



Journal of the Senate

Number 6—Special Session H

Tuesday, June 16, 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	Kirkpatrick	Souto
Bankhead	Diaz-Balart	Kiser	Thomas
Beard	Forman	Kurth	Thurman
Bruner	Gardner	Langley	Walker
Burt	Girardeau	Malchon	Weinstein
Casas	Grant	McKay	Weinstock
Childers	Grizzle	Meek	Wexler
Crenshaw	Jenne	Myers	Yancey
Crotty	Jennings	Plummer	
Dantzler	Johnson	Scott	

Excused: Senators Dudley and Gordon

PRAYER

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

Heavenly Father, as we approach life's garden all alone, while the dew is still upon the roses and there is no human presence to give companionship to our quivering soul, reassure these Senators that you are running with them along the streets of strife, walking with them in the hallways of heartaches, riding with them in their car of confusion and sleeping with them on their pillow of pain.

As they prepare for another day of deliberation and debate, Heavenly Father, anchor their heart in compassion, focus their vision upon the needs of Florida and stretch their horizons so that they may look beyond individual faults and see this state's collective needs.

Then, Lord, when time must fall exhausted at the feet of our Savior, prepare us to hear your welcoming voice saying: "Servant of God well done, the battle has been fought and the victory has been won; enter now into thy Master's joy."

In your name we ask it. Amen.

PLEDGE

Senator Gardner led the Senate in the Pledge of Allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Jenne, by two-thirds vote **CS for SB 100-H**, **SB 180-H** and **CS for SB 196-H** were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Thomas, by two-thirds vote **SB 224-H** was withdrawn from the Committees on International Trade, Economic Development and Tourism; Community Affairs; and Finance, Taxation and Claims; and referred to the Committees on Community Affairs; International Trade, Economic Development and Tourism; and Finance, Taxation and Claims; **SB 228-H** was withdrawn from the Committee on Transportation; **SB 226-H** was withdrawn from the Committee on Professional Regulation; and **CS for HB 67-H** was withdrawn from the Committee on Health and Rehabilitative Services.

On motions by Senator Walker, by two-thirds vote **SB 172-H** was withdrawn from the committees of reference and further consideration.

On motions by Senator Gardner, by two-thirds vote **CS for HB 57-H**, **CS for HB 257-H**, **SJR 2-H**, **CS for SB 102-H**, **CS for SB 132-H**, **CS for SB 208-H**, **SB 210-H**, **SB 226-H** and **CS for SB 154-H** were withdrawn from the Committee on Appropriations.

MOTION

On motion by Senator Thomas, the rules were waived and the Committee on Personnel, Retirement and Collective Bargaining was granted permission to meet June 17 from 9:00 a.m. until completion of the agenda to consider **SB 202-H**.

LOCAL BILLS

SB 214-H—A bill to be entitled An act relating to Palm Beach County; amending chapter 87-450, Laws of Florida, as amended, relating to the Palm Beach County Health Care Act; providing for the reorganization of the Palm Beach County Health Care District; establishing qualifications and terms of office of commissioners; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote **SB 214-H** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—None

HB 153-H—A bill to be entitled An act relating to the Consolidated City of Jacksonville; enlarging the boundaries of the Town of Baldwin by adding certain properties to Urban Services District 5; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote **HB 153-H** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—None

HB 81-H—A bill to be entitled An act relating to the Acme Improvement District, Palm Beach County; amending chapter 28557, Laws of Florida, 1953, as amended; clarifying the election of supervisors by a majority vote of the electorate; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote **HB 81-H** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—None

HB 13-H—A bill to be entitled An act relating to the City of Jacksonville; readopting the Charter of the City of Jacksonville, chapter 67-1320, Laws of Florida, as amended; repealing certain special acts of the Legislature relating to the Charter of the City of Jacksonville; providing directions to the Council of the City of Jacksonville, in the event of home rule or referendum revisions or amendments to the Charter of the City of Jacksonville; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote **HB 13-H** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—None

SPECIAL ORDER

HB 297-H—A bill to be entitled An act for the relief of Christopher King, Christopher King, Jr., a minor, and David King, a minor, for injuries they sustained through the failure of the Department of Health and Rehabilitative Services to provide appropriate services to the King family; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote **HB 297-H** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—8

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

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote **SB 12-H** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—2

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

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote **SB 78-H** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

