



Journal of the Senate

Number 5—Special Session H

Thursday, June 11, 1992

CALL TO ORDER

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

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

Excused: Senators Gordon and McKay

PRAYER

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

O gracious God, our Father, we pray for a humble heart and a magnanimous mind to serve you and the citizens of Florida worthily, with holy ambitions and pure motives. Save us from serving you and others to be seen by humanity or speaking just to be heard for our eloquence. Cleanse the thoughts of our minds and sanctify our hearts that our inward ambitions and private motives may be openly expressed and publicly honored and supported.

Keep us from all excesses, bless our lives with health and holiness, that we may be found acceptable to you and an example of thy keeping power. In your name we ask it. Shalom.

CONSIDERATION OF RESOLUTION

On motion by Senator Thomas, by the required constitutional two-thirds vote of the Senate the following resolution was admitted for introduction:

By Senator Thomas—

SR 236-H—A resolution expressing regret at the death of Captain Owen Thurman "Casey" Cason.

WHEREAS, the Florida Senate, with deep regret, was informed of the death of the late Captain Owen T. "Casey" Cason, and

WHEREAS, Mr. Cason served the State of Florida with distinction from 1941 to 1992, and

WHEREAS, it is most appropriate that the Florida Senate commemorate the passing of one public servant who served his God, his country, and the State of Florida so admirably, NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to pay its respects to Captain Owen Thurman "Casey" Cason and that the Florida Senate in session assembled does hereby record this testimonial of esteem and bereavement:

IN MEMORIAM OWEN T. "CASEY" CASON

Owen T. "Casey" Cason was born in Lakeland, Florida, on September 3, 1911, graduated from Lakeland High School, and was an all-state football tackle for Lakeland in 1931. Captain Cason attended the University of Oklahoma and played tackle for the Sooners from 1933 to 1935. Cap-

tain Cason enlisted in the United States Army during 1941 and served until 1946, at which time he joined the Florida Highway Patrol. Captain Cason began his service for the patrol in Lake City and retired in 1973 at the rank of Captain while serving Governor Reubin Askew in Tallahassee. Captain Cason continued to serve Governors Graham, Mixon, Martinez, and Chiles through the Florida Department of Law Enforcement. On December 11, 1985, the new Florida Highway Patrol station in Pensacola was dedicated to and named for Captain Cason.

Mr. Cason is best known for his dedication to the youth of Florida and the nation through his 45 years of support and involvement with the Florida American Legion Boys State and the American Legion Boys Nation.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the Seal of the Senate affixed, be transmitted to Mrs. Pat Cason, widow of Captain Owen T. "Casey" Cason, as a tangible token of the sentiments of the Florida Senate and a lasting symbol of the respect of its members.

—was introduced out of order and read by title. On motion by Senator Thomas, **SR 236-H** was read the second time in full and adopted. The vote on adoption was:

Yeas—37 Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thomas, by two-thirds vote **SB 146-H** was withdrawn from the Committee on Appropriations.

Senator Girardeau moved that Rule 12.7(g) be waived to insure that the Committee on Executive Business, Ethics and Elections would be allowed to continue suspension proceedings against Lawrence T. Osten, Notary Public, Pinellas County. The motion was adopted without objection.

On motions by Senator Gardner, by two-thirds vote **CS for SB 130-H** and **SB 54-H** were withdrawn from the Committee on Appropriations.

SPECIAL ORDER

Consideration of **HB 171-H** was deferred.

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 s. 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.

—was read the second time by title.

Senator Dantzer moved the following amendments which were adopted:

Amendment 1 (with Title Amendment)—On page 56, line 26, through page 57, line 7, strike all of said lines and insert: subsections (9) and (10) are added to that section, to read:

501.015 Health studios; registration requirements and fees.—Each health studio shall:

(6) Post at the registration desk or front desk, whichever is more in a prominent place at each business location the proof of registration certificate provided by the department at the time of registration or renewal.

(9) Any person applying for or renewing a local occupational license to engage in business as a health studio must exhibit an active registration certificate from the Department of Agriculture and Consumer Services before the local occupational license may be issued or reissued.

(10) All moneys collected pursuant to this section shall be deposited into the General Inspection Trust Fund.

And the title is amended as follows:

In title, on page 3, line 28, after the semicolon (;) insert: requiring that moneys collected under the section be deposited into the General Inspection Trust Fund;

Amendment 2 (with Title Amendment)—On page 57, line 31, through page 58, line 14, strike all of said lines and insert: of section 501.019, Florida Statutes, is amended and subsection (5) is added to that section, to read:

501.019 Health studios; penalties.—

(4) The department may impose administrative fines as prescribed below; ~~after 30 days' written notice and opportunity to correct the violation. Such notice must be sent via certified mail or private courier service. The 30 day period shall commence upon receipt of such notice or upon the date of the final attempt by the post office or courier to deliver the notice.~~

(a) For a violation of s. 501.016, a fine not to exceed \$5,000 per violation.

(b) For a violation of s. 501.013, s. 501.017, or s. 501.018, a fine not to exceed \$500 per violation.

(c) For a violation of s. 501.015, a fine not to exceed \$100 per violation.

(5) All moneys collected pursuant to this section shall be deposited into the General Inspection Trust Fund.

And the title is amended as follows:

In title, on page 4, line 2, after the first semicolon (;) insert: requiring that moneys collected under the section be deposited into the General Inspection Trust Fund;

Amendment 3—On page 59, line 19, strike “Consumer Protection General Inspection” and insert: General Inspection

Amendment 4 (with Title Amendment)—On page 60, line 28, strike “Consumer Protection” and insert: General Inspection

And the title is amended as follows:

In title, on page 4, line 5, strike “Consumer Protection” and insert: General Inspection

Amendment 5—On page 85, lines 7 and 8, strike “Consumer Protection General Inspection” and insert: General Inspection

Amendment 6—On page 103, line 14, strike “Consumer Protection” and insert: General Inspection

Amendment 7 (with Title Amendment)—On page 104, between lines 3 and 4, insert:

Section 89. Paragraph (d) of subsection (3) and subsection (9) of section 501.143, Florida Statutes, as created by section 1 of chapter 92-133, Laws of Florida, are amended to read:

501.143 Dance Studio Act.—

(3) REGISTRATION OF BALLROOM DANCE STUDIOS.—

(d) Registration fees shall be set by department rule in an amount equal to the costs to the department of implementing and enforcing this section. However, such fee shall be based on the number of clients and may not be greater than \$300 per year per registrant. All amounts collected shall be deposited in the General Inspection Consumer Protection Trust Fund of the Department of Agriculture and Consumer Services for the administration of this section.

(9) ~~GENERAL INSPECTION CONSUMER PROTECTION TRUST FUND; PAYMENTS.~~—Any moneys recovered by the enforcing authority as a penalty under this section shall be deposited in the General Inspection Consumer Protection Trust Fund if the action or proceeding was brought by the department, or the Consumer Frauds Trust Fund if the action or proceeding was brought by the Department of Legal Affairs.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 6, line 3, after the semicolon (;) insert: amending s. 501.143, F.S.; requiring deposit of certain moneys collected pursuant to the Dance Studio Act into the General Inspection Trust Fund;

Amendment 8 (with Title Amendment)—On page 104, strike all of lines 4-22 and insert:

Section 89. Section 570.5441, Florida Statutes, as created by section 2 of chapter 92-133, Laws of Florida, is repealed.

And the title is amended as follows:

In title, on page 6, strike all of lines 3-6 and insert: repealing s. 570.5441, F.S., relating to the Consumer Protection Trust Fund;

Amendment 9—On page 66, strike all of lines 15 and 16 and insert: kerosene (*except when used as aviation turbine fuel*), diesel fuel, benzine, or other like products of petroleum under

Amendment 10—On page 67, strike line 20 and insert:

Section 70. Effective October 1, 1992, section 525.035, Florida Statutes, is

Senator Dantzler moved the following amendment:

Amendment 11—On page 71, strike line 31 and insert: *when used as aviation turbine fuel*), and #1 fuel oils ~~signal oil~~ sold

On motion by Senator Dantzler, further consideration of CS for SB 48-H with pending Amendment 11 was deferred.

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 licensing 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 read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Walker and adopted:

Amendment 1—On page 18, line 5, strike “exempt” and insert: in this category of exemption

Senator Dantzler moved the following amendment:

Amendment 2—On page 18, line 5, strike “1982” and insert: 1992

On motion by Senator Dantzler, further consideration of SB 80-H with pending Amendment 2 was deferred.

SB 192-H—A bill to be entitled An act relating to bridge designation; designating the two high-level bridge spans over the Caloosahatchee River in Lee County on Business U.S. 41 (State Road 739) as the “Edison Bridge”; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote SB 192-H was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

SB 200-H—A bill to be entitled An act relating to road designation; designating a portion of U.S. Highway 319 as the “Kate Ireland Parkway”; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 200-H was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

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 read the second time by title.

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

Amendment 1 (with Title Amendment)—On page 6, between lines 29 and 30, insert:

Section 5. Subsection (10) is added to section 939.01, Florida Statutes, to read:

(10) *The costs collected by the state attorney in subsection (9) of this section shall be deposited in a grants and donations trust fund for the state attorney and shall be disbursed by the state attorney for the costs enumerated in subsection (9) of this section in the fiscal year the costs are collected or any subsequent fiscal year.*

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 15, after the semicolon (;) insert: amending s. 939.01, F.S.; providing requirement for deposit and use of funds received by state attorney in payment of a judgment rendered in a criminal proceeding;

Senator Yancey moved the following amendment which was adopted:

Amendment 2 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Subsection (4) of section 215.322, Florida Statutes, as amended by chapter 92-142, Laws of Florida, is amended to read:

215.322 Acceptance of credit cards by state agencies, units of local government, and judicial branch.—

(4) A unit of local government, as defined in s. 218.31(1), is authorized to accept payment by use of credit cards and bank debit cards for in-payment of financial obligations which are owing to such unit of local government and to surcharge the person who uses a credit card or bank debit card in payment of taxes, license fees, tuition, fines, civil penalties, court-ordered payments, or court costs or other statutorily prescribed revenues an amount sufficient to pay the service fee charges by the financial institution, vending service company, or credit card company for such services. A unit of local government shall verify both the validity of any credit card or bank debit card used pursuant to this subsection and the existence of appropriate credit with respect to the person using the card. The unit of local government shall not incur any liability as a result of such verification or any subsequent action taken.

Section 2. Subsection (1) of section 218.31, Florida Statutes, is amended to read:

218.31 Definitions.—As used in this part, except where the context clearly indicates a different meaning:

(1) "Unit of local government" means any municipality, special district, or board of county commissioners or other governing body of a county, however styled, including that of a consolidated or metropolitan government, and, for purposes of ss. 215.322, 218.32 and 218.33, means any clerk of the circuit court, sheriff, property appraiser, tax collector, or supervisor of elections.

Section 3. Section 27.702, Florida Statutes, is amended to read:

27.702 Duties of the capital collateral representative.—

(1) The capital collateral representative shall represent, without additional compensation, any person convicted and sentenced to death in this state who is without counsel and who is unable to secure counsel due to his indigency or determined by a state court of competent jurisdiction to be indigent for the purpose of instituting and prosecuting collateral actions challenging the legality of the judgment and sentence imposed against such person in the state courts, federal courts in this state, the United States Court of Appeals for the Eleventh Circuit, and the United States Supreme Court. A determination of indigency by any trial court of

this state for purposes of representation by the public defender shall be prima facie evidence of indigency for purposes of representation by the capital collateral representative. Representation by the capital collateral representative shall commence upon termination of direct appellate proceedings in state or federal courts, notice of which shall be effected as provided by s. 27.51. Upon receipt of files from the public defender, the capital collateral representative shall assign each such case to personnel in his office for investigation, client contact, and such further action as the circumstances may warrant.

