

FLORIDA LEGISLATURE

1988
SUMMARY
OF GENERAL
LEGISLATION

Regular Session April 5 - June 7
Special Session 'F' June 8

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MEMORANDUM

TO: Legislators and Legislative Staff

FROM: Senator Ander Crenshaw
Chairman
Joint Legislative Management Committee

DATE: September 14, 1988

RE: Summary of General Legislation 1988

I am pleased to furnish you the Summary of General Legislation 1988, prepared under the supervision and coordination of the Division of Legislative Library Services with the assistance of members of the Senate and House Committee Staff.

The information in these articles is presented to reflect the principal areas of legislative concern during the session.

JOHN W. VOGT
President



JON MILLS
Speaker



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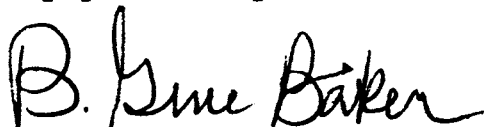
FOREWORD

This SUMMARY OF GENERAL LEGISLATION highlights, within broad subject areas, the general laws enacted during the 1988 Regular Extended Session of April 5 to June 7, 1988, and the "F" Special Session of June 8, 1988.

Major legislative efforts during the 1988 Regular Session addresses: AIDS and HIV education programs, delinquency prevention, a constitutionally authorized Taxation and Budget Reform Commission, insurance requirements for motorists, solid waste management and the provision of housing for low-income and homeless persons. The one-day-special session enacted general appropriations for fiscal year 1988-89, which had been debated throughout the regular session, that provided \$21.219 billion--a 15.8 percent increase over the preceding year.

Those offices and committees which initially prepared the articles are identified respectively with each article. This Division is responsible for the final editing and organization of the material. Staff comments and cross-references are enclosed in brackets. In preparing the subject index to this SUMMARY this office adapted the index prepared by the Legislative Information Division.

The Legislative Library wishes to thank the personnel from the Legislative Systems, Data Processing Division, and the Legislative Information Division for making possible the utilization of the Legislative computer in the preparation of the SUMMARY text which for the first time is electronically photo composed.


B. Gene Baker

BGB:am



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AGRICULTURE*

The 1988 Legislature passed a variety of legislation affecting agriculture. A summary of all bills heard and subsequently passed by the Legislature follows. These laws are generally listed in order of significance.

Aquaculture

HOUSE BILL 1471 (CHAPTER 88-377) amends Section 258.42, F.S., to provide a meaningful declaration in establishing aquaculture as an activity which could be approved in the state's aquatic preserves. Three specific criteria are established statutorily to guide the Department of Natural Resources when making a decision as to whether a project is presumed to be in the public interest.

The Department of Agriculture and Consumer Services is directed to provide staff for the Aquaculture Interagency Coordinating Council. The requirement that only the chairman of the Florida Aquaculture Association be appointed to the Aquaculture Review Council is deleted and replaced with the appointment of an aquaculture industry representative at large. The act also creates staggered appointment terms of four, three, two, and one year for Council members. It requires the Council to meet at least annually and hold a joint annual meeting with the Aquaculture Interagency Coordinating Council. The act requires the Council secretary to keep records and make such records available to its members. It further adds a primary responsibility to the Review Council's mission of implementing and revising the State Aquaculture Plan.

The Aquaculture Interagency Coordinating Board is renamed from a "board" to a "council." [This conforms to Subsection 20.03(9), F.S., relating to definitions of advisory bodies.] The Coordinating Council's membership is expanded by adding a member of the Florida Sea Grant Program and a member of the Institute of Food and Agricultural Sciences (IFAS). The act specifies that the vice president for Academic Affairs, or his designee, represent IFAS. The Commissioner of Agriculture, or his designee, serves as the Coordinating Council's chairman. Section 597.006, F.S., is amended to establish meeting times, quorums, purpose and responsibilities of the Coordinating Council. Specifically, the Coordinating Council's purpose is to foster interagency cooperation in the state's aquaculture efforts. In carrying out this purpose, the Coordinating Council shall:

- 1) serve as a forum to discuss and study governmental regulations relating to aquaculture;
- 2) formulate solutions and recommend policy alternatives to facilitate the implementation and revision of the state aquaculture plan;
- 3) establish and maintain effective links between agencies, the Aquaculture Review Council, and service and extension programs; and
- 4) submit an annual report to the Legislature, the Governor, and each state agency head represented on the

Coordinating Council describing all actions and recommendations made to the Commissioner of Agriculture and the Aquaculture Review Council.

An October 1993 Sundown (Section 11.611, F.S.) future repeal date for the Aquaculture Review Council and for the Aquaculture Interagency Coordinating Council is provided. The act takes effect on October 1, 1988.

Submerged Land Leases

SENATE BILL 1075 (CHAPTER 88-207) amends Chapter 253, F.S., relating to submerged land leased for aquacultural purposes.

[The Department of Natural Resources requested the House Agriculture Committee to seek statutory authority to alleviate the Joint Administrative Procedures Committee's concerns which were:

- 1) Legislation to explicitly allow shell fish leasing through Section 253.67, F.S.;
- 2) Legislation to defer the survey requirement until after approval of the lease; and
- 3) Legislation to waive the surety bond requirement and to substitute alternatives.

This act includes these three recommendations.]

Additionally, an amendment was added to Section 258.42, F.S., which allows existing sea walls in aquatic preserves to be restored or replaced at their previous location or 18 inches waterward of their existing location.

[The passage of this act saves money for applicants of submerged lands leases by allowing the required survey to be accomplished after the lease is approved, instead of prior to the leasing. Additionally, applicants desiring to replace existing sea walls in aquatic preserves are spared the expense of removing the old sea wall prior to replacement.]

Viticulture

One of the provisions of COMMITTEE SUBSTITUTE FOR SENATE BILL 1326 (CHAPTER 88-308) establishes the Viticulture Trust Fund under the Department of Agriculture and Consumer Services. Until 1994, 50 percent of the revenues generated by the excise tax levied on Florida-grown and manufactured wine products will be deposited into the Viticulture Trust Fund. The moneys in this fund will be used to implement the State Viticulture Plan, promote viticulture products manufactured from grapes grown in the state and to provide grants for viticultural research. Other provisions of this law are summarized in the *BUSINESS REGULATION* article.

Plants - Quarantine and Protection

SENATE BILL 962 (CHAPTER 88-31) provides the Department of Agriculture and Consumer Services with the authority

*Prepared by House and Senate Agriculture Committees

to enter into compliance agreements, as defined in Subsection 581.011(6), F.S., with nurserymen resulting in reduced on-site inspection by the Department. [Presently, any nursery receiving or shipping citrus stock must have a Division of Plant Industry inspector physically verify that fumigation has been accomplished and an adequate paperwork chain exists to trace the nursery stock from point of origin to point of planting. These inspections cost the nurseryman and may be performed several times per week.] The compliance agreement guarantees that the nursery will meet all departmental regulations pertaining to nursery stock fumigation and paperwork and that the Department will randomly monitor the nursery for compliance. The act also introduces the definition of genetic engineering into the statute and provides that the Division of Plant Industry may regulate genetically engineered plants or plant organisms. Confidentiality of genetic products' records and data during registration is assured. This law takes effect on October 1, 1988.

Farmers Markets

HOUSE BILL 648 (CHAPTER 88-341) amends several provisions of Chapter 570, F.S. First, it grants the Department of Agriculture and Consumer Services statutory authority to enter into contracts with private persons for the renovation or construction of farmers' markets operated by the Bureau of State Markets. [This will allow for the construction and renovation of state-owned farmers' markets without the state investing any capital.] Second, it establishes the Market Improvements Working Capital Trust Fund under the Department of Agriculture and Consumer Services. Third, it provides an outline for an in-depth study of the farmers' markets operated by the Bureau of State Markets. [However, \$75,000 requested to conduct the study was not included in the 1988 Appropriations Act.]

There is language added to Section 570.07, F.S., authorizing the Department to receive and spend money donated by private persons to cover the costs of various promotional activities coordinated by the Division of Marketing.

Finally, there is clarifying language concerning the enforcement powers of the Division of Inspection's road guards. [This provision was necessary in order to ensure that road guards are empowered to enforce all laws relating to agricultural products.]

Citrus

COMMITTEE SUBSTITUTE FOR SENATE BILL 931 (CHAPTER 88-199) deals with funding for the canker eradication program and funding for the Department of Citrus' marketing and promotional activities.

The repeal of Section 581.193, F.S., which imposes an excise tax of 10-cents-per-plant on citrus nursery stock, is delayed one year, until July 1, 1989, and the excise tax of \$.001 on each standard-packed box of citrus fruit is also extended one year, until July 31, 1989. These taxes fund the Florida Citrus Canker Trust Fund. Also, Subsection 601.15(3), F.S., which contains the tables used to determine the rates for the

excise taxes which are imposed on each standard-packed box of citrus fruit placed into the primary channel of trade in Florida to fund the Florida Citrus Advertising Trust Fund, is revised, and the tax rates are increased. Section 601.151, F.S., which imposes an additional 1-cent tax on each box of citrus fruit for the advertising, merchandising, and sales promotion of fresh citrus fruit, is repealed.

Nonprofit Cooperative Associations

HOUSE BILL 331 (CHAPTER 88-34) amends Section 619.01, F.S., to statutorily authorize persons, as defined in Section 618.01, F.S., to enter into nonprofit cooperative export trading associations. [Government subsidized Central and South American forest products companies have been dominating the Caribbean markets because they are able to deliver volume, consistency, and variety. Authorizing Florida's forest products companies to coordinate market development, supply, and negotiating activities will help even the playing field.]

Forestry

HOUSE BILL 330 (CHAPTER 88-321) relates to the authority of the Division of Forestry. [Many of the Division's programs, such as the seedling tree nursery, the charging of fees for recreational use of state forest lands managed by the Division, and providing fire protection services on a request basis for a fee, had been in effect since the days of the old Florida Forest Service. With the state government reorganization of 1969, the Forest Service became the Division of Forestry and the programs continued, but authorization for them was never incorporated into law.] This act corrects that oversight. The act also repeals Chapter 379, F.S., relating to the Everglades Fire Control District. [With a statewide fire control program in effect, special districts are no longer needed and the language is obsolete.]

Florida Seed Law

HOUSE BILL 627 (CHAPTER 88-75) deals with the Florida Seed Law. The act renames the existing Seed Arbitration Council as the Seed Investigation and Conciliation Council, a name which more clearly reflects its function. Specific guidelines on how the Council shall conduct hearings and investigations are included, and Sundown language is added to require review of the Council every 10 years. Two new members of the Council are authorized, one representing the Florida Fruit and Vegetable Association and one representing the agriculture industry at large.

The labeling section of the law, Section 578.09, F.S., is amended to allow the use of more than one label per package and to require the mandatory labeling of seed containers with procedures for filing of seed complaints. Packages of less than 1,000 seeds would be exempt from this requirement. This act takes effect October 1, 1988.

Commercial Feed

COMMITTEE SUBSTITUTE FOR SENATE BILL 1091 (CHAPTER 88-210) provides authority for the Department of Agriculture and Consumer Services to impose administrative penalties for ingredient violations discovered under microscopic examination in commercial feed and feedstuffs and that proceeds from those penalties be deposited into the General Inspection Trust Fund. The act also deletes language requiring the Department to set tolerance levels by rule for ingredient violations discovered by microscopic examination. [The department determined that since feed microscopy is an inexact technique and obtaining consistently accurate findings was extremely difficult, it is not feasible to try and set tolerance levels.] Finally, the act allows the Department to assess administrative penalties, in addition to established penalties, for those manufacturers who consistently violate the provisions of the feed chapter. The effective date of the act is October 1, 1988.

Sundown Review (Section 11.611, F.S.)

SENATE BILL 1084 (CHAPTER 88-304) provides for a "special review" process of selected pesticides by the Department of Agriculture and Consumer Services. It transfers Subsection 487.043(1), F.S., to new Subsection (3) of Section 487.041, F.S., relating to the registration requirements of pesticides. It expands the Department's duties and powers to request certain information from the United States Environmental Protection Agency (EPA) and to review data from EPA on any pesticide. It deletes these same duties from the Pesticide Review Council. The act also broadens the Department's duties to provide summary information to the Pesticide Review Council regarding certain applications for pesticide registration and requires the Department to seek the review and comment of other agencies by memoranda of understanding or cooperative agreements. The act further transfers Subsection 487.043(4), F.S., to new Subsection (9) relating to the Department's authority to administer the pesticide law and to approve the registration of a pesticide. Authority is given to the Department in new Subsection 487.042(1), F.S., to classify a pesticide as a "restricted-use pesticide" under certain conditions.

The act clarifies the purpose of the Pesticide Review Council and designates it as the statewide forum for the coordination of pesticide-related activities. It removes the title of "state chemist," thus permitting the Department to appoint any scientific representative from the Department. The act provides for the staggering of terms of its members who have been ap-

pointed by the Governor, and modifies several of the Council's duties and powers, including requiring the Council to support legislative budget requests for funding of recommended studies and submitting an annual report to the Commissioner of Agriculture and the leadership of both branches of the Legislature.

The act repeals Section 487.043, F.S., relating to the review of data and testing for restricted-use pesticides, and reinstates, as amended, the Pesticide Review Council. The act has an effective date of October 1, 1988.

HOUSE BILL 633 (CHAPTER 88-55) authorizes the Florida Citrus Commission to appoint such advisory councils composed of industry representatives as the chairman deems appropriate, setting forth areas of council concern. The act amends Subsection 601.04(3), F.S., to divide the two subject matters so that in the future only the authority for creating advisory bodies will be subject to Sundown and not the election of the officers of the Florida Citrus Commission. The act further provides that Subsection 601.04(3), F.S., as amended, be reestablished for a ten-year period pursuant to the provisions of the Sundown Act.

HOUSE BILL 657 (CHAPTER 88-56) provides the authority for the Department of Citrus to appoint a committee when a marketing order is passed. Section 601.154, F.S., is amended to provide for a council in lieu of an administrative committee when a citrus marketing order is issued and provides for other organizational provisions to conform to Sundown criteria relating to a council. The act further provides that section 601.154, F.S., as amended, be reestablished for a ten-year period pursuant to the provisions of the Sundown Act.

HOUSE BILL 730 (CHAPTER 88-124) repeals the existing Quarter Horse Advisory Council under Subsection 550.265(3), F.S., on the premise that it no longer adequately meets the criteria under the regulatory Sundown Act. Chapter 550, F.S., relates to horseracing and dogracing and is regulated by the Department of Business Regulation.

The act creates a new advisory council, the Racing Quarter Horse Advisory Council, to address issues and problems facing quarter horse racing in the state and to advise the Commissioner of Agriculture concerning the promotion of owning and breeding racing quarter horses in Florida. The Council is created under Chapter 570, F.S., relating to the Department of Agriculture and Consumer Services. The Council is scheduled for future review and repeal on October 1, 1997.

The effective date of all these Sundown laws is October 1, 1988.

APPROPRIATIONS*

The Legislature found it necessary to meet in a brief special session, designated "F," held June 8, 1988, to enact general appropriations for fiscal year 1988-89. SENATE BILL 1-F (CHAPTER 88-555), the General Appropriations Act; SENATE BILL 2-F (CHAPTER 88-556) implementing the provisions of the Act; and SENATE BILL 3-F (CHAPTER 88-557) conforming the statutes to the Act represent the "spending package" for the year ending June 30, 1989. Authorized expenditures for the period total \$21.219 billion after deducting \$12 million in contingency and reserve items and \$150.2 million in gubernatorial vetoes, an increase of 15.8 percent over the previous year.

All educational spending for 1988-89 accounts for 34.7 per-

cent of total legislative appropriations: K-12, 25.7 percent; universities 6.3 percent; and community colleges 2.7 percent. Health and rehabilitative services is the next largest allocation at 25.5 percent followed by general government representing 21.9 percent. Criminal justice and transportation account for 6.8 percent and 4.1 percent of allocations, respectively. Thus, these five functions require 93 percent of appropriated operational funding for the state.

The following pages have been extracted from the annual publication *Fiscal Analysis in Brief*, a joint publication of the Senate and House Appropriation Committees, and are offered as a general overview of Florida governmental spending for the next fiscal year.

*Prepared by Legislative Library Services

SUMMARY OF 1988-89
TOTAL EFFECTIVE APPROPRIATIONS
(Millions of Dollars)

| <u>GENERAL APPROPRIATIONS ACT</u> | <u>GENERAL REVENUE FUND</u> | <u>INFRASTRUCTURE FUND</u> | <u>LOTTERY FUND</u> | <u>OTHER TRUST FUNDS</u> | <u>TOTAL FUNDS</u> |
|--|---------------------------------|--------------------------------|-------------------------|------------------------------|------------------------|
| <u>Operations (Sections 01 & 06):</u> | | | | | |
| Education | | | | | |
| Public Schools | 4,003.5 | - | 250.1 | 522.0 | 4,775.6 |
| Universities | 959.1 | - | 22.2 | 203.9 | 1,185.2 |
| Community Colleges | 462.9 | - | 38.1 | - | 501.0 |
| All Other Education | 142.5 | 255.2 | 18.8 | 206.0 | 622.5 |
| HRS | 2,191.5 | 6.0 | - | 2,533.5 | 4,731.0 |
| Transportation | - | .2 | - | 754.3 | 754.6 |
| General Government | 408.7 | 66.6 | - | 3,584.1 | 4,059.3 |
| Criminal Justice | 1,106.1 | - | - | 152.3 | 1,258.4 |
| Natural Resources & Environmental Regulation | 96.8 | 28.7 | - | 340.3 | 465.8 |
| Salary Increases & Fringe Benefits | 139.9 | - | - | 56.3 | 196.2 |
| <u>Fixed Capital Outlay</u> <u>(Sections 02,03,04,05,07):</u> | 23.4 | 145.6 | - | 2,512.5 | 2,681.5 |
| Total General Appropriations Act | 9,534.5 | 502.3 | 329.2 | 10,865.2 | 21,231.2 |
| Special Appropriations Bills & Claims Bills | 8.8 | - | - | 141.4 | 150.2 |
| Total Appropriations | 9,543.3 | 502.3 | 329.2 | 11,006.6 | 21,381.4 |
| Less: | | | | | |
| Contingent and Reserve Items | 1.6 | - | - | 10.4 | 12.0 |
| Vetoed Items (See Veto List on Page 139) | 33.0 | 16.2 | 1.5 | 99.5 | 150.2 |
| Total Effective Appropriations | 9,508.7 | 486.1 | 327.7 | 10,896.7 | 21,219.2 |

SENATE BILL 1-F
VETOED APPROPRIATIONS
1988-89

| ITEM NO. ----- | ITEM ----- | POSITIONS ----- | GENERAL REVENUE RECURRING NON-RECURRING ----- | LOTTERY ----- | INFRASTRUCTURE ----- | TRUST ----- |
|--------------------|--|--------------------|---|------------------|-------------------------|----------------|
| Section 1 ----- | | | | | | |
| 1A | Attorney General's Staff Pay Adjustment | 6 | 340,224 | | | 44,744 |
| 50A | Sales and Use Tax Revision Positions | | 364,757 | | | |
| 59 | Water Hyacinth Study-Cattle Feed | | | 115,000 | | |
| 59 | Water Hyacinth Study-Rabbit Food | | | 162,000 | | |
| 118 | Blackwater River State Forest Road Maintenance | | | 500,000 | | |
| 211A | Trade and Convention Center | | | | 3,000,000 | |
| 211B | Industrial Park | | | | 150,000 | |
| 211C | Self-Help Program - University of Florida | | | 35,000 | | |
| 211D | Florida Institute for African and Caribbean Affairs - Florida A & M University | | | 250,000 | | |
| 212C | High Springs to Brandford Rail Feasibility Study | | | 5,000 | | |
| 212D | Dade Heritage Trust - Opa Locka Central Business District | | | 150,000 | | |
| 213A | Fuels Research - Florida Institute of Technology | | | | 100,000 | |
| 213C | International Trade Program | | | 50,000 | | |
| 213D | West Perrine Community Development Corporation | | | | 100,000 | |
| 214A | Genesis Incubator Business Plan | | | 90,000 | | |
| 214B | Industrial Development Project - Holmes County | | | 18,000 | | |
| 214D | Jacksonville World Trade Center | | | 75,000 | | |
| 215E | Tacocly Economic Development Corporation - Caribbean Festival | | | 150,000 | | |

SENATE BILL 1-F
VETOED APPROPRIATIONS
1988-89

| ITEM NO. | ITEM | POSITIONS | GENERAL REVENUE | | LOTTERY | INFRASTRUCTURE | TRUST |
|----------|--|-----------|-----------------|---------------|---------|----------------|-------|
| | | | RECURRING | NON-RECURRING | | | |
| 215G | Orlando/Orange County Convention and Visitors Bureau, Incorporated | | | 100,000 | | | |
| 236B | Florida Rural Water Association | | | 25,000 | | | |
| 248A | Dixie County Civil Defense Telephone Expenses | | | 4,200 | | | |
| 256A | Wastewater System - Century | | | | | 1,500,000 | |
| 256A | Wastewater System - Bonifay | | | | | 1,425,000 | |
| 256A | Wastewater System - Gretna | | | | | 75,000 | |
| 256A | Wastewater System - Wewahitchka | | | | | 250,000 | |
| 256B | Center for Employment Relations and Law - Florida State University | | | 87,500 | | | |
| 267A | Crime Prevention Study | | | 75,000 | | | |
| 268A | Food Warehouse Project | | | | | 125,000 | |
| 268B | Jacksonville Minority Business Enterprise Set Aside Program | | | 57,000 | | | |
| 268C | Brownsville Improvement Association | | | 25,000 | | | |
| 268D | National Association for Crime Prevention | | | 110,000 | | | |
| 275A | Affordable Housing Loan Program - University of Florida | 7 | | | | 300,000 | |
| 324 | Probation and Restitution Centers | 23 | 807,287 | | | | |
| 335B | Student Exchange - Florida International University | | 250,000 | | | | |
| 426R | Nova University - Undergraduate Program | | 1,834,551 | | | | |
| 451 | Network of Centers for Severly Emotionally Disturbed (SED NET) | | 150,000 | | | | |
| 452A | Children's Museum - Dade County | | | 75,000 | | | |
| 455 | Dropout Prevention Program - Martin Co. | | | | 253,482 | | |

SENATE BILL 1-F
VETOED APPROPRIATIONS
1988-89

| ITEM NO. ----- | ITEM ---- | POSITIONS ----- | GENERAL REVENUE RECURRING NON-RECURRING ----- | LOTTERY ----- | INFRASTRUCTURE ----- | TRUST ----- |
|-------------------|---|--------------------|--|------------------|-------------------------|----------------|
| 455 | Substance Abuse Program - Polk County | | | 250,000 | | |
| 455 | Centro Mater Program - Dade County | | 59,420 | 8,580 | | |
| 455 | Sylvan/Coach Program - Hillsborough County | | 87,381 | 12,619 | | |
| 455 | Dropout Prevention Study - Duval County School Board | | 34,953 | 5,047 | | |
| 455 | Dropout Prevention - SER-Jobs For Progress | | 87,381 | 12,619 | | |
| 455 | Clear Choices Project - Hillsborough County | | 91,749 | 13,251 | | |
| 455 | Dropout Prevention Program - Palatka High School | | 4,369 | 631 | | |
| 455 | Middle Grades Dropout Prevention Program - Volusia County | | 21,845 | 3,155 | | |
| 455 | Collier County Early Intervention Project | | 15,728 | 2,272 | | |
| 455 | San Juan Day Care Project - Dade County | | 43,690 | 6,310 | | |
| 455 | Middle Grades Vocational Preparation Program - Volusia County | | 21,845 | 3,155 | | |
| 455 | Dropout Prevention Program - Gainesville Eastside High School | | 4,369 | 631 | | |
| 455 | Dropout Prevention Program - Palm Beach County | | 43,690 | 6,310 | | |
| 455 | Dropout Prevention Program - Cocoa High School | | 43,690 | 6,310 | | |
| 455 | Panhandle Area Education Cooperative | | 131,070 | 18,930 | | |
| 455 | Hobbs Middle School - Santa Rosa County | | 4,369 | 631 | | |
| 455 | James E. Scott Community Association | | 87,380 | 12,620 | | |

SENATE BILL 1-F
VETOED APPROPRIATIONS
1988-89

| ITEM NO. ----- | ITEM ----- | POSITIONS ----- | GENERAL REVENUE RECURRING NON-RECURRING | | LOTTERY ----- | INFRASTRUCTURE ----- | TRUST ----- |
|-------------------|--|--------------------|---|-------|------------------|-------------------------|----------------|
| | | | ----- | ----- | | | |
| 455 | Youth Gang Project - Dade County | | 87,380 | | 12,620 | | |
| 455 | Urban League Project - Orange County | | 87,380 | | 12,620 | | |
| 455 | SAT 1200 Project | | 503,083 | | 72,657 | | |
| 455 | Dropout Prevention Program - Polk County | | 131,070 | | 18,930 | | |
| 455 | Jacksonville Opportunities Industrialization Center, Inc. - Duval County | | 87,380 | | 12,620 | | |
| 456 | High School Community Services Act | | 376,924 | | 123,076 | | |
| 456 | Youth Enhancement Services Centers | | 753,846 | | 246,154 | | |
| 456 | Florida Literacy Corps | | 128,154 | | 41,846 | | |
| 456 | Gold Seal Vocational Endorsement | | 150,769 | | 49,231 | | |
| 456 | Family Involvement | | 52,769 | | 17,231 | | |
| 456 | Secondary Vocational Education Committee | | 7,538 | | 2,462 | | |
| 457A | Flamingo Gardens | | 50,000 | | | | |
| 460B | Magnet School - Volusia | | 200,000 | | | | |
| 460C | Middle Childhood Program | | 8,779,161 | | | | |
| 490A | Technical Transfer Centers/Computer Integrated Manufacturing | | | | 200,000 | | |
| 496A | Technology Transfer Centers/Visual Simulation Technology | | | | 100,000 | | |
| 528 | Long Range Planning - Florida Atlantic University | 1 | 80,000 | | | | |
| 528 | Institute of Child Health Policy - USF/UF Medical Center | 4.15 | 198,659 | | | | |
| 529 | Institute of Child Health Policy - USF/UF Medical Center | | 2,100 | | | | |
| 530 | Price Increase for Atlantic Center for the Arts | | 8,800 | | | | |

SENATE BILL 1-F
VETOED APPROPRIATIONS
1988-89

| ITEM NO. ----- | ITEM ----- | POSITIONS ----- | GENERAL REVENUE RECURRING NON-RECURRING ----- | | LOTTERY ----- | INFRASTRUCTURE ----- | TRUST ----- |
|-------------------|---|--------------------|--|---------|------------------|-------------------------|----------------|
| 576B | Far East Research Council | | 150,000 | | | | |
| 597A | Water Restoration - Everglades Agricultural Area Hyacinth Study | | | 350,000 | | | |
| 597A | Water Restoration Project - Old Pass Lagoon | | | | | 1,105,000 | |
| 597A | Stormwater Restoration Project - Bayou Chico | | | | | 69,850 | |
| 597B | Potable Water Recovery System - Hookers Point/Tampa | | | | | | 263,000 |
| 597B | Water Reuse Pilot Project - City of Cocoa | | | | | 250,000 | |
| 597C | Hialeah Gardens Stormwater Project | | | 60,000 | | | |
| 597D | Hialeah Storm Sewer Project | | | 450,000 | | | |
| 597G | Steinhatchee Water System | | | 100,000 | | | |
| 599A | Production of Florida Water Story | | | 50,000 | | | |
| 603B | Lake Apopka Restoration Council | | | 50,000 | | | |
| 607A | Asbestos Waste Disposal Project | | | | | 114,000 | |
| 607B | Solid and Hazardous Waste Project | | | | | 110,000 | |
| 711A | Prevention Task Force/Child Health Study | | 35,000 | | | | |
| 735A | Mental Illness Benefits Study Commission | | | 75,000 | | | |
| 749C | South Broward Hospital District Facility for Preventive and Rehabilitative Health | | | 600,000 | | | |
| 761A | James E. Scott Association Facility | | | 100,000 | | | |
| 763 | Opa Locka Community Services | | 92,025 | | | | |
| 798A | Early Intervention and Prevention Program for the Elderly | | 312,450 | | | | |

SENATE BILL 1-F
VETOED APPROPRIATIONS
1988-89

| ITEM NO. | ITEM | POSITIONS | GENERAL REVENUE | | LOTTERY | INFRASTRUCTURE | TRUST |
|----------|--|-----------|-----------------|---------------|---------|----------------|---------|
| | | | RECURRING | NON-RECURRING | | | |
| 804 | Community Partnership Project - Broward | | 250,000 | | | | |
| 806 | Temporary Living Center (Duplicate Appropriation) | | 42,000 | 456,000 | | | |
| 827 | Phone Friends | | 24,000 | | | | |
| 827 | Overtown Advisory Board Facility | | | 52,000 | | | |
| 830 | Model Independent Living Program for Foster Children | | 200,000 | 100,000 | | | |
| 830 | Therapeutic Foster Home Research Project - Florida Institute of Technology | | | 270,930 | | | |
| 835A | Operation Involvement Delinquency Program | | 281,492 | | | | |
| 861 | Easter Seals Early Intervention Project | | 25,000 | | | | |
| 861 | Parent to Parent Support Group | | 78,770 | | | | |
| 877A | Acquired Immune Deficiency Syndrome (AIDS) Network - Dade County Nursing Home Operations | | | 250,000 (1) | | | |
| 886A | Southwest Florida Health Center Facility Renovation | | | 612,921 | | | |
| 1371 | Security Study of Capitol Complex | | 15,000 | | | | |
| 1402A | Opa Locka Make Our Streets Safe Project | | | 100,000 | | | |
| 1437A | Experimental Fish Hatchery Operations - University of Miami | | | 250,000 | | | |
| 1469A | Polk County Regional Drainage Project | | | | | | 500,000 |
| 1470A | Water Hyacinth Commercial Feasibility Study | | | | | | 150,000 |
| 1470B | Environmental Studies - Permitting | | | | | | 451,375 |
| 1481A | Medley Lidnear Park - Miami | | | | | 50,000 | |

SENATE BILL 1-F
VETOED APPROPRIATIONS
1988-89

| ITEM NO. | ITEM | POSITIONS | GENERAL REVENUE | | LOTTERY | INFRASTRUCTURE | TRUST |
|----------|--|-----------|-----------------|---------------|---------|----------------|------------|
| | | | RECURRING | NON-RECURRING | | | |
| 1481A | Urban Park Development - Gainesville | | | | | 400,000 | |
| 1481A | Boat Launching Facility - Jacksonville | | | | | 300,000 | |
| 1481A | Hillsborough County Wilderness Park | | | | | 400,000 | |
| 1481A | Land Acquisition for Park - Parker | | | | | 378,000 | |
| 1481A | Lumus Park Improvement | | | | | 200,000 | |
| 1481A | Redington Beach Parks - Land Acquisition | | | | | 100,000 | |
| 1481A | Construction USO Building - Jacksonville | | | | | 50,000 | |
| 1508A | Restoration of Offenders Civil Rights | 5 | 104,000 | | | | |
| 1573B | For Vision Committee | | | 240,000 | | | |
| 1585C | Flagler Centennial Celebration | | | 125,000 | | | |
| 1606B | International Programs/Orlando Chamber of Commerce | | | 200,000 | | | |
| 1673A | Mid Bay Bridge Authority | | | | | | 8,000,000 |
| 1700A | Valkaria Airport | | | | | | 500,000 |
| 1700A | Lakeland Municipal Airport | | | | | | 2,875,000 |
| 1700A | Miami International Airport | | | | | | 2,500,000 |
| 1700A | TriCounty Airport Authority | | | | | | 100,000 |
| 1700A | Loan for Orlando International Airport | | | | | | 30,000,000 |
| 1700B | Gainesville Light Rail Study | | | | | | 185,000 |
| 1700B | Port Canaveral/Orlando Airport Light Rail Study | | | | | | 150,000 |
| 1704 | Engineering and Planning Consultants | | | | | | 175,000 |
| 1708B | Public Transportation Structures Improvements | | | | | | 400,000 |
| 1721A | Highway Beautification Grants | | | | | 10,000 | 40,000 |