CS for SB 130-H—A bill to be entitled An act relating to higher education; creating the State University System equity accountability program; requiring the development of a plan by each state university; providing for the submission of reports; providing for administrative evaluations; creating pools of vacant positions to be used to reward managers who attain equity goals; requiring the establishment of a similar equity accountability program in the Community College System; establishing educational leadership enhancement grants; amending s. 240.1201, F.S.; adding certain persons to the classification of residents for tuition purposes; amending s. 240.2011, F.S.; revising the State University System to include the two partner campuses of Florida Atlantic University; amending s. 240.528, F.S., relating to the Broward County branch of Florida Atlantic University; adding references to and requirements for Florida Atlantic University, Boca Raton; amending s. 240.213, F.S.; revising provisions relating to a Board of Regents self-insurance program; amending s. 240.277, F.S.; revising provisions relating to certain expenditures and moneys received by universities; providing an effective date.

—was read the second time by title.

Senator Weinstock moved the following amendment which failed:

Amendment 1—On page 9, line 19 through page 12, line 28, strike all said lines

Senator Crotty moved the following amendment which failed:

Amendment 2 (with Title Amendment)—On page 13, between lines 27 and 28, insert:

Section 9. Paragraph (d) of subsection (7) of section 240.551, Florida Statutes, as amended by section 1 of chapter 92-124, Laws of Florida, is amended, and paragraph (e) is added to that subsection, to read:

240.551 Florida Prepaid Postsecondary Education Expense Program.—

(7) At a minimum, the board shall make advance payment contracts available for three independent plans to be known as the community college plan, the university plan, and the dormitory residence plan, respectively.

(d) A qualified beneficiary may apply a community college plan, university plan, or dormitory residence plan toward any eligible independent college or university. An independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Commission of the Association of Independent Colleges and Schools, and which confers degrees as defined in s. 246.021 shall be eligible for such application. ~~In order to be eligible for participation in the dormitory residence plan, an eligible independent college or university shall provide written certification to the board that it complies with the provisions of paragraph (e). The board shall transfer or cause to have transferred to the eligible independent college or university designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract plan within a state postsecondary institution. In the event that the cost of registration or housing fees at the independent college or university is less than the corresponding fees at a state postsecondary institution, the amount transferred shall not exceed the actual cost of registration or housing fees. No transfer authorized pursuant to this paragraph shall exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary.~~

(e) A qualified beneficiary may apply the benefits of an advanced payment contract toward tuition at an eligible out-of-state college or university. An out-of-state college or university which is not for profit, is accredited by a regional accrediting association, and confers baccalaureate degrees shall be eligible for such application. The board shall transfer, or cause to have transferred, an amount not to exceed the redemption value of the advance payment contract, after assessment of a reasonable transfer fee. In the event that the cost of a semester's tuition charge for the qualified beneficiary at the eligible out-of-state college or university is less than the redemption value of the advance payment contract, the amount transferred shall not exceed the actual cost of registration. Any remaining amount shall be transferred in subsequent semesters until the redemption value is depleted.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 27, after the semicolon (;) insert: amending s. 240.551, F.S.; revising provisions relating to the Florida Prepaid Postsecondary Education Expense Program;

On motion by Senator Kirkpatrick, by two-thirds vote **CS for SB 130-H** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

MOTION TO RECONSIDER

Senator Thurman moved that the Senate reconsider the vote by which **CS for SB 130-H** passed this day. The motion failed.

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

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Grant and adopted:

Amendment 1—On page 6, strike all of lines 21-24 and insert:

(4) If a permit has been destroyed or lost, the

Senator Bruner moved the following amendments which failed:

Amendment 2—On page 5, strike all of lines 15-20 and insert: January 15, 1993, upon payment of a \$15 annual fee. The proceeds of the fee shall be

Amendment 3—On page 7, lines 20 and 27 and on page 8, lines 1 and 10, strike "\$500" and insert: \$100

The vote was:

Yeas—10 Nays—25

Amendment 4—On page 11, lines 20-26, strike all underlined language and insert: or s. 561.342(1) and (2). The Department of Business Regulation shall

On motion by Senator Grant, by two-thirds vote **SB 152-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—6

BILLS ON THIRD READING

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.

—was taken up pending roll call, having been reconsidered on June 11.

Senator Kirkpatrick moved the following amendment which failed:

Amendment 1—On page 1, lines 17-21, strike "60 percent of the statewide average weekly wage paid by employers as determined by the department based upon reports made to it by employers for the four calendar quarters ending each June 30, pursuant to s. 440.12" and insert: \$240

On motion by Senator Weinstein, **HB 157-H** was read the third time by title, and failed to pass. The vote was:

Yeas—18 Nays—18

RECONSIDERATION

Senator Kirkpatrick moved that the Senate reconsider the vote by which—

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.