(2) *The capital collateral representative shall file motions seeking compensation for representation and reimbursement for expenses pursuant to 18 U.S.C. s. 3006A when providing representation to indigent persons in the federal courts, and shall deposit all such payments received into the Capital Collateral Trust Fund, which is hereby established for such purpose.*

Section 4. Subsection (9) of section 27.3455, Florida Statutes, as created by chapter 88-280, Laws of Florida, is hereby repealed.

Section 5. Section 27.38, Florida Statutes, is amended to read:

27.38 Budget transfer authority; carryforward of unexpended funds.—

(1) Notwithstanding the provisions of s. 216.292, each state attorney, whenever he deems it necessary by reason of changed conditions, may transfer appropriations funded from identical funds as prescribed in s. 215.32, except appropriations for fixed capital outlay, and transfer the amounts included within the total original approved budget and releases as furnished pursuant to ss. 216.181 and 216.192, as follows:

(a)(1) Between categories of appropriations within a budget entity, if no category of appropriation is increased or decreased by more than \$25,000 plus 5 percent of the original approved budget by all action taken under this subsection section.

(b)(2) Additionally, between budget entities within identical categories of appropriations, if no category of appropriation is increased or decreased by more than \$25,000 plus 5 percent of the original approved budget by all action taken under this subsection section.

Such authorized revisions, together with related changes, if any, in the plan for release of appropriations, shall be transmitted by the state attorney to the Comptroller for entry in his records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller. A copy of such revision shall be furnished the Executive Office of the Governor, the chairmen of the legislative appropriations committees, and the Auditor General.

(2) *Notwithstanding provisions to the contrary in s. 27.34(2), a state attorney may expend appropriated state funds for items which are enumerated in that subsection.*

(3) *Each state attorney shall, no later than October 1 of each fiscal year, submit a report to the legislative appropriations committees showing the amount of state funds expended during the previous fiscal year ending in June for the items enumerated in s. 27.34(2). The Comptroller shall prescribe the format.*

(4) *Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, the Executive Office of the Governor shall, on July 1 of each year, certify forward all unexpended funds appropriated for each state attorney's office. Any unexpended funds in the current year's budget shall be carried forward by the state attorney to whom the funds were allocated. Carryforward funds shall be used for nonrecurring salary bonuses for state employees exceeding performance standards, training for state employees, and purchases of productivity-enhancing technology. A detailed expenditure plan shall be submitted for approval to the legislative appropriations committees by December 31 of each year. Upon approval, funds shall be distributed by the Executive Office of the Governor. The lump sum salary bonuses for state employees shall not be included in an employee's annual base salary.*

(a) *A carryforward under this subsection may not exceed 5 percent of the total budget of the state attorney's office, and the funds carried forward may only be expended as provided in this subsection.*

(b) *A state attorney's office may not be penalized in the allocation of subsequent funds as a result of the carryforward of an unexpended balance.*

Section 6. Section 27.60, Florida Statutes, is amended to read:

27.60 Budget transfer authority; carryforward of unexpended funds.—

(1) Notwithstanding the provisions of s. 216.292, each public defender, whenever he deems it necessary by reason of changed conditions, may transfer appropriations funded from identical funds as prescribed in s. 215.32, except appropriations for fixed capital outlay, and transfer the amounts included within the total original approved budget and releases as furnished pursuant to ss. 216.181 and 216.192, as follows:

(a)(1) Between categories of appropriations within a budget entity, if no category of appropriation is increased or decreased by more than \$25,000 plus 5 percent of the original approved budget by all action taken under this subsection section.

(b)(2) Additionally, between budget entities within identical categories of appropriations, if no category of appropriation is increased or decreased by more than \$25,000 plus 5 percent of the original approved budget by all action taken under this subsection section.

Such authorized revisions, together with related changes, if any, in the plan for release of appropriations, shall be transmitted by the public defender to the Comptroller for entry in his records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Comptroller. A copy of such revision shall be furnished the Executive Office of the Governor, the chairmen of the legislative appropriations committees, and the Auditor General.

(2) Notwithstanding provisions to the contrary in s. 27.54(3), a public defender may expend appropriated state funds for items which are enumerated in that subsection.

(3) Each public defender shall, no later than October 1 of each fiscal year, submit a report to the legislative appropriations committees showing the amount of state funds expended during the previous fiscal year ending in June for the items enumerated in s. 27.54(3). The Comptroller shall prescribe the format.

(4) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, the Executive Office of the Governor shall, on July 1 of each year, certify forward all unexpended funds appropriated for each public defender's office. Any unexpended funds in the current year's budget shall be carried forward by the public defender to whom the funds were allocated. Carryforward funds shall be used for nonrecurring salary bonuses for state employees exceeding performance standards, training for state employees, and purchases of productivity-enhancing technology. A detailed expenditure plan shall be submitted for approval to the legislative appropriations committees by December 31 of each year. Upon approval, funds shall be distributed by the Executive Office of the Governor. The lump sum salary bonuses for state employees shall not be included in an employee's annual base salary.

(a) A carryforward under this subsection may not exceed 5 percent of the total budget of the public defender's office, and the funds carried forward may only be expended as provided in this subsection.

(b) A public defender's office may not be penalized in the allocation of subsequent funds as a result of the carryforward of an unexpended balance.

Section 7. Subsection (5) is added to section 16.56, Florida Statutes, to read:

16.56 Office of Statewide Prosecution.—

(5) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, the Executive Office of the Governor shall, on July 1 of each year, certify forward all unexpended funds appropriated for the Office of Statewide Prosecution. Carryforward funds shall be used for nonrecurring salary bonuses for state employees exceeding performance standards, training for state employees, and purchases of productivity-enhancing technology. A detailed expenditure plan shall be submitted for approval to the legislative appropriations committees by December 31 of each year. Upon approval, funds shall be distributed by the Executive Office of the Governor. The lump sum salary bonuses for state employees shall not be included in an employee's annual base salary.

(a) A carryforward under this subsection may not exceed 5 percent of the total budget of the Office of Statewide Prosecution, and the funds carried forward may only be expended as provided in this subsection.

(b) The Office of Statewide Prosecution may not be penalized in the allocation of subsequent funds as a result of the carryforward of an unexpended balance.

Section 8. Subsection (10) is added to section 939.01, Florida Statutes, to read:

939.01 Judgment for costs on conviction.—

(10) Costs that are collected by the state attorney under this section shall be deposited into the state attorney's grants and donations trust fund to be used during the fiscal year in which the funds are collected, or in any subsequent fiscal year, for actual expenses incurred in investigating and prosecuting criminal cases, which may include the salaries of permanent employees.

Section 9. This act shall take effect July 1, 1992, or upon becoming a law, whichever occurs later.

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 fiscal matters; amending s. 215.322, F.S.; providing for payment of fines, penalties, court-ordered payments, and court costs by credit card or bank debit card; amending s. 218.31, F.S.; applying a definition; 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 and 27.60, F.S.; authorizing expenditure of appropriated state funds for items enumerated in ss. 27.34 and 27.54, F.S.; providing for reporting requirements; providing for carryforward of unexpended funds appropriated for state attorneys and public defenders; amending s. 16.56, F.S.; providing for carryforward of unexpended funds appropriated for the Office of Statewide Prosecution; amending s. 939.01, F.S.; providing requirements for the deposit and use of funds received by a state attorney in a criminal proceeding; providing an effective date.

On motion by Senator Yancey, by two-thirds vote **SB 56-H** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

CS for SB 72-H—A bill to be entitled An act relating to correctional education; amending s. 242.68, F.S.; expanding the contract monitoring functions of the Board of Correctional Education; expanding and setting priorities for the goals of correctional education; eliminating the appointment process and designation of the education program manager; expanding the responsibility of the Director of Correctional Education for the solicitation of entitlement funds and private donations; requiring the adoption of certain rules; mandating certain contract education services if such services are more cost-effective, cost-efficient or timely; providing an effective date.

—was read the second time by title. On motion by Senator Burt, by two-thirds vote **CS for SB 72-H** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

Consideration of **CS for CS for SB 94-H** was deferred.

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 detainment 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.

—was read the second time by title.

Senator Malchon moved the following amendments which were adopted:

Amendment 1—On page 9, line 29 through page 10, line 5, strike all of said lines and insert: *as defined in s. 381.0098(2)(a)*.

Amendment 2—On page 42, line 17 through page 45, line 26, strike all of said lines and insert:

(b) The information reported to the agency for Health Care Administration pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 shall be reviewed by the Department of Professional Regulation agency. The Department of Professional Regulation Agency for Health Care Administration shall determine whether any of the incidents potentially involved conduct by a health care practitioner which licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply.

(c) The report submitted to the agency for Health Care Administration shall also contain the name and license number of the risk manager of the licensed facility, a copy of its policy and procedures which govern the measures taken by the facility and its risk manager to reduce the risk of injuries and adverse or untoward incidents, and the results of such measures. The annual report is reports shall be held confidential and is not shall not be available to the public pursuant to s. 119.07(1) or any other law providing access to public records. The annual report is not, nor be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency, the Department of Professional Regulation, or for Health Care Administration and the appropriate regulatory board. The annual report is not reports shall not be available to the public as part of the record of investigation for and prose-

cution in disciplinary proceedings made available to the public by the agency, *the Department of Professional Regulation, for Health Care Administration* or the appropriate regulatory board. However, the agency, *the Department of Professional Regulation, or the appropriate regulatory board for Health Care Administration* shall make available, upon written request by a health care practitioner against whom probable cause has been found, any such records which form the basis of the determination of probable cause.

(6) If an adverse or untoward incident, whether occurring in the licensed facility or arising from health care prior to admission in the licensed facility, results in:

- (a) The death of a patient;
- (b) Severe Brain or spinal damage to a patient;
- (c) *The performance of a surgical procedure being performed on the wrong patient; or*
- (d) A surgical procedure unrelated to the patient's diagnosis or medical needs being performed on any patient, *including the surgical repair of injuries or damage resulting from the planned surgical procedure, wrong site or wrong procedure surgeries, and procedures to remove foreign objects remaining from surgical procedures,*

the licensed facility shall report this incident to *both the agency and the Department of Professional Regulation for Health Care Administration* within 15 calendar days after of its occurrence. *Either the agency or the Department of Professional Regulation for Health Care Administration* may require an additional, final report. These reports shall not be available to the public pursuant to s. 119.07(1) or any other law providing access to public records, nor be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency, *the Department of Professional Regulation, or for Health Care Administration* and the appropriate regulatory board, nor shall they be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency, *the Department of Professional Regulation, for Health Care Administration* or the appropriate regulatory board. However, the agency, *the Department of Professional Regulation, or the appropriate regulatory board for Health Care Administration* shall make available, upon written request by a health care practitioner against whom probable cause has been found, any such records which form the basis of the determination of probable cause. The agency *for Health Care Administration* may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. *The Department of Professional Regulation Agency for Health Care Administration* shall review each incident and determine whether it potentially involved conduct by the health care practitioner which ~~license~~ that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply.

