madam President:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Senate Bill 972, enacted by the 24th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1992, and entitled:

An act relating to construction contracts; creating the Construction Contract Prompt Payment Law; providing for applicability; providing definitions; requiring payment of such contracts within certain time periods and requiring accrual of interest; providing an exception; amending s. 255.05, F.S.; providing a revised time period for the filing of a notice to proceed against a bond with respect to rental equipment used at a public building construction site; amending s. 713.01, F.S.; providing definitions; amending s. 713.08, F.S.; providing time for recording a claim of lien; amending s. 713.132, F.S.; providing for notice of termination of a notice of commencement to improve real property; amending s. 713.16, F.S.; authorizing contractors to demand a written statement of a lienor's account; authorizing lienors to demand a written statement from owners; amending s. 713.29, F.S.; providing for attorney's fees in an action brought to enforce a claim against a bond; creating s. 713.347, F.S.; requiring lenders to give notice of a decision to cease further advances; restricting use of certain construction loan proceeds; providing for liability for noncompliance; amending s. 713.245, F.S.; delaying the date of repeal of s. 713.245, F.S.; providing an effective date.

This bill, were it to become law, would simply serve to impose an additional, unnecessary and burdensome layer of governmental regulation on the construction industry in the State of Florida. Current law is adequate to adjudicate breach of contract claims without the amendment proposed by this legislation.

I am therefore withholding my approval of Senate Bill 972 and do hereby veto the same.

With kind regards, I am

Sincerely,  
*Lawton Chiles*  
Governor

*Honorable Gwen Margolis*  
Senate President

April 8, 1992

Dear Madam President:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Committee Substitute for Senate Bill 1164, enacted by the 24th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1992, and entitled:

An act relating to education; amending s. 231.095, F.S.; providing requirements relating to teaching out-of-field in subject areas required for graduation; correcting a cross-reference; providing an effective date.

I am concerned that this bill, which provides a mandate from the state on the operation of school board discretion, is contrary to our policy of local control, measurement, and accountability for results. Those best able to determine the consequences of these decisions are the parents, teachers, administrators, and elected school board official in each community.

I am therefore withholding my approval of Committee Substitute for Senate Bill 1164 and do hereby veto the same.

With kind regards, I am

Sincerely,  
*Lawton Chiles*  
Governor

*Honorable Gwen Margolis*  
Senate President

April 8, 1992

Dear Madam President:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Senate Bill 1644, enacted by the 24th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1992, and entitled:

An act relating to confidentiality of certain public utility records; amending s. 119.07, F.S.; providing an exemption from public records for certain information which, if released, would identify an individual customer; providing limitations; providing for future review and repeal; providing an effective date.

The apparent purpose for the enactment of Senate Bill 1644 is to protect the identity of persons who have been the victims of criminal acts. While this is a laudable goal, Senate Bill 1644 does not accomplish this end. Instead, the bill provides for this exemption only when certain conditions are met. First, the information is exempted only when the person has stated that his or her address information is not readily available from another source. Most citizens provide information of this type for telephone directories, voter registration, drivers license bureaus, property appraisal records, professional and occupational records, and the like. The next requirement is that the person must request in writing that this information be exempted from the public record. Such a requirement would not ordinarily protect the victims of crime unless they had made this request before the crime occurred.

Laws which provide exemptions to the public record must be drawn in such a way that they are easily understandable and applied only to the intended records. Senator Kirkpatrick and Representative Chestnut have intended a useful and beneficial purpose in proposing this legislation to protect the victims of crime. I believe, however that in this overbroad form, it does not serve the best interests of the people of Florida.

For these reasons, I am withholding my approval of Senate Bill 1644 and hereby veto the same.

With kind regards, I am

Sincerely,  
*Lawton Chiles*  
Governor

Honorable Gwen Margolis  
Senate President

April 8, 1992

The bills, together with the Governor's objections thereto, were referred to the Committee on Rules and Calendar.

Dear Madam President:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Committee Substitute for Senate Bill 1766, enacted by the 24th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1992, and entitled:

An act relating to alcoholic beverages; amending s. 561.01, F.S.; defining the term "performing arts center"; amending s. 561.20, F.S.; authorizing the Division of Alcoholic Beverages and Tobacco to issue special licenses to performing arts centers; providing exceptions; providing a limitation on fees for such licenses; providing an effective date.