SENATE BILL 1-F
VETOED APPROPRIATIONS
1988-89

| ITEM NO. | ITEM | POSITIONS | GENERAL REVENUE RECURRING NON-RECURRING | LOTTERY | INFRASTRUCTURE | TRUST |
|-----------|--|-----------|---|---------|----------------|------------|
| 1727 | Gulfbreeze Wayside Park Shoulder Repairs | | | | | 200,000 |
| 1727 | Lighting on SR3 in Brevard County | | | | | 128,000 |
| 1727 | Curb and Gutter on SR A1A, Brevard County | | | | | 600,000 |
| Section 2 | | | | | | |
| 1736A | Florida Agriculture Museum Administration Building and Grounds - Tallahassee | | 300,000 | | | |
| 1737D | Pompano State Farmers' Market | | | | | 1,000,000 |
| 1808A | Replace Administrative Facility, Dozier | | | | 861,500 | |
| Section 3 | | | | | | |
| 1866F | Jackson County Agriculture Center | | | | 200,000 | |
| 1866H | Nassau County Agriculture Multi-purpose Building | | | | 50,000 | |
| 1866I | Washington County State Farmers' Market | | | | 140,000 | |
| 1866K | Polk County Livestock Pavilion | | | | 426,157 | |
| 1866L | Walton County Fair | | | | 135,000 | |
| 1866M | Planning/Bay County State Farmers' Market | | | | 25,000 | |
| 1866O | Livestock Pavilion - Gadsden County | | | | 200,000 | |
| 1866P | Agriculture Center - Okaloosa County | | | | 125,000 | |
| 1866Q | South Florida Fair - Palm Beach County | | | | 750,000 | |
| 1866R | Gainesville State Farmers' Market | | | | 100,000 | |
| 1878 | Conservation and Recreation Lands | | | | | 10,000,000 |

SENATE BILL 1-F
VETOED APPROPRIATIONS
1988-89

| ITEM NO. ----- | ITEM ----- | POSITIONS ----- | GENERAL REVENUE RECURRING NON-RECURRING ----- | LOTTERY ----- | INFRASTRUCTURE ----- | TRUST ----- |
|--------------------|--|--------------------|---|------------------|-------------------------|----------------|
| 1878C | Environmental/Sand Source Study - Indian River County | | | | | 112,000 |
| 1883I | Environmental/Sand Source Study - Brevard County | | | | | 225,000 |
| 1883L | Sunny Isles Beach/Parking | | | | | |
| 1885B | Gainesville to Hawthorne/Rails to Trails | | | | 1,400,000 | |
| 1894A | Topographic Facility - Tallahassee | | | | 600,000 | |
| 1898A | Greensboro Maintenance Building | | | | | 1,250,000 |
| | | | | | | 35,000 |
| Section 4 ----- | | | | | | |
| 1923A | Administration/Student Services Building - Daytona Beach Community College | | | | | 8,000,000 |
| 1923B | Research Center - Daytona Beach Community College | | | | | 400,000 |
| 1923B | Joint Use Facility - Daytona Beach Community College | | | | | 4,000,000 |
| 1923B | Track Field - University of Central Florida | | | | | 2,000,000 |
| 1923B | Museum Annex - University of Florida | | | | | 2,500,000 |
| 1923B | Athletic Facilities - University of West Florida | | | | | 200,000 |
| 1928A | Broward Community College/Florida International University/Florida Atlantic University Joint Tower Phase II | | | | | 700,000 |
| 1928C | Bradford School District | | | | | 400,000 |
| 1928C | Lafayette School District | | | | | 356,891 |
| 1928C | Levy School District | | | | | 15,000 |

SENATE BILL 1-F
VETOED APPROPRIATIONS
1988-89

| ITEM NO. | ITEM | POSITIONS | GENERAL REVENUE | | LOTTERY | INFRASTRUCTURE | TRUST |
|-----------|--|-----------|-----------------|---------------|---------|----------------|-----------|
| | | | RECURRING | NON-RECURRING | | | |
| 1928C | Taylor School District | | | | | | 150,000 |
| 1928C | Volusia School District - Magnet School | | | | | | 200,000 |
| 1928C | Washington School District Vo-Tech | | | | | | 100,000 |
| Section 5 | | | | | | | |
| 2049 | Renovation, Knott Building - Leon County County | | | | | 595,715 | |
| Section 7 | | | | | | | |
| 2076 | Improvements/Creighton Boulevard/ Burgess and Olive Roads | | | | | | 4,000,000 |
| 2076 | SR 78/Advance Right-of-Way - Work Project Item 1114604 | | | | | | 1,300,000 |
| 2076 | Biscayne Boulevard | | | | | | 1,575,000 |
| 2083 | Interstate Road Construction Contracts | | | | | | 7,200,000 |
| 2087 | Bridge on County Road 64 | | | | | | 760,000 |
| 2087 | Pine Island Road Bridge | | | | | | 750,000 |
| 2088 | Resurface U.S. 29 - Escambia County | | | | | | 1,200,000 |
| 2089 | Okeechobee Boulevard, Work Project Item 4118522 | | | | | | 1,936,000 |
| 2089 | Extend Range Road to State Road 524 | | | | | | 1,174,061 |
| 2089 | Widen Post Road - Brevard County | | | | | | 250,000 |
| 2089 | Open 9th and Bay Street into East Government - Pensacola | | | | | | 400,000 |
| Section 9 | | | | | | | |
| N/A | Game and Fresh Water Fish Commission Salary Adjustments | | | 19,775 | | | 76,767 |

SENATE BILL 1-F
VETOED APPROPRIATIONS
1988-89

| ITEM NO. ----- | ITEM ---- | POSITIONS ----- | GENERAL REVENUE RECURRING NON-RECURRING ----- | | LOTTERY ----- | INFRASTRUCTURE ----- | TRUST ----- |
|------------------------|--|--------------------|--|-----------|------------------|-------------------------|----------------|
| Section 12 ----- | | | | | | | |
| N/A | Citrus Canker Eradication Program - Duplicate Appropriation | | | | | | 3,200,000 |
| Section 13 ----- | | | | | | | |
| N/A | Construction, Reconstruction, and Renovation of Professional Sports Facilities - Duplicate Appropriation | | | | | | 5,000,000 |
| TOTAL VETOES BY FUND | | 46.15 | 17,844,273 | 6,950,551 | 1,526,000 | 16,170,222 | 107,727,838 |
| TOTAL VETOES ALL FUNDS | | | | | | | 150,218,884 |

(1) Identified as non-recurring in proviso.

FINANCIAL OUTLOOK STATEMENT FOR REGULAR SESSION AND SPECIAL SESSION "F"
FY 1987-88 AND 1988-89
GENERAL REVENUE AND WORKING CAPITAL FUNDS
(MILLIONS OF DOLLARS)

DATE 07/11/88

| | GENERAL REVENUE FUND | WORKING CAPITAL FUND | TOTAL ALL FUNDS | RECURRING FUNDS | NON RECURRING FUNDS |
|---|----------------------------|----------------------------|-----------------------|--------------------|---------------------------|
| | ----- | ----- | ----- | ----- | ----- |
| FUNDS AVAILABLE 1987-88 | | | | | |
| BALANCE FORWARD FROM 86-87 | 36.2 | 102.8 | 139.0 | .0 | 139.0 |
| ESTIMATED REVENUES | 8703.5 | .0 | 8703.5 | 8696.6 | 6.9 |
| MIDYEAR REVERSIONS | 25.9 | .0 | 25.9 | .0 | 25.9 |
| TRANSFER TO WORKING CAPITAL FUND | 36.2- | 36.2 | .0 | .0 | .0 |
| FIXED CAPITAL OUTLAY REVERSIONS | 2.5 | .0 | 2.5 | .0 | 2.5 |
| WORKING CAPITAL FUND INTEREST | .0 | 7.1 | 7.1 | .0 | 7.1 |
| CANCELLATION OF WARRANTS | 2.6 | .0 | 2.6 | .0 | 2.6 |
| LOTTERY STARTUP LOAN REPAYMENT | .5 | .0 | .5 | .0 | .5 |
| | ----- | ----- | ----- | ----- | ----- |
| TOTAL 87-88 FUNDS AVAILABLE | \$ 8735.0 | \$ 146.1 | \$ 8881.1 | \$ 8696.6 | \$ 184.5 |
| EFFECTIVE APPROPRIATIONS 1987-88 | | | | | |
| OPERATIONS | 4404.7 | .0 | 4404.7 | 4346.7 | 58.0 |
| AID TO LOCAL GOVERNMENT | 4195.6 | .0 | 4195.6 | 4191.1 | 4.5 |
| FIXED CAPITAL OUTLAY | 16.1 | .0 | 16.1 | .0 | 16.1 |
| SPECIAL BILLS | 12.7 | .0 | 12.7 | 2.3 | 10.4 |
| BASE STUDENT ALLOCATION | .0 | 10.0 | 10.0 | .0 | 10.0 |
| | ----- | ----- | ----- | ----- | ----- |
| TOTAL 87-88 EFF. APPROPRIATIONS | \$ 8629.1 | \$ 10.0 | \$ 8639.1 | \$ 8540.1 | \$ 99.0 |
| | ===== | ===== | ===== | ===== | ===== |
| AVAILABLE RESERVES | \$ 105.9 | \$ 136.1 | \$ 242.0 | \$ 156.5 | \$ 85.5 |
| | ===== | ===== | ===== | ===== | ===== |
| FUNDS AVAILABLE 1988-89 | | | | | |
| BALANCE FORWARD FROM 87-88 | 105.9 | 136.1 | 242.0 | .0 | 242.0 |
| ESTIMATED REVENUES | 9306.2 | .0 | 9306.2 | 9330.8 | 24.6- |
| MIDYEAR REVERSIONS | 15.0 | .0 | 15.0 | .0 | 15.0 |
| FIXED CAPITAL OUTLAY REVERSIONS | 2.4 | .0 | 2.4 | .0 | 2.4 |
| TRANSFER FROM WORKING CAPITAL FUND | .0 | .0 | .0 | .0 | .0 |
| UNUSED APPROPRIATIONS | 39.5 | 10.0 | 49.5 | .0 | 49.5 |
| WORKING CAPITAL FUND INTEREST | .0 | 9.5 | 9.5 | .0 | 9.5 |
| CANCELLATION OF WARRANTS | 2.5 | .0 | 2.5 | .0 | 2.5 |
| MEASURES AFFECTING REVENUE (A) | 28.1- | .0 | 26.8- | 36.5- | 8.4 |
| TRANSFER FROM STATE INFRASTRUCTURE FUND | 45.3 | .0 | 45.3 | 45.3 | .0 |
| DOR AUDITORS | 9.6 | .0 | 9.6 | 20.8 | 11.2- |
| DOR ENFORCEMENT/USE TAX | 4.5 | .0 | 4.5 | 4.9 | .4- |
| DOR ENFORCEMENT/REGISTRATION | 13.5 | .0 | 13.5 | 18.0 | 4.5- |
| | ----- | ----- | ----- | ----- | ----- |
| TOTAL 88-89 FUNDS AVAILABLE | \$ 9516.3 | \$ 155.6 | \$ 9671.9 | \$ 9383.3 | \$ 288.6 |
| EFFECTIVE APPROPRIATIONS 1988-89 | | | | | |
| SECTION 1 OPERATIONS | 4981.9 | .0 | 4981.9 | 4896.2 | 85.7 |
| SECTION 1 OPERATIONS VETOES | 22.8- | .0 | 22.8- | 20.6- | 2.2- |
| SECTION 1 AID TO LOCAL GOVERNMENT | 4529.2 | .0 | 4529.2 | 4523.6 | 5.6 |
| SECTION 1 AID TO LOCAL GOV VETOES | 1.7- | .0 | 1.7- | .9- | .8- |
| SECTION 2 FIXED CAPITAL OUTLAY | .9 | .0 | .9 | .0 | .9 |
| SECTION 2 FIXED CAPITAL OUTLAY VETOES | .3- | .0 | .3- | .0 | .3- |
| SECTION 3 FIXED CAPITAL OUTLAY | 22.5 | .0 | 22.5 | .0 | 22.5 |
| SECTION 12 | .0 | 3.2 | 3.2 | .0 | 3.2 |
| SECTION 12 VETOES | .0 | 3.2- | 3.2- | .0 | 3.2- |
| SECTION 13 | .0 | 5.0 | 5.0 | .0 | 5.0 |
| SECTION 13 VETOES | .0 | 5.0- | 5.0- | .0 | 5.0- |
| BASE STUDENT ALLOCATION GUARANTEE | .0 | 10.0 | 10.0 | .0 | 10.0 |
| SPECIAL BILLS (B) | 3.0 | 5.0 | 8.0 | 2.1 | 5.9 |
| FAILED CONTINGENCY APPROPRIATION #372A | 1.6- | .0 | 1.6- | .0 | 1.6- |
| | ----- | ----- | ----- | ----- | ----- |
| TOTAL 88-89 EFF. APPROPRIATIONS | \$ 9511.1 | \$ 15.0 | \$ 9526.1 | \$ 9400.4 | \$ 125.7 |
| | ===== | ===== | ===== | ===== | ===== |
| AVAILABLE RESERVES | \$ 5.2 | \$ 140.6 | \$ 145.8 | \$ 17.1- | \$ 162.9 |
| | ===== | ===== | ===== | ===== | ===== |

***** FOOTNOTES *****

(A) THE FOLLOWING LAW CHANGES AFFECTING GENERAL REVENUE COLLECTIONS (\$ MILLIONS) WERE PASSED-

| BILL | SUBJECT | SOURCE | CASH | RECUR | NON-RECUR |
|-------|--|-------------|--------|--------|-----------|
| H0561 | STATE ATHLETIC COMMISSION TF/\$250,000 CAP | OTHER | \$-0.1 | \$ 0.0 | \$-0.1 |
| H0777 | ADDITIONAL PARIMUTUEL RACING DAYS | PARIMUTUEL | 3.4 | 3.4 | 0.0 |
| H1254 | FUEL EXEMPTION FOR AGRICULTURAL PURPOSES | SERV CHARGE | -0.1 | 0.0 | -0.1 |
| H1408 | BREEDER'S CROWN MEET TAX CREDIT | PARIMUTUEL | 0.0 | -0.2 | 0.2 |
| H1653 | SALES TAX ON DRUG SALES DISPOSITION | SALES TAX | -0.8 | -0.8 | 0.0 |
| S0594 | SALES TAX EXEMPTION FOR CHARTER BOATS | SALES TAX | -4.5 | -4.9 | 0.4 |
| S0677 | INTANGIBLES VALUATION | INTANGIBLES | -0.1 | -0.1 | 0.0 |
| S0786 | PARIMUTUEL HANDLE WITHHOLDING **(VETOED)** | PARIMUTUEL | 1.3 | 1.3 | 0.0 |
| S0854 | EXEMPTION FOR CHARITABLE INSTITUTIONS | SALES TAX | -0.4 | -0.4 | 0.0 |
| S0854 | EXEMPTION FOR RELIGIOUS BROADCASTERS | SALES TAX | -0.1 | -0.1 | 0.0 |
| S0955 | ENTERPRISE ZONE REVISIONS | SALES TAX | 1.1 | -1.0 | 2.1 |
| S0955 | ENTERPRISE ZONE REVISIONS | CORPORATE | 0.1 | -0.1 | 0.2 |
| S0955 | EXPORT FINANCE CORPORATE TAX CREDIT | CORPORATE | 0.0 | -0.7 | 0.7 |
| S1054 | INSURANCE PREMIUM TAX RATE CHANGE | INS PREM | -35.0 | -31.9 | -3.1 |
| S1054 | MOTOR VEHICLE SERVICE AGREEMENTS | SALES TAX | 11.8 | 12.8 | -1.0 |
| S1056 | VEHICLE EMISSION INSPECTION | SERV CHARGE | 0.1 | 0.2 | -0.1 |
| S1192 | EXEMPTION FOR SOLID WASTE EQUIPMENT | SALES TAX | 0.0 | -8.9 | 8.9 |
| S1203 | TAX ADMINISTRATION | INS PREM | -0.4 | 0.0 | -0.4 |
| S1203 | EMERGENCY DISTRIBUTION | SALES TAX | 0.0 | -0.4 | 0.4 |
| S1326 | ALCOHOLIC BEVERAGE TAX/REFUNDS | BEVERAGE | -2.9 | -3.2 | 0.3 |
| S1326 | ALCOHOLIC BEVERAGE TAX/VITICULTURE | BEVERAGE | -0.2 | -0.2 | 0.0 |

(B) THE FOLLOWING GENERAL REVENUE SPECIAL APPROPRIATIONS BILLS HAVE BEEN PASSED-

| | | | | |
|-------------|---|----|-----------|------|
| H0062 | RELIEF OF DORVAN RUST (UNIV. OF WEST FL) | \$ | 286 | (NR) |
| H0159 | RELIEF OF EARNEST CONLEY CAMPBELL (GAME & FISH) | | 55,000 | (NR) |
| H0306 & 436 | HEALTH CLUB CONTRACTS (EFF. 10/1/88) | | 210,429 | |
| H0844 | ACLF REGULATION/ STUDY | | 50,000 | (NR) |
| H1216 | MOTOR VEHICLE INSURANCE | | 50,000 | (NR) |
| H1420 | RADON GAS STANDARDS (TO BE REPAID BY 12/21/88) | | 845,902 | (NR) |
| H1717 | PROFESSIONAL SPORTS STADIUM ENHANCEMENT (WCF) | | 5,000,000 | (NR) |
| H1717 | PROFESSIONAL SPORTS STADIUM ENHANCEMENT | | 1,757,920 | |
| S0105 | RELIEF OF RITA MAE GOLDBERG | | 20,000 | (NR) |
| S0487 | CHILD SUPPORT ENFORCEMENT | | 100,000 | (NR) |
| S0556 | MOTOR VEHICLE SALES/LEMON LAW (TO BE REPAID BY 6/30/90) | | 300,000 | (NR) |
| S0955 | ENTERPRISE ZONE REVISIONS | | 350,000 | (NR) |
| S0955 | ENTERPRISE ZONE REVISIONS | | 69,651 | |

(C) FLORIDA'S PRE-JULY 1, 1988 INSURANCE PREMIUM TAX LAW, WHICH TAXED INSURANCE COMPANIES AT DIFFERENT RATES DEPENDING ON WHETHER THEY WERE IN-STATE OR OUT-OF-STATE, IS CURRENTLY SUBJECT TO LITIGATION. THE SUIT SEEKS TO DECLARE THIS DIFFERENCE IN RATES TO BE DISCRIMINATORY. TO DATE, \$140 MILLION IN REFUND REQUESTS HAVE BEEN FILED. IF THE SUIT IS SUCCESSFUL AND THE REQUESTED REFUNDS ARE AWARDED, ADDITIONAL REFUND REQUESTS OF UP TO \$530 MILLION COULD BE MADE.

(D) IN THE CURRENT OUTLOOK STATEMENT, TWO ITEMS WHICH WERE PREVIOUSLY INCLUDED AS FUNDS AVAILABLE FOR FY 1988-89 HAVE BEEN DELETED. THE FIRST ITEM INVOLVES \$38.8 MILLION IN FUNDS WHICH HAVE BEEN ESCROWED PENDING THE OUTCOME OF A LAWSUIT REGARDING THE ASSESSMENT OF A SERVICE CHARGE AGAINST COLLECTIONS OF THE CONSTITUTIONAL GAS TAX. THE SECOND ITEM CONCERNS \$14.1 MILLION IN PROPERTY TAXES WHICH HAVE BEEN ESCROWED PENDING THE OUTCOME OF A SUIT REGARDING AN OVERPAYMENT OF STATE FUNDS TO THE BROWARD COUNTY SCHOOL DISTRICT IN FY 1980-81. SHOULD THE STATE PREVAIL, THESE MONIES WOULD BE IN ADDITION TO THE CURRENT FUNDS AVAILABLE.

GENERAL APPROPRIATION ACT FOR 1988-89
CONTINGENCY ITEMS

| <u>Item</u> | <u>Pos.</u> | <u>Appropriation</u> | <u>Fund</u> | <u>Contingency</u> | <u>Legislative Action</u> |
|--------------------------|-------------|----------------------|-------------|--|---|
| <u>Section 01</u> | | | | | |
| 24A | 8 | 355,389 | G | HB 294 or Similar Legislation and Referendum | CS/CS/SB 161/Referendum |
| 102 | - | 889,872 | T | HB 1469 or Similar Legislation | CS/SB 931/passed |
| 114A | 5 | 169,786 | T | HB 1031 or Similar Legislation | CS/HB 1031/passed |
| 164, 166, & 168 | 2 | 66,250 | T | HB 496 or Similar Legislation | Died in Senate Messages |
| 173 | - | 100,125 | T | HB 1025 or Similar Legislation | HB 1025/passed |
| 241, 242, 243 & 249 | 6 | 2,083,359 | T | HB 1070 or Similar Legislation | CS/CS/CS/SB 954/passed |
| 258 | - | 100,000 | T | HB 1727 or Similar Legislation | SB 955/passed |
| 262B | - | 1,000,000 | G | HB 1593 or Similar Legislation | HB 1454/passed |
| 271, 273, & 274 | 5 | 194,032 | T | HB 1454 or Similar Legislation | HB 1454/passed |
| 275A | 7 | 15,000,000 | I | HB 1454 or Similar Legislation | HB 1454/passed |
| 372A | - | 1,610,000 | G | CS/HB 444 or Similar Legislation | Died in Committee |
| 405 | - | 300,000 | T | CS/HB 444 or Similar Legislation | Died in Committee |
| 576A | - | 10,000,000 | G | CS/HB 1493 or Similar Legis. | CS/CS/CS/SB 534/passed |
| 593 | - | 700,000 | T | HB 1671 or Similar Legislation | HB 1671/passed |
| 604 | - | 1,952,538 | T | HB 1671 or Similar Legislation | HB 1671/passed |
| 681, 683 & 684 | 6 | 465,083 | T | HB 382 or Similar Legislation | CS/CS/SB 16/passed |
| 772 | - | 5,100,000 | G | CS/HB 386 or Similar Legislation | HB 1454/passed |
| 824A | - | 250,000 | G | HB 85 or Similar Legislation | CS/HB 614/passed |
| 830 | - | 165,000 | G | HB 103 or Similar Legislation | CS/HB 614/passed |
| 966A | 29 | 770,000 | T | CS/HB 1216 or Similar Legis. not providing these resources | CS/HB 1216/passed |
| 972A | 9 | 649,098 | G | CS/HB 1165 or Similar Legis. | CS/CS/SB 1056/passed |
| 991, 991A, 992 993 & 994 | 5 | 224,001 | T | HB 1216 or Similar Legislation not providing funds & pos. | CS/HB 1216, 1188, 552, 882, & 883/passed-funds & pos. |
| 993A | - | 100,000 | T | CS/HB 470 or Similar Legislation | CS/HB 470/passed |
| 997A | 3 | 99,640 | T | HB 718 or Similar Legislation | CS/SB 1375/passed |
| 1011A | - | 240,000 | T | HB 203 or Similar Legislation | CS/HB 203/passed |
| 1058A | 28 | 997,379 | G | HB 1609 or Similar Legislation | SB 376/passed |
| 1063A | 20 | 650,420 | G | HB 1609 or Similar Legislation | SB 376/passed |
| 1068A | 2 | 58,442 | G | HB 1609 or Similar Legislation | SB 376/passed |
| 1070-1073 | 1 | 30,749 | G | SB 1134 or Similar Legislation | HB 1504/passed |
| 1505 | 5 | 100,039 | G | CS/HB 1574 or Similar Legis. | CS/HB 1574/passed |
| 1507 | - | 5,211 | G | CS/HB 1574 or Similar Legis. | CS/HB 1574/passed |
| 1510, 1512, 1513, 1517 | 2.5 | 88,817 | T | HB 819 or Similar Legislation | HB 819/passed |
| 1513A | 1 | 74,146 | T | HB 1519 or Similar Legislation | CS/HB 1519/passed |
| 1606A | - | 700,000 | G | CS/CS/SB 792 or Similar Legis. | CS/CS/SB 792/passed |
| 1612A | 2 | 4,000,000 | T | | |
| 1670 | - | 71,416 | G | CS/HB 515 or Similar Legislation | SB 562/passed |
| 1708A | - | 500,000 | T | CS/HB 1487 or Similar Legis. not passing | CS/CS/SB 1192/passed |
| 2076 | - | 5,000,000 | T | HB 1639 or Similar Legislation | HB 1639/passed |
| | - | 300,000,000 | T | SB 1429 or Similar Legislation | CS/SB 1429/passed |
| <u>Section 03</u> | | | | | |
| Sec. 13 | - | 5,000,000 | W | HB 1717 or Similar Legislation | HB 1717/passed |
| 1878 | - | 10,000,000 | T | HB 1014 or Similar Legislation | Died in Committee |
| 1878 | - | 2,000,000 | T | CS/SB 628 or Similar Legislation | HB 717/passed |

G = General Revenue Fund
I = State Infrastructure Fund
T = Trust Fund
W = Working Capital Fund

GENERAL APPROPRIATIONS ACT FOR 1988-89
CONTINGENCY ITEMS DEPENDENT ON ACTION
OTHER THAN LEGISLATION

| <u>Item</u> | <u>Pos.</u> | <u>Appropriation</u> | <u>Fund</u> | <u>Contingency</u> |
|-------------------|-------------|----------------------|-------------|--|
| <u>Section 01</u> | | | | |
| 102 | - | 3,179,748 | G | Federal Protocol Required |
| 734A | - | 800,000 | T | Reversion of \$800,000 from FY 1987-88 |
| 805 | - | 206,095 | G | Reimbursement for Public Medical Assistance Trust Fund assessments not received from other sources |
| 986 & 988 | - | 78,445 | T | Submission of Repayment Plan |
| 939A | - | 599,243 | T | Submission of Repayment Plan |
| 1041B | - | 881027 | G | Formation of Circuit Courts Committee, operational workplan, budget, local contribution, and quarterly progress reports |
| 1051 | - | 3,448,000 | G | Matching contribution by counties and establishment of procedures |
| 1878C | - | 112,000 | T | Local Government providing 25% match |
| <u>Section 03</u> | | | | |
| 1867A | - | 2,000,000 | T | Submission and Approval by the Federal Government of an Expenditure Plan |
| <u>Section 04</u> | | | | |
| 1923B | - | 3,400,000 | T | University of Central Florida Solar Energy Center (C) |
| 1923D | - | 500,000 | T | Receipt of Federal Funds Florida International University Contracts & Grants Bldg. (P,C,E) |
| 1924 | - | 2,492,939 | T | Reversion of Prior Appropriation Special Facility Construction |
| | | 5,000,000 | T | Glades School Board Wakulla School Board Contingent On Providing Matching Funds |

G = General Revenue Fund
T = Trust Fund
W = Working Capital Fund

Special Appropriations Acts
1988 Regular Session and Special Session "F"
1988-89 Appropriations

| <u>Session Law</u> | <u>Bill Number</u> | <u>Subject</u> | <u>General Revenue</u> \$ | <u>Trust Fund</u> \$ |
|------------------------|------------------------|---|----------------------------------|-------------------------|
| <u>House Bills</u> | | | | |
| 88-432 | HB 62 | Relief of Dorvan Rust | 286 | |
| 88-433 | HB 159 | Relief of Earnest Conley Campbell | 55,000 | |
| 88-267 | CS/HB 306 & 436 | Health Studio Services/Cancellation of Contracts | 210,429 | |
| 88-331 | CS/HB 495 | Petroleum Storage Facilities - Early Detection Incentive Program | | 6,221,566 |
| 88-272 | CS/HB 646 | Lake Weir Aquatic Preserve | | 94,901 |
| 88-277 | CS/CS/HB 819 | Florida Birth-Related Neuro Injury Association | | 20,000,000 |
| 88-350 | CS/HB 844 | Community Care for Disabled Adults/Study | 50,000 | |
| 88-282 | CS/HB 1125 | Regulation of Yacht Brokers/Salesmen | | 196,161 |
| 88-370 | CS/HB 1216 | Motor Vehicle Liability Insurance | 50,000 | 942,274 |
| 88-285 | CS/CS/HB 1420 | Radon Gas Standards | 845,902(a) | 2,740,563 |
| 88-383 | CS/HB 1502 | Sunset Review/Board of Architecture | | 169,829 |
| VETOED | HB 1543 | Fishing and Hunting Tournaments | | 163,000 |
| 88-393 | HB 1671 | Water Quality/Pollution Control | | 5,667,406 |
| 88-394 | CS/HB 1673 | Health Care Cost Containment Board Review | | 309,300 |
| 88-226 | HB 1717 | Professional Sports Facilities | 5,000,000(c) | |
| 88-226 | HB 1717 | Professional Sports Facilities | 1,757,920 | |
| <u>Senate Bills</u> | | | | |
| 88-144 | CS/CS/SB 16 | Task Force on Law Enforcement Communications | | 500,000 |
| VETOED | SB 68 | Relief of Scott and Kelly Harkovitch | | 300,000 |
| 88-151 | CS/SB 90 | Child Abuse | | (b) |
| 88-429 | SB 105 | Relief of Rita Mae Goldberg | 20,000 | |
| 88-156 | CS/SB 155 | Construction Industry Regulation | | 28,050 |
| 88-159 | CS/SB 212 | Dispensing of Drugs by Practitioners | | 161,259 |
| 88-430 | SB 424 | Relief of Graciela Nacienceno and Robert Rossano | | 309,550 |
| 88-172 | CS/CS/SB 446 | Nuclear Pharmacist Regulation | | 105,000 |
| 88-176 | CS/CS/SB 487 | Child Support Enforcement | 100,000 | |
| 88-294 | CS/CS/SB 534 | County Health Units | | 49,144,163 |
| 88-95 | CS/CS/SB 556 | Motor Vehicle Sales/Lemon Law | 300,000 | 700,000 |
| 88-431 | SB 647 | Relief of Thomas Hicks | | 100,000 |
| 88-201 | SB 955 | Enterprise Zone Revisions | 419,651 | 25,000 |
| 88-206 | CS/ CS/CS/SB 1054 | Insurance Premium Tax Revision | | 445,254 |
| 88-209 | SB 1088 | Firesafety Standards/Firefighter Requirements | | 10,500 |
| 88-130 | CS/CS/SB 1192 | Solid Waste Management Act | | 53,550,000 |
| Sub-Total | | | \$8,809,188 | \$141,883,776 |
| Less Vetoes | | | 0 | 463,000 |
| TOTAL | | | \$8,809,188 | \$141,420,776 |

(a) To be repaid by 12/31/88

(b) Appropriates 6/30/88 balance of the State Employee Revolving Trust Fund

(c) Working Capital Fund

MEASURES AFFECTING REVENUES AND TAX ADMINISTRATION
ESTIMATED REVENUE INCREASES/(DECREASES)
(Millions of Dollars)

| Session Law | Bill Number | Description | 1988-89 | | | | |
|--------------------|------------------|--|-----------------|-----------|-------------------|---------------|-----------------|
| | | | General Revenue | | | Trust Fund | Local Impact |
| | | | First Year | Recurring | Non- Recurring | | |
| | | | \$ | \$ | \$ | \$ | \$ |
| <u>House Bills</u> | | | | | | | |
| 88-50 | CS/HB 36 | Driving W/O License/Penalties Changed | (**) | (**) | --- | ** | ** |
| 88-252 | CS/HB 40 | Toll Exemption for Certain Handicapped Persons | --- | --- | --- | -0.1 | (*) |
| 88-128 | HB 58 | Minors at Dogtracks and Jai Alai | * | * | --- | * | --- |
| VETOED | CS/HB 72 | Construction Contractor Certification | --- | --- | --- | (*) | --- |
| 88-404 | CS/HB 74 | Special Alcoholic Beverage Licenses | --- | --- | --- | * | --- |
| 88-255 | HB 108 | Ringling Museum of Art Trust Fund | (*) | (*) | --- | * | --- |
| 88-399 | HB 304 | Community College and School District Recreation Fees | --- | --- | --- | --- | ** |
| 88-324 | HB 409 | FLA Crime Lab Council/DUI Fines | --- | --- | --- | 2.8 | --- |
| 88-331 | CS/HB 495 | Petroleum Storage Facilities Liability Insurance Program Petroleum Products Tax - TF Floor | --- | --- | --- | ** | --- |
| 88-475 | HB 524 | Sarasota Co./Gill Net Licenses | --- | --- | --- | 0.1 | --- |
| 88-132 | HB 561 | State Athletic Commission TF--\$250,000 Cap | -0.1 | --- | -0.1 | 0.1 | --- |
| 88-336 | HB 593 | Boat Registration Fee Increase | --- | --- | --- | 2.7 | 1.2 |
| 88-337 | CS/HB 614 | Foster Care/"Family Policy Act"/Fine Surcharge | --- | --- | --- | * | --- |
| 88-271 | CS/HB 621 | Florida Transportation Corporation Act | (**) | (**) | --- | (**) | (**) |
| 88-341 | HB 648 | Agricultural Marketing Facilities Trust Fund | * | * | --- | * | --- |
| 88-342 | HB 658 | Consumer Finance - Regulatory Fees | --- | --- | --- | ** | --- |
| 88-344 | HB 748 | Family Violence Restraining Order - Fees | --- | --- | --- | --- | (*) |
| 88-346 | CS/ CS/HB 777 | Parimutuel Racing - Additional Days | 3.4 | 3.4 | --- | 0.6 | --- |
| 88-347 | HB 780 | Landscape Architecture--Fees | --- | --- | --- | * | --- |
| 88-275 | CS/HB 785 | Training Standards for Restaurant Managers/Test Fee | --- | --- | --- | ** | --- |