(7) In addition to any penalty imposed pursuant to *this section s. 395.018, the agency department* may impose an administrative fine, not to exceed \$5,000, for any violation of the reporting requirements of *this section subsection (5) or subsection (6). This subsection shall take effect July 1, 1989.*

(8) *The agency for Health Care Administration* shall have access to all licensed facility records necessary to carry out the provisions of this section. The records obtained are not available to the public under s. 119.07(1), nor shall they be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency, *the Department of Professional Regulation, or for Health Care Administration* and the appropriate regulatory board, nor shall records obtained pursuant to s. 455.223 be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency, *the Department of Professional Regulation, for Health Care Administration* or the appropriate regulatory board. However, the agency, *the Department of Professional Regulation, or the appropriate regulatory board for Health Care Administration* shall make available, upon written request by a practitioner against whom probable cause has been found, any such records which form the basis of the determination of probable cause, except that, with respect to medical review committee records, ~~the provisions of s. 766.101 controls shall control.~~

Amendment 3—On page 60, line 28, strike “January 1, 1993” and insert: *January 31, 1993*

Amendment 4—On page 68, line 27, after “substance” insert: *, the facts which show that a violation may have occurred,*

Amendment 5 (with Title Amendment)—On page 125, strike all of lines 6-26 and insert: *subdivision of the state, any clinical laboratory which qualifies as an exempt organization under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, and which receives 70 percent or more of its gross revenues from services to charity patients or Medicaid patients, and any blood, plasma, or tissue bank procuring, storing, or distributing where the majority of revenues are received from the sale of blood, plasma, or tissue either for further manufacture or research or and where blood, plasma, or tissue is procured from volunteer donors and donated, processed, stored, or distributed on a nonprofit basis, and further excluding any clinical laboratory which is wholly owned and operated by 6 or fewer physicians who are licensed pursuant to chapter 458 or chapter 459 and who practice in the same group practice, and at which no clinical laboratory work is performed for patients referred by any health care provider who is not a member of the same group.*

3. Freestanding radiation therapy centers providing treatment through the use of radiation therapy machines that are registered under s. 404.22 and ss. 10D-91.902, 10D-91.903, and 10D-91.904 of the Florida Administrative Code.

4. Diagnostic imaging centers that are freestanding outpatient facilities that provide specialized services for the identification or determination of a disease through examination and also provide sophisticated radiological services such as computed tomography scans and magnetic resonance imaging, and in which services are rendered by a physician licensed by the Board of Medicine under s. 458.311, s. 458.313, or s. 458.317, or by an osteopathic physician licensed by the Board of Osteopathic Medicine under s. 459.006, s. 459.007, or s. 459.0075. *For purposes of this paragraph sophisticated radiological services mean the following: magnetic resonance imaging; nuclear medicine; angiography; arteriography; computed tomography; positron emission tomography; digital vascular imaging; bronchography; lymphangiography, splenography; ultrasound; and such other sophisticated radiological services as adopted in rule by the agency.*

And the title is amended as follows:

In title, on page 6, line 2, after “revenues” insert: *, certain clinical laboratories, and certain radiological services*

Amendment 6 (with Title Amendment)—On page 127, strike all of lines 9-24 and renumber subsequent sections.

And the title is amended as follows:

In title, on page 6, strike all of lines 14-16 and insert: *distribution of trust fund moneys; repealing ss.*

Amendment 7 (with Title Amendment)—On page 158, strike all of lines 5 and 6 and insert:

Section 81. Effective July 1, 1992, or upon becoming a law, whichever occurs later, section 408.07, Florida Statutes, as created by section 71 of chapter 92-33, Laws of Florida, is amended to read:

408.07 Definitions.—As used in this chapter, *except as used in ss. 408.031-408.045*, the term:

(1) “Accepted” means that the board has found that a report or data submitted by a health care facility or a health care provider contains all schedules and data required by the board and has been prepared in the format specified by the board, and otherwise conforms to applicable rule or Florida Hospital Uniform Reporting System manual requirements regarding reports in effect at the time such report was submitted, and the data are mathematically reasonable and accurate.

(2) “Adjusted admission” means the sum of acute and intensive care admissions divided by the ratio of inpatient revenues generated from acute, intensive, ambulatory, and ancillary patient services to gross revenues. If a hospital reports only subacute admissions, then “adjusted admission” means the sum of subacute admissions divided by the ratio of total inpatient revenues to gross revenues.

(3) “Agency” means the Agency for Health Care Administration.

(4) “Alcohol or chemical dependency treatment center” means an organization licensed under chapter 396 or chapter 397.

(5) "Ambulatory care center" means an organization which employs or contracts with licensed health care professionals to provide diagnosis or treatment services predominantly on a walk-in basis and the organization holds itself out as providing care on a walk-in basis. Such an organization is not an ambulatory care center if it is wholly owned and operated by five or fewer health care providers.

(6) "Ambulatory surgical center" means a facility licensed as an ambulatory surgical center under chapter 395.

(7) "Applicable rate of increase" means the maximum allowable rate of increase (MARI) when applied to gross revenue per adjusted admission, unless the board has approved a different rate of increase, in which case the board-approved rate of increase shall apply.

(8) "Audited actual data" means information contained within financial statements examined by an independent, Florida-licensed, certified public accountant in accordance with generally accepted auditing standards, but does not include data within a financial statement about which the certified public accountant does not express an opinion or issues a disclaimer.

(9) "Banked points" means the percentage points earned by a hospital when the actual rate of increase in gross and net revenue per adjusted admission (GRAA) is less than the maximum allowable rate of increase (MARI).

(10) "Birth center" means an organization licensed under s. 383.305.

(11) "Board" means the Health Care Board established under s. 408.003.

(12) "Budget" means the projections by the hospital, for a specified future time period, of expenditures and revenues, with supporting statistical indicators, or a budget letter verified by the board pursuant to s. 408.072(3)(a).

(13) "Cardiac catheterization laboratory" means a freestanding facility which employs or contracts with licensed health care professionals to provide diagnostic or therapeutic services for cardiac conditions such as cardiac catheterization or balloon angioplasty.

(14) "Case mix" means a calculated index for each health care facility or health care provider, based on patient data, reflecting the relative costliness of the mix of cases to that facility or provider compared to a state or national mix of cases.

(15) "Clinical laboratory" means a facility licensed under s. 483.091, excluding: any hospital laboratory defined under s. 483.041(7); any clinical laboratory operated by the state or a political subdivision of the state; any blood or tissue bank where the majority of revenues are received from the sale of blood or tissue and where blood, plasma, or tissue is procured from volunteer donors and donated, processed, stored, or distributed on a nonprofit basis; and any clinical laboratory which is wholly owned and operated by physicians who are licensed pursuant to chapter 458 or chapter 459 and who practice in the same group practice, and at which no clinical laboratory work is performed for patients referred by any health care provider who is not a member of that same group practice.

(16) "Comprehensive rehabilitative hospital" or "rehabilitative hospital" means a hospital licensed by the Agency for Health Care Administration as a specialty hospital as defined in s. 395.002; provided that the hospital provides a program of comprehensive medical rehabilitative services and is designed, equipped, organized, and operated solely to deliver comprehensive medical rehabilitative services, and further provided that all licensed beds in the hospital are classified as "comprehensive rehabilitative beds" pursuant to s. 395.003(4), and are not classified as "general beds."

(17) "Consumer" means any person other than a person who administers health activities, is a member of the governing body of a health care facility, provides health services, has a fiduciary interest in a health facility or other health agency or its affiliated entities, or has a material financial interest in the rendering of health services.

(18) "Continuing care facility" means a facility licensed under chapter 651.

(19) "Cross-subsidization" means that the revenues from one type of hospital service are sufficiently higher than the costs of providing such service as to offset some of the costs of providing another type of service in the hospital. Cross-subsidization results from the lack of a direct relationship between charges and the costs of providing a particular hospital service or type of service.

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

(21) "Diagnostic imaging center" means a freestanding outpatient facility that provides specialized services for the diagnosis of a disease by examination and also provides radiological services. Such a facility is not a diagnostic imaging center if it is wholly owned and operated by physicians who are licensed pursuant to chapter 458 or chapter 459 and who practice in the same group practice and no diagnostic imaging work is performed at such facility for patients referred by any health care provider who is not a member of that same group practice.

(22) "FHURS" means the Florida Hospital Uniform Reporting System developed by the board.

(23) "Freestanding" means that a health facility bills and receives revenue which is not directly subject to the hospital assessment for the Public Medical Assistance Trust Fund as described in s. 395.101.

(24) "Freestanding radiation therapy center" means a facility where treatment is provided through the use of radiation therapy machines that are registered under s. 404.22 and the provisions of the Florida Administrative Code implementing s. 404.22. Such a facility is not a freestanding radiation therapy center if it is wholly owned and operated by physicians licensed pursuant to chapter 458 or chapter 459 who practice within the specialty of diagnostic or therapeutic radiology.

(25) "GRAA" means gross revenue per adjusted admission.

(26) "Gross revenue" means the sum of daily hospital service charges, ambulatory service charges, ancillary service charges, and other operating revenue. Gross revenues do not include contributions, donations, legacies, or bequests made to a hospital without restriction by the donors.

(27) "Health care facility" means an ambulatory surgical center, a hospice, a nursing home, a hospital, a diagnostic imaging center, a freestanding or hospital-based therapy center, a clinical laboratory, a home health agency, a cardiac catheterization laboratory, a medical equipment supplier, an alcohol or chemical dependency treatment center, a physical rehabilitation center, a lithotripsy center, an ambulatory care center, a birth center, or a nursing home component licensed under chapter 400 within a continuing care facility licensed under chapter 651.

(28) "Health care provider" means a health care professional licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, chapter 464, chapter 465, chapter 466, part I, III, IV, V, or X of chapter 468, chapter 483, chapter 484, chapter 486, chapter 490, or chapter 491.

(29) "Health care purchaser" means an employer in the state, other than a health care facility, health insurer, or health care provider, who provides health care coverage for his employees.

(30) "Health insurer" means any insurance company authorized to transact health insurance in the state, any insurance company authorized to transact health insurance or casualty insurance in the state that is offering a minimum premium plan or stop-loss coverage for any person or entity providing health care benefits, any self-insurance plan as defined in s. 624.031, any health maintenance organization authorized to transact business in the state pursuant to part I of chapter 641, any prepaid health clinic authorized to transact business in the state pursuant to part II of chapter 641, any multiple-employer welfare arrangement authorized to transact business in the state pursuant to ss. 624.436-624.45, or any fraternal benefit society providing health benefits to its members as authorized pursuant to chapter 632.

(31) "Home health agency" means an organization licensed under part III of chapter 400.

(32) "Hospice" means an organization licensed under part V of chapter 400.

(33) "Hospital" means a health care institution licensed by the Agency for Health Care Administration as a hospital under chapter 395.

(34) "Lithotripsy center" means a freestanding facility which employs or contracts with licensed health care professionals to provide diagnosis or treatment services using electro-hydraulic shock waves.

(35) "Local health council" means the agency defined in s. 381.703.

(36) "Market basket index" means the Florida hospital input price index (FHIPI), which is a statewide market basket index used to measure inflation in hospital input prices weighted for the Florida-specific experience which uses multistate regional and state-specific price measures, when available. The index shall be constructed in the same manner as the index employed by the Secretary of the United States Department of Health and Human Services for determining the inflation in hospital input prices for purposes of Medicare reimbursement.

(37) "Maximum allowable rate of increase" or "MARI" means the maximum rate at which a hospital is normally expected to increase its average gross revenues per adjusted admission for a given period. The board, using the most recent audited actual data for each hospital, shall calculate the MARI for each hospital as follows: the projected rate of increase in the market basket index shall be divided by a number which is determined by subtracting the sum of one-half of the proportion of Medicare days plus one-half of the proportion of CHAMPUS days plus the proportion of Medicaid days plus 1.5 times the proportion of charity care days from the number one. The formula to be employed by the board to calculate the MARI shall take the following form:

$$\text{MARI} = \left(\frac{\text{FHIPI}}{1 - [(\text{Me} \times 0.5) + (\text{Cp} \times 0.5) + \text{Md} + (\text{Cc} \times 1.5)]} \right)$$

where:

MARI = maximum allowable rate of increase applied to gross revenue.