Committee Substitute for Senate Bill 1766 authorizes the issuance of a special alcoholic beverage license for qualified performing arts centers owned and operated by a not-for-profit corporation and which house at least 500 seats. Subsequent to the passage of the bill, the Legislature passed Committee Substitute for House Bill 861. The bills are substantially identical save the provision in Committee Substitute for House Bill 861 that authorizes the issuance of the licenses for performing arts centers with at least 200 seats.

While the later expression of the Legislature contained in Committee Substitute for House Bill 861 would presumably constitute the law on this matter, the enactment of both bills would create confusion, and could possibly entail the unnecessary expenditure of funds in litigation costs.

For these reasons, I am withholding my approval of Committee Substitute for Senate Bill 1766 and hereby veto the same.

Sincerely,  
Lawton Chiles  
Governor

April 8, 1992

Honorable Gwen Margolis  
President of the Florida Senate

Dear Madam President:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval and transmit to you with my objections, Senate Bill 2520, enacted by the 24th Session of the Legislature since the Constitution of 1968, during the Regular Session of 1992, and entitled:

An act relating to the Tri-County Hospital Authority in Dixie, Gilchrist, and Levy counties; repealing ch. 84-423, Laws of Florida, the Tri-County Hospital Authority; providing an effective date.

Senate Bill 2520 will abolish the Tri-County Hospital Authority. The bill is flawed because it makes no provision for the assumption of the debts and liabilities of the district.

Section 189.4045(2), Florida Statutes, provides that the dissolution of a special district shall transfer the title to all property owned by the pre-existing special district government to the local general purpose government, which shall also assume all indebtedness of the preexisting special district, unless otherwise provided in the dissolution plan.

This bill is silent as to the general purpose government to which the assets of the Tri-County Hospital Authority are transferred and which will assume the indebtedness of the Authority. This is a tri-county district composed of Gilchrist, Levy, and Dixie Counties, and there is no provision in the bill for the distribution of assets or division of debts among those counties. Any bill dissolving the Authority should disclose the general government which acquires the assets of the district and which shall be responsible for its indebtedness.

I am, therefore, withholding my approval of Senate Bill 2520 and hereby veto the same.

With kind regards, I am

Sincerely,  
Lawton Chiles  
Governor

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 31-H and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representatives Kelly and Mortham—

**HB 31-H**—A bill to be entitled An act relating to bingo; reenacting s. 849.093, F.S., as amended by section 1 of ch. 91-421, Laws of Florida, relating to exemptions for charitable, nonprofit, or veterans' organizations; reenacting s. 723.079(8), F.S., as amended by section 2 of ch. 91-421, Laws of Florida, relating to conduct of bingo by mobile homeowners' associations; amending section 3 of ch. 91-421, Laws of Florida, relating to review and repeal of s. 849.093, F.S.; providing for contingent retroactivity; providing an effective date.

—was referred to the Committee on Commerce.

RECESS

On motion by Senator Thomas, the Senate recessed at 11:02 a.m. to reconvene at 6:45 p.m.

EVENING SESSION

CALL TO ORDER

The Senate was called to order by the President at 6:52 p.m. A quorum present—33:

Madam President	Dantzer	Johnson	Thomas
Bankhead	Diaz-Balart	Kiser	Thurman
Beard	Dudley	Kurth	Weinstein
Bruner	Forman	Malchon	Weinstock
Burt	Gardner	McKay	Wexler
Casas	Girardeau	Meek	Yancey
Childers	Grant	Plummer	
Crenshaw	Jenne	Scott	
Crotty	Jennings	Souto	

On motion by Senator Childers, by two-thirds vote **HB 31-H** was withdrawn from the Committee on Commerce.

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

**HB 31-H**—A bill to be entitled An act relating to bingo; reenacting s. 849.093, F.S., as amended by section 1 of ch. 91-421, Laws of Florida, relating to exemptions for charitable, nonprofit, or veterans' organizations; reenacting s. 723.079(8), F.S., as amended by section 2 of ch. 91-421, Laws of Florida, relating to conduct of bingo by mobile homeowners' associations; amending section 3 of ch. 91-421, Laws of Florida, relating to review and repeal of s. 849.093, F.S.; providing for contingent retroactivity; providing an effective date.