—failed to pass. The motion was adopted. The vote was:

Yeas—20 Nays—17

Senators Kirkpatrick and Johnson offered the following amendment which was moved by Senator Kirkpatrick and adopted by two-thirds vote:

Amendment 2—On page 1, lines 17-21, strike "60 percent of the statewide average weekly wage paid by employers as determined by the department based upon reports made to it by employers for the four calendar quarters ending each June 30, pursuant to s. 440.12" and strike all of section 2 of the bill and renumber subsequent section and insert: \$240

The vote was:

Yeas—24 Nays—11

On motion by Senator Kirkpatrick, by two-thirds vote **HB 157-H** as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—24 Nays—13

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, June 16, 1992: **HB 297-H**, **SB 12-H**, **SB 78-H**, **CS for SB 130-H**, **SB 152-H**

Respectfully submitted,
Pat Thomas, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Tuesday, June 16, 1992: **SB 214-H**, **HB 153-H**, **HB 81-H**, **HB 13-H**

Respectfully submitted,
Pat Thomas, Chairman

The Committee on Finance, Taxation and Claims recommends the following pass: **CS for HB 257-H**

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

The Committee on Finance, Taxation and Claims recommends the following pass: **SB 176-H** with 1 amendment

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

The Committee on Finance, Taxation and Claims recommends the following pass: **HB 297-H**, **SB 12-H**, **SB 78-H**

The bills were placed on the calendar.

The Committee on Finance, Taxation and Claims recommends the following not pass: **HB 225-H**

The Committee on Judiciary recommends the following not pass: **CS for SB 110-H**

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

The Committee on Commerce recommends a committee substitute for the following: **SB 208-H**

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: **SB 178-H**

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: **CS for SB 82-H**

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

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: **SB 88-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 Forman - Motor Vehicle Inspection

By Senator Davis - Resolution/Race Unity Day/June 14

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Meek—

SB 218-H—A bill to be entitled An act for the relief of Christopher King, Christopher King, Jr., a minor, and David King, a minor, for injuries they sustained through the failure of the Department of Health and Rehabilitative Services to provide appropriate services to the King family; providing an appropriation; providing an effective date.

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

By Senators Grant and Jenne—

SB 220-H—A bill to be entitled An act relating to life and health guaranty associations; amending s. 631.713, F.S.; removing an exception of certain annuities from coverage by the Florida Life and Health Insurance Guaranty Association; amending s. 631.714, F.S.; defining the term “court of competent jurisdiction” for purposes of pt. III of ch. 631, F.S.; amending s. 631.715, F.S., relating to the Florida Life and Health Insurance Guaranty Association; authorizing the board of directors to borrow between the association’s accounts for certain purposes if repaid annually; amending s. 631.717, F.S.; authorizing the association to assist and advise certain persons and to pay the costs of such activities from the health insurance account or the life insurance account at the discretion of the board; amending s. 631.718, F.S., relating to assessments; revising the methods of assessing the member insurers; deleting the cap on assessments for a member insurer; amending s. 631.719, F.S., relating to the premium or income tax credits for assessments paid; updating cross-references; providing an effective date.

—was referred to the Committee on Commerce.

SR 222-H was introduced out of order and adopted June 10.

By Senator Bankhead—

SB 224-H—A bill to be entitled An act relating to enterprise zones; amending s. 212.08, F.S.; revising qualifications for the sales tax exemptions for business property and electrical energy used in an enterprise zone; amending s. 220.182, F.S.; revising qualifications for the enterprise zone property tax credit; providing an effective date.

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

By Senator Forman—

SB 226-H—A bill to be entitled An act relating to public accountancy; amending s. 20.30, F.S.; creating a Division of Certified Public Accounting within the Department of Professional Regulation and transferring the Board of Accountancy to that division; amending s. 473.302, F.S.; defining the term “division,” for purposes of regulation of public accountancy; creating s. 473.3035, F.S.; providing duties of the Division of Certified Public Accounting; amending s. 473.304, F.S.; prescribing additional duties of the Board of Accountancy; creating s. 473.3045, F.S.; prescribing powers of the board with respect to adoption of bylaws and rules; providing effective dates.