FHIPI = Florida hospital input price index, which shall be the projected rate of change in the market basket index.

Me = proportion of Medicare days, including when available and reported to the board Medicare HMO days, to total days.

Cp = proportion of Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) days to total days.

Md = proportion of Medicaid days, including when available and reported to the board Medicaid HMO days, to total days.

Cc = proportion of charity care days to total days with a 50-percent offset for restricted grants for charity care and unrestricted grants from local governments.

(38) "Medical equipment supplier" means an organization which provides medical equipment and supplies used by health care providers and health care facilities in the diagnosis or treatment of disease.

(39) "Net revenue" means gross revenue minus deductions from revenue.

(40) "New hospital" means a hospital in its initial year of operation as a licensed hospital and does not include any facility which has been in existence as a licensed hospital, regardless of changes in ownership, for over 1 calendar year.

(41) "Nursing home" means a facility licensed under s. 400.062, but does not include a facility licensed under chapter 651.

(42) "Operating expenses" means total expenses excluding income taxes.

(43) "Other operating revenue" means all revenue generated from hospital operations other than revenue directly associated with patient care.

(44) "Physical rehabilitation center" means an organization which employs or contracts with health care professionals licensed under part I or part III of chapter 468 or chapter 486 to provide speech, occupational, or physical therapy services on an outpatient or ambulatory basis.

(45) "Prospective payment arrangement" means a financial agreement negotiated between a hospital and an insurer, health maintenance organization, preferred provider organization, or other third-party payer which contains, at a minimum, the elements provided for in s. 408.50.

(46) "Rate of return" means the financial indicators used to determine or demonstrate reasonableness of the financial requirements of a hospital. Such indicators shall include, but not be limited to: return on assets, return on equity, total margin, and debt service coverage.

(47) "Rural hospital" means an acute care hospital licensed under chapter 395, with 85 licensed beds or less, which has an emergency room and is located in an area defined as rural by the United States Census, and which is:

(a) The sole provider within a county with a population density of no greater than 100 persons per square mile;

(b) An acute care hospital, in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from another acute care hospital within the same county; or

(c) A hospital supported by a tax district or subdistrict whose boundaries encompass a population of 100 persons or less per square mile.

(48) "Special study" means a nonrecurring data-gathering and analysis effort designed to aid the Agency for Health Care Administration in meeting its responsibilities pursuant to this chapter.

(49) "Teaching hospital" means any hospital formally affiliated with an accredited medical school that exhibits activity in the area of medical education as reflected by at least seven different resident physician specialties and the presence of 100 or more resident physicians.

Section 82. Effective July 1, 1992, or upon becoming a law, whichever occurs later, section 381.7155, Florida Statutes, renumbered as section 408.0455, Florida Statutes, and amended by section 19 of chapter 92-33, Laws of Florida, is amended to read:

408.0455 Effect of ss. 408.031-408.045; rules; health councils and plans; pending proceedings.—

(1) Nothing contained in ss. 408.031-408.045 is intended to repeal or modify any of the existing rules of the Department of Health and Rehabilitative Services, which shall remain in effect and shall be enforceable by the Agency for Health Care Administration; the existing composition of the local health councils and the Statewide Health Council, or the state health plan, or any of the local district health plans, unless, and only to the extent that, there is a direct conflict with the provisions of ss. 408.031-408.045.

(2) The rules of the Department of Health and Rehabilitative Services in effect on June 30, 1992 July 1, 1987, which implement the provisions of former ss. 381.701-381.715 ~~ss. 381.493-381.499~~, shall remain in effect and shall be enforceable by the Agency for Health Care Administration with respect to ss. 408.031-408.045 until such rules are repealed or amended by the Agency for Health Care Administration, and no judicial or administrative proceeding pending on July 1, 1992 1987, shall be abated as a result of the provisions of ss. 408.031-408.043(1) and (2); s. 408.044; or s. 408.045. certain judicial and administrative proceedings pending on July 1, 1992.

Section 83. Effective July 1, 1992, notwithstanding section 8 of chapter 88-380, Laws of Florida, section 381.0035, Florida Statutes, shall not stand repealed on July 1, 1992, but is reenacted to read:

381.0035 Educational course on human immunodeficiency virus and acquired immune deficiency syndrome; employees and clients of certain health care facilities.—

(1) The Department of Health and Rehabilitative Services shall require all employees and clients of facilities licensed under chapters 393, 394, and 397 and employees of facilities licensed under chapter 395 and parts I, II, III, and V of chapter 400 to complete, biennially, a continuing educational course on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome with an emphasis on appropriate behavior and attitude change. Such instruction shall include information on current Florida law and its impact on testing, confidentiality of test results, and treatment of patients.

(2) New employees shall be required to complete a course on human immunodeficiency virus and acquired immune deficiency syndrome, with instruction to include information on current Florida law and its impact on testing, confidentiality of test results, and treatment of patients.

(3) Facilities licensed under chapters 393, 394, 395, 397, and parts I, II, III, and V of chapter 400 shall maintain a record of employees and dates of attendance at human immunodeficiency virus and acquired immune deficiency syndrome educational courses.

(4) The department shall have the authority to review the records of each facility to determine compliance with the requirements of this section. The department may adopt rules to carry out the provisions of this section.

Section 84. Except for section 83, which shall take effect July 1, 1992, or, if this act does not become a law before July 1, 1992, shall take effect upon becoming law and shall operate retroactively to July 1, 1992, and except as otherwise expressly provided in this act, this act shall take effect October 1, 1992.

And the title is amended as follows:

In title, on page 8, line 6, after the semicolon (;) insert: 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; 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; abrogating the repeal of s. 381.0035, F.S., relating to education course requirements on human immunodeficiency virus; providing for retroactivity;

Senator Davis moved the following amendment which was adopted:

Amendment 8 (with Title Amendment)—On page 138, between lines 26 and 27, insert:

Section 63. Effective July 1, 1992, or upon becoming law, whichever occurs later, section 409.911, Florida Statutes, is amended to read:

409.911 Disproportionate share program.—Subject to specific allocations established within the general appropriations act and any limitations established pursuant to chapter 216, the department shall distribute, pursuant to this section, moneys ~~appropriated from the Public Medical Assistance Trust Fund~~ to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(1) Definitions.—As used in this section and s. 409.9112:

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

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

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

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

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

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

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

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

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

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

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

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

(3) In computing the disproportionate share rate:

(a) Per diem increases earned from disproportionate share shall be applied to each hospital's base Medicaid per diem rate and shall be capped at 170 100 percent.

(b) The department shall use the most recent calendar year audited data *available at the beginning of each state fiscal year* for the calculation of disproportionate share payments under this section.

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

(d) The total amount calculated to be distributed under this section shall be made in quarterly payments subsequent to each quarter during the fiscal year.

(4) Hospitals that qualify for a disproportionate share payment solely under paragraph (2)(c) shall have their payment calculated in accordance with the following formulas:

$$TAA = TA \times (1/5.5)$$

$$DSHP = (HMD/TSMD) \times TAA$$

Where:

TAA = total amount available.

TA = total appropriation.

DSHP = disproportionate share hospital payment.

HMD = hospital Medicaid days.

TSMD = total state Medicaid days.

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

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

Where:

APD = adjusted patient days.

CCD = charity care days.

DSR = disproportionate share rate.

MD = Medicaid days.

(6) For fiscal year 1992-1993 only, the following criteria shall be used in determining the disproportionate share percentage:

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

(b) If the disproportionate share rate is greater than or equal to 10 percent, but less than 20 percent, then the disproportionate share percentage is 1.8478498.

(c) If the disproportionate share rate is greater than or equal to 20 percent, but less than 30 percent, then the disproportionate share percentage is 3.4145488.

(d) If the disproportionate share rate is greater than or equal to 30 percent, but less than 40 percent, then the disproportionate share percentage is 6.3095734.

(e) If the disproportionate share rate is greater than or equal to 40 percent, but less than 50 percent, then the disproportionate share percentage is 11.6591440.

(f) If the disproportionate share rate is greater than or equal to 50 percent, but less than 60 percent, then the disproportionate share percentage is 73.5642254.

(g) If the disproportionate share rate is greater than or equal to 60 percent, but less than 72.5 percent, then the disproportionate share percentage is 135.9356391.

(h) If the disproportionate share rate is greater than or equal to 72.5 percent, then the disproportionate share percentage is 170.

(7)(a) To calculate the total amount earned by all hospitals under this section, hospitals with a disproportionate share rate less than 50 percent shall divide their Medicaid days by four, and hospitals with a disproportionate share rate greater than or equal to 50 percent and with greater than 40,000 Medicaid days shall multiply their Medicaid days by 1.5, and the following formula shall be used by the department to calculate the total amount earned by all hospitals under this section:

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

Where:

TAE = total amount earned.

BMPD = base Medicaid per diem.

MD = Medicaid days.

DSP = disproportionate share percentage.

(b) In no case shall total payments to a hospital under this section, with the exception of state facilities, exceed the total amount of uncompensated charity care of the hospital, as determined by the department according to the most recent calendar year audited data available at the beginning of each state fiscal year.

(8)(6) For fiscal year 1991-1992 and all years other than 1992-1993, the following criteria shall be used in determining the disproportionate share percentage:

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

(b) If the disproportionate share rate is greater than or equal to 10 percent, but less than 20 percent, then the disproportionate share percentage is 2.1544347.

(c) If the disproportionate share rate is greater than or equal to 20 percent, but less than 30 percent, then the disproportionate share percentage is 4.6415888766.

(d) If the disproportionate share rate is greater than or equal to 30 percent, but less than 40 percent, then the disproportionate share percentage is 10.0000001388.

(e) If the disproportionate share rate is greater than or equal to 40 percent, but less than 50 percent, then the disproportionate share percentage is 21.544347299.

(f) If the disproportionate share rate is greater than or equal to 50 percent, but less than 60 percent, then the disproportionate share percentage is 46.41588941.

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

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

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

Where:

TAE = total amount earned.

BMPD = base Medicaid per diem.

MD = Medicaid days.

DSP = disproportionate share percentage.

(10)(9) The department is authorized to receive funds from local governments and other local political subdivisions for the purpose of making payments, including federal matching funds, through the Medicaid disproportionate share program. Funds received from local governments for this purpose shall be separately accounted for and shall not be commingled with other state or local funds in any manner.

(11)(9) Payments made by the department to hospitals eligible to participate in this program shall be made in accordance with federal rules and regulations.

(a) If the Federal Government prohibits, restricts, or changes in any manner the methods by which funds are distributed for this program, the department shall not distribute any additional funds and shall return all funds to the local government from which the funds were received, except as provided in paragraph (b).

(b) If the Federal Government imposes a restriction that still permits a partial or different distribution, the department may continue to disburse funds to hospitals participating in the disproportionate share program in a federally approved manner, provided:

1. Each local government which contributes to the disproportionate share program agrees to the new manner of distribution as shown by a written document signed by the governing authority of each local government; and

2. The Executive Office of the Governor, the Office of Planning and Budgeting, the House of Representatives, and the Senate are provided at least 7 days' prior notice of the proposed change in the distribution, and do not disapprove such change.

(c) No distribution shall be made under the alternative method specified in paragraph (b) unless all parties agree or unless all funds of those parties that disagree which are not yet disbursed have been returned to those parties.

(12)(10) Notwithstanding the provisions of chapter 216, the Executive Office of the Governor is hereby authorized to establish sufficient trust fund authority to implement the disproportionate share program.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 7, line 13, after the semicolon (;) insert: amending s. 409.911, Florida Statutes; revising provisions relating to distribution of moneys under the disproportionate share program; deleting a limitation on the source of funds; modifying the definition of "base Medicaid per diem"; specifying data to be used in calculating the disproportionate share rate; revising criteria for determining disproportionate share percentages; imposing a limitation on the amount of funds a facility may receive; providing timelines for certain provisions;

On motion by Senator Malchon, by two-thirds vote **CS for SB 96-H** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motion by Senator Childers, by two-thirds vote **HB 151-H** was withdrawn from the Committee on Commerce.