* Insignificant <\$50,000
** Indeterminate

MEASURES AFFECTING REVENUES AND TAX ADMINISTRATION
ESTIMATED REVENUE INCREASES/(DECREASES)
(Millions of Dollars)

| Session Law | Bill Number | Description | 1988-89 | | | | |
|----------------|-------------------|--|-----------------|-----------|-------------------|---------------|-----------------|
| | | | General Revenue | | | Trust Fund | Local Impact |
| | | | First Year | Recurring | Non- Recurring | | |
| | | | \$ | \$ | \$ | \$ | \$ |
| 88-276 | CS/HB 790 | Medical Peer Review/Chiropractors | --- | --- | --- | * | --- |
| 88-410 | CS/HB 823 | Vehicle Transporter License Fees | --- | --- | --- | 0.1 | --- |
| 88-350 | CS/HB 844 | Community Care for Disabled Adults - Fees | --- | --- | --- | ** | --- |
| 88-351 | HB 872 | Historical Artifacts/Sale Proceeds | --- | --- | --- | ** | --- |
| 88-357 | CS/HB 946 | RICO/Retention of Property for State Use | --- | --- | --- | ** | --- |
| 88-363 | CS/HB 1031 | Regulation of Travel Agents | --- | --- | --- | ** | --- |
| 88-127 | CS/HB 1102 | Multi-day Ticket Resales Prohibited | ** | ** | --- | --- | ** |
| 88-282 | CS/HB 1125 | Regulation of Yacht Brokers/Salesmen | --- | --- | --- | ** | --- |
| 88-401 | HB 1162 | Convention Development Tax--Expand Uses | --- | --- | --- | --- | --- |
| 88-402 | CS/HB 1202 | Magnetic Levitation--Demonstration Project | --- | --- | --- | ** | ** |
| 88-370 | CS/HB 1216 | Motor Vehicle Insurance Reform Act | --- | --- | --- | --- | --- |
| 88-371 | CS/HB 1254 | Special Fuel Tax | | | | | |
| | | Agricultural Purposes Exemption | -0.1 | * | -0.1 | -1.6 | --- |
| | | Aviation Fuel - Sales Tax | * | --- | * | -0.6 | --- |
| 88-412 | CS/HB 1277 | Regulation of Shrimp Fishing | --- | --- | --- | * | --- |
| 88-120 | HB 1408 | Breeder's Crown Meet Tax Credit | --- | -0.2 | 0.2 | --- | --- |
| 88-285 | CS/ CS/HB 1420 | Radon Gas Standards/Building Permit Fee Surcharge | --- | --- | --- | 3.6 | 0.2 |
| 88-376 | HB 1454 | Affordable Housing/Expanded Use of SIF | --- | --- | --- | --- | --- |
| 88-90 | HB 1492 | Subdivision Development Fees | --- | --- | --- | ** | --- |
| 88-383 | CS/HB 1502 | Architecture and Interior Design--Regulatory Fees | --- | --- | --- | ** | --- |
| 88-384 | HB 1504 | State Health Insurance Plan--Estimating Conference | --- | --- | --- | --- | --- |
| 88-380 | CS/HB 1519 | AIDS Control, Education, Insurance | --- | --- | --- | --- | ** |
| VETOED | HB 1543 | Fishing & Hunting License Fees | --- | --- | --- | (*) | --- |
| 88-388 | CS/HB 1576 | HMO Insurance | | | | | |
| | | Corporate Tax Exemption | --- | (**) | ** | --- | --- |
| | | Fee Increase for Application | --- | --- | --- | * | --- |

* Insignificant <\$50,000

** Indeterminate

MEASURES AFFECTING REVENUES AND TAX ADMINISTRATION
ESTIMATED REVENUE INCREASES/(DECREASES)
(Millions of Dollars)

| Session Law | Bill Number | Description | 1988-89 | | | | |
|---------------------|-----------------|---|-----------------|-----------|-------------------|---------------|-----------------|
| | | | General Revenue | | | Trust Fund | Local Impact |
| | | | First Year | Recurring | Non- Recurring | | |
| | | | \$ | \$ | \$ | \$ | \$ |
| 88-391 | HB 1623 | Child Care Facilities--Inspection Fees | --- | --- | --- | ** | --- |
| 88-392 | HB 1626 | Professions and Occupations License Fees | --- | --- | --- | * | --- |
| 88-286 | HB 1639 | Toll Facilities--Continuation of Tolls | --- | --- | --- | ** | ** |
| 88-381 | HB 1653 | Sentencing Guidelines/Delinquency Prevention Act Sales Tax on Drugs DUI Fines | -0.8 | -0.8 | --- | 2.9 | --- |
| | | | --- | --- | --- | ** | --- |
| 88-393 | HB 1671 | Pollutants Tax--Expansion | --- | --- | --- | 8.2 | --- |
| 88-394 | CS/HB 1673 | Health Care Cost Containment Board--Fees | --- | --- | --- | ** | --- |
| 88-395 | HB 1683 | Motor Vehicles Dealers/ Temporary Tags | --- | --- | --- | * | --- |
| 88-226 | HB 1717 | Professional Sports Facilities/Add. Tourist Tax | --- | --- | --- | --- | ** |
| <u>Senate Bills</u> | | | | | | | |
| 88-64 | CS/SB 14 | Minors Allowed to Attend Horseracing | * | * | --- | * | --- |
| 88-144 | CS/ CS/SB 16 | Law Enforcement Communications--License Tag Fee | --- | --- | --- | 7.1 | --- |
| 88-146 | CS/SB 24 | PAAB Review of Condominium Assessments | --- | --- | --- | --- | --- |
| 88-65 | CS/SB 33 | Property Tax Exemptions--Waiver of Annual Application | --- | --- | --- | --- | --- |
| 88-147 | CS/ CS/SB 38 | Mobile Home Inspection Fees | --- | --- | --- | 0.1 | * |
| 88-149 | CS/SB 57 | Electrical Contracting--Regulatory Fees | --- | --- | --- | * | --- |
| 88-229 | CS/SB 73 | Student Athletics--Regulation of Agents | --- | --- | --- | * | --- |
| 88-20 | CS/SB 82 | Real Estate Brokers/Licensing | --- | --- | --- | ** | --- |
| 88-236 | SB 93 | Dietician License & Regulation Fees | --- | --- | --- | ** | --- |
| 88-230 | SB 138 | State Parking Fees | --- | --- | --- | 0.1 | --- |
| 88-98 | SB 152 | Marriage License Fees | --- | --- | --- | 0.4 | --- |

* Insignificant <\$50,000
** Indeterminate

MEASURES AFFECTING REVENUES AND TAX ADMINISTRATION
ESTIMATED REVENUE INCREASES/(DECREASES)
(Millions of Dollars)

| Session Law | Bill Number | Description | 1988-89 | | | | |
|----------------|-------------------|---|-----------------|-----------|-------------------|---------------|-----------------|
| | | | General Revenue | | | Trust Fund | Local Impact |
| | | | First Year | Recurring | Non- Recurring | | |
| | | | \$ | \$ | \$ | \$ | \$ |
| 88-156 | CS/SB 155 | Construction Industry Regulation--Fees | --- | --- | --- | * | --- |
| VETOED | SB 173 | Vehicle Towing/Application Fees | --- | --- | --- | 0.8 | --- |
| 88-159 | CS/SB 212 | Dispensing of Drugs/\$25 Fee For Dispensing Practitioners | --- | --- | --- | 0.2 | --- |
| | SJR 318 | Widower's Property Tax Exemption | --- | --- | --- | --- | --- |
| 88-28 | SB 330 | State Attorney Records | --- | --- | --- | --- | --- |
| 88-91 | CS/SB 334 | Homestead Exemption--Appeals | --- | --- | --- | --- | (*) |
| 88-293 | SB 357 | Widower's Property Tax Exemption--Implementing Bill | --- | --- | --- | --- | --- |
| 88-166 | CS/ CS/SB 368 | Insurance Licensing/Regulation/Fees | --- | --- | --- | * | --- |
| 88-83 | SB 374 | Property Tax--Situs of Tangible Personal Property | --- | --- | --- | --- | ** |
| 88-102 | CS/SB 375 | Property Tax Exemptions--Ownership Required | --- | --- | --- | --- | ** |
| | CS/ CS/SJR 391 | State Bonds--Right of Way Acquisition and Bridge Construction | --- | --- | --- | --- | --- |
| 88-168 | CS/ CS/SB 392 | Transportation Corrdiers/Land Development Plans | --- | --- | --- | --- | (**) |
| 88-231 | SB 396 | Emergency Telephone Service Fee | --- | --- | --- | --- | 4.2 |
| 88-170 | CS/ CS/SB 399 | Fishing Tags - Tarpon | --- | --- | --- | 0.1 | --- |
| 88-172 | CS/ CS/SB 446 | Nuclear Pharmacist Regulation - Fees | --- | --- | --- | 0.3 | --- |
| 88-241 | CS/SB 479 | Student Fees--Increases Capital Improvement Fees | --- | --- | --- | 3.5 | --- |
| 88-135 | CS/SB 484 | Process Server's Certification Fees | --- | --- | --- | --- | * |
| 88-176 | CS/ CS/SB 487 | Child Support Enforcement/Fees | --- | --- | --- | -0.3 | --- |
| 88-242 | CS/SB 522 | Well Drilling Contractors--Fees | --- | --- | --- | --- | * |
| 88-294 | CS/ CS/SB 534 | Rural Hospital Act--Hospital Districts | --- | --- | --- | --- | ** |

* Insignificant <\$50,000

** Indeterminate

MEASURES AFFECTING REVENUES AND TAX ADMINISTRATION
ESTIMATED REVENUE INCREASES/(DECREASES)
(Millions of Dollars)

| Session Law | Bill Number | Description | 1988-89 | | | | |
|----------------|---------------------|--|-----------------|-----------|-------------------|---------------|-----------------|
| | | | General Revenue | | | Trust Fund | Local Impact |
| | | | First Year | Recurring | Non- Recurring | | |
| | | | \$ | \$ | \$ | \$ | \$ |
| 88-95 | CS/ CS/SB 556 | Motor Vehicle Sales--Lemon Law Sales Tax Refund Arbitration Fees | * | * | --- | --- | --- |
| 88-181 | CS/SB 567 | Fees for Divorce, Marriage/Displaced Homemaker TF | --- | --- | --- | 0.9 | --- |
| 88-296 | SB 574 | Aviation Fuel Price Disclosure | --- | --- | --- | 1.1 | --- |
| 88-185 | CS/CS/ CS/SB 587 | Public Depository Penalties | (*) | (*) | --- | * | --- |
| 88-123 | CS/SB 594 | Sales Tax Exemption for Charter Boats | -4.5 | -4.9 | 0.4 | --- | -0.5 |
| 88-96 | CS/CS/ CS/SB 634 | Victims Rights Act of 1988--Royalties | --- | --- | --- | * | --- |
| 88-190 | SB 677 | Valuation of Securities--Intangibles Tax | -0.1 | -0.1 | --- | --- | -0.1 |
| 88-192 | SB 704 | Florida Patient's Compensation Fund Intangibles Tax Exemption | (*) | (*) | --- | --- | (*) |
| 88-311 | CS/SB 711 | Challenger Auto Tag Distribution and Sunset Repeal | --- | --- | --- | --- | --- |
| VETOED | CS/SB 786 | Parimutuel Handle Withholding--Capital Improvements | 1.3 | 1.3 | --- | --- | --- |
| 88-137 | CS/ CS/SB 792 | Corporate Annual Report Fee Increase | --- | --- | --- | 4.0 | --- |
| 88-196 | SB 824 | DUI/Program Fees | --- | --- | --- | 0.2 | --- |
| 88-140 | CS/SB 830 | Municipal Utilities Tax--Information for Telecommunications Companies | --- | --- | --- | --- | --- |
| 88-243 | CS/SB 854 | Sales Tax Exemptions Food & Drink Sold by Charitable Institutions | -0.4 | -0.4 | --- | --- | -0.1 |
| | | Asphalt Manufacturer's Use Tax | --- | --- | --- | --- | --- |
| | | Purchases by Religious TV Broadcasters | -0.1 | -0.1 | --- | --- | * |
| | | Tourist Development Tax Increase | --- | --- | --- | --- | ** |
| | | Special Fuel Distributors | --- | --- | --- | ** | --- |
| 88-199 | CS/SB 931 | Citrus Taxes Citrus Canker Tax Extension | --- | --- | --- | 0.8 | --- |
| | | Citrus Products Tax Increase | ** | ** | --- | ** | --- |
| 88-200 | CS/CS/ CS/SB 954 | Hazardous Materials--Registration Fees | --- | --- | --- | 2.1 | --- |

* Insignificant <\$50,000

** Indeterminate

MEASURES AFFECTING REVENUES AND TAX ADMINISTRATION
ESTIMATED REVENUE INCREASES/(DECREASES)
(Millions of Dollars)

| Session Law | Bill Number | Description | 1988-89 | | | | |
|----------------|----------------------|---|-----------------|-----------|-------------------|---------------|-----------------|
| | | | General Revenue | | | Trust Fund | Local Impact |
| | | | First Year | Recurring | Non- Recurring | | |
| | | | \$ | \$ | \$ | \$ | \$ |
| 88-201 | SB 955 | Enterprise Zones | | | | | |
| | | Corporate Credit Revisions | 0.1 | -0.1 | 0.2 | --- | --- |
| | | Export Finance Corporation Credit | --- | -0.7 | 0.7 | --- | --- |
| | | Sales Tax Credit Revisions | 1.1 | -1.0 | 2.1 | --- | (*) |
| 88-234 | SB 991 | Garnishment Fees | --- | --- | --- | --- | * |
| 88-89 | SB 995 | Research Fees/Water Quality | --- | --- | --- | 0.1 | --- |
| 88-205 | SB 1031 | Department of Professional Regulation Fees | --- | --- | --- | ** | --- |
| 88-206 | CS/CS/ CS/SB 1054 | Insurance Premium Tax Revision | | | | | |
| | | Insurance Premium Taxes | -35.0 | -31.9 | -3.1 | 0.3 | --- |
| | | Sales Tax on Motor Vehicle Service Agreements | 11.8 | 12.8 | -1.0 | --- | 1.2 |
| 88-129 | CS/ CS/SB 1056 | Vehicle Emission Inspection | 0.1 | 0.2 | -0.1 | 1.2 | --- |
| 88-209 | SB 1088 | Fire Safety Standards/Firefighter Requirements/Fees | --- | --- | --- | * | --- |
| 88-216 | CS/SB 1171 | Ad Valorem Assessments | | | | | |
| | | Time Share | --- | --- | --- | --- | -4.5 |
| | | Non-Ad Valorem Fee Collections | --- | --- | --- | --- | --- |
| 88-130 | CS/ CS/SB 1192 | Solid Waste Management Act | | | | | |
| | | New Tire Fees | --- | --- | --- | 3.1 | --- |
| | | Newsprint Fees | --- | --- | --- | * | --- |
| | | Sales Tax Dealer Collection Allowance | --- | --- | --- | 6.6 | --- |
| | | Sales Tax Dealer Registration Fee | --- | --- | --- | 6.5 | --- |
| | | Sales Tax-M&E Exemption | --- | -8.9 | 8.9 | --- | --- |
| 88-306 | CS/SB 1193 | Transportation of Hazardous Materials | | | | | |
| | | Commercial Trucks--\$5 Surcharge | --- | --- | --- | 0.8 | --- |
| | | Registration Fees | --- | --- | --- | 0.1 | 0.1 |
| 88-119 | SB 1203 | Tax Administration | | | | | |
| | | Corporate Tax Update | --- | --- | --- | --- | --- |
| | | Doc Stamp Exemption Certain School Purchases | --- | --- | --- | --- | --- |
| | | Community Contribution Credit Acceleration | -0.4 | --- | -0.4 | --- | --- |
| | | Emergency Sales Tax Distribution-Revise Requirements | --- | -0.4 | 0.4 | --- | --- |
| | | SIF Cap Reduction to \$500 million | 45.3 | 45.3 | --- | -50.0(a) | 4.7 |
| | | Tax Laws--Open Government Sunset Act | --- | --- | --- | --- | --- |
| | | Local Option Sales Tax - Point of Delivery | --- | --- | --- | --- | ** |
| | | Government Acceptance of Credit Cards | --- | --- | --- | --- | --- |

(a) State Infrastructure Fund

* Insignificant <\$50,000

** Indeterminate

MEASURES AFFECTING REVENUES AND TAX ADMINISTRATION
ESTIMATED REVENUE INCREASES/(DECREASES)
(Millions of Dollars)

| Session Law | Bill Number | Description | 1988-89 | | | | |
|----------------|-------------|--|-----------------|-----------|-------------------|---------------|-----------------|
| | | | General Revenue | | | Trust Fund | Local Impact |
| | | | First Year | Recurring | Non- Recurring | | |
| | | | \$ | \$ | \$ | \$ | \$ |
| | | Extension of Tax Record Keeping Requirements | --- | --- | --- | --- | --- |
| 88-220 | SB 1234 | Property Tax Exemption--Community College Purchases | --- | --- | --- | --- | --- |
| 88-308 | CS/SB 1326 | Alcoholic Beverage Tax - FL Products | | | | | |
| | | Import Tax | -2.9 | -3.2 | 0.3 | --- | --- |
| | | Viticulture Trust Fund | -0.2 | -0.2 | --- | 0.2 | --- |
| 88-310 | CS/SB 1354 | Regulation of X-Ray Machine Operator-Podiatry/Fees | --- | --- | --- | * | --- |
| 88-224 | CS/SB 1364 | Highway Access/Application Fees | --- | --- | --- | ** | --- |
| 88-139 | CS/SB 1375 | Preneed Funeral Contracts/Fees | --- | --- | --- | ** | --- |
| 88-247 | CS/SB 1429 | State Bonds for Right-of-Way Acquisition | --- | --- | --- | --- | --- |
| 88-555 | SB 1F | Appropriations Act, Additional Auditors | 27.6 | 43.7 | -16.1 | 0.8 | 3.1 |
| 88-556 | SB 2F | Appropriations Act, Implementing Bill | --- | --- | --- | --- | --- |
| 88-557 | SB 3F | Appropriations Act, Conforming Bill/Notary Fee Increase | --- | --- | --- | 1.0 | --- |
| | | Sub-Total | 46.1 | 53.8 | -7.7 | 10.9 | 9.5 |
| | | Less Vetoes | 1.3 | 1.3 | --- | 0.8 | --- |
| | | TOTAL | 44.8 | 52.5 | -7.7 | 10.1 | 9.5 |

* Insignificant <\$50,000
** Indeterminate

EDUCATIONAL ENHANCEMENT TRUST FUND (LOTTERY)
FY 1988-89 GENERAL APPROPRIATIONS ACT

Section 01

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

OFFICE OF THE COMMISSIONER

| | | |
|------|--|---------|
| 336A | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS - HEMISPHERIC POLICY | |
| | STUDIES CENTER | 100,000 |
| 336B | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS - COUNCIL ON ENVIRONMENTAL | |
| | EDUCATION | 18,000 |

OFFICE OF DEPUTY COMMISSIONER & DIVISION OF ADMINISTRATION

| | | |
|------|--|-----------|
| 350 | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS - AUXILIARY LEARNING AIDS | |
| | FOR POSTSECONDARY HANDICAPPED STUDENTS | 100,000 |
| 386 | SPECIAL CATEGORIES | |
| | COMMUNITY COLLEGE MANAGEMENT INFORMATION | |
| | SYSTEM | 40,000 |
| 396 | FINANCIAL ASSISTANCE PAYMENTS | |
| | FLORIDA STUDENT ASSISTANCE GRANTS | 976,200 |
| 403A | FINANCIAL ASSISTANCE PAYMENTS | |
| | STATE STUDENT ASSISTANCE GRANTS | 2,000,000 |

HUMAN RESOURCE DEVELOPMENT, DIVISION OF

| | | |
|-----|-------------------------------------|-----------|
| 409 | EXPENSES | 400,000 |
| 414 | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS - TEACHER EDUCATION | |
| | CENTERS | 2,572,281 |
| 415 | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS - SUMMER INSERVICE | |
| | INSTITUTES | 9,725,210 |

PUBLIC SCHOOLS, DIVISION OF

| | | |
|------|---|-------------|
| 436 | AID TO LOCAL GOVERNMENTS | |
| | GRANTS AND AIDS - FLORIDA EDUCATIONAL | |
| | FINANCE PROGRAM | 183,000,000 |
| 437A | AID TO LOCAL GOVERNMENTS | |
| | GRANTS AND AIDS - LIBRARY MEDIA MATERIALS | 5,531,180 |
| 437B | AID TO LOCAL GOVERNMENTS | |
| | GRANTS AND AIDS - GRADES K - 3 IMPROVEMENT | |
| | PROGRAM | 9,677,414 |
| 453A | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS - CURRICULUM DEVELOPMENT | |
| | AND RENEWAL | 235,000 |
| 455 | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS - DROPOUT PREVENTION | 2,231,000 |
| 456 | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS - PRE-SCHOOL PROJECTS | 23,530,000 |
| 457B | SPECIAL CATEGORIES | |
| | FLORIDA DROPOUT IDENTIFICATION SYSTEM | 50,000 |
| 459 | SPECIAL CATEGORIES | |
| | GOVERNOR'S SUMMER COLLEGES PROGRAM | 250,000 |
| 459A | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS - LITERACY CENTERS | 150,000 |
| 460C | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS - MIDDLE CHILDHOOD | 15,000,000 |
| 465 | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS - MERIT SCHOOLS PROGRAM | 10,000,000 |
| 476 | SPECIAL CATEGORIES | |
| | GRANTS AND AIDS - REGIONAL CENTERS OF | |
| | EXCELLENCE | 425,000 |

EDUCATIONAL ENHANCEMENT TRUST FUND (LOTTERY)
FY 1988-89 GENERAL APPROPRIATIONS ACT

Section 01

| | | |
|--|--|------------|
| <u>VOCATIONAL, ADULT, AND COMMUNITY EDUCATION, DIVISION OF</u> | | |
| 484A | AID TO LOCAL GOVERNMENTS CENTERS OF AGRICULTURE ENHANCEMENT | 50,000 |
| 485 | AID TO LOCAL GOVERNMENTS CENTERS OF AUTOMOTIVE ENHANCEMENT | 775,000 |
| 489 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - TRUCK DRIVERS TRAINING PROGRAM | 475,000 |
| 490 | AID TO LOCAL GOVERNMENTS SOUTHERN REGIONAL EDUCATION CONSORTIUM PILOT SITE | 225,000 |
| 490A | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - TECHNICAL TRANSFER CENTERS/COMPUTER INTEGRATED MANUFACTURING | 200,000 |
| 494A | SPECIAL CATEGORIES GRANTS AND AIDS - ENHANCEMENT OF POSTSECONDARY ELECTRONICS VOCATIONAL EDUCATION PROGRAMS | 512,500 |
| 495 | SPECIAL CATEGORIES GRANTS AND AIDS - INDUSTRY SERVICES | 405,702 |
| 496 | SPECIAL CATEGORIES GRANTS AND AIDS - VOCATIONAL BUSINESS EXCHANGE PROGRAM | 150,000 |
| 496A | SPECIAL CATEGORIES GRANTS AND AIDS - TECHNOLOGY TRANSFER CENTERS/VISUAL SIMULATION TECHNOLOGY | 100,000 |
| <u>COMMUNITY COLLEGES, DIVISION OF</u> | | |
| 498 | OTHER PERSONAL SERVICES | 14,400 |
| 499 | EXPENSES | 9,000 |
| 500 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - COMMUNITY COLLEGES PROGRAM FUND | 15,927,578 |
| 500A | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - COMMUNITY COLLEGE STUDENT DATA BASE | 1,000,020 |
| 500B | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - HISPANIC VOCATIONAL PROGRAM | 100,000 |
| 501 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - INSTRUCTIONAL EQUIPMENT | 4,846,689 |
| 501B | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LIBRARY AUTOMATION | 310,750 |
| 501C | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - QUALITY IMPROVEMENTS | 3,337,196 |
| 502 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SUNSHINE STATE SKILLS PROGRAM | 3,985,702 |
| 505A | SPECIAL CATEGORIES GRANTS AND AIDS - DEFERRED MAINTENANCE | 2,000,000 |
| 505B | SPECIAL CATEGORIES GRANTS AND AIDS - LITERACY CENTERS | 200,000 |
| 505C | SPECIAL CATEGORIES GRANTS AND AIDS - LEARNING RESOURCE CENTER MATERIALS | 4,535,240 |
| 506A | SPECIAL CATEGORIES GRANTS AND AIDS - PROGRAM REVIEWS | 1,785,000 |

EDUCATIONAL ENHANCEMENT TRUST FUND (LOTTERY)
FY 1988-89 GENERAL APPROPRIATIONS ACT

Section 01

UNIVERSITIES, DIVISION OF

EDUCATIONAL AND GENERAL ACTIVITIES

| | | |
|------|--|-----------|
| 530 | EXPENSES | 780,000 |
| 532 | LUMP SUM COMPREHENSIVE UNIVERSITY PRESENCE | 6,000,000 |
| 532A | LUMP SUM FILM, TELEVISION, AND RECORDING ARTS | 475,000 |
| 532D | LUMP SUM HIGH TECHNOLOGY RESEARCH - STATE SUPPORT FOR FEDERAL INITIATIVES | 3,500,000 |
| 536B | SPECIAL CATEGORIES CUBAN EXILE HISTORY AND ARCHIVES PROJECT - FLORIDA INTERNATIONAL UNIVERSITY | 113,000 |
| 538 | SPECIAL CATEGORIES FACULTY AWARDS FOR EXCELLENCE IN INSTRUCTION | 200,000 |
| 539 | SPECIAL CATEGORIES INSTITUTE OF GOVERNMENT | 250,000 |
| 544 | SPECIAL CATEGORIES STUDENT FINANCIAL AID | 4,500,000 |

INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES

| | | |
|-----|---|---------|
| 548 | EXPENSES | 55,681 |
| 549 | OPERATING CAPITAL OUTLAY | 217,650 |
| 550 | SPECIAL CATEGORIES SCIENTIFIC AND TECHNICAL INSTRUCTIONAL EQUIPMENT | 556,806 |

UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER

| | | |
|-----|---|---------|
| 560 | EXPENSES | 26,540 |
| 565 | SPECIAL CATEGORIES SCIENTIFIC AND TECHNICAL INSTRUCTIONAL EQUIPMENT | 265,403 |

BOARD OF REGENTS GENERAL OFFICE

| | | |
|-----|--|-----------|
| 578 | SPECIAL CATEGORIES HIGH TECH RESEARCH AND DEVELOPMENT | 4,600,000 |
|-----|--|-----------|

UNIVERSITY OF FLORIDA HEALTH CENTER -

EDUCATIONAL AND GENERAL

| | | |
|-----|---|---------|
| 586 | EXPENSES | 63,185 |
| 589 | SPECIAL CATEGORIES SCIENTIFIC AND TECHNICAL INSTRUCTIONAL EQUIPMENT | 631,854 |

| | |
|--|-------------|
| Total of Section 01 FROM EDUCATIONAL ENHANCEMENT TRUST FUND | 329,191,181 |
|--|-------------|

STATE INFRASTRUCTURE FUND
FY 1988-89 GENERAL APPROPRIATIONS ACT

Section 01

| | |
|--|-------------|
| COMMERCE, DEPARTMENT OF | |
| ECONOMIC DEVELOPMENT, DIVISION OF | |
| 211A AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - TRADE AND CONVENTION CENTER | 3,000,000 |
| 211B AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - INDUSTRIAL PARK | 150,000 |
| 211E AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ELLYSON FIELD LOAN REPAYMENT - ESCAMBIA COUNTY | 1,434,411 |
| 213A SPECIAL CATEGORIES GRANTS AND AIDS - FUELS RESEARCH - FLORIDA INSTITUTE OF TECHNOLOGY | 100,000 |
| 213D SPECIAL CATEGORIES GRANTS AND AIDS - WEST PERRINE COMMUNITY DEVELOPMENT CORPORATION | 100,000 |
| COMMUNITY AFFAIRS, DEPARTMENT OF | |
| RESOURCE PLANNING AND MANAGEMENT, DIVISION OF | |
| 236A SPECIAL CATEGORIES GRANTS AND AIDS - REGIONAL POLICY PLANNING. | 500,000 |
| 238 SPECIAL CATEGORIES TRANSFER TO GROWTH MANAGEMENT TRUST FUND .. | 2,500,000 |
| HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF | |
| 256A AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - WASTEWATER SYSTEM PROJECTS | 3,250,000 |
| 256C AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - WATER SYSTEM/MOORE HAVEN. | 500,000 |
| 262A AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - HOWEY-IN-THE-HILLS/SOLID WASTE MANAGEMENT | 200,000 |
| 268A SPECIAL CATEGORIES GRANTS AND AIDS - FOOD WAREHOUSE PROJECT .. | 125,000 |
| HOUSING FINANCE AGENCY | |
| 275A SPECIAL CATEGORIES GRANTS AND AIDS - AFFORDABLE HOUSING LOAN PROGRAM | 15,000,000 |
| EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION | |
| OFFICE OF EDUCATIONAL FACILITIES | |
| 343A SPECIAL CATEGORIES TRANSFER TO PUBLIC EDUCATION CAPITAL OUTLAY TRUST FUND | 255,195,565 |

STATE INFRASTRUCTURE FUND
FY 1988-89 GENERAL APPROPRIATIONS ACT

Section 01

ENVIRONMENTAL REGULATION, DEPARTMENT OF

| | | |
|------|---|------------|
| 597A | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - WATER RESTORATION | 1,174,850 |
| 597B | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - WATER REUSE PROJECTS | 250,000 |
| 597E | AID TO LOCAL GOVERNMENTS TRANSFER - DEPARTMENT OF ENVIRONMENTAL REGULATION SEWAGE TREATMENT LOAN TRUST FUND | 15,200,000 |
| 604A | SPECIAL CATEGORIES GRANTS AND AIDS - TRANSFER TO ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR LAKE APOPKA RESTORATION | 5,000,000 |
| 604B | SPECIAL CATEGORIES TRANSFER TO HOMEPORT DEVELOPMENT TRUST FUND | 5,000,000 |
| 607A | SPECIAL CATEGORIES GRANTS AND AIDS - ASBESTOS WASTE DISPOSAL PROJECT | 114,000 |
| 607B | SPECIAL CATEGORIES GRANTS AND AIDS - SOLID AND HAZARDOUS WASTE PROJECT | 110,000 |

GENERAL SERVICES, DEPARTMENT OF

FACILITIES MANAGEMENT, DIVISION OF

| | | |
|-----|--------------------|-----------|
| 654 | DEBT SERVICE | 7,063,700 |
|-----|--------------------|-----------|

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

DEPUTY SECRETARY FOR OPERATIONS

HEALTH SERVICES

| | | |
|-----|--|-----------|
| 874 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - CONSTRUCTION AND RENOVATION OF COUNTY HEALTH UNIT FACILITIES | 6,009,500 |
|-----|--|-----------|

NATURAL RESOURCES, DEPARTMENT OF

RECREATION AND PARKS, DIVISION OF

| | | |
|-------|--|-----------|
| 1481A | SPECIAL CATEGORIES GRANTS AND AIDS - LOCAL RECREATIONAL DEVELOPMENT PROJECTS | 1,878,000 |
|-------|--|-----------|

REVENUE, DEPARTMENT OF

COLLECTION AND ENFORCEMENT, DIVISION OF

| | | |
|-------|--|------------|
| 1555A | SPECIAL CATEGORIES TRANSFERS TO OTHER AGENCIES FOR IMPLEMENTATION OF THE SURFACE WATER IMPROVEMENT AND MANAGEMENT (SWIM) ACT | 15,000,000 |
|-------|--|------------|

STATE INFRASTRUCTURE FUND
FY 1988-89 GENERAL APPROPRIATIONS ACT

Section 01

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

HISTORICAL RESOURCES, DIVISION OF

| | | |
|-------|--|-----------|
| 1585B | SPECIAL CATEGORIES GRANTS AND AIDS - ACQUISITION AND RESTORATION OF HISTORIC PROPERTIES..... | 7,104,070 |
|-------|--|-----------|

| | | |
|-------|---|-----------|
| 1586B | SPECIAL CATEGORIES NAVAL AVIATION MUSEUM | 1,000,000 |
|-------|---|-----------|