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

By Senator Forman—

SB 228-H—A bill to be entitled An act relating to the Department of Transportation; adopting the performance and productivity standards, measures, and goals adopted by the Florida Transportation Commission for evaluating the performance of the Department of Transportation; providing for reports by specified entities; recommending modifications to the standards, measures, and goals so adopted; amending s. 334.045, F.S.; postponing the date when annual evaluations of the department’s performance and productivity will commence under that section; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Girardeau—

SR 230-H—A resolution honoring Dr. Leonard H. O. Spearman, native of Tallahassee and graduate of Florida Agricultural and Mechanical University, who is the United States Ambassador to Lesotho.

—was referred to the Committee on Rules and Calendar.

By Senator Girardeau—

SR 232-H—A resolution honoring Dr. Walter L. Smith for developing a community college system for the Republic of South Africa and for his many other accomplishments.

—was referred to the Committee on Rules and Calendar.

By Senator Childers—

SCR 234-H—A concurrent resolution supporting the location of a Department of Defense Finance and Accounting Service Center within the State of Florida.

—was referred to the Committee on Rules and Calendar.

SR 236-H was introduced out of order and adopted June 11.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Judiciary; Health and Rehabilitative Services; and Senators Dantzler, Dudley and Bankhead—

CS for CS for SB 82-H—A bill to be entitled An act relating to juvenile offenders; requiring the Department of Health and Rehabilitative Services to review and evaluate standards and procedures for assessment and treatment services for certain juvenile offenders and to make recommendations with respect thereto; amending s. 39.022, F.S.; revising the jurisdiction of the court to provide for the enforcement of restitution orders issued against juveniles; amending s. 39.044, F.S.; amending detention criteria, and reenacting ss. 39.037(1), 39.042(3)(b), 39.049(5), 39.064(1), 39.402(4), F.S., relating to taking a child into custody, use of detention, process and service, detention of escaped child, and placement in a shelter, to incorporate said amendment in references thereto; amending s. 39.038, F.S.; requiring the child to join in the release agreement; amending s. 39.047, F.S.; amending the responsibilities of the case manager; creating s. 39.0445, F.S.; providing for placement of juvenile domestic violence offenders; amending s. 39.054, F.S.; revising powers of disposition; amending ss. 960.001, 960.002, 960.003, 960.01, 960.02, 960.03, 960.07, 960.17, 960.20, 960.28, F.S., relating to victim assistance, to provide that victims and witnesses in juvenile delinquency cases have the same rights as those afforded to victims and witnesses in adult criminal cases; providing for the removal of the disabilities of nonage for certain minors; creating s. 39.0215, F.S.; providing for administering county and municipal juvenile delinquency programs and facilities, including secure detention facilities; providing for transfers of children; providing for payment of children performing services in work programs; requiring that county and municipal programs comport with state law and department rules and coordinate with other services; requiring quarterly inspections and evaluations by the department; requiring a monitoring fee; ensuring the training of personnel; providing enforcement powers to the Department of Health and Rehabilitative Services; amending s. 39.057, F.S.; authorizing county and municipal boot camps; providing for enforcement, including injunctive relief and proceedings to terminate facility operation; amending s. 39.01, F.S.; defining restrictiveness and risk levels of programs for committed children; amending s. 39.061, F.S.; revising provisions relating to escape from juvenile facilities to conform to amendments made to s. 39.01, F.S.; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senator Jenne—

CS for SB 88-H—A bill to be entitled An act relating to taxation; amending s. 125.0104, F.S.; providing for the payment of interest on local option tourist development taxes remitted to the Department of Revenue; requiring state and local governmental entities administering specified local option taxes to make certain reports regarding the amounts and purposes for which moneys are withheld from tax proceeds; providing for expiration; amending s. 154.235, F.S.; providing authority to health facilities to refund outstanding debt obligations; amending s. 193.023, F.S.; requiring the property appraiser to use sales data as the primary measure