—was taken up out of order and by two-thirds vote read the second time by title.

Senator Childers moved the following amendment which was adopted:

**Amendment 1 (with Title Amendment)**—Strike everything after the enacting clause and insert:

Section 1. Section 849.0931, Florida Statutes, is created to read:

849.0931 Charitable, nonprofit, or veterans' organizations; certain endeavors permitted.—

(1) As used in this section:

(a) "Bingo game" means and refers to the activity, commonly known as "bingo," in which participants pay a sum of money for the use of one or more bingo cards. When the game commences, numbers are drawn by

chance, one by one, and announced. The players cover or mark those numbers on the bingo cards which they have purchased until a player receives a given order of numbers in sequence that has been preannounced for that particular game. This player calls out "bingo" and is declared the winner of a predetermined prize. More than one game may be played upon a bingo card, and numbers called for one game may be used for a succeeding game or games.

(b) "Bingo card" means and refers to the flat piece of paper or thin pasteboard employed by players engaged in the game of bingo. The bingo card shall have not fewer than 24 playing numbers printed on it. These playing numbers shall range from 1 through 75, inclusive. More than one set of bingo numbers may be printed on any single piece of paper.

(c) "Charitable, nonprofit, or veterans' organization" means an organization which has qualified for exemption from federal income tax as an exempt organization under the provisions of s. 501(c) of the Internal Revenue Code of 1954 or s. 528 of the Internal Revenue Code of 1986, as amended; which is engaged in charitable, civic, community, benevolent, religious, or scholastic works or other similar activities; and which has been in existence and active for a period of 3 years or more.

(d) "Objects" means a set of 75 balls or other precision shapes that are imprinted with letters and numbers in such a way that numbers 1 through 15 are marked with the letter "B," numbers 16 through 30 are marked with the letter "I," numbers 31 through 45 are marked with the letter "N," numbers 46 through 60 are marked with the letter "G," and numbers 61 through 75 are marked with the letter "O."

(e) "Rack" means the container in which the objects are placed after being drawn and announced.

(f) "Receptacle" means the container from which the objects are drawn or ejected.

(g) "Session" means a designated set of games played in a day or part of a day.

(2)(a) None of the provisions of this chapter shall be construed to prohibit or prevent charitable, nonprofit, or veterans' organizations engaged in charitable, civic, community, benevolent, religious, or scholastic works or other similar endeavors, which organizations have been in existence and active for a period of 3 years or more, from conducting bingo games, provided the entire proceeds derived from the conduct of such games, less actual business expenses for articles designed for and essential to the operation, conduct, and playing of bingo, are donated by such organizations to the endeavors mentioned above. In no case may the net proceeds from the conduct of such games be used for any other purpose whatsoever. The proceeds derived from the conduct of bingo games shall not be considered solicitation of public donations.

(b) It is the express intent of the Legislature that no charitable, nonprofit, or veterans' organization serve as a sponsor of a bingo game conducted by another, but such organization may only be directly involved in the conduct of such a game as provided in this act.

(3) If an organization is not engaged in efforts of the type set out above, its right to conduct bingo games hereunder is conditioned upon the return of all the proceeds from such games to the players in the form of prizes. If at the conclusion of play on any day during which a bingo game is allowed to be played under this section there remain proceeds which have not been paid out as prizes, the organization conducting the game shall at the next scheduled day of play conduct bingo games without any charge to the players and shall continue to do so until the proceeds carried over from the previous days played have been exhausted. This provision in no way extends the limitation on the number of prize or jackpot games allowed in 1 day as provided for in subsection (5).

(4) The right of a condominium association, a mobile home owners' association, or a group of residents of a mobile home park as defined in chapter 723 to conduct bingo is conditioned upon the return of the net proceeds from such games to players in the form of prizes after having deducted the actual business expenses for such games for articles designed for and essential to the operation, conduct, and playing of bingo. Any net proceeds remaining after paying prizes may be donated by the association to a charitable, nonprofit, or veterans' organization which is exempt from federal income tax under the provisions of s. 501(c) of the Internal Revenue Code to be used in such recipient organization's charitable, civic, community, benevolent, religious, or scholastic works or similar activities or, in the alternative, such remaining proceeds shall be used as specified in subsection (3).