LIBRARY AND INFORMATION SERVICES, DIVISION OF

| | | |
|------|--|-----------|
| 1599 | AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LIBRARY CONSTRUCTION | 1,400,000 |
|------|--|-----------|

CULTURAL AFFAIRS, DIVISION OF

| | | |
|-------|---|-----------|
| 1606B | SPECIAL CATEGORIES GRANTS AND AIDS - ART FACILITIES DEVELOPMENT AND OPERATIONS PROGRAMS | 8,169,562 |
|-------|---|-----------|

TRANSPORTATION, DEPARTMENT OF

DISTRICT OPERATIONS

| | | |
|-------|---|--------|
| 1721A | AID TO LOCAL GOVERNMENTS HIGHWAY BEAUTIFICATION GRANTS | 10,000 |
|-------|---|--------|

| | | |
|-------|--|---------|
| 1729A | SPECIAL CATEGORIES GRANTS AND AIDS - PEDESTRIAN CROSSWALK - STATE ROAD 29 - COLLIER COUNTY | 221,625 |
|-------|--|---------|

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|---------------------|--|-------------|
| Total of Section 01 | | |
| | FROM STATE INFRASTRUCTURE FUND | 356,760,283 |

Section 02

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF,
AND COMMISSIONER OF AGRICULTURE

DAIRY INDUSTRY, DIVISION OF

| | | |
|-------|---|-------|
| 1736B | FIXED CAPITAL OUTLAY REPLACE HEAT PUMP/REPAIR ROOF DAIRY LABORATORY, DUVAL COUNTY | 8,200 |
|-------|---|-------|

| | | |
|-------|--|--------|
| 1736C | FIXED CAPITAL OUTLAY MILK AGITATION FACILITY, DAIRY LABORATORY, DUVAL COUNTY | 77,370 |
|-------|--|--------|

MARKETING, DIVISION OF

| | | |
|-------|---|-----------|
| 1738A | FIXED CAPITAL OUTLAY TRANSFER TO MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND | 4,850,000 |
|-------|---|-----------|

FRUIT AND VEGETABLE INSPECTION, DIVISION OF

| | | |
|-------|---|-----------|
| 1738B | FIXED CAPITAL OUTLAY RENOVATE FLORIDA CITRUS BUILDING, WINTER HAVEN | 3,000,000 |
|-------|---|-----------|

FORESTRY, DIVISION OF

| | | |
|------|--|---------|
| 1745 | FIXED CAPITAL OUTLAY ADDITION, SEED EXTRACTION PLANT MUNSON NURSERY, SANTA ROSA COUNTY | 150,000 |
|------|--|---------|

STATE INFRASTRUCTURE FUND
FY 1988-89 GENERAL APPROPRIATIONS ACT

Section 02

CORRECTIONS, DEPARTMENT OF

ASSISTANT SECRETARY FOR HEALTH SERVICES

| | | |
|------|--|---------|
| 1748 | FIXED CAPITAL OUTLAY MAJOR REPAIRS, RENOVATIONS AND IMPROVEMENTS TO MAJOR INSTITUTIONS | 200,100 |
|------|--|---------|

| | | |
|------|---|-----------|
| 1749 | FIXED CAPITAL OUTLAY NEW AND EXPANDED MEDICAL FACILITIES | 3,820,030 |
|------|---|-----------|

CORRECTIONAL EDUCATION SCHOOL AUTHORITY

| | | |
|------|--|---------|
| 1750 | FIXED CAPITAL OUTLAY MAJOR REPAIRS, RENOVATIONS AND IMPROVEMENTS TO MAJOR INSTITUTIONS | 150,000 |
|------|--|---------|

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

MAJOR INSTITUTIONS

| | | |
|------|--|---------|
| 1751 | FIXED CAPITAL OUTLAY CORRECTION OF FIRE SAFETY DEFICIENCIES, STATEWIDE | 500,000 |
|------|--|---------|

| | | |
|------|--|-----------|
| 1752 | FIXED CAPITAL OUTLAY IMPROVEMENTS TO WATER SYSTEMS AND WASTEWATER TREATMENT PLANTS | 1,000,000 |
|------|--|-----------|

| | | |
|------|--|-----------|
| 1753 | FIXED CAPITAL OUTLAY MAJOR REPAIRS, RENOVATIONS AND IMPROVEMENTS TO MAJOR INSTITUTIONS | 1,500,000 |
|------|--|-----------|

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|------|---|---------|
| 1754 | FIXED CAPITAL OUTLAY REPAIRS AND RENOVATIONS, ROOF REPAIRS | 251,100 |
|------|---|---------|

| | | |
|-------|---|---------|
| 1754A | FIXED CAPITAL OUTLAY SITE ACQUISITION/PLANNING/PREPARATION FOR CORRECTIONAL BEDS..... | 400,000 |
|-------|---|---------|

| | | |
|------|---|---------|
| 1756 | FIXED CAPITAL OUTLAY CORRECTION, ENVIRONMENTAL DEFICIENCIES | 470,000 |
|------|---|---------|

| | | |
|------|---|------------|
| 1758 | FIXED CAPITAL OUTLAY NEW PROTOTYPE INSTITUTION - A | 13,120,000 |
|------|---|------------|

COMMUNITY FACILITIES AND ROAD PRISONS

| | | |
|------|--|--------|
| 1762 | FIXED CAPITAL OUTLAY CORRECTION OF FIRE SAFETY DEFICIENCIES, STATEWIDE | 56,000 |
|------|--|--------|

| | | |
|------|--|---------|
| 1764 | FIXED CAPITAL OUTLAY MAJOR REPAIRS, RENOVATIONS AND IMPROVEMENTS TO MAJOR INSTITUTIONS | 200,000 |
|------|--|---------|

| | | |
|------|---|--------|
| 1765 | FIXED CAPITAL OUTLAY REPAIRS AND RENOVATIONS, ROOF REPAIRS | 75,000 |
|------|---|--------|

| | | |
|------|---|--------|
| 1766 | FIXED CAPITAL OUTLAY CORRECTION, ENVIRONMENTAL DEFICIENCIES | 94,000 |
|------|---|--------|

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

FISHERIES, DIVISION OF

| | | |
|-------|---|--------|
| 1773B | FIXED CAPITAL OUTLAY OFFICE AND EQUIPMENT STORAGE BUILDING, KISSIMMEE | 47,926 |
|-------|---|--------|

| | | |
|------|---|--------|
| 1774 | FIXED CAPITAL OUTLAY ADDITION, EUSTIS LABORATORY | 72,926 |
|------|---|--------|

STATE INFRASTRUCTURE FUND
FY 1988-89 GENERAL APPROPRIATIONS ACT

Section 02

| | |
|---|--|
| GENERAL SERVICES, DEPARTMENT OF | |
| FACILITIES MANAGEMENT, DIVISION OF | |
| 1785A | FIXED CAPITAL OUTLAY DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES WAREHOUSE, LEON COUNTY |
| | 107,259 |
| 1786B | FIXED CAPITAL OUTLAY CAPITOL CENTER ELECTRICAL IMPROVEMENTS |
| | 1,502,000 |
| 1786C | FIXED CAPITAL OUTLAY LAKELAND PARKING GARAGE |
| | 750,000 |
| MOTOR POOL, DIVISION OF | |
| 1790A | FIXED CAPITAL OUTLAY ROOF REPAIRS ON MOTOR POOL BUILDING IN GAINESVILLE |
| | 75,000 |
| HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF | |
| OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION | |
| 1792 | FIXED CAPITAL OUTLAY REPAIR AND MAINTENANCE, CENTRALLY MANAGED STATEWIDE |
| | 2,000,000 |
| 1793 | FIXED CAPITAL OUTLAY ASBESTOS REMOVAL, STATEWIDE |
| | 500,000 |
| 1795 | FIXED CAPITAL OUTLAY HANDICAPPED CODE COMPLIANCE PROJECTS STATEWIDE |
| | 649,700 |
| 1796 | FIXED CAPITAL OUTLAY LIFE SAFETY CODE COMPLIANCE PROJECTS STATEWIDE |
| | 3,600,000 |
| 1797 | FIXED CAPITAL OUTLAY DRAINAGE SYSTEMS MAINTENANCE AND REPAIR STATEWIDE |
| | 11,000 |
| 1798 | FIXED CAPITAL OUTLAY PAVED SURFACE MAINTENANCE AND REPAIR STATEWIDE |
| | 95,000 |
| 1799 | FIXED CAPITAL OUTLAY INSTITUTIONAL/CAMPUS UTILITY SYSTEMS MAINTENANCE AND REPAIR, STATEWIDE |
| | 4,700,000 |
| 1800 | FIXED CAPITAL OUTLAY INTERIOR/EXTERIOR REFURBISHMENT STATEWIDE.. |
| | 500,000 |
| 1801 | FIXED CAPITAL OUTLAY ROOF REPAIRS/REPLACEMENT STATEWIDE |
| | 2,000,000 |
| DEPUTY SECRETARY FOR OPERATIONS | |
| DISTRICT ADMINISTRATION | |
| 1802 | FIXED CAPITAL OUTLAY ADDITION, OFFICE, MONROE CENTER |
| | 82,300 |
| ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES | |
| 1802A | FIXED CAPITAL OUTLAY WEST FLORIDA COMMUNITY CARE THERAPEUTIC ROOM |
| | 250,000 |

STATE INFRASTRUCTURE FUND
FY 1988-89 GENERAL APPROPRIATIONS ACT

Section 02

MENTAL HEALTH - INSTITUTIONS

| | | |
|------|--|-----------|
| 1806 | FIXED CAPITAL OUTLAY RENOVATE LAUNDRY, G. PIERCE WOOD MENTAL HOSPITAL | 106,850 |
| 1807 | FIXED CAPITAL OUTLAY RENOVATE MENTAL HEALTH FACILITIES, FLORIDA STATE HOSPITAL, BUILDING 243 - G. PIERCE WOOD MEMORIAL HOSPITAL, BUILDING 72..... | 1,403,000 |
| 1808 | FIXED CAPITAL OUTLAY FLORIDA STATE HOSPITAL REPLACE GADSDEN..... | 10,800 |

CHILDREN, YOUTH AND FAMILY SERVICES

| | | |
|-------|---|-----------|
| 1808A | FIXED CAPITAL OUTLAY REPLACE ADMINISTRATIVE FACILITY, DOZIER.... | 861,500 |
| 1809 | FIXED CAPITAL OUTLAY THREE CHILDREN, YOUTH, AND FAMILY PROGRAMS DUVAL, LEON, COLLIER, OKEECHOBEE..... | 2,885,000 |
| 1810A | FIXED CAPITAL OUTLAY NEW VOCATIONAL FACILITY, DOZIER..... | 1,980,270 |

CHILDREN'S MEDICAL SERVICES

| | | |
|-------|--|-----------|
| 1812A | FIXED CAPITAL OUTLAY NEW CHILDRENS MEDICAL SERVICES CLINIC ALACHUA | 3,246,400 |
|-------|--|-----------|

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF
FLORIDA HIGHWAY PATROL, DIVISION OF

| | | |
|-------|--|---------|
| 1816A | FIXED CAPITAL OUTLAY DESOTO COUNTY FLORIDA HIGHWAY PATROL STATION - PLANNING/ CONSTRUCTION | 400,000 |
| 1817 | FIXED CAPITAL OUTLAY PAVING, HIGHWAY PATROL STATIONS STATEWIDE .. | 86,700 |
| 1818 | FIXED CAPITAL OUTLAY INTERIOR IMPROVEMENTS, HIGHWAY PATROL STATIONS STATEWIDE | 53,700 |
| 1819 | FIXED CAPITAL OUTLAY NEW FLORIDA HIGHWAY PATROL/DRIVERS LICENSE STATION, NAPLES-COLLIER COUNTY | 551,565 |
| 1821 | FIXED CAPITAL OUTLAY NEW FLORIDA HIGHWAY PATROL STATION - FT. LAUDERDALE, BROWARD COUNTY | 100,000 |

DRIVER LICENSES, DIVISION OF

| | | |
|-------|--|---------|
| 1825 | FIXED CAPITAL OUTLAY RENOVATE OLD HIGHWAY PATROL STATION BREVARD COUNTY | 203,940 |
| 1828 | FIXED CAPITAL OUTLAY INTERIOR IMPROVEMENTS, DRIVERS LICENSE OFFICES STATEWIDE | 32,800 |
| 1828A | FIXED CAPITAL OUTLAY GREEN COVE SPRINGS DRIVER LICENSE OFFICE - PLANNING/ CONSTRUCTION | 306,000 |
| 1828B | FIXED CAPITAL OUTLAY SECURITY SYSTEMS, DRIVERS LICENSE OFFICES STATEWIDE | 2,500 |

MOTOR VEHICLES, DIVISION OF

| | | |
|-------|--|---------|
| 1830A | FIXED CAPITAL OUTLAY MOBILE FACILITIES, CERTIFICATE OF RIGHT OF POSSESSION(CRP) PROGRAM, STATEWIDE | 210,300 |
|-------|--|---------|

STATE INFRASTRUCTURE FUND
FY 1988-89 GENERAL APPROPRIATIONS ACT

Section 02

JUDICIAL BRANCH

SUPREME COURT

| | | |
|-------|--|------------|
| 1830C | FIXED CAPITAL OUTLAY SUPREME COURT BUILDING RENOVATION/EXPANSION | 11,922,957 |
|-------|--|------------|

DISTRICT COURTS OF APPEAL

| | | |
|-------|---|---------|
| 1830D | FIXED CAPITAL OUTLAY PAINTING, FIRST DISTRICT COURT OF APPEAL LEON COUNTY | 114,576 |
|-------|---|---------|

| | | |
|------|--|--------|
| 1831 | FIXED CAPITAL OUTLAY EXTERIOR WATERPROOFING, FIFTH DISTRICT COURT OF APPEAL VOLUSIA COUNTY | 21,415 |
|------|--|--------|

| | | |
|------|--|--------|
| 1832 | FIXED CAPITAL OUTLAY HEATING AND AIR CONDITIONING IMPROVEMENTS .. | 42,730 |
|------|--|--------|

LAW ENFORCEMENT, DEPARTMENT OF

CRIME LABORATORIES AND STAFF SERVICES, DIVISION OF

| | | |
|------|--|------------|
| 1834 | FIXED CAPITAL OUTLAY TAMPA REGIONAL LAW ENFORCEMENT OPERATING FACILITY | 10,936,998 |
|------|--|------------|

MILITARY AFFAIRS, DEPARTMENT OF

GENERAL ACTIVITIES

| | | |
|------|---|---------|
| 1835 | FIXED CAPITAL OUTLAY RENOVATE NATIONAL GUARD ARMORY, FT. LAUDERDALE | 283,200 |
|------|---|---------|

| | | |
|------|--|--------|
| 1836 | FIXED CAPITAL OUTLAY ASBESTOS ABATEMENT PLANNING AGENCYWIDE ... | 32,000 |
|------|--|--------|

| | | |
|------|--|---------|
| 1837 | FIXED CAPITAL OUTLAY UNDERGROUND TANK REPLACEMENTS, AGENCYWIDE .. | 154,200 |
|------|--|---------|

| | | |
|------|---|--------|
| 1838 | FIXED CAPITAL OUTLAY EXTERIOR REPAIRS, PAINTING, AND WATERPROOFING AGENCYWIDE | 17,900 |
|------|---|--------|

| | | |
|------|--|--------|
| 1839 | FIXED CAPITAL OUTLAY REPLACE WEAPONS VAULT, APALACHICOLA NATIONAL GUARD ARMORY, FRANKLIN | 18,000 |
|------|--|--------|

| | | |
|-------|---|--------|
| 1839A | FIXED CAPITAL OUTLAY RENOVATE NATIONAL GUARD ARMORY, BONIFAY ... | 25,000 |
|-------|---|--------|

| | | |
|------|--|---------|
| 1841 | FIXED CAPITAL OUTLAY RENOVATION STATE ARSENAL, PHASE II AND III - ST AUGUSTINE | 940,924 |
|------|--|---------|

| | | |
|-------|---|--------|
| 1843A | FIXED CAPITAL OUTLAY NEW NATIONAL GUARD ARMORY, NORTH PORT | 89,600 |
|-------|---|--------|

| | | |
|-------|--|---------|
| 1845A | FIXED CAPITAL OUTLAY ARMORY EXPANSION/REHABILITATION - CRAIG FIELD | 118,900 |
|-------|--|---------|

NATURAL RESOURCES, DEPARTMENT OF

MARINE RESOURCES, DIVISION OF

| | | |
|-------|--|---------|
| 1845C | FIXED CAPITAL OUTLAY SUPPORT FACILITY - PORT MANATEE FISH HATCHERY | 229,450 |
|-------|--|---------|

STATE INFRASTRUCTURE FUND
FY 1988-89 GENERAL APPROPRIATIONS ACT

Section 02

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

HISTORIC PRESERVATION BOARDS

HISTORIC ST AUGUSTINE PRESERVATION BOARD

| | | |
|-------|---|---------|
| 1864A | FIXED CAPITAL OUTLAY PLANNING/DESIGN/CONSTRUCTION - ST. AUGUSTINE MUSEUM OF HISTORY/GOVERNMENT HOUSE | 200,000 |
|-------|---|---------|

RINGLING MUSEUM OF ART, BOARD OF TRUSTEES OF THE
JOHN AND MABLE

| | | |
|------|---|-----------|
| 1865 | FIXED CAPITAL OUTLAY EMERGENCY REPAIRS | 1,000,000 |
|------|---|-----------|

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|--------------------------------|-------|------------|
| Total of Section 02 | | |
| FROM STATE INFRASTRUCTURE FUND | | 85,454,086 |

Section 03

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF,
AND COMMISSIONER OF AGRICULTURE

OFFICE OF THE COMMISSIONER AND DIVISION OF
ADMINISTRATION

| | | |
|-------|--|---------|
| 1865B | FIXED CAPITAL OUTLAY FIRE ESCAPE, MAYO BUILDING | 156,073 |
|-------|--|---------|

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|-------|---|--------|
| 1865C | FIXED CAPITAL OUTLAY REPLACE FIRE ALARM SYSTEM, MAYO BUILDING .. | 70,000 |
|-------|---|--------|

| | | |
|-------|---|---------|
| 1865D | FIXED CAPITAL OUTLAY REPLACE EXTERIOR AGGREGATE STONE PANELS LAB COMPLEX, TALLAHASSEE | 120,000 |
|-------|---|---------|

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| 1865E | FIXED CAPITAL OUTLAY REPLACE FLOORING, CHEMICAL LABORATORY COMPLEX TALLAHASSEE | 13,328 |
|-------|--|--------|

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| 1865F | FIXED CAPITAL OUTLAY ROOF REPAIRS, CHEMICAL LABORATORY COMPLEX TALLAHASSEE | 71,847 |
|-------|--|--------|

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| 1865G | FIXED CAPITAL OUTLAY REPLACE ROOF, MAYO BUILDING TALLAHASSEE ... | 47,581 |
|-------|---|--------|

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| 1865H | FIXED CAPITAL OUTLAY STRUCTURAL RENOVATION, CHEMICAL LABORATORY COMPLEX TALLAHASSEE | 7,344 |
|-------|---|-------|

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| 1866 | FIXED CAPITAL OUTLAY GRANTS AND AIDS - NON-POINT SOURCE POLLUTION | 3,000,000 |
|------|---|-----------|

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| 1866A | FIXED CAPITAL OUTLAY GRANTS AND AIDS - UPPER ST. JOHNS RIVER WATER QUALITY STUDY BREVARD COUNTY | 67,599 |
|-------|---|--------|

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| 1866C | FIXED CAPITAL OUTLAY GRANTS AND AIDS - ST. LUCIE CANAL EROSION/SEDIMENT CONTROL PROJECT, MARTIN COUNTY | 59,374 |
|-------|---|--------|

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| 1866D | FIXED CAPITAL OUTLAY GRANTS AND AIDS - ST. LUCIE/INDIAN RIVER WATER CONSERVATION | 46,000 |
|-------|--|--------|

STATE INFRASTRUCTURE FUND
FY 1988-89 GENERAL APPROPRIATIONS ACT

Section 03

| | |
|------------------------|--|
| MARKETING, DIVISION OF | |
| 1866F | FIXED CAPITAL OUTLAY GRANTS AND AIDS - CONSTRUCTION/RENOVATION - JACKSON COUNTY AGRICULTURE CENTER |
| | 200,000 |
| 1866G | FIXED CAPITAL OUTLAY GRANTS AND AIDS - FLORIDA STATE FAIR - RENOVATIONS OF HORSE BARNs |
| | 250,000 |
| 1866H | FIXED CAPITAL OUTLAY GRANTS AND AIDS - NASSAU COUNTY AGRICULTURE MULTIPURPOSE BUILDING |
| | 50,000 |
| 1866I | FIXED CAPITAL OUTLAY GRANTS AND AIDS - LAND ACQUISITION/CONSTRUCTION/REPAIRS - WASHINGTON COUNTY STATE FARMERS' MARKET .. |
| | 140,000 |
| 1866J | FIXED CAPITAL OUTLAY GRANTS AND AIDS - PLANNING/CONSTRUCTION, COLLIER COUNTY AGRICULTURE CENTER |
| | 200,000 |
| 1866K | FIXED CAPITAL OUTLAY GRANTS AND AIDS - ADDITIONS/RENOVATIONS/NEW CONSTRUCTION - POLK COUNTY LIVESTOCK PAVILION |
| | 426,157 |
| 1866L | FIXED CAPITAL OUTLAY GRANTS AND AIDS - PLANNING/CONSTRUCTION/RENOVATION/REPAIR/ PAVING - WALTON COUNTY FAIR |
| | 135,000 |
| 1866M | FIXED CAPITAL OUTLAY GRANTS AND AIDS - PLANNING/BAY COUNTY STATE FARMERS' MARKET |
| | 25,000 |
| 1866O | FIXED CAPITAL OUTLAY RENOVATION, CONSTRUCTION, PAVING LIVESTOCK PAVILION, GADSDEN COUNTY |
| | 200,000 |
| 1866P | FIXED CAPITAL OUTLAY AGRICULTURE CENTER, OKALOOSA COUNTY |
| | 125,000 |
| 1866Q | FIXED CAPITAL OUTLAY GRANTS AND AIDS - PLANNING/CONSTRUCTION, SOUTH FLORIDA FAIR - PALM BEACH COUNTY .. |
| | 750,000 |
| 1866R | FIXED CAPITAL OUTLAY GRANTS AND AIDS - RETAIL MARKET - GAINESVILLE STATE FARMERS' MARKET |
| | 100,000 |
| FORESTRY, DIVISION OF | |
| 1866V | FIXED CAPITAL OUTLAY PAVING/VERO BEACH WORK CENTER |
| | 33,000 |
| 1866W | FIXED CAPITAL OUTLAY REPLACE FORESTRY STATION/BAKERSVILLE |
| | 66,000 |
| 1866X | FIXED CAPITAL OUTLAY REPLACE RESIDENCE/VERO BEACH TOWER SITE ... |
| | 36,000 |
| 1866Y | FIXED CAPITAL OUTLAY REPLACE RESIDENCE, YEEHAW TOWER OSCEOLA COUNTY |
| | 46,000 |

STATE INFRASTRUCTURE FUND
FY 1988-89 GENERAL APPROPRIATIONS ACT

Section 03

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| CORRECTIONS, DEPARTMENT OF | |
| OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS | |
| MAJOR INSTITUTIONS | |
| 1868A | FIXED CAPITAL OUTLAY ADDITIONAL CAPACITY AT EXISTING FACILITIES. 1,200,000 |
| 1869 | FIXED CAPITAL OUTLAY EXPAND NEW RIVER CORRECTIONAL INSTITUTION.. 3,792,000 |
| 1871 | FIXED CAPITAL OUTLAY EXPAND WORK AND FORESTRY CAMPS 6,902,000 |
| 1871A | FIXED CAPITAL OUTLAY EXPANSION, OKALOOSA CORRECTIONAL INSTITUTION 9,789,500 |
| GENERAL SERVICES, DEPARTMENT OF | |
| FACILITIES MANAGEMENT, DIVISION OF | |
| 1877A | FIXED CAPITAL OUTLAY ACQUISITION AND PLANNING, SATELLITE COMPLEX LEON COUNTY 5,000,000 |
| 1877B | FIXED CAPITAL OUTLAY LAND ACQUISITION - CAPITOL CENTER AND VICINITY GOVERNOR'S MANSION AND ENVIRONS .. 500,000 |
| HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF | |
| DEPUTY SECRETARY FOR OPERATIONS | |
| DEVELOPMENTAL SERVICES | |
| 1877C | FIXED CAPITAL OUTLAY WILLIAM J. RISH PARK IMPROVEMENTS/RENOVATIONS 25,000 |
| DEVELOPMENTAL SERVICES - INSTITUTIONS | |
| 1877D | FIXED CAPITAL OUTLAY PAVING PARKING AREA AT GAINESVILLE SUNLAND CAMPUS 15,000 |
| NATURAL RESOURCES, DEPARTMENT OF | |
| BEACHES AND SHORES, DIVISION OF | |
| 1881 | FIXED CAPITAL OUTLAY INLET SAND TRANSFER PROJECTS, STATEWIDE.... 1,000,000 |
| 1883B | FIXED CAPITAL OUTLAY BEACH RESTORATION - NORTH BOCA RATON 2,788,000 |
| 1883C | FIXED CAPITAL OUTLAY BEACH RESTORATION - SOUTH ANNA MARIA KEY... 4,601,000 |
| 1883D | FIXED CAPITAL OUTLAY BEACH RESTORATION - CAPTIVA ISLAND 2,009,000 |
| 1883E | FIXED CAPITAL OUTLAY BEACH RESTORATION - INDIAN ROCKS BEACH 2,460,000 |
| 1883F | FIXED CAPITAL OUTLAY FEEDER BEACH - TREASURE ISLAND 863,000 |
| 1883H | FIXED CAPITAL OUTLAY DUNE CROSSWALK CONSTRUCTION - CAPE CANAVERAL 50,000 |
| 1883L | FIXED CAPITAL OUTLAY SUNNY ISLES BEACH/PARKING 1,400,000 |

STATE INFRASTRUCTURE FUND
FY 1988-89 GENERAL APPROPRIATIONS ACT

Section 03

RECREATION AND PARKS, DIVISION OF

| | |
|---|---------|
| 1885B FIXED CAPITAL OUTLAY DEVELOPMENT/GAINESVILLE TO HAWTHORNE/RAILS TO TRAILS | 600,000 |
|---|---------|

LAW ENFORCEMENT, DIVISION OF

| | |
|---|--------|
| 1889G FIXED CAPITAL OUTLAY REPAIR/RENOVATE, MARINE PATROL OFFICE, DISTRICT 6, MIAMI | 27,400 |
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|---|--------|
| 1889H FIXED CAPITAL OUTLAY REPAIR/PAINT COMMUNICATIONS TOWERS STATEWIDE | 18,600 |
|---|--------|

Total of Section 03

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| FROM STATE INFRASTRUCTURE FUND | 49,481,803 |
|--|------------|

Section 05

GENERAL SERVICES, DEPARTMENT OF

FACILITIES MANAGEMENT, DIVISION OF

| | |
|--|---------|
| 2048 FIXED CAPITAL OUTLAY RENOVATION, HOLLAND BUILDING LEON COUNTY .. | 653,840 |
|--|---------|

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| 2049 FIXED CAPITAL OUTLAY RENOVATION, KNOTT BUILDING LEON COUNTY | 595,715 |
|--|---------|

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|--|---------|
| 2049A FIXED CAPITAL OUTLAY SUNLAND CAMPUS MASTER PLAN AND DEVELOPMENT OF REGIONAL IMPACT | 250,000 |
|--|---------|

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|--|--------|
| 2051 FIXED CAPITAL OUTLAY REGIONAL SERVICE CENTER MONROE COUNTY | 76,909 |
|--|--------|

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|--|-----------|
| 2052 FIXED CAPITAL OUTLAY OFFICE BUILDING (NUMBER ONE) LEON COUNTY .. | 1,084,000 |
|--|-----------|

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|---|---------|
| 2052A FIXED CAPITAL OUTLAY RECORDS STORAGE FACILITY - DEPARTMENT OF STATE LEON COUNTY | 296,264 |
|---|---------|

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| 2052B FIXED CAPITAL OUTLAY REGIONAL SERVICE CENTER ALACHUA COUNTY | 815,950 |
|---|---------|

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| 2052C FIXED CAPITAL OUTLAY REGIONAL SERVICE CENTER LEE COUNTY | 1,008,047 |
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|---|---------|
| 2052D FIXED CAPITAL OUTLAY REGIONAL SERVICE CENTER ST. LUCIE COUNTY .. | 392,855 |
|---|---------|

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| 2052E FIXED CAPITAL OUTLAY BROWARD REGIONAL SERVICE CENTER | 452,623 |
|---|---------|

Total of Section 05

| | |
|--|-----------|
| FROM STATE INFRASTRUCTURE FUND | 5,626,203 |
|--|-----------|

Section 07

TRANSPORTATION, DEPARTMENT OF

DISTRICT OPERATIONS

| | |
|---|-----------|
| 2090 FIXED CAPITAL OUTLAY LOCAL GOVERNMENT COOPERATIVE ASSISTANCE ACT | 5,000,000 |
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Total of Section 07

| | |
|--|-----------|
| FROM STATE INFRASTRUCTURE FUND | 5,000,000 |
|--|-----------|

TOTAL ALL SECTIONS

| | |
|--|-------------|
| FROM STATE INFRASTRUCTURE FUND | 502,322,375 |
|--|-------------|

FINANCIAL OUTLOOK STATEMENT
STATE INFRASTRUCTURE FUND AND LOTTERY TRUST FUND
FY 1987-88 AND FY 1988-89
(\$ MILLIONS)

6/30/88
4:07 PM

| | ---- STATE INFRASTRUCTURE FUND ---- | | | ----- LOTTERY TRUST FUND ----- | | |
|--------------------------------------|-------------------------------------|-----------|---------------|--------------------------------|-----------|---------------|
| | TOTAL | RECURRING | NON-RECURRING | TOTAL | RECURRING | NON-RECURRING |
| FUNDS AVAILABLE FOR 1987-88 | | | | | | |
| PRIOR YEAR BALANCE FORWARD | .0 | .0 | .0 | .0 | .0 | .0 |
| ESTIMATED REVENUES | 200.0 | 200.0 | .0 | 168.6 | 168.6 | .0 |
| MIDYEAR REVERSIONS | .0 | .0 | .0 | .0 | .0 | .0 |
| FIXED CAPITAL OUTLAY REVERSIONS | .0 | .0 | .0 | .0 | .0 | .0 |
| INTEREST EARNINGS | .0 | .0 | .0 | 0.9 | 0.9 | .0 |
| TOTAL 87-88 FUNDS AVAILABLE | 200.0 | 200.0 | .0 | 169.5 | 169.5 | .0 |
| EFFECTIVE APPROPRIATIONS FOR 1988-89 | | | | | | |
| OPERATIONS | 54.7 | .0 | 54.7 | 103.6 | 51.2 | 52.4 |
| AID TO LOCAL GOVERNMENT | 8.2 | .0 | 8.2 | 41.1 | 8.5 | 32.6 |
| FIXED CAPITAL OUTLAY | 137.1 | .0 | 137.1 | .0 | .0 | .0 |
| VETOED ITEMS | 2.1- | .0 | 2.1- | .2- | .0 | .2- |
| TOTAL 87-88 EFF. APPROPRIATIONS | 197.9 | .0 | 197.9 | 144.5 | 59.7 | 84.8 |
| AVAILABLE RESERVES | 2.1 | 200.0 | 197.9- | 25.0 | 109.8 | 84.8- |
| FUNDS AVAILABLE FOR 1988-89 | | | | | | |
| PRIOR YEAR BALANCE FORWARD | 2.1 | .0 | 2.1 | 25.0 | .0 | 25.0 |
| ESTIMATED REVENUES | 500.0 | 500.0 | .0 | 300.0 | 300.0 | .0 |
| MIDYEAR REVERSIONS | .0 | .0 | .0 | .0 | .0 | .0 |
| FIXED CAPITAL OUTLAY REVERSIONS | .0 | .0 | .0 | .0 | .0 | .0 |
| INTEREST EARNINGS | .0 | .0 | .0 | 4.1 | 4.1 | .0 |
| TOTAL 87-88 FUNDS AVAILABLE | 502.1 | 500.0 | 2.1 | 329.1 | 304.1 | 25.0 |
| EFFECTIVE APPROPRIATIONS FOR 1988-89 | | | | | | |
| OPERATIONS | 324.2 | .0 | 324.2 | 99.8 | 88.5 | 11.3 |
| AID TO LOCAL GOVERNMENT | 32.6 | .0 | 32.6 | 229.4 | 214.8 | 14.6 |
| FIXED CAPITAL OUTLAY | 145.5 | .0 | 145.5 | .0 | .0 | .0 |
| VETOED ITEMS | 16.2- | .0 | 16.2- | 1.5- | .0 | 1.5- |
| TOTAL 88-89 EFF. APPROPRIATIONS | 486.1 | .0 | 486.1 | 327.7 | 303.3 | 24.4 |
| AVAILABLE RESERVES | 16.0 | 500.0 | 484.0- | 1.4 | 0.8 | 0.6 |

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and the role of the accounting department in ensuring the integrity of the financial statements. It also highlights the need for regular audits and the importance of transparency in financial reporting.