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

HB 151-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.

—a companion measure, was substituted for **SB 146-H** and by two-thirds vote read the second time by title. On motion by Senator Childers, by two-thirds vote **HB 151-H** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motions by Senator Weinstein, by two-thirds vote **HB 157-H** was withdrawn from the Committees on Commerce and Appropriations.

On motion by Senator Weinstein—

HB 157-H—A bill to be entitled An act relating to unemployment compensation; amending s. 443.111, F.S.; modifying the maximum weekly benefit amount that may be paid to an individual from the Unemployment Compensation Trust Fund; providing an effective date.

—a companion measure, was substituted for **SB 24-H** and by two-thirds vote read the second time by title. On motion by Senator Weinstein, by two-thirds vote **HB 157-H** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—20 Nays—17

MOTION TO RECONSIDER

Senator Scott moved that the Senate reconsider the vote by which **HB 157-H** passed this day. The motion was adopted. The vote was:

Yeas—19 Nays—14

On motion by Senator Weinstein, further consideration of **HB 157-H** was deferred.

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.

—was read the second time by title.

The Committee on Corrections, Probation and Parole recommended the following amendment which was moved by Senator Burt and adopted:

Amendment 1—On page 3, lines 2 and 3, strike “\$50 or a higher amount” and insert: *the court ordered amount*

On motion by Senator Burt, by two-thirds vote **SB 166-H** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—1

The Senate resumed consideration of—

HB 171-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, certification, 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 Transmission Pipeline Intrastate Regulatory Act; providing legislative declaration; providing definitions; providing powers and duties of the Florida Public Service Commission to regulate rates and services of natural 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

—which had been considered June 10. Pending **Amendment 1** by Senator Grizzle was withdrawn.

Senator Grizzle moved the following amendment which failed:

Amendment 2 (with Title Amendment)—On page 33, between lines 9 and 10, insert:

(6) *This act shall not in any way affect the right of any local government to charge appropriate fees.*

And the title is amended as follows:

In title, on page 1, line 28, after the semicolon (;) insert: *authorizing any local government to charge appropriate fees;*

RECONSIDERATION OF AMENDMENT

On motion by Senator Dudley, the Senate reconsidered the vote by which **Amendment 2** failed. **Amendment 2** was adopted.

Senator Grizzle moved the following amendments which were adopted:

Amendment 3—On page 37, line 21, strike “as defined in” and insert: *included in*

Amendment 4 (with Title Amendment)—On page 56, between lines 8 and 9, insert:

Section 17. *The Legislature finds that a proper and legitimate state purpose is served by the creation of a centralized and coordinated permitting process for the location of natural gas transmission pipeline corridors and the construction and maintenance of natural gas transmission pipelines, which necessarily involves several broad interests of the public addressed through the subject matter jurisdiction of several agencies. Therefore, the Legislature hereby determines and declares that the provisions of this act fulfill an important state interest.*

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 3, line 4, before “providing” insert: *stating that the provisions of this act fulfill an important state interest;*

On motion by Senator Kirkpatrick, **HB 171-H** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—2

The Senate resumed consideration of—

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 administra-

tive 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.

—which had been previously considered this day. Pending **Amendment 11** by Senator Dantzler was adopted.

Senator Dantzler moved the following amendment which was adopted:

Amendment 12 (with Title Amendment)—On page 90, line 14, after "the" insert: *sole purpose of*

And the title is amended as follows:

In title, on page 6, line 3, after the semicolon (;) insert: requiring that registration fees be used for the sole purpose of administering the section;

Senator Grant moved the following amendment which was adopted:

Amendment 13—On page 101, strike all of lines 26-28 and insert: However, a person covered under paragraph (i) or paragraph (j) must, and a person covered under paragraph (h) may, annually register with the *department division* by

Senator Dantzler moved the following amendments which were adopted:

Amendment 14—On page 103, line 11, strike "PROTECTION FRAUDS" and insert: FRAUDS

Amendment 15 (with Title Amendment)—On page 116, between lines 20 and 21, insert:

(24) This subsection establishes permitting and inspection procedures for companies engaged in the rental of amusement devices and amusement attractions.

(a) All companies engaged in the rental of amusement devices and amusement attractions shall make application to the department for permits to operate pursuant to this section. Once the annual inspection is completed and the application is approved, amusement devices and amusement attractions owned or operated by rental companies shall be subject to inspection and regulation as specified in paragraphs (b) and (c).

(b) Rental companies operating amusement devices singularly or jointly with an amusement device company at a public event are subject to onsite inspections and issuance of a certificate to operate, pursuant to this section, at a particular event.

(c) Any amusement device used at a private event for which no admission is charged must comply with all requirements of this section. However, such amusement device does not have to be inspected by the department at the time of setup.

And the title is amended as follows:

In title, on page 6, line 11, after the second semicolon (;) insert: providing requirements for amusement rental companies;

Amendment 16 (with Title Amendment)—On page 116, between lines 20 and 21, insert:

(25) The operation of amusement attractions, commonly known in the trade as moonwalks, which are not enclosed on all sides and on the top is prohibited at both public and private functions, unless the sides are 6 feet high or higher in which case the top need not be enclosed.

And the title is amended as follows:

In title, on page 6, line 11, after the second semicolon (;) insert: providing requirements for the operation of amusement attractions known as moonwalks;

Amendment 17—On page 125, line 8, strike "1995" and insert: 1998

On motion by Senator Dantzler, by two-thirds vote **CS for SB 48-H** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

The Senate resumed consideration of—

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 licensing 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.

—which had been previously considered this day. Pending **Amendment 2** by Senator Dantzler was adopted.

On motion by Senator Walker, by two-thirds vote **SB 80-H** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

SENATOR FORMAN PRESIDING

CS for CS for 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 that forms prescribed by the Department of Revenue include specific information; requiring homestead exemption applications to include the social security numbers of the property owner and spouse before a property appraiser may issue or renew the homestead exemption; providing a time period for compliance; providing requirements for homestead exemption renewal applications; amending ss. 198.15, 198.18, F.S.; increasing penalties and interest for estate taxes due; amending s. 199.062, F.S.; requiring security dealers 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; authorizing the department to require state-registered security dealers 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 upon initial application or annual renewal 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; establishing positions; providing for pilot projects to improve the collection and enforcement of taxes; providing applicability of increased penalty and interest provisions; providing effective dates.

—was read the second time by title.

Senator Johnson moved the following amendment:

Amendment 1—On page 8, line 25 through page 14, line 24, strike all of said lines and insert:

Section 3. Section 196.011, Florida Statutes, as amended by section 4 of chapter 92-32, Laws of Florida, is amended to read:

196.011 Annual application required for exemption.—

(1)(a) Every person or organization who, on January 1, has the legal title to real or personal property, except inventory, which is entitled by law to exemption from taxation as a result of its ownership and use shall, on or before March 1 of each year, file an application for exemption with the county property appraiser, listing and describing the property for which exemption is claimed and certifying its ownership and use. The Department of Revenue shall prescribe the forms upon which the application is made. *Such forms must include a statement of certification as provided for in s. 199.282(10)(a).* Failure to make application, when required, on or before March 1 of any year shall constitute a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (8).

(b) *The property appraiser may not grant a homestead exemption unless the social security numbers of the property owner and of the property owner's spouse have been supplied by the applicant for the homestead exemption. In 1993, the property appraiser may not renew a homestead exemption unless the social security numbers of the property owner and of the property owner's spouse have been supplied by the applicant for the homestead exemption. Failure to supply a property owner's spouse's social security number shall not result in denial or nonrenewal of homestead exemption if such social security number is provided within 30 days after application or renewal. The property appraiser's electronic data base must include those social security numbers on any file submitted to the department pursuant to chapter 12D-8, Florida Administrative Code. An application for homestead exemption or renewal may not be accepted by the property appraiser if the application does not include the social security numbers of the property owner and the property owner's spouse.*

(2) However, application for exemption will not be required on public roads rights-of-way and borrow pits owned, leased, or held for exclusive governmental use and benefit or on property owned and used exclusively by a municipality for municipal or public purposes in order for such property to be released from all ad valorem taxation.

(3) It shall not be necessary to make annual application for exemption on houses of public worship, the lots on which they are located, personal property located therein or thereon, parsonages, burial grounds and tombs owned by houses of public worship, individually owned burial rights not held for speculation, or other such property not rented or hired out for other than religious or educational purposes at any time; household goods and personal effects of permanent residents of this state; and property of the state or any county, any municipality, any school district, or community college district thereof.

(4) When any property has been determined to be fully exempt from taxation because of its exclusive use for religious, literary, scientific, or charitable purposes and the application for its exemption has met the criteria of s. 196.195, the property appraiser may accept, in lieu of the annual application for exemption, a statement certified under oath that there has been no change in the ownership and use of the property.

(5) The owner of property that received an exemption in the prior year, or a property owner who filed an original application that was denied in the prior year solely for not being timely filed, may reapply on a short form as provided by the department. The short form shall require the applicant to affirm that the use of the property and his status as a permanent resident have not changed since the initial application.

(6) Once an original application for tax exemption has been granted, in each succeeding year on or before February 1, the property appraiser shall mail a renewal application to the applicant, and the property appraiser shall accept from each such applicant a renewal application on a form to be prescribed by the Department of Revenue. *Such forms must include a statement of certification as provided for in s. 199.282(10)(a).* Such renewal application shall be accepted as evidence of exemption by the property appraiser unless he denies the application. Upon denial, the property appraiser shall serve, on or before July 1 of each year, a notice setting forth the grounds for denial on the applicant by first-class mail. Any applicant objecting to such denial may file a petition as provided for in s. 194.011(3).

(7) The value adjustment board shall grant any exemption for an otherwise eligible applicant if the applicant can clearly document that failure to apply by March 1 was the result of postal error.

(8) Any applicant who is qualified to receive any exemption under subsection (1) and who fails to file an application by March 1, may file an application for the exemption and may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the exemption be granted. Such petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s. 194.011(1). Notwithstanding the provisions of s. 194.013, such person must pay a nonrefundable fee of \$15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the exemption and demonstrates particular extenuating circumstances judged by the property appraiser or the value adjustment board to warrant granting the exemption, the property appraiser or the value adjustment board may grant the exemption.

(9)(a) A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for exemption of property within the county after an initial application is made and the exemption granted. The waiver under this subsection of the annual application or statement requirement applies to all exemptions under this chapter except the exemption under s. 196.1995. Notwithstanding such waiver, refile of an application or statement shall be required when any property granted an exemption is sold or otherwise disposed of, when the ownership changes in any manner, when the applicant for homestead exemption ceases to use the property as his or her homestead, or when the status of the owner changes so as to change the exempt status of the property. In its deliberations on whether to waive the annual application or statement requirement, the governing body shall consider the possibility of fraudulent exemption claims which may occur due to the waiver of the annual application requirement. It is the duty of the owner of any property granted an exemption who is not required to file an annual application or statement to notify the property appraiser promptly whenever the use of the property or the status or condition of the owner changes so as to change the exempt status of the property. *It is also the duty of the owner of such property to notify the property appraiser promptly whenever a change in intangible tax filing status occurs.* If any property owner fails to so notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the owner was not entitled to receive such exemption, the property shall be subject to the taxes exempted as a result of such failure plus 15-percent interest per annum and a penalty of 50 percent of the taxes exempted. It shall be the duty of the property appraiser making such determination to record in the public records of the county a notice of tax lien against that person's property which was improperly receiving the exemption, except for property receiving homestead exemption which is controlled by s. 196.161, and any other property owned by that person or entity in the county, and such property shall be identified in the notice of tax lien. Such property or properties shall be subject to the payment of all taxes and penalties. Such lien when filed shall attach to any property, identified in the notice of tax lien, owned by the person who illegally or improperly received the exemption. Should such person no longer own property in that county, but own property in some other county or counties in the state, it shall be the duty of the property appraiser to record a notice of tax lien in such other county or counties, identifying the property owned by such person or entity in such county or counties, and it shall become a lien against such property in such county or counties.