(5) No jackpot shall exceed the value of \$250 in actual money or its equivalent, and there shall be no more than three jackpots in any one session of bingo.

(6) The number of days per week during which organizations authorized hereunder may conduct bingo may not exceed 2.

(7) There shall be no more than three jackpots on any one day of play. All other game prizes shall not exceed \$50.

(8) Each person involved in the conduct of any bingo game must be a resident of the community where the organization is located and a bona fide member of the organization sponsoring such game and may not be compensated in any way for operation of such bingo game. When bingo games are conducted by a charitable, nonprofit, or veterans' organization, the organization conducting the bingo games shall be required to designate up to three members of that organization to be in charge of the games, one of whom shall be present during the entire session at which the bingo games are conducted. The organization conducting the bingo games is responsible for posting a notice, which notice states the name of the organization and the designated member or members, in a conspicuous place on the premises at which the session is held. In no event may a caller in a bingo game be a participant in that bingo game.

(9) Every charitable, nonprofit, or veterans' organization involved in the conduct of a bingo game must be located in the county, or within a 15-mile radius of, where the bingo game is located.

(10)(a) No one under 18 years of age shall be allowed to play any bingo game or be involved in the conduct of a bingo game in any way.

(b) Any organization conducting bingo open to the public may refuse entry to any person who is objectionable or undesirable to the sponsoring organization, but such refusal of entry shall not be on the basis of race, creed, color, religion, sex, national origin, marital status, or physical handicap.

(11) Bingo games may be held only on the following premises:

(a) Property owned by the charitable, nonprofit, or veterans' organization.

(b) Property owned by the charitable, nonprofit, or veterans' organization that will benefit by the proceeds.

(c) Property leased for a period of not less than 1 year by a charitable, nonprofit, or veterans' organization, providing the lease or rental agreement does not provide for the payment of a percentage of the proceeds generated at such premises to the lessor or any other party and providing the rental rate for such premises does not exceed the rental rates charged for similar premises in the same locale.

(d) Property owned by a municipality or a county when the governing authority has, by appropriate ordinance or resolution, specifically authorized the use of such property for the conduct of such games.

(e) With respect to bingo games conducted by a condominium association, a mobile home owners' association, or a group of residents of a mobile home park as defined in chapter 723, property owned by the association, property owned by the residents of the mobile home park, or property which is a common area located within the condominium or mobile home park.

(12) Each bingo game shall be conducted in accordance with the following rules:

(a) The objects, whether drawn or ejected, shall be essentially equal as to size, shape, weight, and balance and as to all other characteristics that may control their selection from the receptacle. The caller shall cancel any game if, during the course of a game, the mechanism used in the drawing or ejection of objects becomes jammed in such a manner as to interfere with the accurate determination of the next number to be announced or if the caller determines that more than one object is labeled with the same number or that there is a number to be drawn without a corresponding object. Any player in a game canceled pursuant to this paragraph shall be permitted to play the next game free of charge.

(b) Prior to commencement of any bingo session, the member in charge shall cause a verification to be made of all objects to be placed in the receptacle and shall inspect the objects in the presence of a disinterested person to ensure that all objects are present and that there are no duplications or omissions of numbers on the objects. Any player shall be entitled to call for a verification of numbers before, during, and after a session.

(c) The card or sheet on which the game is played shall be part of a deck, group, or series, no two of which may be alike in any given game.

(d) All numbers shall be visibly displayed after being drawn and before being placed in the rack.

(e) A bona fide bingo shall consist of a predesignated arrangement of numbers on a card or sheet that correspond with the numbers on the objects drawn from the receptacle and announced. Errors in numbers announced or misplaced in the rack may not be recognized as a bingo.

(f) When a caller has started to vocally announce a number, he shall complete the call. If any player has obtained a bingo on a previous number, such player will share the prize with the player who gained bingo on the last number called.