2. The second part of the document focuses on the implementation of internal controls to prevent fraud and ensure the accuracy of financial data. It outlines the key components of a robust internal control system, including segregation of duties, authorization procedures, and regular monitoring and evaluation.

3. The third part of the document addresses the challenges faced by organizations in managing their financial resources effectively. It discusses the importance of budgeting and forecasting, and provides practical advice on how to develop and maintain a sound financial plan.

4. The fourth part of the document explores the role of technology in modern accounting and finance. It discusses the benefits of using accounting software and the importance of staying up-to-date with the latest technological advancements in the field.

5. The fifth part of the document concludes by emphasizing the importance of ethical behavior in the accounting profession. It discusses the role of accountants as stewards of financial information and the need to adhere to high standards of ethical conduct.

BUSINESS REGULATION*

Significant legislation was enacted by the 1988 Legislature relating to pari-mutuels: The Florida Pari-Mutuel Commission was saved from the scheduled Sundown (Section 11.611, F.S.) repeal; recommendations to the Legislature by the Commission regarding additional days of operation for pari-mutuel permitholders were adopted; the thoroughbred racing industry will become deregulated as to choosing dates of operation; media broadcast activity of races or games in Florida will no longer be impeded by the 30-minute delay thereby allowing for live broadcasts; family attendance at races and games is permitted; and, a special harness race meet is created and designated as the "Breeders' Crown Meet."

Alcoholic beverage legislation included revising various aspects of Florida's quota licensing system; revising the requirements for the purchase of permits; revising the requirements for identification of malt beverage products; significantly amending Florida's excise taxes on alcoholic beverages; and establishing a Viticulture Trust Fund. In addition, legislation addressing the relations between beer manufacturers and their distributors was enacted. Furthermore, most law enforcement officers are now permitted additional opportunities for after hours employment by any business having a license to sell only beer or beer and wine for off-premises consumption.

Lottery legislation included prohibiting disclosure and authorizing disclosure of certain information relating to the lottery under specified circumstances; allowing investment by the State Treasurer of certain funds; deleting restrictions on the purchase of tickets by lottery retailers, employees and families; and modifying requirements regarding accessibility to retailers by disabled persons.

Legislation relating to public utilities, the State Athletic Commission, pugilistic exhibitions, and gambling were also enacted.

Pari-mutuels

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 777 (CHAPTER 88-346) incorporated several different pari-mutuel issues relating to the Florida Pari-Mutuel Commission, additional days of operation recommended by the Commission, and the deregulation of the thoroughbred racing industry. The Florida Pari-Mutuel Commission was scheduled for repeal on October 1, 1988. This act revives and readopts, with modifications, Subsection 20.16(4), F.S., relating to the Florida Pari-Mutuel Commission and sets forth the next scheduled Sundown Review.

The current functions of the Commission include the awarding of operating days for pari-mutuel permitholders, recommending additional days, approving the use of capital improvement funds by permitholders, and approving breeders' and stallion awards programs. The additional authority involves hearing appeals of decisions by the Division of Pari-

Mutuel Wagering. The Commission currently has the authority to hear appeals of Division decisions relating to suspensions or revocations of pari-mutuel wagering licenses. The Commission will now also be permitted to hear appeals of Division decisions that relate to denials of pari-mutuel wagering permits and certain actions against occupational licenses.

In addition, the act adopts the recommendations recently made by the Florida Pari-Mutuel Commission for additional days of operation requested by permitholders pursuant to Section 550.012, F.S. The act provides legislative intent regarding operating days for most pari-mutuel permitholders and includes the modification of days based on Commission recommendations. Quarterhorse and thoroughbred permitholders are not included.

The act also effectively deletes the Sunset (Section 11.61, F.S.) of additional days for three permitholders, Bonita Ft. Myers Corporation, Investment Corporation of Palm Beach, and The Fronton, Incorporated. These days were scheduled to expire on July 1, 1989.

The special tax structure enacted for the additional days granted last year and scheduled to Sunset on July 1, 1989, will now expire this year. [As a result, the \$4.4 million projected positive impact to general revenue generated from additional days will be reduced to \$3.4 million.]

An annual thoroughbred racing season is established and will run from June 1 of each year to May 31 of the following year. It will be known as the "Florida Thoroughbred Racing Season." Each thoroughbred permitholder will request and be granted the right to operate on whatever dates it desires. The restrictions on the number of days and the winter season will no longer apply. This impacts four thoroughbred racing associations: Calder Race Course, Incorporated; Gulfstream Park Racing Association, Incorporated; Hialeah, Incorporated; and Tropical Park, Incorporated. Tampa Bay Downs is excluded but given an extended season for operation. The operating season for this permitholder will be 90 operational days between December 1 and May 31.

Several other provisions are included in the act. It includes a provision to clarify that the tax on admissions applies to both the entrance gate and grandstand admission. Also included in the act is the deletion of the section concerning the 30-minute delay in the transmission of racing and jai alai information. [This law currently impedes media broadcast activity of races or games in Florida and imposes some difficulty on the media in accurately posting the results.] Finally, in addition to the authority to deny, suspend, or revoke, the Division will be permitted to place conditions or restrictions on any occupational license. Thus, the Division will have the authority to place an occupational licensee on probation.

COMMITTEE SUBSTITUTE FOR SENATE BILLS 14 and 53 (CHAPTER 88-64) creates Section 550.042, F.S., to allow minors, when accompanied by one or both parents or by a natu-

*Prepared by House Regulated Industries and Licensing Committee

ral guardian, to attend horse races under the conditions and at the times specified by each horse track permitholder conducting the race meeting. However, such minors (children under the age of 18) are prohibited from entering the wagering areas or placing a wager.

Previous law provided that minors were not permitted to attend pari-mutuel events or be employed by any track unless they were jockey apprentices, exercise boys, or grooms. However, minors were permitted to attend the Breeders' Cup Meet under certain conditions in the event a Florida thoroughbred horse track is selected to host this meet.

[Florida is considered a family vacation state. Refusing admittance to children limits parents' participation at horse tracks. With the option of family attendance for both Florida residents and tourists, an additional spectator sport is provided for the family unit. It is therefore anticipated that the number of people attending horse races will grow. This will generate an increase in the moneys collected for admission, purchase of food and beverages, and the amount of the money wagered. As the horse tracks increase their revenue, the state's share of that money will increase proportionately.]

[There is no cost to the state in the implementation of this act. There is little or no impact on the cost of operations for horse racing permitholders. The current structure and design of thoroughbred horse tracks should enable them to furnish safe and supervised areas for child care.]

HOUSE BILL 1408 (CHAPTER 88-120) by creating Section 550.2636, F.S., grants a harness track permitholder conducting Breeders' Crown races similar benefits as those previously granted to a thoroughbred permitholder conducting the Breeders' Cup Meet.

When a Florida harness track is selected by the Hambletonian Society, Incorporated, to host one or more Breeders' Crown races, the track will be issued a three-day license to conduct a "Breeders' Crown Meet" by the Division of Pari-Mutuel Wagering of the Department of Business Regulation.

The permitholder will be exempt from taxes on handle on any day a Breeders' Crown race is conducted.

In addition, the permitholder will be entitled to receive two credits against taxes, each in an amount not to exceed \$150,000. One credit is for purposes of supplementing purses, or paying fees for the receipt of a Breeders' Crown race. The other credit is for purposes of extraordinary expenses and capital improvements.

These requests for credit against taxes by the permitholder will be made by application to the Florida Pari-Mutuel Commission. The Commission will then determine the amount to be credited against the permitholder's next ensuing regular harness racing meet, prior to the issuance of the license by the Division.

The permitholder conducting the the Breeders' Crown Meet is also exempt from the minimum purse requirements for all races in which the purse is paid or supplied by the Hambletonian Society, Incorporated, and from the purse provisions for all races simulcast during the Meet.

Children will be allowed to attend the Meet with their parents or natural guardians, but will not be allowed to place wa-

gers or enter the wagering areas. This act has an effective date of October 1, 1988.

HOUSE BILL 58 (CHAPTER 88-128), by creating Sections 550.051 and 551.115, F.S., permits children under the age of 18 to attend greyhound dog races and jai alai games when accompanied by one or both parents or by a natural guardian. The permitholder conducting the performance will specify the times and conditions under which minors may attend. However, minors are prohibited from placing wagers or entering the wagering areas.

[There will be little or no impact on the cost of operations for the permitholder provided that the design of the facility needs little adjustment to accommodate the needs of minors.]

[In addition, there will be an increase in the state's share of admission revenue due to increased attendance at the facilities.]

Alcoholic Beverages and Tobacco

COMMITTEE SUBSTITUTE FOR SENATE BILL 1326 (CHAPTER 88-308) is arguably the most significant legislation passed this year in the area of alcoholic beverage and tobacco regulation.

It addresses various aspects of Florida's quota licensing system for the sale of alcoholic beverages. Previously, persons who won quota license drawings were required to submit one application for approval of both their personal qualifications and their business location. [However, since some persons were reluctant to make financial commitments to secure a location while approval of their personal qualifications was still in doubt, many administrative problems and delays resulted.] Under this act, individuals will be permitted to have their personal qualifications approved prior to applying for approval of their business location.

Quota licenses issued or transferred after September 30, 1988, will be subject to more substantive requirements regarding minimal hours and days of operation. They will also be required to stock reasonable inventories of products for sale and to maintain records of sales and purchases. [The intent of these provisions is to ensure that quota licenses are actually utilized for the reason they were issued, which is to serve the increased population in that county. Previously, many persons who won these licenses had no intention of actually operating a business but instead intended only to hold the license for the three-year period required prior to resale.]

Although some operational requirements were in effect, these were minimal.

This act also clarifies the requirements regarding notifying the Division of Alcoholic Beverages and Tobacco of an inactive license.

Manufacturers and distributors of alcoholic beverages will no longer be required to purchase permits for vehicles which they use to deliver their products. Retailers still will be required to purchase permits. The fee for the permits will increase from \$1 to \$5, but the permit will no longer expire annually.

Retailers will be permitted to deliver alcoholic beverages which have been ordered by mail.

Warrantless searches of vehicles being used for delivery of alcoholic beverages will be permitted for the purpose of ascertaining compliance with the beverage laws.

For purposes of state alcoholic beverage tax collections, a definition of the word "sold" is placed in the statutes. This definition is in accord with present Division tax collection policies.

The act also addresses cigarette tax collections, requiring the Division to charge interest at the rate of 12 percent per year for late tax payments. However, it increases from three to nine months the time within which cigarette tax wholesalers may file claims for tax credit due to damaged merchandise.

A provision modifying the requirements for identification of malt beverage products, identical to the provisions of COMMITTEE SUBSTITUTE FOR SENATE BILL 1218 (CHAPTER 88-413), detailed below, is included in this act. Also included are provisions permitting alcoholic beverage licenses for sports arena authorities and certain condominiums, which are identical to those included in COMMITTEE SUBSTITUTE FOR HOUSE BILL 74 (CHAPTER 88-404), detailed below.

The act establishes a Viticulture Trust Fund which will expire in 1994. This is intended to: develop and implement the State Viticulture Plan; promote products made from Florida-grown grapes; and provide grants for viticulture research. Funding for this is to be comprised of 50 percent of the excise tax collections on Florida-grown and manufactured wine products. [This should total approximately \$220,000 in the first year.]

The act also requires that manufacturers of malt beverages assign exclusive territories to their distributors, and that distributors sell only within their assigned territories.

Finally, the act significantly amends Florida's excise taxes on alcoholic beverages [in an effort to remedy the preferential tax provisions recently declared unconstitutional by the Florida Supreme Court].

Under this act the excise taxes on wine and liquor will be significantly reduced. The exact amount of the reduction varies according to the product classification, but ranges from \$1.50 to \$3.58 per gallon. In each classification an import tax is then instituted upon any product not manufactured in this state in the exact amount of the corresponding excise tax reduction. [If there are no constitutional problems with this provision the cost to the state for this assistance to in-state manufacturers is anticipated to be approximately \$3.4 million per year.]

This act additionally requires that any wine or liquor manufactured in this state must be made from Florida-grown agricultural products. Except as otherwise provided for in the act, the effective date is October 1, 1988.

SENATE BILL 908 (CHAPTER 88-21) readdresses the relations between beer manufacturers and their distributors. [A law which was passed in 1987 set forth a comprehensive set of standards intended to govern the relationships between these parties. However, after a certain period of operation under that law it became apparent that some adjustments to the law were necessary.]

This act makes those adjustments, which are quite numerous. Among the more significant changes to Section 563.022, F.S., were additions to the listing of permissible reasons for which a manufacturer can terminate a distributorship. In addition to previously listed reasons, a manufacturer will now be permitted to terminate a distributor who: fails to pay in a timely manner for products ordered and delivered and who continues the failure for 15 days after receipt of demand for payment; has engaged in fraudulent conduct in a material matter in his dealings with the manufacturer; has intentionally sold the manufacturer's product in the sales territory of another; or has attempted to transfer the franchise without the consent of the manufacturer.

The act eliminates the prohibition upon a manufacturer offering differing prices, programs, or terms of sale to any of its distributors. However, a manufacturer will be prohibited from willfully discriminating, either directly or indirectly, in the price offered to its distributors when the effect of such discrimination is likely to substantially lessen competition.

The act permits manufacturers to financially assist a new distributorship by participating in a limited partnership for a period not to exceed eight years.

Its final major provision is to generally prohibit manufacturers from selling directly to retailers. Instead they will be required to market their products through their distributors.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 74 (CHAPTER 88-404) is intended to permit law enforcement officers additional opportunities for after hours employment.

[Previously, law enforcement officers were prohibited from being employed by any business having a license to sell alcoholic beverages, except for employment as an entertainer or in security. Many law enforcement agencies have comparatively low pay scales due to budgetary constraints, and their employees depend upon off-duty employment to supplement their law enforcement income. Without this supplemental income, many would have to pursue other careers.]

[However, in recent years more businesses have obtained licenses to sell beer or beer and wine for off-premises consumption, thereby eliminating themselves as permissible employers of off-duty officers.] This act will permit most law enforcement officers, subject to approval of their law enforcement employer, to be hired by businesses licensed to sell only beer or beer and wine for off-premises consumption. Law enforcement employees of the Division of Alcoholic Beverages and Tobacco and the Florida Highway Patrol will continue to be prohibited from such employment.

The act also modifies Section 561.20, F.S., pertaining to alcoholic beverage licenses for racquetball or tennis clubs. Previously, in addition to various other specified facilities, a club needed at least ten courts in order to qualify for a license. Under the act a club needs only eight courts if it has exercise facilities which cover the same square footage as would two additional courts.

This act adds sports arena authorities to the provisions which allow civic centers to obtain alcoholic beverage licenses. Finally, it allows alcoholic beverage licenses for condominiums with at least 50 units which are operated as public

lodging establishments in certain home rule counties. The act has an effective date of October 1, 1988.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1218 (CHAPTER 88-413) modifies the requirements of Section 563.06, F.S., for identification of malt beverage products intended for sale in Florida. The initials "FL" will be a permissible alternative to the entire word "Florida". The minimum required print size is reduced from 8 point type to 4 point. Permanent ink jet spray will be an approved means of printing this information. Finally, it will be permissible to place this information on can bottoms instead of can tops.

Lottery

SENATE BILL 240 (CHAPTER 88-8) was passed early in the session to deal with two specific problems which the Lottery Department was facing at that time.

[At that time the Department was preparing to commence its on-line computerized games, but because of an Internal Revenue Service (IRS) ruling winners of the larger prizes would have been assessed more in taxes during the first year than they received in prize money. This would have jeopardized the viability of these games and the loss of state revenue would, at a minimum, have been in the tens of millions of dollars.]

This act removed the specific statutory provision dealing with the assignability of winnings which had been the basis for the IRS ruling, thus enabling the Lottery Department to proceed with the games as planned.

[At that time, the Lottery Department also had a significant problem regarding the issue of accessibility to its retailers by the disabled. The original Florida lottery act had contained a very brief, and somewhat vague, reference to accessibility, which became the basis of a suit against the Department. The result of the suit was a legal interpretation which imposed various accessibility standards upon lottery retailers with which some simply would not have been able to comply. For instance, if a retailer did not own the property immediately in front of his building, he would have had no right to install a ramp on that property.]

[At the time that this law was being considered the Lottery Department was within one or two days of a court-imposed deadline which would have required the termination of almost half of its retailers because of their failure to comply with these standards. To save the immediate loss of tens of millions of dollars in state revenue, a provision was included in this act which delayed the effect of these standards for a six-month period. This delay was intended to enable the Legislature to study this issue before readdressing it in later legislation. That is what eventually occurred.]

HOUSE BILL 1409 (CHAPTER 88-374) was passed late in the session. It revises numerous provisions of the original lottery act. In an attempt to minimize the harassment of lottery winners it prohibits, with very limited exception, the Lottery Department from disclosing a winner's street address or phone number without consent. Restrictions on where lottery

retailers, their employees, and their families can purchase lottery tickets are eliminated.

Most employees of lottery vendors and relatives living in the same household will no longer be prohibited from purchasing lottery tickets. Employees and officers of such vendors will be barred only when their employer is under contract with the lottery for a major procurement and the employee is either directly involved in the providing of goods or services to the lottery or has access to confidential lottery information. As in the past, immediate supervisors of and relatives living in the same household with barred employees will continue to be barred from purchasing tickets.

The act allows the Department some flexibility in the area of vendor performance bonds. It also allows the Department Secretary to sign contracts with lottery retailers by machine rather than manually.

Treasury bonds have been the only permissible investment vehicle for lottery proceeds intended for deferred prize payments. Under this act the State Treasurer will be afforded the option of investing these funds in annuities issued by insurance companies which meet certain stringent criteria.

Finally, effective on October 1, 1988, provisions regarding accessibility to lottery retailers by the disabled are significantly modified. Lottery retailers will no longer have a unique set of standards which differ from the comprehensive state and local standards with which they also must comply. However, in order to sell lottery tickets such retailers must be in strict compliance with those presently existing state statutes and local codes regarding accessibility, or install drive through windows which are open the same hours as the rest of the store.

Lottery sales representatives will no longer be responsible for compliance determinations. Instead, local building inspectors will be responsible for notifying the Lottery Department of any instance of noncompliance and the Department will then act to terminate the retailer's contract.

State Athletic Commission

HOUSE BILL 561 (CHAPTER 88-132) formally establishes the State Athletic Commission Trust Fund in the Department of Business Regulation. The funds collected by the State Athletic Commission under the provisions of Chapter 548, F.S., relating to pugilistic exhibitions, will continue to be paid to the State Treasurer. However, after deduction of expenses, the money is then deposited into the statutorily established trust fund rather than into general revenue. In the event that the balance in the Trust Fund exceeds \$250,000, the excess is deposited into the General Revenue Fund.

The Commission currently operates under an administratively established trust fund, and any revenue in excess of expenses of the Commission is paid to general revenue. This law is restrictive in that it does not allow the agency to retain any operating funds for cash flow to meet the normal monthly variations in income and expense. The act corrects this operating problem for the Commission.

[The effects in fiscal years 1988-89 and 1989-90 will be a \$125,000 reduction to general revenue. However, since the Trust Fund can never exceed the cap, the maximum impact is \$250,000. Furthermore, there are no appropriations consequences as a result of this act.]

HOUSE BILL 1064 (CHAPTER 88-365) expands the definition of pugilistic exhibitions (boxing matches) in Chapter 548, F.S., to include kickboxing and martial arts. The State Athletic Commission is given the responsibility of regulating kickboxing. Kickboxing means to compete with the fists, feet, legs or any combination thereof and includes "punchkick" and other similar competitions. [Kickboxing is an outgrowth of karate and other martial arts.] Requirements calling for protective wear for both sports is set out as well as agent and management contracts, purses, medical and promotional requirements of the sport. The entire Chapter 548, F.S., is codified to incorporate kickboxing and martial arts into pugilistic regulation.

Toughman and badman competition is prohibited. This competition involves the participants competing by using a combination of fighting skills. Such competition may include, but is not limited to boxing, wrestling, kicking, or martial arts skills. Anyone promoting or participating in such competition is guilty of a misdemeanor of the second degree punishable by imprisonment of no more than 60 days or fine of \$500.

Public Utilities

COMMITTEE SUBSTITUTE FOR SENATE BILL 830 (CHAPTER 88-140) requires municipalities imposing an intrastate telecommunications services tax to provide the telephone companies with an alphabetical printout of street names and block numbers where the tax is to be collected. On blocks which form or cross city boundaries, the street numbers must be indicated. The municipality shall maintain an up-to-date list for the telephone company and can continue to charge the telephone company for the actual cost of providing this list. The telephone company is responsible, at the time of an audit, for taxes collected from addresses on the printout. Information contained in the audit is confidential whether it is fur-

nished to the municipality or its agent. The telephone company will continue to withhold 1 percent of the 7 percent tax to cover administrative costs. [There is no fiscal impact to the state, and little impact, if any, to the municipalities that are affected.] The effective date is October 1, 1988.

HOUSE BILL 506 (CHAPTER 88-332) is intended to close an apparent loophole in the previously existing law. [Investor-owned utilities are regulated by the Public Service Commission, which prohibits them from attempting to hold a property owner or subsequent tenant liable for a past tenant's unpaid utility bill.

[The Public Service Commission generally does not have jurisdiction over municipal public utilities. However, Section 180.135, F.S., is apparently intended to impose the same limitations on municipal public utilities, as it specifically prohibits them from discontinuing or refusing services to a rental unit because of a past tenant's unpaid bill. It also provides that a past tenant's unpaid bill can not be the basis for a lien against the property.

[Nevertheless, some municipal utilities were still attempting to make property owners liable for a tenant's bill. They were requiring property owners, who have no choice of utility suppliers, to sign contracts agreeing to be responsible for these bills before they would supply utility service. This act prohibits that practice.] This act becomes effective October 1, 1988.

Games of Chance

HOUSE BILL 1193 (CHAPTER 88-115) amends Section 849.0935, F.S., to require the date, hour, and place where the winner of a drawing of chance will be chosen to be disclosed on all brochures, advertisements, notices, tickets, and entry blanks that are offered to the public more than three days prior to the drawing. An operator offering for sale a ticket or entry blank which does not comply is in violation of this statute and is punishable by fine only. The act also adds tickets to the list of printed material that must disclose other information required by the statute. The effective date of the law is October 1, 1988.

COMMERCE*

Laws enacted by the 1988 Legislature in the area of commerce covered workers' compensation, financial institutions, unemployment compensation, securities, and a multitude of additional jurisdictions including the re-enactment of numerous advisory councils.

The exclusivity doctrine was amended in the workers' compensation law in view of the *Streeter* decision. The immunity against tort suits which is afforded employers has now been expanded. Other minor changes were made relating to the definition of wages, payment of benefits, reporting requirements, and payment of lump-sum settlements.

The major piece of legislation dealing with financial institutions concerned the area of branch banking setting forth the specifications and criteria before branching can take place. Other legislation relating to the banking industry changed the interest rate computation from monthly to yearly and dealt with the affiliated banks trust company's weaknesses in the concept of fiduciary substitutions. In addition, the Florida Security for Public Deposits Act was substantially revised.

In the area of unemployment compensation, legislation was passed to extend the authorization for payment of benefits by mail to October 1, 1991. Legislation was also passed which expands the definition of the "school recess disqualification" provision.

Several advisory councils, due to the Sunset Act (Section 11.61, F.S.), were re-enacted during this past session. They include the Motion Picture, Television, and Recording Industry Advisory Council, the Tourism Advisory Council, and the Economic Development Advisory Council.

Other legislation, such as amendments to the Florida Cemetery Act, Chapter 497, F.S., amendments to the Little Federal Trade Commission Act (FTC) (Part II of Chapter 501, F.S.) and others, are detailed in the explanation provided below.

Workers' Compensation

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1288 (CHAPTER 88-284) amends Section 440.11, F.S., the exclusivity doctrine in the workers' compensation law. The same immunity against tort suits which is afforded employers is extended to sole proprietors, partners, supervisors, corporate officers or directors, and any other person who acts in a managerial capacity as long as the conduct which caused the harm is no worse than conduct which could be punished by a 60-day jail sentence, regardless of whether or not criminal charges are brought. This act is effective October 1, 1988.

HOUSE BILL 1329 (CHAPTER 88-372) amends Subsection 440.13(2), F.S., the part of the workers' compensation law relating to custodial care by a family member. Employers are required to furnish certain types of medically related care to an employee who has filed a workers' compensation claim. Such care includes providing custodial care when necessary. This care may be professional or nonprofessional, but if furnished

by a family member, the family member may not be paid if the service rendered does not go beyond what that family member would normally provide gratuitously. The price of non-gratuitous care would have to be determined by the deputy commissioner.

The law places a monetary value on the provision of custodial care by a family member and stipulates that those considered eligible "family members" include spouse, father, mother, brother, sister, child, grandchild, mother-in-law, father-in-law, aunt or uncle. If the family member who is providing the care is not employed, that person would receive federal minimum wage (presently \$3.35 per hour). If the care-giver is employed and leaves that employment, such person would receive the per hour value of their former employment, but not to exceed the value of custodial care in the community in which it is rendered. Since the provision in the law which prohibits payment for family member care, which would have been gratuitous anyhow, is not repealed, these new provisions apply only to such care which would *not* have been given gratuitously. The effective date of this act is October 1, 1988.

SENATE BILL 1025 (CHAPTER 88-203) amends several sections of Chapter 440, F.S., the workers' compensation law dealing with the definition of wages, filing of medical reports, payment of benefits to a minor, benefit amounts for catastrophic losses, reporting requirements of claimants, and lump-sum payments. [All changes contained in this act were recommended by the Workers' Compensation Advisory Council.]

First, the law revises the definition of wages by setting out additional specific fringe benefits to be included in the term. Those benefits are meals, parking, and employer contributions for legal insurance.

The requirement that medical reports be filed with the Division of Workers' Compensation within 15 days is repealed as is the sanction for failing to file within such time. The time and manner for filing will instead be determined by the Division. Also, medical bills will have to be filed.

For purposes of making an average weekly wage determination, the term minor is replaced with the phrase, under 22 years of age in Section 440.14, F.S.

The maximum amount allowable for temporary total catastrophic losses is increased to \$700, an amount approximately twice the current statewide average weekly wage.

[The provision relating to allocating commissions and irregular payments for the purpose of calculating wage-loss payment amounts was amended to remedy a change made in the 1986 Legislative Session.] The requirement that the remainder of the commission or irregular payment be apportioned to subsequent consecutive months is changed by repealing the requirement that the months be consecutive and specifically

*Prepared by House Commerce Committee

stating that the 12-month period will begin on the month that the commission or irregular payment was received.

Employees will have to include all efforts to obtain employment, including names of prospective employers, on the wage-loss claim form. The form which has to be signed by the employee will have to include a statement to the effect that the reported facts are true.

The provisions of Section 440.20, F.S., dealing with filing controversion notices are amended to clarify that they must be on a Division form and in the manner prescribed by the Division. Also, the form must afford the carrier the ability to report reasons for a delayed controversion. This provision is effective June 30, 1988. All other provisions take effect October 1, 1988.

Lastly, washouts for future medical benefits are retained indefinitely.

SENATE BILL 1028 (CHAPTER 88-204) amends Section 440.57, F.S., to exempt governmental entities who do not pool their liabilities from certain reporting requirements of group self-insurers under the workers' compensation law. [A number of governmental entities including school boards, community colleges, and cities have formed consortiums for the purpose of servicing their workers' compensation insurance needs. The consortiums pool their money to buy the insurance, but do not enter into indemnification agreements. Since they are a governmental entity, the Department of Labor and Employment Security treats them as if they fall within the province of Subsection 440.38(6), F.S., which means that they do not have to show proof of financial responsibility, secure bonds, or buy reinsurance. They do, however, have to engage qualified claims adjusters, maintain approved safety programs, and comply with all the requirements of Chapter 440, F.S., relating to carrier practices. The Auditor General has cited the consortiums for noncompliance with Sections 440.57 and 440.575, F.S. This law codifies the Department's position that these consortiums are exempt from these provisions.]

Unemployment Compensation

SENATE BILL 160 (CHAPTER 88-289) extends authorization for payment of unemployment compensation benefits by mail to October 1991. This law adds a definition of "earned income" and redefines "unemployment" to ensure that self-employment income is reported and thereby deducted from an individual's unemployment compensation benefit as required by the federal government. The act also clarifies the language in Section 443.101, F.S., concerning disqualification for payment of unemployment benefits and in Section 443.111, F.S., concerning the weekly payment of unemployment benefits. [The above modifications are necessary to ensure compliance with federal guidelines. Compliance is needed to maintain the federal unemployment fund tax credit presently being received by Florida employers.]

The legislation also strikes the age limitation in the work/study exclusion from the definition of the term "employment" in Subparagraph 443.036(19)(n)17., F.S. [This is done to insure that no individuals, regardless of age, participating in a

recognized work/study program, could apply for and receive unemployment compensation benefits at the conclusion of the program.] The act also amends Sections 443.091, 443.121, and 443.141, F.S., by revising references and terminology relating to benefit eligibility conditions, employing units, contributions, and collection of contributions. This act has an effective date of October 1, 1988.

SENATE BILL 308 (CHAPTER 88-100) expands the so-called "school recess disqualification" provision of the Unemployment Compensation Law, Subsection 443.091(3), F.S., to include *all* persons who are hired to work exclusively for or on behalf of a school. It makes such employees ineligible for benefits when unemployed due to school holidays, semester or summer breaks. [For example, a school crossing guard hired by a city or county public safety office would no longer be able to receive benefits for unemployment due to summer vacation (crossing guards employed by the school are already ineligible to receive benefits for unemployment due to school holidays and breaks).]

Financial Institutions

COMMITTEE SUBSTITUTE FOR HOUSE BILL 735 (CHAPTER 88-113) authorizes conditional statewide branching for state-chartered banks. It repeals the provision in Section 655.061, F.S., which prohibits granting the right to establish branches. Therefore, the Comptroller is permitted to grant a state bank's application for establishment of a branch anywhere in the state if such authority exists for national banks.

The authorization will be conditioned upon the federal government taking action to allow statewide branching of a federally chartered bank. Upon a finding by the Department that a national bank had continuously operated a branch in Florida for 45 days, or on October 1, 1991, whichever is sooner, the Comptroller will be permitted to authorize a state bank to branch across county lines.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 587 (CHAPTER 88-185) revises the Florida Security for Public Deposits Act (Chapter 280, F.S.) as well as reorganizes and creates divisions and bureaus within the Department of Insurance. The State Treasurer is given authority to appoint two advisory committees, one for banks and one for savings associations, as well as, to review and recommend criteria relative to the respective institutions to protect the integrity of the public deposit program. Additionally, the State Treasurer is granted power to establish broad guidelines for the operations of the program (with options) which include: entry into the program; continued participation; exit from the program; minimum collateral requirements for qualified public depositories; different collateral pledging levels; separation of types of deposits; different reporting requirements and/or other restrictions/limitations or conditional privileges based on the financial condition of the Qualified Public Depository (QPD); and, authority to move securities to perfect interest or sell securities to pay losses to public depositors. Under the law, the Department is granted the right to deposit administrative penalties into the

Treasurer's Administrative Trust Fund instead of general revenue. Conditional access to confidential records of the Department of Banking and Finance is given to the Department. Finally, the act amends Section 20.13, F.S., [to allow enhanced efficiency in operating the Department] such as the creation and reorganization of several divisions and bureaus.

Provisions in this act relating to the organization of the Department and any departmental rules affected by the act together with a conforming amendment to Section 240.551, F.S., relating to the Florida Prepaid Postsecondary Education Expense Program take effect July 1, 1988. All other provisions of the law have an October 1, 1988 effective date.