of just valuation in specified circumstances; amending s. 193.085, F.S.; providing venue for actions challenging assessed value of certain railroad property; amending s. 193.1142, F.S.; requiring the department to use sales data in determining if assessment rolls meet requirements of law; amending s. 195.096, F.S.; requiring the Division of Ad Valorem Tax of the Department of Revenue to use sales data in conducting in-depth reviews of assessment rolls; requiring property appraisers to report real estate transfers to the Division of Ad Valorem Tax with specified information; requiring the property appraiser to submit information as to disqualified transactions to the Division of Ad Valorem Tax; requiring the Department of Revenue to develop a methodology for using sales data and develop a plan to implement such methodology; requiring recommendations to be included for the reallocation of resources; amending s. 199.062, F.S.; revising certain reporting requirements for security dealers and investment advisers; amending s. 199.282, F.S.; clarifying penalties with respect to intangible personal property taxes; expanding penalties for security dealers and investment advisers; creating s. 199.106, F.S.; providing credits against the annual tax on certain intangible personal property in the amount of any like tax paid on such property in another state or territory or the District of Columbia; providing for retroactive application; creating s. 199.303, F.S.; providing legislative intent regarding application of such taxes and severability; amending s. 201.022, F.S.; requiring the clerk of the circuit court to execute and file the returns required as a condition precedent to recording any deed transferring an interest in real property under certain circumstances; providing for compensation; amending s. 212.0515, F.S.; revising reporting requirements for vending machine operators and persons who sell food and beverages to vending machine operators; revising the method for calculating the tax for certain beverages; amending s. 213.053, F.S.; authorizing the Department of Revenue to disclose certain confidential information to specified persons; creating s. 213.0535, F.S.; establishing the Registration Information Sharing and Exchange Program, requiring certain local governments and state agencies to share specified tax and licensing information; providing duties of the department; providing for application of confidentiality and penalty provisions; providing an exemption from public records requirements; providing for future legislative review of this exemption under the Open Government Sunset Review Act; restricting use of such information; amending s. 213.27, F.S.; allowing the Department of Revenue to contract with a collection agency to collect taxes due; removing the requirement that taxpayers be notified by certified mail and replacing with regular mail; amending s. 216.262, F.S.; providing an additional condition under which the Administration Commission may authorize an increase in the number of positions beyond those provided in the appropriations acts; delaying the repeal of ss. 550.2635, 550.26355, F.S., relating to the Breeders' Cup Meet; amending s. 561.025, F.S.; providing for the deposit of proceeds of the surtax on beverage license fees into the Alcoholic Beverage and Tobacco Trust Fund; amending s. 561.342, F.S.; providing for deduction of a service charge from county and municipal beverage license tax revenues; amending ss. 563.02, 564.02, 565.02, F.S.; increasing the license fees for vendors of alcoholic beverages sold for consumption on the premises; increasing the license fees for certain clubs and pari-mutuel facilities; amending ss. 563.025, 564.025, F.S.; increasing the surtax imposed on license fees for vendors of certain alcoholic beverages and wines; creating s. 565.025, F.S.; imposing a surtax on the license fees of vendors of alcoholic beverages licensed under ch. 565, F.S., including certain clubs and pari-mutuel facilities; amending s. 624.5092, F.S.; providing for minimum estimated insurance premium tax payments; providing for retroactive effect; amending s. 212.02, F.S.; providing definitions applicable to the tax on services; specifying conditions under which the sale of a service is a sale for resale; specifying those activities included within the meaning of the terms "services" and "personal services"; amending s. 212.03, F.S.; conforming a cross-reference to changes made by the act; amending s. 212.04, F.S.; providing for exemptions for government-owned zoos; exempting pay telephone service from 911 assessment fees; amending s. 212.05, F.S.; revising the rate of the tax imposed on the charges for the use of coin-operated amusement machines; revising requirements for the notice affixed to coin-operated amusement machines; requiring that an identifying device issued by the department or county tax collector be affixed to each amusement machine; imposing an annual fee for such devices; providing additional reporting requirements; imposing a tax on the sale, use, consumption, or storage of certain coins and currency; imposing a tax on the sale of personal services within the state; amending ss. 381.0071, 500.1465, 509.032, F.S., and creating s. 561.1105, F.S.; requiring the Department of Health and Rehabilitative Services, the Department of Agriculture and Consumer Services, the Division of Hotels and Restaurants of the Department of Business Regulation, and the Division of Alcoholic Beverages and Tobacco of the