(g) Numbers on the winning cards or sheets shall be announced and verified in the presence of another player. Any player shall be entitled at the time the winner is determined to call for a verification of numbers drawn. The verification shall be in the presence of the member designated to be in charge of the occasion or, if such person is also the caller, in the presence of an officer of the licensee.

(h) Upon determining a winner, the caller shall ask, "Are there any other winners?" If no one replies, the caller shall declare the game closed. No other player is entitled to share the prize unless he has declared a bingo prior to this announcement.

(i) Seats may not be held or reserved by an organization or person involved in the conduct of any bingo game for players not present, nor may any cards be set aside, held, or reserved from one session to another for any player.

(13) Any organization or other person who willfully and knowingly violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For a second or subsequent offense, the organization or other person is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Section 718.114, Florida Statutes, is amended to read:

718.114 Association powers.—An association has the power to enter into agreements, to acquire leaseholds, memberships, and other possessory or use interests in lands or facilities such as country clubs, golf courses, marinas, and other recreational facilities. It has this power whether or not the lands or facilities are contiguous to the lands of the condominium, if they are intended to provide enjoyment, recreation, or other use or benefit to the unit owners. All of these leaseholds, memberships, and other possessory or use interests existing or created at the time of recording the declaration must be stated and fully described in the declaration. Subsequent to the recording of the declaration, the association may not acquire or enter into agreements acquiring these leaseholds, memberships, or other possessory or use interests except as authorized by the declaration. The declaration may provide that the rental, membership fees, operations, replacements, and other expenses are common expenses and may impose covenants and restrictions concerning their use and may contain other provisions not inconsistent with this chapter. A condominium association may conduct bingo games as provided in s. 849.0931 ~~s. 849.093~~.

Section 3. Subsection (8) of section 723.079, Florida Statutes, as amended by section 15 of chapter 92-148, Laws of Florida, is amended to read:

723.079 Powers and duties of homeowners' association.—

(8) Any mobile home owners' association or group of residents of a mobile home park as defined in this chapter may conduct bingo games as provided in s. 849.0931 ~~s. 849.093~~.

Section 4. Subsection (3) of section 849.09, Florida Statutes, is amended to read:

849.09 Lottery prohibited; exceptions.—

(3) Any person who is convicted of violating any of the provisions of paragraph (e), paragraph (f), paragraph (g), paragraph (i), or paragraph (k) of subsection (1) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who, having been convicted of violating any provision thereof, thereafter violates any provision thereof is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The provisions of this section do not apply to bingo as provided in s. 849.0931 ~~s. 849.093~~.

Section 5. Paragraph (a) of subsection (1) of section 849.094, Florida Statutes, is amended to read:

849.094 Game promotion in connection with sale of consumer products or services.—

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

(a) "Game promotion" means, but is not limited to, a contest, game of chance, or gift enterprise, conducted within or throughout the state and other states in connection with the sale of consumer products or services, and in which the elements of chance and prize are present. However, "game promotion" shall not be construed to apply to bingo games conducted pursuant to s. 849.0931 ~~s. 849.093~~.

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

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to bingo; creating s. 849.0931, F.S.; authorizing the conduct of bingo games by specified organizations and prescribing conditions for the conduct of such games; providing penalties; amending s. 718.114, 723.079, 849.09, 849.094, F.S.; correcting cross-references; providing an effective date.

WHEREAS, the activity known as "bingo" provides recreation for the citizens of this state and eases the tax burden on the state by generating funds for charity, and

WHEREAS, violations of the criminal laws regulating the conduct of bingo undermine charitable endeavors and harm the public, and

WHEREAS, a violation of the laws regulating bingo activities demands immediate action by law enforcement, NOW, THEREFORE,

On motion by Senator Childers, by two-thirds vote **HB 31-H** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29      Nays—2

#### MOTION

Senator Thomas moved that following the joint session, the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until 2:00 p.m., Thursday, June 4 or upon call of the President. The motion was adopted.

#### JOINT SESSION

Pursuant to **HCR 1-H Org.**, the Senate formed in processional order and marched in a body to the chamber of the House of Representatives where they were received in due form.

The Speaker invited Senator Margolis, President of the Senate, to the rostrum and requested the President to preside over the joint session.