SENATE BILL 1077 (CHAPTER 88-58) amends Section 658.50, F.S., to revise the maximum allowable interest rate on bank credit cards and overdraft financing arrangements. The 1.5 percent per month which banks are permitted to charge on an outstanding balance is converted to the equivalent rate of 18 percent per annum simple interest. Additionally, the act defines the term "interest" to include only charges which are considered a "finance charge" under federal law. [Late payments, delinquency, default, reinstatement, and other similar charges are not finance charges, which clarifies that an annual fee charged for membership in a card plan would not be interest because it is not considered a finance charge.] Similarly, the act clarifies that a late payment fee and an over-the-limit fee would not be interest, but would be in the nature of a penalty. Finally, the law defines the term "billing cycle" according to federal law to clarify that the applicable time period for the calculation of interest charges is a billing cycle, which is the practice of the industry, as opposed to a "month".

SENATE BILL 1356 (CHAPTER 88-105) [in an effort to supplement a number of weaknesses in the concept of fiduciary substitutions] amends Subsection 660.33(4), F.S., to permit an affiliated bank's trust department to agree to a substitution of a trust company or bank's trust department with an affiliated trust company or an affiliated bank's trust department. All of the predecessor's fiduciary powers, duties, and responsibilities are also transferred, and the successor is permitted to provide various trust services in the predecessor's and successor's offices for both the predecessor's and successor's trust customers. [Improving a difficult and cumbersome court procedure relating to the transfer of fiduciary responsibilities from one trust company to another, the act primarily impacts banks with trust departments that operate under the multi-bank holding concept.]

The substitution procedure is based upon appropriate notice to and agreement from parties in interest of trusts, estates, guardianships, and other fiduciary and agency relationships within a trust department which proposes to transfer its responsibilities to a successor fiduciary. However, some degree of judicial supervision remains.

To effect the substitution as authorized under the law, the predecessor must enter into an agreement with the successor setting forth the fiduciary powers, rights, privileges, duties, and liabilities of the parties to which the successor will succeed. The agreement must be approved by the predecessor, successor, and parent corporations. After the agreement has

been filed with the Department of Banking and Finance, the predecessor and successor must publish notice of such filing as well as provide notice to all parties involved. A detailed procedure for objection to the substitution is established.

Securities

By amending Section 607.109, F.S., HOUSE BILL 654 (CHAPTER 88-111) excludes family members holding stock in a corporation prior to the effective date of the Control Share Acquisition Act (July 1, 1987) from constituting a "group", as defined under the act, in order to avoid the applicability of the statute to situations where family members vote their shares together. Persons able to take advantage of this exemption for family members must be related by blood or marriage. Similarly, voting trustees of such persons are not deemed to be an "acquiring person", as defined in the act. [Furthering the purpose of the act, to reduce the ability of corporate raiders to acquire control of Florida corporations to the possible detriment of the shareholders and to the economic activity of the overall State of Florida, the law protects family shareholders in Florida corporations.]

COMMITTEE SUBSTITUTE FOR SENATE BILL 618 (CHAPTER 88-187) amends various Sections of Chapter 517, F.S., [to resolve a conflict between Chapter 87-237, Laws of Florida, and Chapter 87-316, Laws of Florida]. The act provides that an issuer or a guarantor of government securities, which has been in default since December 31, 1975, must provide notification by an offering circular containing full and fair disclosure, as prescribed by departmental rule, in order to be entitled to an exemption from registration. Issuers of general obligation bonds would not have to fulfill this requirement. [The exemption is self-executing in that the issuer must satisfy itself, and not the department, that it is entitled to the exemption by making the requisite disclosures to investors.] Intent language clarifies that the information required to be disclosed to investors need only include matters material to an evaluation of the offering. The act also revises provisions of current law relating to the registration of security industry professionals.

Consumer Finance

The requirements of the Sunset Act (Section 11.61, F.S.) are satisfied with respect to the Florida Consumer Finance Act, Chapter 516, F.S., under the provisions of HOUSE BILL 658 (CHAPTER 88-342). Section 516.03, F.S., is amended to require biennial rather than annual licensing of lenders by the Department of Banking and Finance, and to increase the fee from \$175 to \$550. Minimum liquid asset requirements for lender applicants have been eliminated from Section 516.05, F.S., but failure to maintain liquid assets of at least \$25,000 for a licensed business is added as grounds for denial of a license or disciplinary action under Section 516.07, F.S. Other new grounds are any act of fraud, misrepresentation or deceit with respect to a loan and any violation of Part III of Chapter 817, F.S., or Part II of Chapter 559, F.S., which relate to for-

profit credit services and budget planning organizations, respectively.

Additional powers granted to the Department include the ability to levy fines against a licensee, to reprimand or place a licensee on probation or to place restrictions on a license. Section 516.19, F.S., is amended by increasing the penalty from a second- to first-degree misdemeanor for violating specific provisions of Chapter 516, F.S., including operating without a license, permitting divided loans, operating more than one loan business under one license, changing a place of business without prior approval of the Department or operating a loan business in another place of business when the Department has deemed such activity an evasion of Chapter 516, F.S. Court costs and actual and commercially reasonable expenses of repossession, storage, repair, conditioning for sale and selling of collateral property may be charged by the lender to the borrower in the expanded provisions of Section 516.031, F.S. The law is effective October 1, 1988.

Trademarks/Secrets

HOUSE BILL 91 (CHAPTER 88-254) creates the Uniform Trade Secrets Act (UTSA) [as recommended, with 1985 amendments, by the National Conference of Commissioners on Uniform State Laws. In large measure, the UTSA codifies the principles of common law trade secret protection while maintaining essential distinctions from federal patent law.

[Adoption of the uniform act is intended to bring clarity, simplicity, and uniformity to trade secrets law; an area dominated by legal specialists. Thus, especially for multistate industries, uniformity of the law should remove uncertainties and simplify protection of trade secrets.] This act takes effect October 1, 1988.

HOUSE BILL 917 (CHAPTER 88-400) amends Section 542.33, F.S., to allow "service marks" to join "trademarks" as valid subjects of covenants not to compete. Such covenants are exceptions to statutorily prohibited contracts in restraint of trade. [Trademarks protect the unique commercial identity of goods, while service marks protect the unique commercial identity of services; for example, "Mr. Goodwrench" signifies particular auto repair services.]

In addition, this law clarifies that by validating certain kinds of contracts in restraint of trade, it is to operate as an exception to the rest of Florida's antitrust law, as contained in Chapter 542, F.S. The act has an effective date of October 1, 1988.

HOUSE BILL 1465 (CHAPTER 88-78) revises Section 288.34, F.S., to establish the confidentiality of the sources of data and information for marketing and advertising research studies undertaken by the Division of Tourism of the Department of Commerce but makes the policy subject to review under the Open Government Sunset Review Act, Section 119.14, F.S. The law also makes privileged and confidential a trade secret as defined in Section 812.081, F.S., as well as trade secrets and commercial or financial information classified pursuant to 5 U.S.C. 552(b)(4).

Vocational Rehabilitation

SENATE BILL 1153 (CHAPTER 88-214) amends Chapter 413, F.S., to provide for the revision of the confidentiality provision of records and information maintained by the Division of Vocational Rehabilitation of the Department of Labor and Employment Security, the recognition of centers for independent living and its advisory council, and an advisory council to the Division.

The act repeals Sections 413.34, 413.37, and 413.38, F.S., and creates Section 413.341, F.S., relating to records. This component of the law strengthens language relating to the release of information contained in the Division's applicant and client records. The act also establishes this information as confidential and privileged as well as provides for several exceptions to that status. Chapter 413, F.S., is amended to further provide for statutory recognition for centers for independent living, the establishment of the Florida Independent Living Advisory Council, and the Division's Vocational Rehabilitation Advisory Council. The exemption is subject to the Open Government Sunset Review Act (Section 119.14, F.S.)

Cemeteries

SENATE BILL 687 (CHAPTER 88-300) amends Section 497.071, Florida Statutes, which allows counties and municipalities to maintain abandoned cemeteries in their jurisdictions. The act provides for limited immunity from civil liability for the county or municipality in the event of property damage done during good faith efforts to maintain or secure the abandoned or neglected cemetery. This act becomes effective on October 1, 1988.

COMMITTEE SUBSTITUTE FOR SENATE BILL 11 (CHAPTER 88-227) revises several distinct sections of the Florida Cemetery Act (Chapter 497, F.S.). This act was created to protect purchasers of preneed burial rights or cemetery merchandise and is regulated by the Department of Banking and Finance. First, the law assures that licensees adhere to the stipulations in Section 497.007, F.S. It reduces the amount of acreage used to compute an exemption to the minimum acreage requirement for use as a cemetery, and it clarifies the obligations of the cemetery company in marking graves. The act then sets a maximum for the amount of liability coverage required by cemeteries for monument installers.

Additionally, this legislation creates intent language and restructures some of the provisions of the merchandise trust fund required for cemetery companies that sell contracts for preneed merchandise and services in order to establish cemetery companies, instead of individual consumers, as the grantors of the trust. Finally, the act provides for surety bonding or a letter of credit as alternatives to the establishment of the merchandise trust fund.

Rental-Purchase Agreement Act

COMMITTEE SUBSTITUTE FOR SENATE BILL 568 (CHAPTER 88-69) creates the "Rental-Purchase Agreement Act" which regulates rental-purchase agreements in the State of Florida by providing statutory guidelines and ensuring that

consumers receive adequate disclosure regarding such agreements. [Rental-purchase transactions are short term, hybrid commercial relationships which permit consumers to receive goods on a rental basis with the option to purchase the particular item after a specified time period.] The act provides specific criteria which must be contained in a rental-purchase agreement and sets forth provisions which are prohibited from being placed in the contracts. [This is an effort to reduce confusion in the industry regarding the legal framework of such documents.]

Rental renewal charges, attorney's fees, and court costs may be assessed against the lessee in certain circumstances. Additionally, a willful and intentional violation of any provision of this act is a second-degree misdemeanor. Finally, the law provides for damages for the lessee when a violation has occurred and establishes that a lessee may not waive any provisions or rights granted under the act.

This act takes effect September 1, 1988, and applies to all rental-purchase agreements entered into after that date.

Health Studios

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILLS 306 and 436 (CHAPTER 88-267) revises the cancellation clause language found in Section 501.012, F.S., required of health studio contracts which encompass future sales. It provides for the cancellation of the contract if the studio goes out of business or moves its facility more than five driving miles from the contract location. Additionally, the act provides that the buyer may notify the studio of intent to cancel the contract and receive a refund if a facility of equal quality is not provided by the original contracting studio within 30 days. This facility must be within five driving miles and the services must be provided at no additional cost to the consumer. If the studio refutes this claim, provision is made for the Division of Consumer Services of the Department of Agriculture and Consumer Services to mediate. The law changes the bonding requirement for health studios from being in effect for three years after commencement of business, to running continuously thereafter. The act exempts studios which have been in operation for three years or more from the continuous bonding requirement. Studios must also furnish the Department with a copy of the escrow account, which would contain all funds received for future services, sold prior to full operation of the facility and specify a date certain for opening. A provision is added to allow health studios which offer contracts for future services to write those contracts for one year without adhering to the bond requirements of Section 501.012, F.S., if they collect the fees for monthly services on a monthly basis. Finally, the measure provides enforcement tools for the Department in the form of registration and spot checks for compliance. The act is effective October 1, 1988.

Minority Business Enterprises

The provisions of Section 287.062, F.S., relating to competitive bids by state agencies in the procurement of personal property and services are made clearly applicable to those mi-

nority business enterprises certified as such by the Department of General Services pursuant to HOUSE BILL 459 (CHAPTER 88-327). The act also revises Section 287.094, F.S., to clearly state that the penalty for false representation of minority business enterprise programs covers such certified enterprises and permits the Department to deny eligibility to negotiate for the provision of professional services for 36 months to any person the Department deems involved in such false representation.

Provisions added to Section 287.0943, F.S., plainly establish the Department's authority to revoke the certification or recertification of a minority business enterprise for failure to meet statutory requirements or for false representation and bars application or reapplication for certification for 6 months after notice of denial for ineligibility or for 36 months after notice of revocation.

Consultants' Competitive Negotiation Act

HOUSE BILL 270 (CHAPTER 88-108) relates to the Consultants' Competitive Negotiation Act (CCNA) amending Paragraph 287.055(2)(g), F.S., by placing monetary limitations within the definition of the term "continuing contract". This act attempts, in effect, to prohibit governmental agencies from procuring engineering/architectural type services under a continuing contract when costs of the related construction project are more than \$500,000 or when the fee from study activity is more than \$25,000. This limitation would apply to architectural, engineering, landscape architectural, or land surveying services procured by any state or local governmental agency.

In addition, the law amends Paragraph 287.055(4)(b), F.S., to clarify that specific contract price proposals shall not be considered by an agency during the competitive selection stage of the CCNA process at which point an agency is to select the three most qualified firms for the job. The three selected firms then enter the competitive negotiation stage of the process, as outlined in Subsection 287.055(5), F.S., where contract price is a proper consideration.

Gratuities

SENATE BILL 84 (CHAPTER 88-16) limits gratuity notification to only those bills which include a gratuity charge. [Thus, a public food service establishment which does not include a gratuity within the customer's bill would now be excluded from the provisions of Section 509.214, F.S.] The law takes effect on October 1, 1988.

Reenacted Councils

SENATE BILL 144 (CHAPTER 88-288) revives and readopts the statutory authority for the Tourism Advisory Council found in Section 288.347, F.S., with modifications. The Council will be required to meet at least twice a year. Also, the Council's powers and duties are specified. A future repeal date of October 1, 1998, is also provided.

This law also amends the Division of Tourism's powers and duties found in Section 288.34, F.S., to delete the Division's

broad authority to appoint advisory bodies or committees consisting of interested persons to advise the Division. The Division may, instead, establish advisory committees as it deems necessary to assist the Council. The members of such advisory committees would be entitled to receive reimbursement for per diem and travel. The effective date of the act is October 1, 1988.

SENATE BILL 165 (CHAPTER 88-12) revives, readopts and amends statutory provisions relating to the Economic Development Advisory Council (Subsection 20.17(4), F.S.). Members of the Council will be appointed by the Secretary of Commerce in accordance with the Sundown Act (Section 11.611, F.S.). The Council may meet at the call of its chairman, at the request of the Secretary, but not less than twice a year. Council members will be able to receive reimbursement for per diem and traveling expenses. The act provides a future repeal date and is effective October 1, 1988.

The Sundown Act (Section 11.611, F.S.) requirements are fulfilled with respect to the State Apprenticeship Council, Section 446.045, F.S., in HOUSE BILL 624 (CHAPTER 88-14) by continuing the Council's existence and scheduling it for 1998 review. The state director of the Bureau of Apprenticeship and Training of the U.S. Department of Labor is made a 13th and nonvoting member of the Council. The ex officio member who is an employee of the Florida Department of Labor and Employment Security is no longer empowered to cast the tie-breaking vote. Members are to serve staggered terms. Meetings may be held in other than government buildings. Separate meetings are no longer required for joint (employee representatives) and nonjoint (employer representatives) members. A majority of the members as well as the chairman may call a meeting which majority shall be considered a quorum and the majority of the quorum is required to approve action. Meeting minutes are required and are to be kept on file with the Division of Labor, Employment and Training of the Department of Labor and Employment Security and are to be made available to any interested person. The act is effective October 1, 1988.

SENATE BILL 171 (CHAPTER 88-17) satisfies Sundown Act (Section 11.611, F.S.) review requirements for Subsection 20.17(3), F.S., Television, and Recording Industry Advisory Council. Members of the Council would be appointed by the Secretary of Commerce in accordance with the Sundown Act.

The act provides for meetings and the election of a chairman. Council members would be entitled to reimbursement for per diem and traveling expenses. The act takes effect October 1, 1988, and provides a future repeal date of October 1, 1993.

Columbus Hemispheric Commission

COMMITTEE SUBSTITUTE FOR SENATE BILL 551 (CHAPTER 88-179) provides that the failure by any member of Florida's Columbus Hemispheric Commission to attend three consecutive meetings of the Commission constitutes a resignation by the member. The law also allows the Department of Commerce to expend state funds for this Commission. Also, the act allows the Department to authorize a direct-support organization to assist Florida's Columbus Hemispheric Commission. The direct-support organization would operate under contract with the Department. In order to be authorized as a direct-support organization, an organization must have certain specified qualifications. The Department may allow the direct-support organization to use departmental personnel, facilities, and property under certain conditions. Also, the direct-support organization must provide for an annual financial audit by an independent certified public accountant whose report is reviewable by the Secretary of Commerce, the Commission, and the Auditor General. The identity of certain donors and prospective donors is exempt from Chapter 119, F.S., the Public Records Law. All other records of the direct-support organization constitute public records for purposes of Chapter 119, F.S.

Fire Detection Systems

SENATE BILL 1088 (CHAPTER 88-209) amends Subsection 509.215(2), F.S., to permit public lodging establishments and time share units of three stories or more which were contracted for construction before October 1, 1983, to have either hard-wired or wireless fire-detection systems.

Additionally, the act amends Chapter 633, F.S., Fire Prevention and Control, with regard to the prerequisites for firefighter certification and for fire protection system contractor licensing and regulation. It clarifies the definition of "firefighters" for purposes of the supplemental compensation provisions, changes the State Fire Marshal's responsibilities regarding examinations, and makes other technical changes.

CONSERVATION AND NATURAL RESOURCES*

In 1988, the Florida Legislature enacted numerous laws concerning the environment and conservation of natural resources. One of the thorniest issues tackled by the Legislature was that of waste management; and it succeeded in enacting a comprehensive act that regulates waste management by state agencies, local governments, and the private sector and establishes a statewide goal of reducing the amount of solid waste (through recycling and other programs) by at least 30 percent by 1994. Other enactments of great significance under this topic include the act establishing the Florida Petroleum Insurance Program in order to provide third-party liability insurance for inland contamination arising from the storage of petroleum products and provide payment for the restoration of eligible contamination sites of participants in the program; the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act, which authorizes the establishment of a compliance verification program and implementation of the reporting requirements of the federal Emergency Planning and Community Right-to-Know Act of 1986; and the Wekiva River Protection Act. In addition, the 1988 Legislature enacted laws dealing with such diverse matters as: aquatic preserves; coastal construction; vehicular traffic on coastal beaches; reorganization of the internal structure of the Department of Environmental Regulation and revision of fee and other provisions pertaining to permits issued by that Department; the Environmental Regulation Commission; authorization for citizen-support organizations for both the Game and Fresh Water Fish Commission and the Department of Natural Resources; amendments to the developments-of-regional-impact law; regulation of saltwater fishing, including the establishment of a new licensing program for the harvesting of tarpon; baitfish management research; expansion of the powers and duties of the Division of Marine Resources of the Department of Natural Resources and establishment of the Florida Marine Research Institute within that Division; exploration for oil, gas, and minerals; regulation of antifouling paints containing organotin compounds as restricted-use pesticides; the Pollution Recovery Fund; authorization for the Board of Trustees of the Internal Improvement Trust Fund to retain in public ownership property forfeited under the Florida Racketeer Influenced and Corrupt Organization (RICO) Act; acquisition of state lands, including authorization to acquire the Fort Mosa historic site near St. Augustine; lease of state submerged lands for aquacultural activities, including the growing of oysters and clams; changes in penalties for Florida Litter Law violations; management of hazardous wastes and radioactive wastes; water management districts; water quality, including regulation of water wells and water well contracting and amendments to the Bottled Water Act; administration of the federal National Pollution Discharge Elimination System permitting program in this state; a study

of the effects of aquatic weed control on the water quality of the St. Marks River; and septic tank research.

Aquatic Preserves

COMMITTEE SUBSTITUTE FOR HOUSE BILL 451 (CHAPTER 88-414), which takes effect October 1, 1988, amends Section 258.42, F.S., to revise the requirements for docks erected within aquatic preserves maintained by the Board of Trustees of the Internal Improvement Trust Fund. The act allows private residential multislip docks and commercial docking facilities to be approved based on criteria established by the Board of Trustees by rule. The act removes the requirement that private docks, including multislip docks, be located within 1,000 feet of the maintained channel of the Atlantic Intracoastal Waterway. Section 4 of SENATE BILL 1075 (CHAPTER 88-207) also amends Section 258.42, F.S., to allow the restoration of seawalls within aquatic preserves at their previous locations or upland of or within 18 inches waterward of their previous locations.

HOUSE BILL 171 (CHAPTER 88-258) amends Section 258.391, F.S., to provide that the portions of the Cockroach Bay Aquatic Preserve owned by the Tampa Port Authority be included in the aquatic preserves system for the period of the lease and future lease extensions of the area from the Tampa Port Authority by the Board of Trustees of the Internal Improvement Trust Fund. The act also revises the legal description of the Preserve.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 646 (CHAPTER 88-272) establishes the Lake Weir Aquatic Preserve within the aquatic preserve system. The act provides a legal description of the area in Marion County to be known as the Lake Weir Aquatic Preserve. The act also appropriates \$94,901 from the Land Acquisition Trust Fund to the Department of Natural Resources, and authorizes two new positions to the Department, to carry out the act.

Beach and Shore Preservation

COMMITTEE SUBSTITUTE FOR HOUSE BILL 841 (CHAPTER 88-349) amends Section 161.053, F.S., to authorize the Department of Natural Resources, at the request of a property owner, to contract with the property owner for coastal construction activities landward of a coastal construction control line for a period of no longer than five years. The act provides that the agreement may not authorize construction of major habitable structures that would require construction after the expiration of the agreement, except construction above the completed foundation, and may not authorize construction of nonhabitable major or minor structures, unless such construction is authorized at the same time that the construction of the major habitable structure is authorized.

*Prepared by Senate Legal Research and Drafting Services

Section 161.053, F.S., is also amended by COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 118 (CHAPTER 88-106) to define the terms "coastal barrier island ends" and "coastal barrier islands" for purposes of a provision relating to the regulation of coastal construction. The act provides that coastal construction control lines may be set on coastal barrier island ends only in conjunction with the resetting of the coastal construction control line throughout the county within which the barrier island is located and that coastal construction control lines may not be established on coastal barrier island ends if the shore is vegetated with mangroves.

The act also amends Section 161.58, F.S., to authorize vehicular traffic on coastal beaches in order to maintain existing licensed and permitted traditional commercial fishing activities. The act authorizes vehicular traffic on a coastal beach where the local governing body having jurisdiction over the beach has authorized such traffic by a three-fifths vote prior to October 1, 1988, if the governing body determines, by October 1, 1989, that less than 50 percent of the peak user demand for off-beach parking is available. The act provides that such a local governing body may later prohibit vehicular traffic on all or part of its beaches by a three-fifths vote of its governing body. The act takes effect October 1, 1988.

Environmental Regulation in General

Section 12 of HOUSE BILL 1671 (CHAPTER 88-393) amends Section 20.261, F.S., to reorganize the Department of Environmental Regulation into five divisions, as follows:

1. Division of Administrative and Technical Services
2. Division of Water Management
3. Division of Water Facilities
4. Division of Waste Management
5. Division of Air Resources Management

Section 16 of the act repeals Sections 403.806, 403.807, 403.808 and 403.8081, F.S., which specify the duties of the four former divisions of the Department; and Sections 13, 14 and 15 of the act amends Sections 403.805, 403.0876 and 403.809, F.S., respectively, to conform them to the reorganization made by the act. Section 14 of the act also amends Section 403.805, F.S., relating to the powers and duties of the Secretary of Environmental Regulation, to grant the Secretary rulemaking authority with respect to Chapter 376, F.S. (Pollutant Discharge Prevention and Removal).

Section 17 of HOUSE BILL 1671 (CHAPTER 88-393) amends Section 403.087, F.S., relating to issuance of permits by the Department of Environmental Regulation, to:

- 1) revise the schedule of maximum fees charged by the Department for the various permits it issues;
- 2) allow an applicant to submit a single application and permit fee with respect to multiple air pollution sources located at the same facility if they are substantially similar in nature;
- 3) require the fee schedule to provide for payment of a reduced fee when an applicant seeks to renew an exist-

ing permit without a significant change in the activity authorized;

- 4) allow the fee schedule to provide for maximum permit fees to be paid during any five-year period by the owner or operator of a single facility; and
- 5) require each fee to be reasonably related to the costs of permitting and field services for the particular activity, taking into consideration standard cost-accounting principles and economies of scale.

Section 19 of the act amends Section 403.722, F.S., to delete the \$1,000 limitation on the fee charged for hazardous waste permits issued under that section, which maximum fee is covered in the revised schedule; and Section 18 of the act amends Section 403.311, F.S., to increase the filing fee for application for a weather modification license from \$100 to \$1,000.

Section 31 of HOUSE BILL 1671 (CHAPTER 88-393) appropriates \$1,364,314 from the Permit Fee Trust Fund to the Department of Environmental Regulation for additional positions.

Pursuant to Sundown Review (Section 11.611, F.S.), HOUSE BILL 702 (CHAPTER 88-343) continues Subsection 20.261(3), F.S., which provides for the establishment of the Environmental Regulation Commission within the Department of Environmental Regulation, until October 1, 1998, in advance of which date, the subsection will again be reviewed pursuant to the Sundown Act. The act also revises Section 403.804, F.S., relating to the powers and duties of the Commission, by deleting its authority to direct the Department to conduct the studies required with respect to the economic and environmental impact of proposed standards that are more stringent than those set by federal agencies, by deleting provisions that have had their effect, and by correcting an internal cross-reference.

Game and Freshwater Fish

SENATE BILL 378 (CHAPTER 88-84) authorizes citizen-support organizations to provide assistance, funding, and promotional support for programs of the Game and Fresh Water Fish Commission. Such organizations may not be for profit, may not receive funds from the Commission unless specifically authorized by the Legislature, and must be approved by the Commission. Such organizations may use, free of charge and subject to certain specified conditions, Commission property, facilities, and personnel. The act requires annual audits of such organizations and provides that information concerning donors to such organizations who desire to remain anonymous is exempt from public records requirements.

Land Development Regulation

COMMITTEE SUBSTITUTE FOR SENATE BILL 315 (CHAPTER 88-164) amends several provisions relating to developments of regional impact, including amendments to Section 380.06, F.S., which allow certain proposed changes to an approved development of regional impact without a public hearing, allow notice of a local government's public hearing on an

areawide development of regional impact to be by publication in a newspaper, and exempt certain additions to university sports facilities from development-of-regional-impact review.

The act also amends Section 380.061, F.S., and clarifies provisions of the Florida Quality Developments Program to allow the Program to be used more often. It amends Section 380.0651, F.S., to allow certain developments to be aggregated and reviewed under the development-of-regional-impact law and to increase the thresholds for development-of-regional-impact review of marinas and multiuse developments of regional impact.

The act also provides clarifying language in several sections including redefining the term "pledged revenues" in Section 380.0662, F.S.; clarifies provisions in Section 380.0666, F.S., relating to a land authority's ability to purchase certain property on other acquisition lists; amends Section 380.0667, F.S., relating to certain initial offers to purchase lands; amends Section 380.0668, F.S., relating to the use of private placement bonds by land authorities; and amends Section 380.0685, F.S., to increase certain administrative allowances relating to state park admissions.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1265 (CHAPTER 88-121) and Sections 26 and 27 of HOUSE BILL 1671 (CHAPTER 88-393) each enact the "Wekiva River Protection Act" which requires Orange, Lake and Seminole counties to amend their local comprehensive plans and land development regulations applicable to the area defined as the Wekiva River Protection Area to protect water quality, wetlands, wildlife, habitat, and vegetation within the area. The acts require the counties to restrict development in and adjacent to the area, to subject such comprehensive plans or land development regulations to review by the Department of Community Affairs, and to establish a procedure for the Department to utilize in such review. They require the Department to report to the Governor and the Legislature on whether such review should continue. They also require the counties to issue certain permits for proposed developments of regional impact within the area at the same time as any development orders relating to such developments are issued and establish limitations on such developments. The acts establish the area as a natural resource of importance, require the East Central Florida Regional Planning Council to adopt policies for the protection of special resources within the area, and direct the Department of Natural Resources to acquire lands for conservation and recreation within the area.

They also require the St. Johns River Water Management District to establish certain protection zones in the Wekiva River System to prevent harm to the system; require local governmental approval of certain permits issued by the district; and require the district to develop a groundwater basin resource availability inventory for the area and establish certain minimum water levels and flows within the area and the Wekiva Basin.

Marine Resources

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1277 (CHAPTER 88-412) amends various provisions relating to saltwater fisheries. The act amends:

- 1) Section 370.15, F.S., to permit noncommercial trawling for shrimp by obtaining a noncommercial trawl or net registration for each trawl or net used. Such a trawl or net may not have a corkline measurement exceeding 16 feet. Possession of shrimp under a noncommercial registration is limited to 25 pounds while on the water;
- 2) Section 370.07, F.S., to require wholesale dealers of saltwater products to report sales to the Division of Marine Resources monthly or as often as required by Division rule;
- 3) Section 370.153, F.S., relating to the regulation of shrimp fishing in Clay, Duval, Nassau, Putnam, Flagler and St. Johns counties, to provide that a dead shrimp production permit under that section is inheritable by, or transferable to, a person who is a member of the permit holder's immediate family. The amendment provides that the inheritance or transfer is valid upon its registration with the Department of Natural Resources;
- 4) Section 370.01, F.S., to delete nonliving sponges from inclusion within the definition of the term "saltwater products;" and
- 5) Section 370.021, F.S., to provide that a person may be fined, for any violation relating to the taking, harvesting, or possession of more than 1,000 pounds of an illegal finfish, an additional penalty in an amount equal to the wholesale value of the finfish.

HOUSE BILL 1201 (CHAPTER 88-369) amends Section 370.14, F.S., to prohibit the Division of Law Enforcement of the Department of Natural Resources from issuing new saltwater crawfish trap numbers before July 1, 1991. The act also prohibits the Division from renewing or reissuing a saltwater crawfish trap number before that date unless the trap number was active during the 1987-88 fiscal year. The act specifies the date by which a person who holds an active trap number must request renewal each year; and, if a person fails to request renewal of a trap number by the deadline, the Department is authorized to reissue the number to another applicant.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 399 (CHAPTER 88-170), effective October 1, 1988, directs the Department of Natural Resources to establish a licensing program for issuing tags for the harvesting of tarpon. The tags may not be transferred, except that the Marine Fisheries Commission may sell tags to professional fishing guides for transfer to individuals. The number of tags to be issued annually will be determined by the Commission by rule before November 30 each year. The act provides that county tax collectors are agents of the Department for the purpose of issuing tags. Tags are to be issued upon receipt of properly completed applications and payment of \$50 per tag. The proceeds from the sale of the tags are to be deposited in the Marine Fisheries Trust Fund and used to gather information related to tarpon management.

The act prohibits any individual from taking, killing, or possessing a tarpon unless he has purchased a tarpon tag and securely attached it through the lower jaw of the fish. The act requires a person who catches a tarpon to submit a form to the Department specifying the weight, length, physical condition of the fish, and the date when and location where the fish was caught. The act provides that any person, including a taxidermist, who possesses a tarpon without a tag attached to it is subject to the penalties prescribed in Section 370.021, F.S. The act authorizes a taxidermist to remove the tag to mount the tarpon, but the removed tag must remain with the fish during subsequent storage or shipment. The act provides that it does not apply to a person who immediately returns a tarpon uninjured to the water at the place where he caught it.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 923 (CHAPTER 88-353) amends Section 370.02, F.S., to revise the powers and duties of the Division of Marine Resources of the Department of Natural Resources. The amendment authorizes the Division to enter into agreements with other state and federal agencies for research, licensing, and permitting.

The amendment also establishes the Florida Marine Research Institute within the division for the purpose of conducting marine research and making research results available to public and private entities. The act requires the Department to recommend to the 1989 Legislature the salaries which should be paid to the personnel of the Institute.

In addition, the act authorizes the establishment of citizen-support organizations to conduct programs and activities and raise funds for the benefit of the individual units of the Department of Natural Resources. The act authorizes the Department to permit a citizen-support organization to use departmental property and facilities. Each such organization is required to file an annual postaudit of its financial accounts with the Department and the Auditor General. The act provides that all records of such an organization are public records for purposes of Chapter 119, F.S.

Section 32 of HOUSE BILL 1671 (CHAPTER 88-393) appropriates \$500,000 from the Coastal Protection Trust Fund to the Marine Biological Research Trust Fund, \$450,000 of which is to fund research under the fisheries independent monitoring program and \$50,000 of which is to fund research relating to baitfish management. The appropriation is to be refunded to the Coastal Protection Trust Fund within 18 months after the passage of state recreational saltwater fishing license legislation by the Legislature.

Oil, Gas, and Mineral Resources

COMMITTEE SUBSTITUTE FOR HOUSE BILL 998 (CHAPTER 88-278) revises and creates provisions relating to the exploration for oil, gas, or minerals.