Department of Business Regulation, in performing inspection duties, to inspect coin-operated amusement machines for compliance with s. 212.05(1)(j), F.S.; requiring that violations be reported to the Department of Revenue; amending s. 212.054, F.S.; specifying circumstances under which certain taxable transactions occur in a county; amending s. 212.055, F.S.; extending the authority of a county to levy the local government infrastructure sales surtax for an additional period, contingent on the rejection of a specified constitutional amendment; deleting a repeal date for the indigent care surtax for some counties; repealing s. 3 of ch. 91-81, Laws of Florida; abrogating a repeal of s. 212.055(3), (4), F.S.; creating s. 212.056, F.S.; providing requirements for collecting and remitting the sales and use tax on services; requiring multistate purchasers that self-accrue the tax to file an annual supplementary tax return; providing for apportionment of the tax on transportation and courier services; requiring applicants for certain licenses or permits to attest that applicable use taxes have been paid; creating s. 212.0561, F.S.; providing rules of construction with respect to the sales and use tax on services; creating s. 212.0562, F.S.; providing exemptions from the tax; creating s. 212.0563, F.S.; providing for administration of the exemption for services sold in this state for use outside this state; providing for exempt purchase permits and affidavits; requiring dealers to maintain monthly logs; providing a penalty; providing for refunds; amending ss. 212.0598, 212.06, 212.07, 212.12, 212.21, F.S., relating to discretionary sales surtaxes, special provisions relating to air carriers, dealers and collection of tax, penalties for violation, enforcement, and intent regarding exemptions, to include the tax on services; requiring taxpayers to report sales made through coin-operated amusement machines and other information; amending s. 212.08, F.S.; revising the tax exemption provided for certain uses of water; including the sale of services in the exemption for churches; 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; amending s. 212.183, F.S.; authorizing the Department of Revenue to provide by rule for self-accrual of tax for purchasers of services; amending s. 212.20, F.S.; revising distribution of sales tax proceeds; amending ss. 212.61, 203.01, 790.0655, F.S.; conforming cross-references to changes made by the act; providing for emergency rules; specifying administrative provisions applicable to other implementing rules; exempting the department from provisions regulating the procurement of property and services for a specified period; providing an appropriation; amending s. 220.02, F.S.; revising legislative intent with respect to corporate income tax; providing transitional provisions regarding estimated tax payments; revising the definition of "taxable income" as applied to certain corporations; providing a limitation on acquisitions that may be deemed property by Chapter S corporations after a specified date; providing for taxation of all income realized by Chapter S corporations after a specified date; providing transitional provisions regarding estimated tax payments; amending s. 199.032, F.S.; increasing the rate of the annual intangible personal property tax; amending s. 199.185, F.S.; revising the amount of exemptions from the annual intangible personal property tax and providing an exemption for banks and savings associations; amending s. 199.292, F.S.; revising the disposition of intangible personal property taxes; repealing s. 199.104, F.S., which provides a credit against the annual tax for banks and savings associations; repealing s. 220.68, F.S., relating to the credit against the franchise tax; providing effective dates.

By the Committee on Finance, Taxation and Claims; and Senator Forman—

CS for SB 178-H—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.025, F.S.; providing for the deposit of proceeds of the surtax on beverage license fees into the Alcoholic Beverage and Tobacco Trust Fund; amending ss. 563.02, 564.02, 565.02, F.S.; increasing the license fees for vendors of alcoholic beverages sold for consumption on the premises; increasing the license fees for certain clubs and pari-mutuel facilities; providing for the disposition of increased license fees; amending ss. 563.025, 564.025, F.S.; increasing the surtax imposed on license fees for vendors of certain alcoholic beverages and wines; creating s. 565.025, F.S.; imposing a surtax on the license fees of vendors of alcoholic beverages licensed under ch. 565, F.S., including certain clubs and pari-mutuel facilities; providing an effective date.

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

CS for SB 196-H—A bill to be entitled An act relating to tourism; providing legislative intent; providing definitions; creating the Florida Commission on Tourism; providing purposes; providing for membership

and terms; providing powers and duties; providing for the creation of a program to provide an incentive for and recognize those entities voluntarily contributing significant resources to the Tourism Promotion Investment Trust Fund; providing for trade secrets; providing confidentiality of certain information; providing for deposit of such contributions into the Tourism Promotion Investment Trust Fund; creating the Tourism Promotion Investment Trust Fund; amending s. 215.22, F.S.; exempting the Tourism Promotion Investment Trust Fund from the General Revenue Fund service charge; requiring the Florida Commission on Tourism to establish the Tourism Promotion Investment Corporation; providing criteria; providing for use of commission property by the corporation; providing for a board of directors; providing for audits; amending ss. 212.0606, 288.121, 288.8032, 288.805, 288.809, 288.810, 288.811, 288.822, 288.825, 288.826, F.S.; clarifying and conforming provisions related to tourism; repealing s. 288.821, F.S., relating to the Florida International Tourism Promotion Council; specifying funding for the division and for the commission; providing effective dates.