#### GOVERNOR'S REMARKS FAIR SHARE PLAN

Seventeen months ago Buddy MacKay and I began our quest.

Because we limited our campaign contributions to \$100 and thousands of people helped us win, we have been free of any commitments or ties to the special interests. Every day of these past 17 months, our goal has been to strive with all our might to keep our campaign promise to give Florida back to the people.

How are we doing?

With your help, we've approved the nation's strongest reforms on campaign finance, ethics and open government.

We've changed the way our schools and human services agency serve the people of this state—we're giving them back to the communities; we're empowering teachers, parents and other citizens to decide how best to meet community needs for education, health and other services.

We've consolidated two of Florida's administrative agencies into one and empowered all of our departments to cut waste and duplication, and reward their employees for making government work better for the people.

We've taken major steps toward reducing medical costs and making health care available to all our citizens.

We've moved boldly to save the Everglades, and funded the second year of Florida's crucial Preservation 2000 land acquisition program.

And, in the area of civil rights, we've enacted a law that could well become a national standard for protecting minorities and women against discrimination.

These are important steps in giving Florida back to the people.

Now we face an even bigger challenge.

We all know cost of state government has doubled in the last 10 years. But why? Most of it's in just four areas: Medicaid increased 350 percent; Aid to Families with Dependent Children, 150 percent; Prisons and Corrections, 150 percent; Education, 56 percent. All the rest of state government increased less than five percent.

Those figures show that we've been spending our money in the wrong places. Paying to try to fix a problem after it occurs, rather than prevent it in the first place.

Any business that suffered the number of failures and rejects we've experienced would shut down the factory, go back and redesign the assembly line and retrain the workers. And they would act as quickly as they could. They wouldn't wait for a better time.

That's what we must do. We can't shut down the factory, so we must continue trying to repair or imprison our failures while also retooling, redesigning and retraining in order to minimize and prevent future failures.

Today we deal with dropouts with expensive programs to try to get a 16-year-old back in school. Wrong. That approach seldom works. The answer is to try to start with a healthy baby. If they're disadvantaged, provide them with developmental day care—pre-kindergarten—Head Start. Then they start the first grade physically and mentally healthy, ready to learn. Then we must give them a curriculum that's meaningful and challenging, and it must be taught by motivated teachers.

Every dollar we spend at the beginning saves five or ten dollars down the road. This is the strategy of investing. Spending wisely on prevention and correction at the earliest time is the only way to stop the runaway cost of state government.

You helped us start down this path with Healthy Start, making Florida the first state in the nation to give prenatal and infant health care to every woman and child. This program will enable us to deliver healthy babies and build healthy children at a fraction of the cost we are now paying.

This is the smart, hardnosed, money-wise thing to do. You agreed. You passed it into law. Why would you now propose to cut the heart out of the funding on July 1, leaving another broken promise?

Why would you not act now in all these crucial areas, before the federal courts take over a half dozen of our social services programs and force our costs even higher?

The budget you passed and I vetoed would have provided no money to start preventing failures and cost overruns. It would have crippled our efforts to guide juvenile delinquents away from crime and toward productive lives, kept us from opening new prisons that are sitting empty, forced elder Floridians into nursing homes, closed the doors of our community colleges and universities to qualified students, laid off teachers and forced other drastic cuts in education.

None of these actions save money. They all add to future costs. They are all very bad public policy.

We know we have been in the grip of a national recession that's forced us to cut two billion dollars from our state budget.

We know the special interests are not paying their fair share, when 94 percent of Florida's businesses pay no corporate income tax. We know our sales tax is lopsided and unfair, when our poorest families pay five times more of their income than do our richest households. The special interests with their high-paid lobbyists have gotten so many loopholes that we have been taxing the same people over and over again.

Buddy and I are proposing a Fair Share Plan to abolish loopholes and call on more interests and people who have not been paying their fair share. With this broader tax base we can give some relief to average taxpayers who have been paying too much—by rolling the sales tax back from six cents to five cents on the dollar.

And we propose to cut in half the school property taxes paid by the owners of homes valued under \$150,000. That's tax relief on 97 percent of all the homesteads in Florida.