(b) For any exemption under s. 196.101(2), the statement concerning gross income must be filed with the property appraiser not later than March 1 of every year.

(c) If an exemption for which the annual application is waived pursuant to this subsection will be denied by the property appraiser in the absence of the refile of the application, notification of an intent to deny the exemption shall be mailed to the owner of the property prior to February 1. If the property appraiser fails to timely mail such notice, the application deadline for such property owner pursuant to subsection (1) shall be extended to 28 days after the date on which the property appraiser mails such notice.

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

(11) In 1993, all renewal applications for homestead exemption must be made in accordance with subsection (6). Forms shall be prescribed by the Department of Revenue and must include a statement of certification as provided for in s. 199.282(10)(a) and a request for the social security number of the property owner and the social security number of the property owner's spouse.

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

Amendment 1A—On page 3, line 26, before the period (.) insert: *and must include a statement notifying the taxpayer that they are liable for all state taxes due the state.*

Amendment 1 as amended was adopted.

Senator Johnson moved the following amendments which were adopted:

Amendment 2—On page 42, strike all of lines 17-26 and insert: as provided in s. 607.1420.

(2) A request for reinstatement of a corporate charter may not be granted by the Division of Corporations of the Department of State if an outstanding tax warrant has existed for more than 3 consecutive months.

Amendment 3—On page 43, line 4, after "property" insert: , exclusive of wages,

Senator Myers moved the following amendment which was adopted:

Amendment 4 (with Title Amendment)—On page 28, line 30 through page 30, line 6, strike all of said lines and insert:

Section 19. Subsections (2) and (4) of section 212.03, Florida Statutes, are amended to read:

212.03 Transient rentals tax; rate, procedure, enforcement, exemptions.—

(2)(a) The tax provided for herein shall be in addition to the total amount of the rental, shall be charged by the lessor or person receiving the rent in and by said rental arrangement to the lessee or person paying the rental, and shall be due and payable at the time of the receipt of such rental payment by the lessor or person, as defined in this chapter, who receives said rental or payment. The owner, lessor, or person receiving the rent shall remit the tax to the department at the times and in the manner hereinafter provided for dealers to remit taxes under this chapter. The same duties imposed by this chapter upon dealers in tangible personal property respecting the collection and remission of the tax; the making of returns; the keeping of books, records, and accounts; and the compliance with the rules and regulations of the department in the administration of this chapter shall apply to and be binding upon all persons who manage or operate hotels, apartment houses, roominghouses, tourist and trailer camps, and the rental of condominium units, and to all persons who collect or receive such rents on behalf of such owner or lessor taxable under this chapter.

(b) Any person, including a condominium association, responsible for the rental of condominium units shall submit to the department on or before March 1 of each year, on forms prescribed by the department, the following information on each unit rented or leased for any period of time during the previous calendar year:

1. The name and address of the owner of the unit.
2. The number of times the unit was rented or leased.
3. The duration of each lease.
4. The total rental charged for each lease.

If the condominium association or other person fails to make a complete and timely report, the department shall impose, in addition to any other penalty or interest due, a penalty in the amount of \$150.

(4) The tax levied by this section ~~does shall~~ not apply to, and may not be imposed upon, or collected from, any person who ~~enters shall have entered~~ into a bona fide written lease for longer than 6 months in duration for continuous residence at any one hotel, apartment house, roominghouse, tourist or trailer camp, or condominium and who pays the tax levied by this section for 6 months of residence in any one hotel, apartment house, roominghouse, tourist or trailer camp, or condominium, or to any person who ~~resides shall reside~~ continuously longer than 6 months at any one hotel, apartment house, roominghouse, tourist or trailer camp, or condominium and who pays ~~shall have paid~~ the tax levied by this section for 6 months of residence in any one hotel, roominghouse, apartment house, tourist or trailer camp, or condominium. Notwithstanding other provisions of this chapter, ~~the no tax is not shall be~~ imposed upon rooms provided guests when there is no consideration involved between the guest and the public lodging establishment. Further, any person who, ~~on the effective date of this act,~~ has resided continuously for 6 months at any one hotel, apartment house, roominghouse, tourist or trailer camp, or condominium, or, if less than 6 months, has paid the tax ~~imposed herein~~ until he ~~has shall have~~ resided continuously for 6 months, ~~is shall~~ thereafter be exempt, so long as ~~the such~~ person ~~shall~~ continuously resides ~~reside~~ at ~~that such~~ location. The Department of Revenue ~~may shall have~~ the power to reform the rental contract for the purposes of this chapter if the rental payments are collected in other than equal daily, weekly, or monthly amounts so as to reflect the actual consideration to be paid in the future for the right of occupancy during the first 6 months.

And the title is amended as follows:

In title, on page 2, line 21, after the semicolon (;) insert: providing an exemption from the transient rental tax;

RECONSIDERATION OF AMENDMENT

On motion by Senator Myers, the Senate reconsidered the vote by which **Amendment 4** was adopted. **Amendment 4** was withdrawn.

THE PRESIDENT PRESIDING

Senator Dantzler moved the following amendment which was adopted:

Amendment 5 (with Title Amendment)—On page 48, between lines 22 and 23, insert:

Section 37. Section 220.807, Florida Statutes, is amended to read:

220.807 Determination of rate of interest.—

(1) The annual rate of interest applicable to this chapter shall be ~~18 percent the adjusted rate established by the Executive Director of the Department of Revenue under subsection (2).~~

(2) ~~If the adjusted prime rate charged by banks, rounded to the nearest full percent, during either:~~

(a) ~~The 6-month period ending on September 30 of any calendar year; or~~

(b) ~~The 6-month period ending on March 31 of any calendar year,~~

~~differs from the interest rate in effect on either such date, the Executive Director of the Department of Revenue shall, within 20 days, establish an adjusted rate of interest equal to such adjusted prime rate.~~

(3) ~~An adjusted rate of interest established under this section shall become effective:~~

~~(a) On January 1 of the succeeding year, if based upon the adjusted prime rate for the 6-month period ending on September 30, or~~

~~(b) On July 1 of the same calendar year, if based upon the adjusted prime rate for the 6-month period ending on March 31.~~

~~(4) For the purposes of this section, "adjusted prime rate charged by banks" means the average predominant prime rate quoted by commercial banks to large business, as determined by the Board of Governors of the Federal Reserve System.~~

~~(5) Once established, an adjusted rate of interest shall remain in effect until an adjustment is made under subsection (2).~~

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 4, strike all of lines 9 and 10 and insert: 220.803, 220.807, 220.901, F.S.; increasing penalties and interest for corporate income taxes due;

Senator Kiser moved the following amendment which was adopted:

Amendment 6—On page 41, lines 1-30 and on page 42, lines 1-9, strike all of said lines

And the title is amended as follows:

In title, on page 3, lines 11-18, strike all of said lines after "requirements;" through the first semicolon on line 18.

Senators Kiser and Langley offered the following amendment which was moved by Senator Langley and adopted:

Amendment 7 (with Title Amendment)—On page 49, lines 3-31; on page 50, lines 1-31; and on page 51, lines 1-19, strike all of said lines and renumber subsequent sections.

And the title is amended as follows:

In title, on page 4, strike all of lines 10-14 and insert: authorizing the

Senator Langley moved the following amendment which was adopted:

Amendment 8 (with Title Amendment)—On page 46, strike all of lines 20-28 and renumber subsequent sections.

And the title is amended as follows:

In title, on page 4, strike all of lines 2-7 and insert: place them in escrow;

The vote was:

Yeas—22 Nays—7

Senator Kiser moved the following amendment which was adopted:

Amendment 9—On page 58, strike line 25 and insert: 1992, except that sections 1, 39, 40, 41, and 42 of this act

Senator Bruner moved the following amendment which failed:

Amendment 10—On page 38, strike line 12 and insert: the department may apply to a court of competent jurisdiction to issue subpoenas or subpoenas duces tecum.

(Renumber subsequent sections.)

On motion by Senator Johnson, by two-thirds vote **CS for CS for SB 68-H** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31 Nays—4

CS for 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 Department of Community Affairs; amending s. 420.0001, F.S.; revis-

ing 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, 420.9073, 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 read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 1—On page 17, line 5, before the period (.) insert: , *but such costs may not exceed 5 percent of the moneys deposited in the fund*

Amendment 2—On page 65, strike all of lines 24-26 and insert: may also be used to support the Florida Affordable Housing Guarantee

Amendment 3—On page 67, line 11, after "transfer" insert: to

Amendment 4—On page 81, line 2, after the period (.) insert: A local government may twice revise and resubmit its plan during any state fiscal year. The deadlines for submitting original and revised plans shall be established by agency rule.

Amendment 5—On page 83, between lines 3 and 4, insert:

(9) The agency may adopt rules necessary to implement ss. 420.907-420.9079 and to further specify the required content of applications, the procedures for reviewing local housing assistance plans and affordable housing incentive plans, the calculation of local housing distributions, the purposes for which local housing distributions may be expended, and the content of the annual report required from local governments in order to ensure that data from local governments can be readily compared.

Amendment 6—On page 83, line 4 through page 85, line 16, strike all of said lines and insert:

420.9073 Local Housing Distributions.—

(1) Distributions calculated in this subsection shall be disbursed on a monthly basis by the agency beginning the first day of the month after program approval pursuant to s. 420.9072. Each county's share of the funds to be distributed from the portion of the funds in the Local Government Housing Trust Fund received pursuant to s. 201.15(6) shall be calculated by the agency for each fiscal year as follows:

(a) Each county other than a county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, shall receive the guaranteed amount for each fiscal year.

(b) Each county other than a county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, may receive an additional share calculated as follows:

1. Multiply each county's percentage of the total state population excluding the population of any county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, by the total funds to be distributed.

2. If the result in subparagraph 1. is less than the guaranteed amount as determined in subsection (3), that county's additional share shall be zero.

3. For each county where the result in subparagraph 1. is greater than the guaranteed amount as determined in subsection (3), the amount calculated in subparagraph 1. shall be reduced by the guaranteed amount. The result for each such county shall be expressed as a percentage of the amounts so determined for all counties. Each such county shall receive an additional share equal to this percentage multiplied by the total funds received by the Local Government Housing Trust Fund pursuant to s. 201.15(6) reduced by the guaranteed amount paid to all counties.

(2) Effective July 1, 1993, distributions calculated in this subsection shall be disbursed on a monthly basis by the agency beginning the first day of the month after program approval pursuant to s. 420.9072. Each

county's share of the funds to be distributed from the portion of the funds in the Local Government Housing Trust Fund received pursuant to s. 201.15(7) shall be calculated by the agency for each fiscal year as follows:

(a) Each county shall receive the guaranteed amount for each fiscal year.

(b) Each county may receive an additional share calculated as follows:

1. Multiply each county's percentage of the total state population, by the total funds to be distributed.

2. If the result in subparagraph 1. is less than the guaranteed amount as determined in subsection (3), that county's additional share shall be zero.