The act amends Section 377.22, F.S., to require the Department of Natural Resources to adopt rules by which a person must file a bond or security conditioned upon the proper plugging of dry or abandoned wells in order for the person to conduct geophysical exploration. The act amends Section

377.2424, F.S., to allow an applicant for a permit for geophysical operations to post a form of security other than a surety bond with the Department in order to be issued the permit. The act provides that an applicant for a permit to conduct geophysical operations; drill exploratory, injection, or production wells; produce oil and gas at a wellhead; or transport oil and gas through a field-gathering system may post a deposit of cash or securities, a surety bond, or a letter of credit as the security that must be filed with the Department in order to be issued a permit. The act provides that an applicant for a permit to drill must have the right to drill, develop, or explore on the proposed drilling unit in order to be issued the permit.

The act amends Section 253.55, F.S., relating to drilling requirements on state lands leased by the Board of Trustees of the Internal Improvement Trust Fund, by defining the word "term" to include the primary term of the lease and any period thereafter during which the lease is in force and effect, for purposes of a provision that specifies the period of time during which certain test wells must be drilled.

Pesticides

SENATE BILL 774 (CHAPTER 88-194) directs the Department of Agriculture and Consumer Services to classify anti-fouling paints (coatings, paints, and treatments used as pesticides in the control of freshwater or marine-fouling organisms, such as barnacles) which contain organotin (tin) compounds having acceptable release rates as restricted-use pesticides subject to regulation under Chapter 487, F.S. The act exempts such paints from such classification when sold in spray cans of 16 ounces in weight or less for outboard motor or lower unit use. The Department is directed to initiate action under Chapter 120, F.S., to deny or cancel the registration of such a paint if it does not have an acceptable release rate or does not meet other criteria established by the Department pursuant to Chapter 487, F.S. Paints so classified may only be distributed, sold, or used by dealers and applicators who are licensed under Chapter 487, F.S., to distribute, sell, or use restricted-use pesticides; and they may be applied only by licensed applicators and only to vessels exceeding 20 meters in length or having aluminum hulls. The act further prohibits a person other than a paint manufacturer from selling or delivering to, or purchasing or receiving from, another person any substance containing tin compounds for the purpose of adding such substance to paint in order to create an antifouling paint. A first violation of the act is punishable as a second-degree misdemeanor, and a subsequent violation is punishable as a first-degree misdemeanor. These provisions take effect October 1, 1988.

The act also directs the Department of Agriculture and Consumer Services to develop a program to educate and inform antifouling paint applicators, vessel owners, and paint manufacturers concerning the characteristics and hazards associated with organotin compounds in antifouling paints and concerning state laws restricting the use of such compounds.

Pollution Response and Recovery

COMMITTEE SUBSTITUTE FOR HOUSE BILL 495 (CHAPTER 88-331) revises and creates various provisions relating to petroleum storage tanks.

The act amends Section 376.303, F.S., to extend the deadline by which a person must file, with the Department of Environmental Regulation, information relating to storage tanks in order to participate in the Early Detection Incentive Program under Section 376.3071, F.S., to December 31, 1988. The act amends Section 376.3071, F.S., to authorize the Department of Environmental Regulation to use moneys in the Inland Protection Trust Fund to fund the Florida Petroleum Liability Insurance Program which is created by the act. The amendment extends the Early Detection Incentive Program from October 1, 1988, to December 31, 1988.

The act creates the Florida Petroleum Liability Insurance Program, which is to be established by the Department on or before January 1, 1989. The Program will expire July 1, 1993. The act provides that the Program is to provide not more than \$1 million of third-party liability insurance for inland contamination arising from the storage of petroleum products. The Program is to pay for the restoration of eligible contamination sites of participants in the Program. The act provides that the Program will have a \$500 deductible for third-party insurance for the first two premium years and a deductible schedule set by the Department for the remainder of the Program, which deductible may not exceed \$25,000 per year.

The act provides that any owner or operator of a petroleum storage system, as defined by Section 376.301, F.S., who is in compliance with Chapter 376, F.S., and the rules of the Department is qualified to participate in the Program. The federal government, an owner or operator of a site upon which contamination is discovered before January 1, 1989, and the owner or operator of a facility where the Department has been denied access are not qualified to participate in the Program.

The act creates the Petroleum Liability Insurance Account within the Inland Protection Trust Fund to fund the Program. The act authorizes the Department to charge premiums for insurance, the amount of which must be approved by the Department of Insurance. The Department must deposit insurance premiums into the account. Proceeds from the excise tax imposed by Subsection 206.9935(3) and the registration fees required by Paragraph 376.303(1)(b) are to be deposited in the Trust Fund and used for site restoration.

The act provides that policyholders under the Program will be required to contribute, on a pro rata earned-premium basis, the money necessary to meet unfilled obligations of the Program.

The act authorizes an owner or operator of a petroleum storage system to elect not to participate in the Program for third-party liability coverage if he demonstrates sufficient financial responsibility for such liabilities or he meets United States Environmental Protection Agency tests for financial responsibility.

The act authorizes the Department of Environmental Regulation to purchase insurance management services, under-

writing services, and reinsurance to administer the program, subject to the approval of the Department of Insurance.

The act requires the Department of Environmental Regulation to adopt rules to manage and maintain the Program. The act requires the Department to receive the approval of the Department of Insurance prior to paying a refund or dividend from the Program. The act amends Section 376.3073, F.S., to authorize the Department of Environmental Regulation to contract with local governments to administer the Program, to the greatest extent possible.

The act amends Section 526.3055, F.S., to require the Department of Environmental Regulation to enforce regulations relating to the registration of petroleum storage tanks and to authorize that Department to enter into an interagency agreement with the Department of Agriculture and Consumer Services to enforce such regulations.

The act amends Section 376.317, F.S., specifying conditions upon the authority of a county government to regulate underground storage tanks. The act requires the Department of Environmental Regulation to provide funding to local governments that conduct compliance and enforcement responsibilities pursuant to contracts entered into with the Department under Section 376.3073, F.S.

Section 376.319, F.S., relating to indemnification of response action contractors, is amended to extend the date of expiration of that section from October 1, 1988, to October 1, 1997.

The act requires the Department of Professional Regulation to adopt rules that specify standards for certification of response action contractors.

The act appropriates \$6 million from the Inland Protection Trust Fund to the Department of Environmental Regulation for contracting with counties that have adopted departmental rules relating to stationary tanks or that have adopted more stringent or extensive ordinances and for paying for contracts for the tank verification program and for liability coverage under the Florida Petroleum Liability Insurance Program. The act appropriates premiums collected under the Program from the Liability Insurance Account of the Inland Protection Trust Fund to the Department to pay for insurance, underwriting services, and reinsurance under the Florida Petroleum Liability Insurance Program. The act appropriates \$221,566 from the Inland Protection Trust Fund to the Department to implement the liability insurance program and to implement the local government compliance verification and enforcement program.

The act directs the Department of Insurance to submit a report on the availability and cost of pollution liability insurance issued by private insurers on or before January 1, 1993.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 954 (CHAPTER 88-200) enacts the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988.

The act authorizes the Department of Community Affairs to establish a compliance verification program and to adopt rules, with the advice and consent of the State Hazardous Materials Emergency Response Commission, in order to imple-

ment the reporting requirements specified in the federal Emergency Planning and Community Right-to-Know Act of 1986 (Sections 300 through 329 of Pub. L. No. 99-499) and the federal regulations adopted thereunder.

The act charges an annual registration fee of not less than \$25 or more than \$2,000 to each owner or operator of a facility required under the federal act or the state act to submit a notification or an annual inventory form to the Commission. The act requires the Department to charge a reduced fee of not less than \$25 or more than \$500 to an owner or operator regulated under Chapter 368, Chapter 527, or Section 367.303, F.S., if the owner or operator does not produce, use, or store an extremely hazardous substance (as defined by the federal act) in excess of a threshold-planning quantity (as established by the federal act). The act requires the amount of the fee to be based on the number of employees employed by the owner or operator. However, after June 30, 1990, the amount of the fee will be based upon factors relating to the toxicity, volatility, quantity, and potential hazard of materials produced, used, or stored by the owner or operator. The act authorizes the Department to charge a late fee for failure to file a report or to pay the registration fee by a date specified by the Department.

The act establishes the Hazardous Materials Administration Trust Fund to finance the administration of the act. The Department is required to deposit the fees and penalties collected under the act into the Trust Fund.

The act provides that any person who knowingly files false information within a report to the Commission, a local emergency planning committee established pursuant to Section 301 of Pub. L. No. 99-499, or a fire department, or who files false information with reckless disregard of its truth or falsity, is liable for a civil penalty of \$5,000 for each item of false information. The act provides that any person who files false information with the Commission, a committee, or a fire department with the intent to mislead the Commission, committee, or fire department is guilty of a felony of the third degree. The act provides that any provision of the federal act which creates a federal cause of action or which imposes or authorizes the imposition of a civil penalty by the Administrator of the Environmental Protection Agency establishes a corresponding cause of action or civil penalty under state law.

The act provides that, for state purposes, the requirements specified in Sections 311 and 312 of Pub. L. No. 99-499 apply to the manufacturing sector and the nonmanufacturing sector as those terms are used in federal regulations adopted by the Occupational Safety and Health Administration. The act provides that the reporting requirements apply to governmental bodies and that governmental bodies are exempt from the fees specified in the act.

The act requires trade secrets to be reported to the Commission upon request. The act exempts any trade secrets reported from the provisions of Section 119.07, F.S., subject to the Open Government Sunset Review Act in accordance with Section 119.14, F.S. The act provides that the location of hazardous chemicals is not subject to Section 119.07, F.S., if the federal act authorizes the owner or operator to withhold such

information; the exemption is subject to the Open Government Sunset Review Act. The act provides that information provided to a fire department under the act or the federal act is not subject to Section 119.07, F.S., but that such information is subject to the Open Government Sunset Review Act.

The act provides for the transfer of money to the Hazardous Materials Administration Trust Fund in accordance with Section 215.18, F.S., to pay for the implementation of the program during the period ending June 30, 1989. The act provides for repayment of such funds by the Department over a three-year period.

Section 11 of HOUSE BILL 1671 (CHAPTER 88-393) amends Section 403.165, F.S., to provide that the Pollution Recovery Fund consist of moneys recovered by the state as a result of state actions against persons for violations of Chapter 403, F.S. The act provides that moneys in the Fund be used to restore polluted areas that were the subject of the actions or to otherwise enhance pollution control activities in such areas. The act requires the Department to use the remaining moneys to restore other polluted areas, giving priority to restoring areas within the same districts, as defined by Section 373.069, F.S., where the areas which were the subjects of the actions are located. The act deletes a provision from the section which provides for allocation of up to 10 percent of the average annual balance of the Fund for monitoring previously restored areas.

State Lands

COMMITTEE SUBSTITUTE FOR HOUSE BILL 946 (CHAPTER 88-357) amends Section 253.03, F.S., to authorize the Board of Trustees of the Internal Improvement Trust Fund to retain in public ownership property forfeited to the Board under the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, if retention of the property would serve to protect or enhance an environmentally sensitive natural area or ecosystem or preserve a significant archaeological or historical site. Moneys expended from the Forfeited Property Trust Fund in any proceedings against such property must be reimbursed from the Land Acquisition Trust Fund or other appropriate fund designated by the Board. The Board is also authorized to reimburse the investigative and law enforcement agencies for expenses incurred in the investigations leading to forfeiture of the property.

HOUSE BILL 1559 (CHAPTER 88-387) amends Section 253.023, F.S., to allow a project to be removed from the list of acquisitions projects selected for purchase under Chapters 253 or 259, F.S., when at least 90 percent of the acreage of the project has been purchased. The remaining acreage of the project may continue to be purchased. Section 259.035, F.S., is amended to require the selection committee that establishes the list of acquisition projects selected for purchase under either chapter to update the list by the time of the first meeting of the Board of Trustees of the Internal Improvement Trust Fund in February of each year rather than in July.

The act amends Section 253.025, F.S., to authorize the Board of Trustees of the Internal Improvement Trust Fund or

any state agency to contract for real estate acquisition services, including real estate commission fees. The act specifies circumstances under which an offer by a state agency for the acquisition of land may exceed the appraisal or the average of two appraisals.

Section 253.115, F.S., is amended to authorize the Board of Trustees of the Internal Improvement Trust Fund to procure real estate sales services to facilitate the disposition of a parcel of state-owned uplands without regard to the size of the parcel.

HOUSE BILL 1711 (CHAPTER 88-396) authorizes, effective October 1, 1988, the Department of Natural Resources to acquire through the power of eminent domain specified parcels of land which make up the Fort Mosa historic site near St. Augustine.

SENATE BILL 1075 (CHAPTER 88-207) amends Section 253.69, F.S., to require a person leasing state submerged lands for the purpose of conducting aquaculture activities to file, after the lease is approved, with the Board of Trustees of the Internal Improvement Trust Fund a field survey of the leased area and assurances that the site is properly posted pursuant to the federal system of uniform waterway markers. The act also amends Section 253.71, F.S., to require such a lessee to execute a surety or performance bond or a letter of credit or money in escrow to ensure development of the lease and removal of structures or improvements upon cancellation or forfeiture of the lease.

The act provides that, beginning July 1, 1988, applications for lease of state submerged lands for the purpose of growing oysters and clams must be made under Sections 253.67-253.75, F.S., rather than under Section 370.16, F.S.

Waste Management

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1192 (CHAPTER 88-130) comprehensively addresses waste management by state agencies, local governments and the private sector. It establishes a statewide goal to reduce the amount of solid waste by at least 30 percent by 1994. No more than half of the municipal solid waste reduction goal may be met with yard trash, white goods (refrigerators, etc.), construction and demolition debris, and tires. The act requires each county to initiate a recycling program by July 1, 1989, to separate the majority of newspapers, aluminum cans, glass, and plastic bottles from other solid waste and to recycle such materials. Counties may accomplish that separation either at the source of collection or at a central location. Construction and demolition debris must also be separated from other materials in the solid waste stream. In addition, the act encourages separating plastics, metal, and paper and recycling yard trash and other mechanically treated solid waste into compost. A county and the municipalities in that county may jointly develop a recycling program, or the county may require a municipality that does not enter a joint program to report on its efforts. A county must also keep the municipalities in the county informed about recycling programs. On or after July 1, 1989, a solid waste management

facility owned or operated by or on behalf of a county or municipality must weigh all solid waste on a scale that meets specifications set forth in the act.

Restrictions on composition of containers.—This act restricts the sale of certain types of containers. After January 1, 1989, a beverage may not be sold in a beverage container that opens with a detachable metal ring or tab. After July 1, 1989, containers that are connected to each other by separate plastic rings or other devices may not be sold unless the holding device is composed of material which is degradable within 120 days. A notice of degradability must be placed on the holding device. After January 1, 1990, plastic bags provided to consumers for carrying their purchases are prohibited unless they are composed of material that is degradable within 120 days. Notice of degradability must be printed on each bag. On or after July 1, 1990, a person may not sell or offer for sale a plastic container unless it has a molded label indicating the plastic resin used to produce the container. There is an exemption for plastic beverage containers and nonsolid food liquid containers of less than 16 ounces and rigid plastic containers of less than 8 ounces.

On or after October 1, 1990, a person may not sell a product packaged in a container or packing material manufactured with fully halogenated chlorofluorocarbons. In addition, the act prohibits using polystyrene foam or plastic-coated paper in conjunction with food for human consumption unless such products are degradable within 12 months. That requirement is effective 12 months after such material has been certified as safe by the United States Food and Drug Administration and is commercially available. Businesses are encouraged to meet that requirement by January 1, 1992.

After January 1, 1989, lead-acid batteries may not be disposed of in any waste-to-energy facility. A retailer who sells such batteries must accept used lead-acid batteries as trade-ins for new ones. Other items that may not be disposed of in landfills after the specified dates include: used oil, after October 1, 1988; yard trash, after January 1, 1991, with some exceptions for specified disposal areas; and white goods, after January 1, 1990.

A commercial establishment that processes food products for human consumption may not dispose of certain animal wastes and oils without the approval of the Department of Environmental Regulation.

Trust fund; grants.—The act creates a new Solid Waste Management Trust Fund, which is to be administered by the Department of Environmental Regulation, to carry out the purposes of the act. The act authorizes a solid waste management grant program, to be administered by the Department, to assist counties and municipalities in operating recycling and related educational programs. Twenty-five percent of the grant funds are to be distributed as "base portions of grants" to counties and municipalities having populations over 50,000. The base portions will be distributed in equal amounts to all eligible applicants. Seventy-five percent of the grants are to be distributed as "incentive portions of grants," and a distribution formula is set forth in the act. A county or municipality that applies individually must provide a 50-percent match for the

incentive portion, except for small counties having populations of under 30,000. The incentive portion does not require a match if a county applies jointly with municipalities that constitute at least 75 percent of the total incorporated population of the county. Distribution of the grants will be based on the population of the group applying, and a county will be credited only with the population of the unincorporated areas. Counties and municipalities are encouraged to form interlocal agreements to implement solid waste-recycling and education programs. Specific grant criteria are included in the legislation. Other grant provisions include a program of assistance for small counties of less than 30,000, which will receive \$25,000 each year for five years. These grants may be used to purchase required weight scales and to meet other requirements of the act. In addition, \$750,000 will be equally divided among local governments who demonstrated initiative in starting recycling programs before the passage of this act.

Governmental agencies.—State agencies, the judicial branch, and the State University System are required, by September 1, 1989, to start a recycling program for the wastes that they generate; and they must use composted products when feasible. The act requires the Department of Education, in cooperation with the Department of Environmental Regulation and the State University System, to develop, distribute, and encourage the use of guidelines for the collection of recyclable materials and for solid waste reduction in the state system of education. School districts are required to provide instruction to students in recycling wastes, and the Department of Education is required to develop curriculum materials for recycling awareness instruction in elementary, middle, and high schools. The Legislature and the Governor's office are required to institute recycling programs in the House and Senate Office Buildings and the Capitol by January 1, 1989.

Used oil.—The act prohibits certain ways of disposing of used oil; for instance, one may not discard it into sewers, septic tanks, or other specified places; may not mix it with solid waste for landfills; may not mix it with hazardous substances; and may not use it for oiling roads or for any other purpose that entails risk of releasing the oil into the environment. The Department of Environmental Regulation is to encourage the procurement of recycled oils. Registration requirements for transporters and collectors of used oil are clarified. The Department is directed to encourage the voluntary establishment of public used oil collection center and recycling programs and to provide technical service to organizers of such programs. The Department is authorized to establish an incentives program to encourage individuals who change their own oil to return the used oil to a collection center. The Department is required to develop a grants program for local governments to encourage the collection, reuse, and proper disposal of used oil. The maximum grant amount is \$25,000. Any person who transports over public highways after January 1, 1990, more than 500 gallons annually of used oil must be a certified transporter. The Department is to establish a permitting system for used oil recycling facilities by January 1, 1990.

Landfills; other solid waste management facilities.—The Department of Environmental Regulation is directed to establish qualifications for, and to encourage the development of training programs for, operators of landfills, coordinators of local recycling programs, and operators of other solid waste management facilities. The Department is to work with educational institutions in developing educational materials for those who want to be trained as operators of solid waste management facilities. After January 1, 1990, the operator of such a facility must have completed a operator training course approved by the Department. Landfill owners or operators must establish a fee or surcharge to ensure the availability of financial resources for proper closure of the landfill. Revenues from the fees must be deposited into an interest-bearing escrow account. Alternative proof of financial responsibility is allowed.

Waste tires.—The owner or operator of a waste tire site must, within 6 months after the effective date of the act, inform the Department of Environmental Regulation of the location and size of the site and the approximate number of tires at the site. On or after July 1, 1989, a waste tire site must be an integral part of a permitted waste tire processing facility, and a person may dispose of waste tires only as specified in the act. Waste tires may not be deposited in a landfill as a method of ultimate disposal. The Department must adopt rules for the waste tire program by January 1, 1989. Certain businesses that deal with waste tires need not have permits, e.g., a tire retreading business where waste tires are kept on the premises. The Department is required to encourage the voluntary establishment of waste tire collection centers for the public at retail tire-selling businesses, waste tire processing facilities, and solid waste disposal facilities.

The act imposes a fee on the retail sale of each new tire, in the amount of 50 cents per tire between January 1 and December 31, 1989, and in the amount of \$1 per tire on and after January 1, 1990. The revenue from such fees is to be deposited into the waste tire account of the Solid Waste Management Trust Fund. The Department is to establish a program of grants to counties in connection with waste tire processing or recycling. Counties are permitted to join together in using grants provided for those purposes.

Regional solid waste authorities.—The act encourages the development of regional solid waste authorities. It authorizes the use of eminent domain power by a public entity formed via an interlocal agreement among counties and municipalities, and it extends sovereign immunity to such entities.

State purchase of recycled materials.—The Division of Purchasing of the Department of General Services, in cooperation with the Department of Environmental Regulation, is required to review procurement procedures and specifications in order to eliminate those that discriminate against products and materials with recycled content. The Department of General Services must evaluate state purchase practices to determine which products or materials with recycled content could be purchased by state agencies and how much recycled content could feasibly be contained in such products or materials. The Department of General Services and other agencies are authorized to grant a price preference of up to 10 percent to

persons who bid on public contracts for the purchase of materials when such persons offer materials containing a specified amount of recycled content. The Department is required to review its procurement and bid specifications in order to ensure that recyclable materials, or products or materials with recycled content, are purchased or used when possible.

Using recyclable materials in construction by the state.—The Department of Transportation is directed to expand its use of recycled materials in its construction programs. The Department must also, before January 1, 1990, undertake demonstration projects that use specified recyclable materials for road construction. Also, it must, in cooperation with the State University System, contract for research on using groundtire rubber in asphalt concrete and other uses of waste tires; and it must review its specification and procurement procedures.

Research on solid and hazardous waste.—The act requires the Board of Regents to coordinate research and training activities relating to solid and hazardous waste management conducted by state universities. The research is to cover methods and processes for recycling solid and hazardous waste, methods of treatment for detoxifying hazardous waste, and evaluation of solid and hazardous waste disposal technologies. The board is to consult with the Department of Environmental Regulation in developing the research programs. A study of product packaging is also authorized.

Biohazardous waste.—The Department of Health and Rehabilitative Services is to regulate the packaging, storage, and treatment of biohazardous wastes which occur at the facility where the waste is generated; and the Department of Environmental Regulation is to regulate biohazardous waste from the point at which it is transported from the facility and other specified disposal procedures. A deadline for initiating rulemaking related to these responsibilities is specified.

Purchase of energy.—The Florida Public Service Commission is required to establish rules concerning the purchase of capacity or energy by electric utilities from solid waste management facilities.

Litter control.—The state is directed to financially assist the establishment of a nonprofit organization, "Keep Florida Beautiful, Inc.," which is to be an umbrella organization for volunteers who are cleaning up litter in various parts of the state. The act also establishes a Clean Florida Commission within the Department of Transportation to coordinate a statewide litter prevention program. The act revises the Florida Litter Law to provide penalties as follows: (1) a civil penalty of \$50 for dumping no more than 15 pounds or 27 cubic feet of non-commercial litter; (2) a misdemeanor of the first degree for dumping more than 15 pounds or 27 cubic feet, but less than 500 pounds or 100 cubic feet, of noncommercial litter. A violation that involves a motor vehicle may result in a penalty of three points on the violator's driver's license; and (3) a felony of the third degree for dumping more than 500 pounds or 100 cubic feet of commercial or hazardous waste. Additional punishment may include removing the litter from the dump site, restoring damaged property, or performing community service. A motor vehicle, vessel, aircraft, container, crane, winch,

or machine used to dump litter that exceeds 500 pounds or 100 cubic feet is contraband and is subject to forfeiture. A person who violates the litter provisions that are punishable as felonies may have to pay the injured party three times the actual damages or \$100, whichever is greater, and may have to pay court costs and attorney's fees for the injured party. The act also encourages the Florida Youth Conservation Corps and local governments to initiate programs to supplement current litter removal programs of the Department of Transportation.

Demonstration projects.—The Department of Agriculture and Consumer Services, in cooperation with the Institute of Food and Agricultural Sciences at the University of Florida and the Department of Environmental Regulation, is to implement a demonstration project or projects in Alachua County to exhibit the feasibility of composting yard trash. The Department of Environmental Regulation, in cooperation with Brevard, Dixie, Franklin, Taylor and Wakulla counties is to implement seafood processing byproduct waste proposal demonstration projects. The Applications Demonstration Center for Resource Recovery from Solid Organic Materials is created to demonstrate and evaluate specified advance low-cost technologies for the treatment of solid waste and improvement of water quality. The Institute of Food and Agricultural Sciences, in cooperation with the Reedy Creek Energy Services, Inc., is to operate the Center. The Florida Cooperative Extension Service is to conduct workshops at the Center to demonstrate specified applicable technologies to municipal, county, and industrial waste managers.

Use of private services.—The act directs local governments and state agencies to use the most cost-effective ways to provide services or programs for solid waste management and encourages contracting with private agencies.

Newsprint disposal fee.—Effective January 1, 1989, a fee of 10 cents per ton of newsprint consumed is imposed on every newsprint producer or publisher in the state. A refund of 10 cents per ton is allowed for overruns and for use of recycled newsprint. If the Department of Environmental Regulation determines that, by October 1, 1992, less than 50 percent of the newsprint in the solid waste stream is being recycled, the fee will increase to 50 cents per ton, with refunds of 50 cents per ton for overruns and for using recycled newsprint.

Advance disposal fee.—If the Department of Environmental Regulation determines, on October 1, 1992, that containers made of glass, plastic, aluminum, plastic-coated paper, or other metals which are sold in the state are not being recycled at a sustained rate of (sic) 50 percent of the quantities sold in the state, retail establishments must charge an advance disposal fee of 1 cent per container. The containers may be returned to recycling centers for a refund. If the Department determines, by October 1, 1995, that such containers are not being recycled at a rate of 50 percent of the quantities sold, the advance disposal fee will increase to 2 cents per container, and certain labeling, redemption, and information requirements will apply. However, the 1995 provision is subject to a mandated legislative review prior to taking effect.

Sales tax credit.—The act provides a sales tax credit on machinery and equipment for processing recyclable materials, which machinery and equipment is purchased after July 1, 1988. The exemption is available by refund after the first full year the machinery and equipment is in operation.

Effective date of act.—Except as otherwise provided in the act, the act takes effect October 1, 1988.

[See also a discussion of Sections 63 through 70 of this act in the article FINANCE AND TAXATION.]

COMMITTEE SUBSTITUTE FOR HOUSE BILL 266 (CHAPTER 88-79), amends Section 403.413, F.S., to revise the penalty provisions of the Florida Litter Law by providing that, in addition to the criminal penalties provided, an additional mandatory number of hours of community service work will be imposed by the court, depending on whether the offense is a first, second, or third or subsequent offense. [There is apparent conflict between this revision and the revision of the same subsection found in Section 56 of Chapter 88-130.] The effective date of the act is October 1, 1988.

Several sections of HOUSE BILL 1671 (CHAPTER 88-393) relate to management of hazardous wastes. Section 6 requires the Department of Environmental Regulation to establish a waste reduction and elimination assistance program designed to assist persons in reducing the amount and toxicity of the hazardous waste generated in the state to the maximum extent possible. Section 7 amends Section 403.7264, F.S., to allow a local government to contract with the Department to administer and supervise its own local amnesty days program for purging small quantities of hazardous wastes, if the local government meets certain requirements related to the program. The section is also amended to place a limit on the amounts of waste to be accepted at no cost and provides a schedule for amnesty days. Section 8 amends Section 403.7265, F.S., to revise the requirements for a plan to be formulated by the Department for collecting small quantities of hazardous waste and to direct the Department to develop a statewide local hazardous waste management plan. It also mandates a previously optional grant program to help local governments provide hazardous waste collection centers, raises the minimum grant amount, and revises grant requirements. Section 28 appropriates \$1 million from the Water Quality Assurance Trust Fund to fund the hazardous waste collection grants; and Subsection 30(2) appropriates \$250,000 from that Fund to fund the establishment of the waste reduction and elimination assistance program. Section 33 transfers a statutory section concerning the tax on the gross receipts of commercial hazardous waste facilities to Part IV of Chapter 403, F.S., which is subtitled "Resource Recovery and Management."

HOUSE BILL 592 (CHAPTER 88-60) amends the Southeast Interstate Low-Level Radioactive Waste Management Compact. It provides that a state is not required to operate a regional waste disposal facility for longer than twenty years or to dispose of more than 32 million cubic feet of low-level radioactive waste, whichever first occurs. It also requires a state that seeks to withdraw from the compact more than 30 days after the second host state disposal facility begins operation

to obtain the unanimous approval of the compact commission and the consent of Congress.

Water Management and Quality

COMMITTEE SUBSTITUTE FOR SENATE BILL 522 (CHAPTER 88-242) amends Section 373.073, F.S., effective July 1, 1990, to revise the membership of the governing board of the Southwest Florida Water Management District. The act requires the Governor to appoint 11 new members to the board by July 1, 1990. The newly appointed members will draw lots at their first official meeting to determine staggered terms of office.

Section 373.103, F.S., is amended to authorize the governing boards of the water management districts to delegate to local government the power to administer stormwater permitting or surface water management. The act requires a governing board to give prior notice of any such delegation. The act also authorizes the South Florida Water Management District to acquire by the power of eminent domain specified lands within Palm Beach, Broward and Dade counties.

Effective January 1, 1989, the act amends Section 373.0693, F.S., to change the date a term of office begins for members of basin governing boards from July 1 to March 2 and amends Section 373.073, F.S., to specify March 2 as the date the terms of office begin for members of the governing boards of the water management districts. The terms of office for members of both the basin boards and the water management district boards who are in office on January 1, 1989, will expire on March 1 of the year in which their respective terms of office end regardless of the conditions of their appointments.

The act amends Section 373.303, F.S., to revise the definition of the term "water well contractor" to include persons who are responsible for the repair or abandonment of a water well in addition to persons who construct water wells. Part III of Chapter 373, F.S., requires a person who engages in business as a water well contractor to obtain a license from the water management district.

Section 373.323, F.S., is amended to provide requirements for licensure as a water well contractor. The act requires that application be made to the water management district in which the applicant's principal place of business is located. A person must be at least eighteen years of age; have at least two years' experience in constructing, repairing, or abandoning wells; complete an application form; remit an application fee; and pass an examination in order to obtain a license. A license issued by any water management district is valid in all other such districts in the state. The act authorizes a water management district to issue cease and desist orders for violations relating to the construction, repair, or abandonment of water wells. The act revises the requirements for license renewal and provides for the renewal or expiration of an inactive license.

Sections 373.308 and 373.326, F.S., are amended to allow the water management district, rather than the Department

of Environmental Regulation, to grant exemptions from Part III of Chapter 373, F.S., due to undue hardship.

The act amends Section 373.329, F.S., to increase the initial application fee for licensure as a water well contractor from \$100 to \$150. The act provides a biennial license renewal fee of \$50 and sets the penalty for late renewal at \$75.

The act amends Section 373.333, F.S., to require the Department of Environmental Regulation to adopt disciplinary guidelines applicable to disciplinary actions imposed by the water management districts. The water management districts are required to adopt the guidelines. The act provides specific actions that constitute grounds for disciplinary actions by the water management districts.

The act requires the Department of Environmental Regulation to establish a statewide clearinghouse for information relating to water well contractors licensed by the water management districts.

Section 373.336, F.S., is amended to prohibit certain unlawful practices relating to water well contracting and to specify penalties for such violations. The act requires the Department of Environmental Regulation to adopt rules by July 1, 1989, which implement Part III of Chapter 373, F.S. The water management districts must be allowed to participate in the development of such rules and then must adopt the rules.

Section 373.339, F.S., is repealed to delete obsolete provisions, and Section 373.342, F.S., is amended to conform to this change.

Pursuant to Regulatory Sunset Review (Section 11.61, F.S.), the act provides for Part III of Chapter 373, F.S., to continue in force until October 1, 1998. The repeal of specified sections of Part I of Chapter 373, F.S., is postponed from October 1, 1988, until October 1, 1989, in advance of which they will be reviewed pursuant to the Sundown Act (Section 11.611, F.S.).

The act amends Section 373.0693, F.S., to abolish, for purposes other than regulatory, the Oklawaha River Basin within the St. Johns River Water Management District. The governing board of the District is required to establish the Oklawaha River Basin Advisory Council to receive public input and advise the District on water management issues affecting the Oklawaha River Basin. The act also abolishes the Greater St. Johns River Basin within the St. Johns River Water Management District. The act provides for the assets and liabilities of the Oklawaha River and Greater St. Johns River Basins to become assets and liabilities of the St. Johns River Water Management District.