Under our Fair Share Plan the average taxpayer would pay less than now. The special interests will pay their fair share.

Will it be easy? No. Will it be risky? Yes. But those are the wrong questions. Do you believe it is the right thing to do? That's the question.

What about the march on the Capitol, and all those tea bags they brought me? Well, I was a little worried, but guess what?

I found the tea factory. It's right down the street, within a block from where I live. It's a FOUR MILLION DOLLAR edifice that makes the Governor's Mansion look like a backwoods privy. And the owners boasted to me that it's all paid for—all FOUR MILLION DOLLARS of it. They paid for it out of cash they had on hand.

It's got a board room table that's so long you can't see from one end to the other. And around it sits the high chiefs of the railroads, the electric and gas companies, the telephone companies, the insurance companies, the sugar industry, the grocery and merchandise giants, the road contractors—you know, all those small business guys toughing it out and trying to make a payroll.

The hypocrisy of the big business lobby using the Boston Tea Party as its symbol! The American patriots were saying, "No taxation without representation." Have these powerful interests not been represented? Look at their campaign contributions. Look at their tax breaks.

For shame, Van Poole, Chairman of the Florida Republican Party—for climbing in bed with the lobbyists and trying to make political hay out of the plight and future of Florida's children. Van, do you speak for the Party of Lincoln? Or does Jim Smith, the Republican Party's highest elected official—or Alex Courtelis, Mr. Republican, Co-chair of the George Bush Re-Election Committee—both of whom say more revenue is needed and this should not become a partisan issue.

I agree with them. This should not be a partisan issue.

Senator Ander Crenshaw—as the Senate's Republican leader, you will shortly be speaking to the people of Florida. Tell them your plan for dealing with the exploding costs of health care, social services and prisons. Speak to the 6,000 teachers we're firing and the 20,000 high school graduates we'll deny enrollment in our colleges this year.

But please don't tell them this is not the time, or that there's plenty of money if we just spend it better. Compare your plan and its details with my five-year plan for better, more efficient and responsive government. Tell them what you intend to do about the lottery fraud. How would you give that money back to the teachers, parents and school kids?

And tell Florida's homeowners whether or not you want to give them some relief on their property taxes. Tell Florida's small businesses whether or not you want to give them some relief on their excessive worker's comp costs.

Let's get real. People are tired of being patronized, lied to, and misled. They want straight talk, commitment and follow through. People want change.

That's what the Ross Perot phenomenon is all about. People perceive him as the ultimate agent of change.

Many of you have been asking me what do I really want?

What can we settle this thing for? Why do I stubbornly insist on \$1.3 billion?

There is no magic in the number. It's simply the amount it takes to fund some of the worse cuts we've had to make—and start—just start our new strategy to prevent unnecessary suffering and costs. To spend smart.

I've heard the cloakroom talk that I could get \$500 million if I'd claim victory and let you go home and campaign. In the old days maybe that's a good deal, but I'm hoisted on my promise to tax fairly and spend wisely. To do \$500 million would only allow us to bring education to last year's level.

- \* Thousands more children will be abused and neglected;
- \* More than 1,000 delinquents responsible for violent crimes would remain free to strike again because we'd have nowhere to put them;
- \* 8,200 more elder Floridians will go on our waiting list for desperately needed services;
- \* Murderers and rapists will be among the criminals freed early because our prisons are too crowded.

The list of consequences goes on and on. We could not fund juvenile justice. You passed the program just two years ago. If you're not going to fund it, repeal it.

We could not give teachers and parents the lottery money promised them. We could not start preventing problems before they occur. We could not reduce those extra school property taxes that the Legislature never should have required in the first place.

I will insist on buying back the lottery so that money will go for real school enhancements, as the voters were promised. I will insist on starting our prevention programs now, so we can save money later. And I will insist on giving Florida's homeowners the property tax relief they deserve.

New revenue must be fairly raised and not unfairly placed on those who already are paying more than their fair share.

You have the constitutional right to override my decision. So you may take my sword from me, but I shall never surrender it. If you do that, then in the words of a Scottish bard: "I shall lay me doone and lick me woounds and rise to fight again another day."

Look, I know this is hard.