3. For each county where the result in subparagraph 1. is greater than the guaranteed amount, the amount calculated in subparagraph 1. shall be reduced by the guaranteed amount. The result for each such county shall be expressed as a percentage of the amounts so determined for all counties. Each such county shall receive an additional share equal to this percentage multiplied by the total funds received by the Local Government Housing Trust Fund pursuant to s. 201.15(7) as reduced by the guaranteed amount paid to all counties.

(3) Calculation of guaranteed amounts.—

(a) The guaranteed amount for subsection (1) shall be calculated for each fiscal year by multiplying \$250,000 by a fraction, the numerator of which is the amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15(6) and the denominator of which is the total amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15. For fiscal year 1992-1993, the guaranteed amount shall be \$250,000.

(b) The guaranteed amount for subsection (2) shall be calculated for each fiscal year beginning in fiscal year 1993-1994 by multiplying \$250,000 by a fraction, the numerator of which is the amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15(7) and the denominator of which is the total amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15.

Amendment 7—On page 88, between lines 20 and 21, insert:

If both an award under the local housing assistance program and federal low-income housing tax credits are used to assist a project, the county or eligible municipality may give precedence to the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, in lieu of following the criteria prescribed in this subsection with the exception of paragraph (a) of this subsection.

Amendment 8 (with Title Amendment)—On page 99, line 28 through page 100, line 10, strike all of said lines

And the title is amended as follows:

In title, on page 5, strike all of lines 12-15 and insert: of Florida, as amended; providing appropriations from the Local

Senator Kirkpatrick moved the following amendment:

Amendment 9—On page 101, line 14 through page 102, line 3, strike all of said lines and insert: Affordable Housing Guarantee Program; however, \$100,000 may be used to provide for the affordable housing guarantee feasibility study required pursuant to section 420.5092(8), Florida Statutes. Any portion of this appropriation not needed to provide for the feasibility study or to cover debt service is appropriated to the State Apartment Incentive Loan Program.

(7) The sum of \$250,000 is appropriated to the Department of Community Affairs to contract with the Division of Community Colleges to continue the affordable housing training program pursuant to section 420.606, Florida Statutes.

(8) The sum of \$250,000 is appropriated to the Department of Community Affairs to provide training and technical assistance relating to the state Housing Initiatives Partnership Program and to federal programs as required pursuant to section 420.606(3) and (4), Florida Statutes. These funds shall be used to contract with nonprofit organizations and other entities and persons who have demonstrated experience in the successful implementation of affordable housing programs or in providing technical

assistance relating to the development of affordable housing. The training and technical assistance shall include, but is not limited to, training related to the development and management of nonprofit organizations and project-specific technical assistance. To the extent feasible, training and technical assistance providers shall be geographically dispersed throughout the state in order to provide for direct assistance to local governments and nonprofit organizations.

(9) The sum of \$50,000 is appropriated to the

Senator Kirkpatrick moved the following amendment to **Amendment 9** which was adopted:

Amendment 9A—On page 2, line 10, strike “\$50,000” and insert: \$30,000

Amendment 9 as amended was adopted.

On motion by Senator Kirkpatrick, by two-thirds vote **CS for CS for SB 94-H** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32 Nays—3

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 read the second time by title.

Senator Malchon moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 2, between lines 24 and 25, insert:

Section 3. Subsection (3) of section 316.261, Florida Statutes, is amended to read:

316.261 Brake equipment required.—Every motor vehicle, trailer, semitrailer, and pole trailer, and any combination of such vehicles, operating upon a highway within this state shall be equipped with brakes in compliance with the requirements of this chapter.

(3) **BRAKES ON ALL WHEELS.**—Every vehicle shall be equipped with brakes acting on all wheels except:

(a) Trailers, semitrailers, or pole trailers of a gross weight not exceeding 3,000 pounds, provided that:

1. The total weight on and including the wheels of the trailer or trailers shall not exceed 40 percent of the gross weight of the towing vehicle when connected to the trailer or trailers; and

2. The combination of vehicles, consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of s. 316.262.

(b) Pole trailers with a gross weight in excess of 3,000 pounds manufactured prior to January 1, 1972, need not be equipped with brakes.

(c) Any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of s. 316.262.

(d) Trucks and truck tractors having three or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. However, such trucks and truck tractors must be capable of complying with the performance requirements of s. 316.262.

(e) Special mobile equipment not designed to carry persons.

(f) “Antique cars” as defined in s. 320.08, and “horseless carriages” as defined in s. 320.086.

(g) *Four-wheeled motorized golf carts operated by municipal or county law enforcement officers on official business.*

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 7, after the semicolon (;) insert: providing for an exception to the requirement for brakes on all wheels;

On motion by Senator Forman, by two-thirds vote **SB 114-H** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32 Nays—1

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 read the second time by title. On motion by Senator Crenshaw, by two-thirds vote **SB 134-H** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—None

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 read the second time by title. On motion by Senator Jennings, by two-thirds vote **SB 112-H** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32 Nays—None

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, June 11, 1992: HB 171-H, CS for SB 48-H, SB 80-H, SB 192-H, SB 200-H, SB 56-H, CS for SB 72-H, CS for CS for SB 94-H, CS for SB 96-H, SB 146-H, SB 24-H, SB 166-H, CS for CS for SB 68-H, SB 114-H, SB 134-H, SB 112-H

Respectfully submitted,
Pat Thomas, Chairman

The Committee on International Trade, Economic Development and Tourism recommends a committee substitute for the following: SB 216-H

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

The Committee on International Trade, Economic Development and Tourism recommends a committee substitute for the following: SB 196-H

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 100-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.

The Committee on Professional Regulation recommends a committee substitute for the following: CS for SB 50-H

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

RULES AND CALENDAR COMMITTEE REPORT

Senator Thomas reported that the Committee on Rules and Calendar recommended that the following bills be admitted for introduction by the required Constitutional two-thirds vote of the Senate:

By Senator Bankhead - Enterprise zones

By Senator Forman - Public accountancy

By Senator Forman - Department of Transportation

By Senator Childers - Resolution/Department of Defense Finance and Accounting Service Center

By Senator Girardeau - Resolution/Dr. Leonard H. O. Spearman

By Senator Girardeau - Resolution/Dr. Walter L. Smith

The report of the Committee on Rules and Calendar was adopted.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Professional Regulation; Health and Rehabilitative Services; and Senator Weinstock—

CS for CS for SB 50-H—A bill to be entitled An act relating to medical practice; amending s. 7, ch. 92-178, Laws of Florida; providing definitions; providing for disciplinary proceedings and penalties against certain hospitals; amending s. 8, ch. 92-178, Laws of Florida; prohibiting kickbacks; providing for administrative penalties and disciplinary actions; amending s. 9, ch. 92-178, Laws of Florida; prohibiting markups; providing for administrative penalties and disciplinary actions; amending s. 10, ch. 92-178, Laws of Florida; providing for licensure of facilities providing specified health care services; exempting certain licensed facilities and certain licensed professionals; amending s. 455.25, F.S., as amended by s. 13, ch. 92-178, Laws of Florida; prohibiting health care providers from referring patients to certain entities under certain conditions; amending s. 15, ch. 92-178, Laws of Florida; providing for applicability of ss. 7-16, ch. 92-178, Laws of Florida, to certain referrals for designated health services; directing the Agency for Health Care Administration to conduct annual studies relating to fees charged by certain health care facilities for certain services; requiring a report on the agency's findings and recommendations; repealing s. 16, ch. 92-178, Laws of Florida, which imposes a fee schedule for certain designated health services; revising the priority for adoption of practice parameters developed pursuant to ch. 92-178, Laws of Florida, for providers of certain services; exempting hospitals licensed under ch. 395, F.S., and certain affiliated health services from this act and from ch. 92-178, Laws of Florida, providing certain services as specified; exempting certain entities that provide diagnostic imaging services from ch. 92-178, Laws of Florida; requiring the exempted entities to submit to rate review and utilization review by the Agency for Health Care Administration; prescribing duties of the Agency for Health Care Administration with respect to the act; requiring a study of physician ownership of hospitals and related issues pursuant to s. 408.061, F.S.; directing the Agency for Health Care Administration to conduct annual study of charges by certain radiation therapy providers; requiring the Agency for Health Care Administration to establish fees for radiation therapy procedures performed by certain radiation therapy providers upon a finding that charges for such procedures exceed a specified amount; establishing a maximum fee schedule for radiation therapy procedures for certain radiation therapy providers; providing penalties for charging fees that exceed fees contained in the established fee schedule; repealing s. 11 of ch. 92-178, Laws of Florida, relating to fee schedules for radiation therapy health care providers; amending s. 14 of ch. 92-178, Laws of Florida, revising an appropriation; providing for severability; repealing ss. 458.327(2)(c), 459.013(3)(b) and (c), F.S., which provide criminal penalties for a physician who makes certain referrals; repealing s. 458.331(1)(i), F.S., relating to grounds for disciplinary action with respect to a physician who makes certain referrals; transferring and renumbering s. 407.61, F.S., as created by s. 12 of ch. 92-178, Laws of Florida; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Kirkpatrick—

CS for 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; creating s. 373.1395, F.S.; limiting the liability of water management districts for damages that occur on real property or water areas of the district that are made available to the public under specified conditions; repealing s. 375.031(11), F.S., relating to land acquisition projects of a certain value; providing an effective date.

By the Committee on International Trade, Economic Development and Tourism; and Senator Kiser—

CS for SB 216-H—A bill to be entitled An act relating to sales tax distributions to facilities for sports franchises and for spring training franchises; amending s. 212.20, F.S.; revising the amount of sales tax revenues distributed to certified facilities for new professional sports franchises and for new spring training franchises; amending s. 288.1162, F.S.; revising certification requirements for those facilities; providing conditions under which a right to receive funds ceases; providing for recovery of funds; providing for retroactive application under certain circumstances; providing an effective date.

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 151-H; has passed as amended HB 251-H, HB 253-H and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Hargrett—

HB 151-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 Committee on Commerce.

(Substituted for **SB 146-H** on the Special Order Calendar this day.)

By the Committee on Appropriations and Representative Saunders—

HB 251-H—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1992, and ending June 30, 1993, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Appropriations.

On motion by Senator Gardner, by two-thirds vote **HB 251-H** was withdrawn from the Committee on Appropriations.

On motion by Senator Gardner, by two-thirds vote **HB 251-H** was read the second time by title.

On motion by Senator Gardner, **Amendment 1 (with Title Amendment)** striking everything before and after the enacting clause was adopted.

Pursuant to Rule 7.6, the amendment constituted an entirely new bill and was not published in the Journal.