By the Committee on Commerce—

CS for SB 208-H—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 20.16, F.S.; providing for a general counsel for the Florida Pari-mutuel Commission and providing for duties and compensation; saving from repeal s. 20.16(4), F.S., relating to the commission; creating s. 550.001, F.S.; providing a short title; creating s. 550.002, F.S.; providing definitions; creating s. 550.003, F.S.; providing for validating existing permits; amending s. 550.012, F.S.; providing for restoration of lost performances; amending s. 550.0121, F.S.; authorizing the Florida Pari-mutuel Commission to approve, reallocate, or reassign performance dates; providing additional operating days; removing restrictions on the number of matinee performances that may be conducted by Summersport Jai Alai; providing for quarter horse racing throughout the year; providing that any permitted facility may be used for the conduct of concerts, trade shows, expositions, conventions, flea markets, charitable events, and similar activities in addition to the conduct of pari-mutuel wagering; providing for conversion of a greyhound permit to a jai alai permit; amending s. 550.02, F.S.; providing powers and duties of the Division of Pari-mutuel Wagering of the Department of Business Regulation; creating s. 550.022, F.S., restricting financing arrangements by pari-mutuel permitholders; amending s. 550.03, F.S.; providing for "hound dog derbies" or "mutt derbies"; amending s. 550.042, F.S.; authorizing minors to attend and be employed at pari-mutuel performances under specified conditions; amending s. 550.05, F.S.; providing procedures for obtaining pari-mutuel operation permits; providing for contents of a permit application; providing duties of the Division of Pari-mutuel Wagering; amending s. 550.06, F.S.; providing technical changes; amending s. 550.09, F.S.; providing for fees and taxes; amending s. 550.10, F.S.; providing for taxes in lieu of other taxes; amending s. 550.115, F.S.; expanding the number of persons covered by the relief fund; amending s. 550.12, F.S.; providing bond requirements; providing for annual review of permitholders' records; amending s. 550.13, F.S.; providing for payment of racing funds to district school boards; amending s. 550.16, F.S.; providing limitation on takeout; amending s. 550.162, F.S.; providing technical and conforming language and prescribing purse allowances; transferring and amending s. 551.1535, F.S., providing for Jai Alai Tournament of Champions Meet; amending ss. 550.164, 550.24, F.S.; providing conforming language; amending s. 550.2405, F.S.; providing for inadmissibility in criminal proceedings of certain evidence of tests or actions taken by stewards, judges, or the division; reenacting and amending s. 550.241, F.S.; specifying circumstances under which racing animal drug test results are to be disclosed; providing limited confidentiality for test results; providing for future review and repeal of related public records law exemptions; regulating the medication of racing animals and prohibiting the use of drugs in racing animals under certain circumstances; providing procedures for obtaining and testing split samples of blood or urine; providing legislative intent that greyhound racing animals be treated humanely; providing for procedures for euthanizing greyhounds; providing for the establishment of adoption facilities under certain circumstances; creating s. 550.2614, F.S.; requiring thoroughbred horseracing permitholders to deduct a certain percentage of purses to be paid to a horsemen's association representing the majority of thoroughbred racehorse owners and trainers; authorizing the division to adopt rules; amending s. 550.2616, F.S.; providing sources of funds for breeders' awards; amending s. 550.262, F.S.; providing for certain funds to be withheld from purse pools; specifying the purposes for which such funds are to be used; providing for payment of breeders' and owners' awards under certain circumstances; providing technical changes; amending s. 550.28, F.S.; providing technical changes; amending s. 550.33, F.S.; removing authority to conduct quarter horse

racers; removing a prohibition against specified intertrack wagering by quarter horse permitholders; amending s. 550.35, F.S.; providing that wagers accepted by out-of-state pari-mutuel permitholders on a broadcasted race may be included in the track's pari-mutuel pool; authorizing the division to facilitate commingling of pari-mutuel pools; amending s. 550.37, F.S.; revising legislative findings; providing for operation of certain harness tracks; amending s. 550.50, F.S.; providing clarifying language; amending s. 550.52, F.S.; providing a schedule of racing dates for certain permitholders; providing additional operating days; providing operating conditions for licensed thoroughbred permitholders; amending s. 550.61, F.S.; specifying times during which specified facilities may conduct intertrack wagering, restricting the conduct of intertrack wagering in certain counties; amending s. 550.62, F.S.; providing for optional payments to the Florida Owners' Awards program; amending s. 550.63, F.S.; providing a formula for distribution of intertrack wagering proceeds from out-of-state simulcast races; providing for thoroughbred purse money to be paid to certain permitholders under certain circumstances; amending s. 550.633, F.S.; providing that the surcharge collected by a guest track accepting intertrack wagers must be calculated after breakage is taken out; amending s. 550.65, F.S.; providing for backside medical and health benefits; specifying amount of total handle that may be paid to a corporation to provide such benefits and specifying corporations eligible to provide such benefits; creating the Workers' Compensation Fund for Jockeys Study Commission; prescribing its membership and duties; creating s. 550.70, F.S.; requiring chief court judges at certain jai alai games; providing time for ratifying jai alai permits; allowing amateur jai alai contests; amending ss. 772.102, 895.02, F.S.; providing funding for certain research programs, providing conforming provisions; providing for the repeal of specified provisions in chs. 550, 551, F.S., relating to pari-mutuel wagering and jai alai; providing applicability; providing retroactivity; providing an effective date.