I know many people are saying now is not the right time to raise taxes. But many of them are already paying too much, and our plan would give them a break for a change. It never will be the right time to raise taxes. But it's always the right time to do what is right and what is fair.

Many people are saying we haven't finished cleaning up the waste—rightsizing—and they are so right. But when they say, Lawton, finish the cleanup and then come talk to me about taxes, they're wrong. Because you never finish. Rightsizing is a state of mind. You must work at it every day.

But you and I know we've made a heckuva start, and we're committed to continue as hard as we can. You find additional ways to help us save, and see if I don't put them into play.

I've been all over this state talking about Fair Share and spending smart. I met a lot of initial hostility based on the lies people were told in the past and promises that weren't kept. But when the people listened to our plan, they were not against closing tax loopholes.

They agreed we must responsibly address the root cause of our problems. They passionately believe in quality education for our kids and affordable health care for all our people.

They know we must deal with children at risk. They know we need affordable housing. They want to preserve our environment for their children and grandchildren. And they are sick—sick to death—of the campaign money buying special favors.

They will even listen to things they don't want to hear if they believe you are telling the truth.

They want us to stand for something. To have the courage and faith to be willing to take a risk for what's right.

General Douglas MacArthur, winner of our nation's highest military honors, spoke of moral courage this way: "It's the age-old struggle—the roar of the crowd on one side and the voice of your conscience on the other."

I know that I have not been the delightful bearer of glad tidings. And many people would like to kill the messenger. But I have never felt as good in my whole life. I think it's because I'm doing exactly what I know is right—with no reservations.

Time is short.

My door is always open. Call me day or night. I'll meet with you anytime, anywhere.

I appeal to you not as Democrats or Republicans, but as Floridians—the people's servants.

Whether you agree or not, do what you feel in your hearts is right—and do it with all your might—and I will respect you.

If you do less, I will understand—for I have been there. But I'll feel sorry for what you and the people will miss.

Daniel was a prophet of the Lord who could interpret signs and visions. Belshazzar, King of Babylon, made a great feast for a thousand of his Lords. During the feast, fingers of a hand wrote on the wall of the hall. The King was terrified and called on all his wise men to interpret, but they couldn't. The Queen remembered Daniel and he was called to interpret the writing.

Daniel pointed out to the King that, despite all the blessings he had received, he was using Temple vessels to drink in praise of the Gods of gold and silver. Daniel said the writing was: "MENE, MENE, TEKEL, UPHARSIN." . . . "You have been weighed in the balances, and found wanting."

You and I are the people's elected representatives. We are the people's designated rulers.

Who do we pay homage to? When our feast is over, will the fingers write, "You have been weighed in the balances, and found wanting?" Or will they write, "Well done, good and faithful servants."

**ROLL CALLS ON SENATE BILLS**

**SB 150-H**

Yeas—34

Madam President	Dudley	Kiser	Souto
Bankhead	Forman	Kurth	Thomas
Beard	Gardner	Langley	Thurman
Burt	Girardeau	Malchon	Weinstein
Casas	Grant	McKay	Weinstock
Childers	Grizzle	Meek	Wexler
Crenshaw	Jenne	Myers	Yancey
Crotty	Jennings	Plummer	
Dantzler	Johnson	Scott	

Nays—None

Vote after roll call:

Yea—Bruner

**ROLL CALLS ON HOUSE BILLS**

**HB 31-H**

Yeas—29

Bankhead	Diaz-Balart	Johnson	Thomas
Beard	Dudley	Kiser	Weinstein
Bruner	Forman	Kurth	Weinstock
Burt	Gardner	Malchon	Wexler
Casas	Girardeau	McKay	Yancey
Childers	Grant	Meek	
Crotty	Jenne	Scott	
Dantzler	Jennings	Souto	

Nays—2

Plummer                      Thurman

**ROLL CALLS ON MOTIONS****Motion to Introduce Senate Bills 164-H  
and 166-H Outside the Call**

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Girardeau

**RECESS**

Pursuant to the motion by Senator Thomas, previously adopted, upon dissolution of the joint session at 7:25 p.m., the Senate recessed to reconvene Thursday, June 4 at 2:00 p.m. or upon call of the President.