On motion by Senator Gardner, by two-thirds vote **HB 251-H** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—4

By the Committee on Appropriations and Representative Saunders—

HB 253-H—A bill to be entitled An act relating to implementing the fiscal year 1992-1993 General Appropriations Act; providing legislative intent; providing that the Emergency Medical Services Trust Fund may be used to fund Medicaid reimbursement for patient transportation; eliminating funding for Medicaid coverage for pregnant women and children under age 1 with incomes above 150 percent up to and including 185 percent of the most current federal poverty level; eliminating funding for increases in obstetrical fees for Medicaid providers and requiring the Department of Health and Rehabilitative Services to reimburse such providers for obstetrical services based on the rates in effect on a specified date; reducing funding for Medicaid physician fees; providing for calculation of the Health Care Cost Containment Board assessment for certain teaching hospitals having 100,000 or more Medicaid covered days; providing for deposit into the Planning and Evaluation Trust Fund of fees assessed against selected health care facilities and used to fund the State-wide Health Council and local health councils; directing the Correctional Education School Authority to use federal Pell Grant funding to the fullest extent possible and requiring the Department of Corrections to give priority consideration for employment to employees displaced by the reduction of the authority; authorizing the Department of Transportation to enter into loan agreements with certain airports for the development of international passenger facilities, which shall be repaid within 10 years; authorizing the Department of Transportation to transfer certain funds to the Department of Commerce to develop a trade data resource and research center; authorizing the Department of Transportation to enter into a loan agreement up to a specified amount to implement the Spaceport Florida Authority Act and providing for repayment thereof; providing that a specified appropriation relating to the Addition - Kirkman Complex for the Department of Highway Safety and Motor Vehicles will not revert until a specified date; extending the authority of the Department of State to transfer funds from the Corporations Trust Fund to the Division of Licensing Trust Fund and providing for uses of such funds; providing for use by the Department of State of moneys deposited into the Public Access Data Systems Trust Fund; revising requirements of the Department of Revenue relating to notice and collection agency contract provisions for the recovery of delinquent taxes; requiring the Department of the Lottery to retain certain funds in order to provide a specified supplemental transfer to the Educational Enhancement Trust Fund; continuing the Resolution Trust Corporation Advisory Commission established pursuant to s. 72, ch. 91-157, Laws of Florida; requiring the Division of Retirement of the Department of Administration to conduct a study on withdrawal of certain dependent and independent public

hospitals from the Florida Retirement System and to submit a report thereon to specified legislative leaders; providing for calculation of the statewide adjusted aggregate required local effort for all school districts from ad valorem taxes, under authority of the Commissioner of Education; providing for adjustment of the required local effort millage rate of certain districts; providing for calculation of school districts' maximum total weighted full-time equivalent student enrollment; providing for the implementation of ch. 90-49, Laws of Florida, relating to laboratory schools; requiring the State University System to develop a personnel system to meet certain payroll needs and informational requirements; prohibiting adjustment to the allocation of funds for any university for the 1991-1992 and 1992-1993 fiscal years; providing for no increase adjustment for the Financial Assistance Payments for Private Tuition Assistance; providing that specified appropriations relating to the Florida International University Library Addition and Joint Center for Conflict Resolution, certain Capital Improvement Fee projects, the University of Central Florida Solar Energy Center, and the University of Florida Library Center East Renovation/Restoration project will not revert until a specified date; transferring all funds from the University of West Florida's Student Activity Lodge Design project and certain funds from the university's Outdoor Recreation Facility Expansion and Other Campus Enhancement Structures project to the university's Commons Building Renovation and Expansion project; revising appropriations to projects at Florida International University relating to the University House Renovation - University Park, the Swimming Pool/Access - University Park, and the Student Center Addition - North Miami, to provide funds for the University House/Graham Center Addition - University Park and the Multi-Purpose Stadium Complex - University Park projects; providing that the unexpended balances of the Rem/Ren Bldg #8 Classroom/Lab - Melbourne project of Brevard Community College will not revert until a specified date and authorizing use of such funds for the remodeling/renovation of Building #1 on the Melbourne Campus; providing that specified appropriations relating to the Florida Community College at Jacksonville Building E - Kent, Performing Arts - South, Child Care Facility - Kent, Energy Conservation - Collegewide, and asbestos abatement projects and the Gulf Coast Community College Site Acquisition project will not revert until a specified date; providing that funds appropriated for the Land Acquisition/Brandon Campus (s) project for Hillsborough Community College will not revert until a specified date and providing for other uses of the unexpended balances of such funds; providing that funds for the Land Acquisition projects for Lake-Sumter Community College will not revert until a specified date and providing for other uses of the unexpended balances of such funds; providing that funds appropriated for the Sumter School District - Comprehensive High School project will not revert until a specified date; authorizing the Division of Bond Finance of the Department of General Services to refinance certain bonds; providing for transfer of certain funds to ensure a specified balance in the Working Capital Fund; eliminating a salary raise for legislators and authorizing legislators, the Governor, the Lieutenant Governor, and members of the Cabinet to voluntarily reduce salary by a specified percentage; providing that funds relating to planning for a residential magnet school in Brevard County shall not revert until a specified date; authorizing community colleges to grant student fee exemptions for a specified number of full-time equivalent students; providing that certain State University System land acquisition funds shall not revert until a specified date and authorizing use of a portion of these funds for unimproved parking under certain circumstances; authorizing the Board of Regents to enter into a lease agreement for a facility with the Florida State University Foundation or any other direct-support organization organized to support the London International Program at Florida State University and providing funding sources therefor; exempting sponsored research overhead trust funds within the State University System from transfer to the Working Capital Fund in the General Appropriations Act; authorizing the Executive Office of the Governor and the Chief Justice of the Supreme Court to approve certain budget changes under certain circumstances and requiring the Executive Office of the Governor and the Chief Justice to maintain an accounting of these changes and to provide this accounting to the legislative appropriations committees upon request; transferring the unobligated balance of the Port Trust Fund to the General Revenue Fund; authorizing the Executive Office of the Governor to establish new divisions in the Agency for Health Care Administration and to approve other changes to the agency's organizational structure; transferring the local and statewide health councils to the Agency for Health Care Administration by a type four transfer; providing an earlier effective date for ch. 92-279, Laws of Florida, relating to the reorganization of the Departments of Administration and General Services; authorizing the Chief Justice of the Supreme Court

to transfer certain funds for the purpose of addressing anticipated deficits; providing that the proceeds from the sale of the Daniel Building in Duval County shall be deposited into the Supervision Trust Fund in the Department of General Services; providing an additional condition for certain settlement, consent, or agreement on a civil action in which a state executive branch agency or officer is a party in state or federal court; prescribing limitations on the filling of vacant positions within executive branch agencies and the legislative branch; requiring reports with respect to filling vacant positions; authorizing the Departments of Insurance and Commerce to implement certain procedures in lieu of statutory procedures in areas of personnel and budgeting for a specified period; providing for emergency rules; providing certain circumstances under which a state agency may seek budget amendments; authorizing the retention of certain interest earned on funds advanced for grants and aids for local recreational development projects; revising provisions relating to the acquisition and renovation of the Resolution Trust Company Building in Orlando; providing for security at meetings of the Parole Commission; providing severability; providing effective dates, including a retroactive effective date, and an expiration date.

—was referred to the Committee on Appropriations.

On motion by Senator Gardner, by two-thirds vote **HB 253-H** was withdrawn from the Committee on Appropriations.

On motion by Senator Gardner, by two-thirds vote **HB 253-H** was read the second time by title.

On motion by Senator Gardner, **Amendment 1 (with Title Amendment)** striking everything before and after the enacting clause was adopted.

Pursuant to Rule 7.6, the amendment constituted an entirely new bill and was not published in the Journal.

On motion by Senator Gardner, by two-thirds vote **HB 253-H** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—3

CONFEREES ON HB 251-H AND HB 253-H APPOINTED

The President appointed Senator Gardner, Chairman; At Large: Senator Walker; Subcommittee A: Senators Kirkpatrick, Scott and Thomas; Subcommittee B: Senators Meek, Johnson and Thurman; Subcommittee C: Senators Davis, Myers and Weinstock; Subcommittee D: Senators Childers, Grant and Yancey as conferees on **HB 251-H** and **HB 253-H**. The action of the Senate was certified to the House.

RETURNING MESSAGES—FINAL ACTION

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed SB 18-H.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

ROLL CALLS ON SENATE BILLS

CS for SB 48-H

Yeas—36

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

Nays—None

SB 56-H

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Jenne

CS for CS for SB 68-H—Amendment 8

Yeas—22

Madam President	Dantzler	Kiser	Thurman
Bankhead	Girardeau	Langley	Walker
Beard	Grant	Meek	Wexler
Bruner	Grizzle	Myers	Yancey
Childers	Jenne	Scott	
Crenshaw	Jennings	Thomas	

Nays—7

Casas	Dudley	Johnson	Souto
Diaz-Balart	Forman	Malchon	

CS for CS for SB 68-H

Yeas—31

Madam President	Diaz-Balart	Johnson	Souto
Bankhead	Dudley	Kirkpatrick	Thomas
Beard	Forman	Kiser	Thurman
Burt	Girardeau	Kurth	Walker
Casas	Grant	Malchon	Weinstein
Crenshaw	Grizzle	Meek	Wexler
Crotty	Jenne	Myers	Yancey
Davis	Jennings	Plummer	

Nays—4

Bruner	Childers	Dantzler	Langley
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Vote after roll call:

Nay—Scott

CS for SB 72-H

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Dudley, Girardeau

SB 80-H

Yeas—36

Madam President	Bruner	Childers	Dantzler
Bankhead	Burt	Crenshaw	Davis
Beard	Casas	Crotty	Diaz-Balart

Dudley	Jenne	Malchon	Thurman
Forman	Jennings	Meek	Walker
Gardner	Johnson	Myers	Weinstein
Girardeau	Kirkpatrick	Plummer	Weinstock
Grant	Kurth	Souto	Wexler
Grizzle	Langley	Thomas	Yancey

Nays—None

Vote after roll call:

Yea—Scott

CS for CS for SB 94-H

Yeas—32

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

Nays—3

Bankhead	Bruner	Dudley
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CS for SB 96-H

Yeas—36

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

Nays—None

SB 112-H

Yeas—32

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

Nays—None

SB 114-H

Yeas—32

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

Nays—1

Bankhead

SB 134-H

Yeas—33

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

Nays—None

SB 166-H

Yeas—35

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

Nays—1

Davis

SB 192-H

Yeas—37

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

Nays—None

SB 200-H

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Jenne

SR 236-H

Yeas—37

Madam President	Childers	Dudley	Jenne
Bankhead	Crenshaw	Forman	Jennings
Beard	Crotty	Gardner	Johnson
Bruner	Dantzler	Girardeau	Kirkpatrick
Burt	Davis	Grant	Kiser
Casas	Diaz-Balart	Grizzle	Kurth

Langley	Scott	Walker	Yancey
Malchon	Souto	Weinstein	
Myers	Thomas	Weinstock	
Plummer	Thurman	Wexler	

Nays—None

All Senators voting were recorded as co-sponsors of **SR 236-H**.

ROLL CALLS ON HOUSE BILLS

HB 151-H

Yeas—38

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

Nays—None

HB 157-H

Yeas—20

Madam President	Forman	Malchon	Thurman
Casas	Gardner	Meek	Weinstein
Childers	Girardeau	Scott	Weinstock
Davis	Grizzle	Souto	Wexler
Diaz-Balart	Kurth	Thomas	Yancey

Nays—17

Bankhead	Crotty	Johnson	Plummer
Beard	Dantzler	Kirkpatrick	Walker
Bruner	Dudley	Kiser	
Burt	Grant	Langley	
Crenshaw	Jennings	Myers	

Vote after roll call:

Yea—Jenne

**HB 157-H
Motion to Reconsider**

Yeas—19

Bankhead	Crenshaw	Jennings	Myers
Beard	Dantzler	Johnson	Plummer
Bruner	Dudley	Kirkpatrick	Scott
Burt	Grant	Kiser	Walker
Childers	Grizzle	Langley	

Nays—14

Madam President	Girardeau	Souto	Wexler
Casas	Jenne	Thomas	Yancey
Diaz-Balart	Malchon	Thurman	
Forman	Meek	Weinstein	

HB 171-H

Yeas—36

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

Nays—2

Burt Jenne

HB 251-H

Yeas—33

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

Nays—4

Davis Malchon Weinstock Wexler

Vote after roll call:

Yea—Girardeau

HB 253-H

Yeas—34

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

Nays—3

Malchon Weinstock Wexler

Vote after roll call:

Yea—Girardeau

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 10 was corrected and approved.

RECESS

On motion by Senator Thomas, the Senate recessed at 4:33 p.m. for the purpose of holding committee meetings and conducting other Senate business until 2:00 p.m., Tuesday, June 16.