ROLL CALLS ON SENATE BILLS

SB 12-H

Yeas—34

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

Nays—2

Bruner Langley

SB 78-H

Yeas—36

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

Nays—None

CS for SB 130-H

Yeas—37

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

Nays—1

Weinstock

SB 152-H—Amendment 3

Yeas—10

Beard	Davis	Kurth	Scott
Bruner	Girardeau	McKay	
Dantzler	Grizzle	Meek	

Nays—25

Madam President	Gardner	Langley	Weinstein
Bankhead	Grant	Malchon	Weinstock
Casas	Jenne	Myers	Wexler
Childers	Jennings	Plummer	Yancey
Crotty	Johnson	Souto	
Diaz-Balart	Kirkpatrick	Thomas	
Forman	Kiser	Thurman	

SB 152-H

Yeas—31

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

Nays—6

Bankhead	Bruner	Girardeau
Beard	Davis	Grizzle

ROLL CALLS ON HOUSE BILLS

HB 157-H

Yeas—18

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

Nays—18

Bankhead	Crotty	Johnson	Myers
Beard	Dantzler	Kirkpatrick	Plummer
Bruner	Grant	Kiser	Scott
Burt	Grizzle	Langley	
Crenshaw	Jennings	McKay	

**HB 157-H
Motion to Reconsider**

Yeas—20

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

Nays—17

Bankhead	Crotty	Johnson	Plummer
Beard	Dantzler	Kiser	Scott
Bruner	Grant	Langley	
Burt	Grizzle	McKay	
Crenshaw	Jennings	Myers	

HB 157-H—Amendment 2

Yeas—24

Madam President	Diaz-Balart	Johnson	Scott
Beard	Forman	Kirkpatrick	Souto
Burt	Gardner	Kurth	Thurman
Casas	Girardeau	Malchon	Weinstein
Dantzler	Grant	Meek	Wexler
Davis	Jenne	Myers	Yancey

Nays—11

Bankhead	Grizzle	Langley	Thomas
Bruner	Jennings	McKay	Weinstock
Crenshaw	Kiser	Plummer	

Vote after roll call:

Nay to Yea—Thomas

HB 157-H—After Reconsideration

Yeas—24

Madam President	Diaz-Balart	Kirkpatrick	Thomas
Beard	Forman	Kurth	Thurman
Casas	Gardner	Malchon	Weinstein
Childers	Girardeau	Meek	Weinstock
Dantzler	Grant	Scott	Wexler
Davis	Jenne	Souto	Yancey

Nays—13

Bankhead	Crotty	Kiser	Plummer
Bruner	Grizzle	Langley	
Burt	Jennings	McKay	
Crenshaw	Johnson	Myers	

HB 297-H

Yeas—30

Madam President	Davis	Kirkpatrick	Thomas
Beard	Diaz-Balart	Kiser	Thurman
Burt	Forman	Kurth	Walker
Casas	Gardner	Malchon	Weinstein
Childers	Girardeau	McKay	Weinstock
Crenshaw	Grizzle	Meek	Wexler
Crotty	Jenne	Scott	
Dantzler	Jennings	Souto	

Nays—8

Bankhead	Grant	Langley	Plummer
Bruner	Johnson	Myers	Yancey

ROLL CALL ON LOCAL BILLS

The following roll call was taken on **SB 214-H; House Bills 153-H, 81-H and 13-H** which passed this day:

Yeas—30

Madam President	Forman	Langley	Thomas
Bankhead	Grant	Malchon	Thurman
Beard	Grizzle	McKay	Walker
Bruner	Jennings	Meek	Weinstein
Burt	Johnson	Myers	Weinstock
Childers	Kirkpatrick	Plummer	Yancey
Dantzler	Kiser	Scott	
Davis	Kurth	Souto	

Nays—None

Vote after roll call:

Yea—Wexler

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 11 was corrected and approved.

CO-SPONSORS

Senator Margolis—SB 130-H; Senator Weinstein—SB 202-H

RECESS

On motion by Senator Thomas, the Senate recessed at 4:00 p.m. to reconvene at 10:00 a.m., Wednesday, June 17 or upon call of the President.