HOUSE BILL 1671 (CHAPTER 88-393) amends Section 206.9925, F.S., relating to excise taxes on fuel and other pollutants, to revise the definition of the term "petroleum product" to include motor oil and other lubricants and revise the term "pollutants" to include lead-acid batteries and certain solvents. Section 206.9935, F.S., is amended to impose, in addition to the 2-cent-per-barrel tax on other pollutants, an excise tax of \$1 per lead-acid battery, 10 cents per gallon of solvent, and 5 cents per gallon of motor oil or other lubricant. If the unobligated balance of the Water Quality Assurance Trust Fund is or falls below \$3 million, the tax is increased by specified amounts until such time as the Fund exceeds \$5 million.

Persons paying the excise tax on motor gasoline and gasohol are given a credit for the excise tax imposed for the same period for motor oil and other lubricants. These amendments take effect October 1, 1988. The act repeals Subsection 206.9441(4), F.S., effective October 1, 1988, which subsection exempts pesticides, ammonia, chlorine, and their derivatives from the excise taxes on fuel and other pollutants.

The act amends Section 376.307, F.S., to limit, after January 1, 1989, the circumstances under which moneys from the Water Quality Assurance Trust Fund may be used for water supply systems or filters for contaminated potable water wells.

Section 373.309, F.S., is amended to specify additional responsibilities of the Department of Environmental Regulation with respect to the regulation of water wells. The Department is required to delineate areas of groundwater contamination and make such information available to the public. The Department must provide standards for testing, location, and construction of potable water wells in areas of contamination. The permit fee for a single-family residence well may not exceed \$100, and the fee for any other public system may not exceed \$500. The Department may, by rule, require a permit to construct or use any well that is or may be used as a source of drinking water.

The act establishes the Water Quality Assurance Trust Fund Study Commission to study and prepare a report on the funding base of the Water Quality Assurance Trust Fund. The nine-member committee, composed of a member of the Senate, a member of the House of Representatives, and representatives from the petroleum industry, the chemical industry, and environmental organizations, must report its findings and specific legislative recommendations to the Legislature by March 1, 1989. The sum of \$50,000 is appropriated from the Trust Fund for the Commission.

Section 403.161, F.S., is amended to require that a release of hazardous substances from a facility be reported to the Department of Environmental Regulation by the owner or operator of the facility within one working day if the owner or operator is required to report such release to the United States Environmental Protection Agency.

Section 403.061, F.S., is amended to require the Department of Environmental Regulation to adopt rules necessary to administer the federal National Pollution Discharge Elimination System (NPDES) permitting program in the state. The act provides the necessary authority to the Department to administer the program. The permit issued by the Department under the NPDES program will be the sole permit issued under Chapter 403, F.S., for the regulation of discharge of pollutants or wastes into surface waters within the state for discharges covered by the program. Section 403.412, F.S., is amended to conform provisions of the Environmental Protection Act with the provisions of the state NPDES permitting program.

The Department of Natural Resources is required to perform a study of the effect of spraying chemicals to control floating aquatic weeds on the water quality of the St. Marks River. Further chemical spraying is prohibited until the study is completed, or until January 1, 1993.

1988 SUMMARY OF GENERAL LEGISLATION

[For a discussion of other provisions of HOUSE BILL 1671, see the subheadings: **Environmental Regulation; Land Development; Marine Resources; Pollution Response; and Waste Management.**]

SENATE BILL 995 (CHAPTER 88-89) amends Section 381.294, F.S., the Bottled Water Act, to delete the requirement that Department of Health and Rehabilitative Services personnel take the water samples required under that act. The Department is authorized to take into consideration the quality of source water and type of packaging materials when determining the extent of bottled water analysis necessary.

Section 381.273, F.S., is amended to increase from \$3 to \$5 the research fee charged for each permit issued by the Department of Health and Rehabilitative Services for onsite sewage disposal systems. Septic tank research may include design and installation methods.

Section 403.0625, F.S., is amended to require that certain water quality tests prescribed by the Department of Environmental Regulation or a local pollution control program under Section 403.182, F.S., be conducted by a laboratory certified by the Department of Health and Rehabilitative Services.

CONSTITUTIONAL AMENDMENTS*

The 1988 Regular Session of the Legislature adopted six constitutional amendments. These proposals, summarized below, together with the three adopted at the 1987 Regular Session, will appear on the November 1988 General Election ballot for approval or rejection by the voting public.

COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION 290 would permit the creation of a Department of Veterans Affairs and a Department of Elderly Affairs in the Executive Branch of Florida government by adding Sections 11 and 12 to Article IV of the State Constitution which would be in addition to the 25 existing departments presently prescribed by Section 6 of this Article.

The provisions of Section 1 of Article V of the Florida Constitution would be amended to permit the Legislature to establish a civil traffic hearing officer system by general law with the ratification of HOUSE JOINT RESOLUTION 1608.

HOUSE JOINT RESOLUTION 1610 proposes to amend Section 10 of Article V of the Florida Constitution to increase the terms of county court judges from four to six years.

Widowers would receive the same \$500 property tax exemption accorded widows pursuant to Section 3 of Article VII of the state's Organic Law if COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTIONS 318 and 356 is ratified by the voters.

If approved by the general electorate, COMMITTEE SUB-

STITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION 391 would create Section 17 of Article VII of the State Constitution thereby allowing the Legislature to authorize, without referendum, the issuance by law of bonds pledging the full faith and credit of the state for underwriting the cost of acquiring real property or the rights thereto for state roads of bridge construction. The debt service for these bonds and all others secured by motor fuel or special fuel taxes could not exceed 90 percent of the pledged revenues available for payment of such debt service within any state fiscal year.

A Taxation and Budget Reform Commission would be created decennially beginning in 1990, and charged with reviewing state tax and budgetary policies through public hearings, with the addition of Section 6 to Article XI of the State Constitution. Under the provisions of HOUSE JOINT RESOLUTION 1616 the Commission would recommend statutory changes to the Legislature and, not later than 180 days prior to the next general election in the second year following each Commission's inception, file its proposed constitutional amendments with the Secretary of State. Sections 2 and 5 of Article XI would be amended to reflect the new Commission's jurisdiction with respect to the Constitutional Revision Commission and Section 2 of Article II would also be amended to permit public officers to be members of the new entity.

*Prepared by Legislative Library

CORRECTIONS*

The Regular Legislative Session in 1988 passed major legislation dealing with all phases of corrections, probation and parole.

The Corrections Package, COMMITTEE SUBSTITUTE FOR HOUSE BILLS 1574, 1422, 1430, 1438, 1439 AND 1567 (CHAPTER 88-122), includes provisions relating to emergency release of inmates, parole, community control, alternative sentencing, inmate health care, inmate education, work release and juvenile corrections.

Correctional Education

This act creates Subparagraph 242.68(2)(h)17., F.S., to make it the responsibility of the Board of Correctional Education to ensure that every inmate, who has two years or more remaining on their sentence, and who lacks basic (0 through 3.9 grade level) or functional (4.0 through 8.9 grade level) literacy, attends not less than 150 hours of instruction in a correctional adult basic education program. After completion of the 150 hours of adult basic instruction, the education program manager can recommend and the Department of Corrections can grant the inmate up to 6 days of additional incentive gain-time. Priority for inmate participation will focus on youthful offenders and inmates nearing release from the correctional system. Certain inmates are exempted from this requirement.

Additional education provisions provide new language (Subsection 242.68(6), F.S.) restricting contract education by prohibiting the use of contract instructors by the Correctional Education School Authority when career service instructors can fill the positions. The authority may only contract for educational services with accredited Florida educational institutions.

Provisional Credits

This part of the law provides for awards of "provisional credits" when the prison system reaches 97.5 percent of lawful capacity. This provision replaces the administrative gain-time provisions (Section 944.276, F.S.) which were passed during the February 1987 Special Session and scheduled for repeal on July 1, 1988. Under the provisional credit system, eligible inmates will receive provisional credit days off their sentences when the prison population reaches 97.5 percent of lawful capacity. Inmates convicted of crimes committed on or after July 1, 1988, and who have received at least 30 days of provisional credits will be supervised for up to 90 days after being released from incarceration. [Currently, inmates released under administrative gain-time awards are not supervised upon release from prison.]

Parole

A large segment of the enactment deals with the Parole and Probation Commission. It extends the Sunset (Section 11.61,

F.S.) of the Parole and Probation Commission from July 1, 1989 to July 1, 1990, and changes the name to the Parole Commission (revised Section 20.32, F.S.). It also repeals Subsection 947.005(6), F.S., and Sections 947.082, 947.095 and 947.25, F.S., relating to the Board of Clemency Review which was to take the place of the Commission upon Sunset.

The provisions also create the "Conditional Release Program Act" (Sections 947.1405 and 947.141, F.S.). This program targets the most violent and dangerous offenders and provides individualized conditional release plans which place great consideration on victim input and restitution. Inmates convicted of crimes committed on or after October 1, 1988, will be subject to supervision after their release. The supervision will last up to two years and will be handled by the Department of Corrections Probation and Parole Services.

Transition Assistance Program

This law contains provisions relating to the Transition Assistance Program found in Sections 944.701-944.708, F.S. These provisions change the name of the pre-release orientation program to the release orientation program and reduce the orientation program from 120 hours of release orientation instruction to not fewer than 40 hours of instruction. It also provides that, as part of the release orientation program, any victim of spouse abuse shall receive referral to the nearest certified domestic violence center.

Community Control

Section 947.1747, F.S., allows parolees to be placed on community control as a condition of parole. Revised Sections 945.30, 947.18 and 948.03, F.S., also provide for drug testing of parolees, probationers and community controlees, allowing for the expenses of the testing to be paid for by the offender.

Additional provisions were included in Section 948.03, F.S., that set minimum standards for electronic monitoring devices.

County Residential Probation Facilities

Sections 921.187, 951.23 and 951.231, F.S., provide authority for counties to elect to establish and operate county residential probation facilities. Operated by counties, these facilities would house misdemeanants and first-time felony offenders. Extensive rehabilitative and educational opportunities would be available to offenders sentenced to the county facility. The county residential probation facilities would house offenders that are currently serving sentences in county jails and state prisons.

Juvenile Boot Camp

Provisions in Sections 39.112 and 39.113, F.S., provide for the implementation of a boot camp for juvenile offenders operated by the Department of Health and Rehabilitative Services.

[Modeled after the adult boot camp law, some of the more serious juvenile offenders will be placed in an intensive discipline program patterned after military basic training in an attempt to deter youths from future criminal activity. This portion of the act allows for judicial placement of offender's meeting training school eligibility criteria established in the *Bobby M.* settlement agreement to enter the boot camp program. However, the implementation of the boot camp was contingent upon specific appropriations and was not funded this year.]

Inmate Classification

Section 944.1905, F.S., is created to provide that inmates must be classified pursuant to an objective classification scheme that incorporates both mitigating and aggravating factors. Further, it requires the Department of Corrections to cross-validate the classification score sheets from other states to determine the validity of the Florida model.

Health Care

Pursuant to revised Section 20.315, F.S., the law also provides that the Assistant Secretary of Health Services may be either a physician, or a professionally trained health manager with at least five years experience in health care administration. The Assistant Secretary of Health Services is required to implement a quality-assurance, risk-management, utilization-review system, and a credentialing process for all health care professions. [These provisions were recommended by the Correctional Medical Authority.]

The act amends Section 381.4945, F.S., to allow health care facilities, built for the exclusive use of inmates, to be exempt from certificate-of-need requirements. This exemption will expire if the facility is converted for other purposes.

Also included in Section 945.603, F.S., are provisions which require the Correctional Medical Authority to coordinate the development of a prospective payment arrangement for inmate health care, and allows the Correctional Medical Authority to recommend that the Legislature request the Auditor General conduct performance and financial audits of the office of health services in the Department of Corrections.

Work Release Eligibility

The act allows inmates to be placed on work release within the last 24 months of their sentence by revising Paragraph 945.091(1)(b), F.S. Current law sets eligibility at 18 months.

Child Care Centers

Finally, the law contains provisions requiring the Department of Corrections to establish a child care center for dependents and children of departmental employees at Broward Correctional Institution, in order to address the critical turnover of employees at the Institution.

In addition to COMMITTEE SUBSTITUTE FOR HOUSE BILLS 1574, 1422, 1430, 1438, 1439 AND 1567 (CHAPTER 88-122), the following subjects were also addressed by the 1988 Legislature.

HOUSE BILL 1557 (CHAPTER 88-117), in response to constitutional defect of Paragraph 945.48(2)(b), F.S., provides procedures and conditions for the Department of Corrections to obtain treatment ordered in both emergency and nonemergency situations, and provides inmates who have refused psychiatric treatment with due process procedures for a hearing, notice, appointment of an attorney, determination of issues, and the standard of proof required for the court to authorize treatment.

HOUSE BILL 1636 (CHAPTER 88-118) revises Subsection 945.10(2), F.S., to restrict inmate access to Department of Corrections records. [A recent court ruling has determined the current statute restricting inmate access to Department records is unconstitutional.] The enactment requires inmates to obtain court approval for access to Department records.

COMMITTEE SUBSTITUTE FOR SENATE BILL 395 (CHAPTER 88-169) gives statutory authority to Administrative Rule 33-3.011 of the Department of Corrections which allows the superintendent of a state prison to hand out a reward to anyone directly responsible for the apprehension of an escaped inmate. It also increases the amount which may be awarded from \$25 to \$100.

COURTS AND CIVIL LAW*

The heading COURTS AND CIVIL LAW encompasses a broad range of subjects. Prominent among the work of the 1988 Legislature was its provision of a comprehensive response to an insurance and provider crisis in the health care industry, commencing with the special session on medical malpractice and continuing into the regular session with the medical malpractice "glitch" bill and satellite legislation. Additionally, major legislation was enacted dealing with surrogate parenthood, marital assets and liabilities, child support enforcement, various land-share interests and arrangements, contracts executed by Florida financial institutions, guardianship, service of process, and the statutory rule against perpetuities. Subjects within this general topic are: Abandoned Property, Adoption, Attorneys' Fees, Child Support Enforcement, Courts-Martial, Damages, Evidence, Felons' Constitutional Rights, Financial Institution Contracts, Garnishment, Guardianship, Judges, Landlord and Tenant, Land-Share Interests, Liens, Marital Assets and Liabilities, Medical Malpractice and Tort Reform, Mentally Ill or Incompetent Persons, Powers of Attorney, Probate, Real Estate, Service of Process, Subchapter S Trusts, and Surrogate Parenthood.

Abandoned Property

COMMITTEE SUBSTITUTE FOR HOUSE BILL 158 (CHAPTER 88-256) provides for the disposition of uncashed state warrants, and eliminates the necessity for the filing of a legislative claim bill to recover state warrants.

The act amends Section 17.26, F.S., to provide a presumption of abandonment as to the funds represented by such warrants and to require reporting and remitting the funds as unclaimed property under the provisions of Chapter 717, F.S.

Section 717.118, F.S., which provides for notice and publication of lists of abandoned property, is revised to delete requirements of second publication and mailing of notice.

Adoption

COMMITTEE SUBSTITUTE FOR HOUSE BILL 400 (CHAPTER 88-109) amends Section 63.032, F.S., in order to provide military personnel who designate Florida as their principal place of residence with residence and employment eligibility to adopt a child in Florida.

The act also amends Section 63.085, F.S., to require that an adoption intermediary provide written acknowledgement, signed by the natural parents, that the intermediary has informed the natural parents that as to them he is acting only as intermediary for placement of the child and that he is representing the adoptive parents. The act is effective October 1, 1988.

Preplanned adoption agreements are regulated by SENATE BILL 9 (CHAPTER 88-143), which amends Section 63.212,

F.S. This act is discussed under the subject heading *Surrogate Parenthood*.

Attorneys' Fees

SENATE BILL 215 (CHAPTER 88-160) revises Section 57.105, F.S., to provide that, with respect to contracts entered into on or after October 1, 1988, if the contract allows attorney's fees to one party when he is required to take any action to enforce the contract, the court may award attorney's fees to the prevailing party in a contract dispute action.

Child Support Enforcement

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 487 (CHAPTER 88-176), in addition to numerous technical amendments and amendments conforming Florida law to federal requirements, revises Section 48.193, F.S., (the Florida Long-arm Statute) to assert jurisdiction over out-of-state fathers in paternity actions involving children conceived in Florida.

Certain provisions relating to service charges and filing charges are deleted from Sections 28.24 and 28.241, F.S. The act repeals provisions for a statewide lien system which was to have gone into effect in 1989, by repealing Section 61.1352 and Paragraph 61.13(1)(c), F.S. The lien system program is replaced with a means for the state child support enforcement program director to obtain liens on an obligor's real and personal property, and Sections 319.24 and 328.15, F.S., are amended to allow the director of the state child support enforcement program to record a subsequent lien on a motor vehicle or a boat, respectively. Procedure is provided in newly created Section 409.2575, F.S.

The act modifies the present method of reimbursement of costs in Title IV-D cases by limiting recovery of the state's costs solely to those obtainable from the support obligor. Section 61.1301, F.S., which provides for income deduction orders, is revised and is authorized for use in collecting arrearages in child support payments. Conflicts of law matters are clarified, and the court is authorized to order that an appropriate amount of any arrearage be withheld from an income deduction.

Section 61.14, F.S., is revised to clarify the law relating to entry of judgment as to delinquent child support obligations.

Sections 88.151 and 409.2567, F.S., are amended to provide that the obligor is solely responsible for costs and fees.

Section 409.2554, F.S., is revised to redefine "public assistance" to include Medicaid and to provide a definition of "administrative costs" which allows the IV-D agency to assess costs against support obligors.

Section 409.2561, F.S., is amended to clarify the obligation of a support obligor as to the amount of any public assistance paid to the obligee.

*Prepared by House Bill Drafting Services

Section 409.2579, F.S., is created to ensure that information concerning IV-D applicants and recipients of services is safeguarded.

Section 61.181, F.S., is amended to require the child support depository to disburse the proceeds of checks remitted for support to the custodial parent within two working days of receipt. A 25-cent fee is added for personal checks, to replenish a trust fund established to reimburse the depository for uncollectible checks, and the act appropriates \$100,000 from the General Revenue Fund to the Child Support Depository Trust Fund for initial funding. The act takes effect October 1, 1988, except for selected provisions with an effective date of July 1, 1988.

Courts-Martial

HOUSE BILL 169 (CHAPTER 88-72) requires the Adjutant General of Florida to certify military judges to preside over general and special courts-martial regarding members of the Florida National Guard. Appellate rights are granted to the National Guard with respect to dismissals in the same manner as is provided to the state in civilian criminal cases. The act amends Section 250.35, F.S., and is effective October 1, 1988.

SENATE BILL 589 (CHAPTER 88-297) amends Section 250.36, F.S., to provide that a military court of the Florida National Guard can execute a pretrial confinement warrant directing a sheriff to hold an accused for 48 hours. The Adjutant General of Florida can extend the 48-hour period for a period not to exceed 15 days when the accused's unit is on training or active duty. The act is effective October 1, 1988.

Damages

COMMITTEE SUBSTITUTE FOR HOUSE BILL 591 (CHAPTER 88-335) repeals the scheduled automatic repeal and Sunset review of the major damages-related tort reforms enacted in 1986. These reforms include the "more than" limitation on the doctrine of joint and several liability contained in Section 768.81, F.S.; the cap on punitive damages in Section 768.73, F.S.; periodic payments of large awards of economic damages pursuant to Section 768.78, F.S.; and the cap on noneconomic damages in Section 768.80, F.S. [which cap was declared unconstitutional in *Smith v. Dept. of Insurance*, 507 So.2d 1080 (Fla. 1987)]. Currently, there is no limitation on noneconomic damage awards except as provided within the framework of medical malpractice arbitration pursuant to 1988 Special Session E legislation.

Evidence

HOUSE BILL 204 (CHAPTER 88-45) authorizes the admissibility into evidence of certified electronically generated copies of voter registration records, whether the original voter registration record exists or not. The act creates Section 92.295, F.S., and is effective October 1, 1988.

Felons' Constitutional Rights

COMMITTEE SUBSTITUTE FOR SENATE BILL 831 (CHAPTER 88-138) codifies existing case law holding that notwith-

standing the loss of other constitutional rights, a convicted felon retains the right to bring or defend an action in the courts of the state. The act amends Section 944.292, F.S.

Financial Institution Contracts

COMMITTEE SUBSTITUTE FOR SENATE BILL 559 (CHAPTER 88-180) applies Florida law to any deposit account or contract relating to extension of credit held in Florida by a financial institution, under specified conditions. The act provides definitions and exceptions, and gives Florida courts jurisdiction to settle disputes regarding such accounts or loans.

Garnishment

SENATE BILL 991 (CHAPTER 88-234) increases from \$25 to \$100 the amount of the deposit which must be made by the garnishor prior to issuance of a writ of garnishment, to cover certain costs of the garnishee.

The act amends Section 77.28, F.S., effective October 1, 1988. The higher monetary amount approximates the usual cost of the garnishment process, so that a garnishee will not need to obtain a judgment to recover its expenses. On rendering final judgment for the plaintiff, the amount is subject to offset by the garnishee against the defendant whose property or debt owing is being garnished. The garnishee's costs and expenses are taxable as costs.

COMMITTEE SUBSTITUTE FOR SENATE BILL 549 (CHAPTER 88-295) provides for a continuing writ of garnishment, where the property to be garnished is wages or salary, for any debt owed on a judgment through the creation of Section 77.0305, F.S. Additional deductions are authorized for reimbursement of the employer's administrative costs.

Section 77.055, F.S., is amended to provide that the obligation of the garnishor to give notice to the defendant prior to garnishment obtains whether or not the garnishee repends to the petition for a writ of garnishment.

Guardianship

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 347, 866, and 1343 (CHAPTER 88-268) creates the Study Commission on Guardianship Law, composed of 15 members. The Commission is directed to review how guardianship law is currently applied in the counties of this state, to review guardianship laws of other states and to review reports of The Florida Bar and other literature. Based on this information and information obtained at public hearings, the Commission is to study and recommend legislation concerning adjudication of incompetency and guardianship to ensure that Florida law provides effective protection for the rights and property of incapacitated or incompetent persons and efficient procedures for providing such protection. The Commission is to expire on June 30, 1989, after having submitted an interim report not later than November 30, 1988, and a final report not later than February 1, 1989.

Judges

COMMITTEE SUBSTITUTE FOR SENATE BILL 376 (CHAPTER 88-167) implements the major components of the certification order of the Supreme Court by creating a total of 18 new judgeships.

The act amends Sections 35.06, 26.031 and 34.022, F.S., to add the following judgeships: 7 additional judges of the District Courts of Appeal, (2 for the 2nd, 1 for the 3rd, 3 for the 4th, and 1 for the 5th); 10 additional circuit judges (1 each for the 4th, 6th, 7th, 15th, 17th, and 18th, and 2 each for the 11th and 12th); and 1 county judge for Lee County. All newly created circuit and county court judges will be elected in September to take office in January 1989.

COMMITTEE SUBSTITUTE FOR SENATE BILL 99 (CHAPTER 88-287) amends Section 25.073, F.S., to increase the rate of compensation of retired justices and judges from \$150 to \$200 per day or portion of a day while assigned to temporary duty.

Landlord and Tenant

HOUSE BILL 1485 (CHAPTER 88-379) amends Section 83.49, F.S., to provide that a residential tenant's failure to give lawful notice to the landlord prior to vacating or abandoning the premises does not waive the tenant's right to his security deposit.

The act amends Section 48.183, F.S., to provide that, in an action for possession of residential premises, service of process may be made to the tenant or someone at least 15 years of age found at the tenant's usual place of residence. If no such person is present, the sheriff may post the summons at the residence after two attempts to serve. The act also allows for service of process on a tenant as otherwise provided by law.

Sections 83.20 and 83.49, F.S., are amended to liberalize certain notice provisions. As to nonresidential tenants who hold over after default of rent, delivery of the landlord's notice may be made to an absent tenant by leaving a copy at the rented premises. In order to reduce the notice burden on tenants and still provide adequate notice to landlords, the act authorizes written notice by personal delivery indicating intent to vacate or abandon the premises prior to lease termination in lieu of the more stringent written notice by certified mail.

Section 83.595, F.S., is revised to clarify when a landlord's remedies upon breach by a residential tenant may be employed.

The act revises Section 83.62, F.S., to provide that the landlord or his agent may remove the tenant's personal property at the time the sheriff executes the writ of possession. Immunity is granted from liability for damage to the property after its removal.

Section 83.625, F.S., is amended to stipulate that in an action by the landlord for possession of the premises based on nonpayment of rent, no money judgment may be entered except in compliance with the Florida Rules of Civil Procedure, i.e., the money judgment will not be final for a period of 10 days.

The act permits a landlord to remove specified parts of the outer unit for purposes of maintenance, repair, or replacement, and to remove personal property of the tenant after surrender, abandonment, or lawful eviction. Further, the act provides that under a landlord's lien the landlord is entitled to possession of the premises regardless of whether he has the sheriff remove the property.

Land-Share Interests - Escalation/Clauses and Purchase Options

SENATE BILL 1422 (CHAPTER 88-225) creates Sections 718.4015 and 719.4015, F.S., to provide that escalation clauses in contracts for condominium or residential cooperative land, recreation facilities and other commonly used facilities which were entered into prior to June 4, 1975, are limited to the amount due as of October 1, 1988, and shall not escalate further. Moreover, the inclusion or enforcement of escalation clauses in such contracts is declared to be against the public policy of the state.

Sections 718.401 and 719.401, F.S., are revised to apply retroactively the requirement of an option to purchase clause in these contracts.

COMMITTEE SUBSTITUTE FOR SENATE BILL 54 (CHAPTER 88-148), in amending Section 718.115, F.S., sets out when certain services may be treated as common condominium expenses. Such services include transportation services, insurance for directors and officers, road maintenance, in-house communications, and security services.

The act revises Section 718.112, F.S., to clarify the method for handling acceleration of past due assessments for common expenses by providing that acceleration may be made as of the date a claim of lien is filed on the unit for payments for the remainder of the budget year.

The law amends Section 718.301, F.S., to clarify the voting rights of a developer as to any developer-owned units after the developer relinquishes control of the association.

Section 718.117, F.S., is amended to require certain notification of termination of a condominium.

Sections 718.401 and 719.401, F.S., are amended to apply the requirement of an option to purchase clause in contracts for condominium or residential cooperative land, recreational facilities, and other commonly used facilities retroactively to preexisting leases.

Section 719.1055, F.S., is created to prescribe limits on changes which may be made through amendment of cooperative documents.

Sections 718.4015 and 719.4015, F.S., declaring escalation clauses void as against public policy with respect to escalation of fees on or after October 1, 1988, are created in this act as well as in SENATE BILL 1422 (CHAPTER 88-225), discussed above.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1203 (CHAPTER 88-403) creates Subsection 721.13(6), F.S., to provide that the managing entity of a time-share plan may deny use of the accommodations and facilities to any purchaser who is delinquent in the payment of any assessments made by the

managing entity against the purchaser for common expenses or for ad valorem real estate taxes. Denial of use also extends to those parties claiming under the delinquent purchaser. [Denial of use rights in time-share periods is designed as a more reasonable remedy in situations where the expense of a foreclosure action is prohibitive when compared with the amount of the assessment.] The act provides denial of use procedures, and safeguards against wrongful denial.

Under revised Subsection 721.15(7), F.S., time-share owners who sell their interest are required to provide notice to the managing entity. Liens on time-share periods are made effective for up to five years after the claim of lien is recorded pursuant to amended Subsection 721.16(3), F.S.

Section 617.028, F.S., is amended to exempt any time-share managing entity from the application of Section 607.1645, F.S., setting forth the liability of corporate directors. The act is effective October 1, 1988.

SENATE BILL 168 (CHAPTER 88-157) creates the Florida Membership Campground Act, designed to provide comprehensive regulation of membership campground operations.

The act provides definitions and requires offerors of membership camping plans to furnish contracts which incorporate specified terms and disclosures, including a 5-day cancellation period. The act requires that all funds received in connection with the execution of a membership camping contract be placed in a trust account until 5 days after expiration of the purchaser's cancellation period. Violation of the trust account provisions constitutes a third-degree felony.

Other violations of the act constitute first-degree misdemeanors, and any violation of the act is a deceptive and unfair trade practice and constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act (Part II of Chapter 501, F.S.).

Advertising and promotion of membership camping contracts is heavily regulated by the act, and certain records are required. Promotional offers must be delivered to eligible prospective purchasers.

Purchasers are provided a cause of action for damages or injunctive or declaratory relief against an offeror, a trustee, a salesperson, or a tour generator for a violation of the act, which takes effect October 1, 1988.

Liens

I. Mechanics' Liens

COMMITTEE SUBSTITUTE FOR SENATE BILL 361 (CHAPTER 88-397) is the second part of a general revision of the mechanics' lien statutes, which began with the adoption of COMMITTEE SUBSTITUTE FOR SENATE BILL 720 (CHAPTER 87-74) in 1987. The 1988 act repeals the provisions of the 1987 act which require that funds owed to certain persons in the construction industry be held in trust (Section 713.347, F.S.), replacing that approach with an alternative early-intervention court proceeding which can force payments that are due. The 1988 act also revises Section 713.23, F.S., to ease the burden on persons wishing to rely on a payment bond by removing the requirement of repetitive notice of nonpayment in favor of

a single early notification. The misdemeanor offense created in 1987 in Subsection 713.345(1), F.S., for failure to properly apply payments on a construction job is clarified to exempt bona fide payment disputes or payments withheld in accordance with a contract. A shortened statute of limitations is provided for bringing an action on a payment bond obtained by a subcontractor by the addition of Paragraph 95.11(5)(e), F.S. Release of lien rights prior to the performance of the services or provision of materials will no longer be valid pursuant to revised Section 713.20, F.S.; however, partial release of liens for past performance is authorized and a model form is provided to aid in statutory compliance.

The act amends Section 255.05, F.S., to place additional requirements on the bonding of contractors constructing public buildings.

Section 8 of the act provides for payment on undisputed construction contract obligations within specified 30-day periods and provides legal and equitable remedies for nonpayment after notice and hearing. The act is effective October 1, 1988.

II. Miscellaneous Liens

Section 713.655, F.S., created by HOUSE BILL 26 (CHAPTER 88-249), provides a veterinarian with a lien on an animal treated by the veterinarian in the amount of the value of his service, whether or not the veterinarian retains physical possession of the animal. Such liens must be recorded and perfected in the same manner as other general statutory liens. The act also reenacts Section 713.50, F.S., relating to liens on property and is effective October 1, 1988.

SENATE BILL 25 (CHAPTER 88-228) provides a statutory lien for persons who gin or classify cotton for a cotton producer through the creation of Section 713.595, F.S.

III. Racketeering Liens

COMMITTEE SUBSTITUTE FOR HOUSE BILL 227 (CHAPTER 88-264) revises Sections 607.325 and 620.192, F.S., to authorize the state, through the Attorney General, to bid at a judicial sale on property subject to a lien as the result of the corporate owner's failure to comply with a lawful request to disclose ownership of the corporation and other relevant information in a Racketeer Influenced and Corrupt Organization (RICO) Act investigation.

The act also changes the manner in which monetary recoveries from enforcement of judgment or from sale of acquired property are made to provide for the distribution of proceeds as if the lien was for a RICO fine.

The provisions of the act are applied to pending proceedings where the disposition of the proceeds has not already been determined by the court.

Section 253.03, F.S., is amended to authorize the Board of Trustees of the Internal Improvement Trust Fund to manage and sell property acquired by the state at such judicial sales.

Marital Assets and Liabilities

SENATE BILL 152 (CHAPTER 88-98) enacts Section 61.075, F.S., to define "marital" and "nonmarital" assets and liabilities, and provides for their equitable division upon dissolu-

tion of marriage. Factors are provided to guide the court in making such a division. Real property held in tenancy by the entirety and assets acquired and liabilities incurred after the date of the marriage are presumed to be marital assets and liabilities. Also included is the enhancement in value of non-marital assets resulting from the efforts of either party or the contribution of marital funds; gifts from one spouse to the other; and all retirement, pension, profit sharing, annuity, and insurance plans. Separate or "nonmarital" assets and liabilities are those acquired or incurred prior to the marriage; those acquired by gift, bequest, devise, or descent; those excluded by valid written agreement; and income derived from nonmarital assets during the marriage unless the income was treated as a marital asset.

Section 61.08, F.S., is amended to provide that the court may consider the adultery of either spouse in determining the amount of alimony to award, and to add marital assets and liabilities as factors in determining an award of alimony or maintenance.

Provision is made for distribution of retirement plans upon dissolution of marriage, and the act applies to all proceedings commenced after October 1, 1988.

Additionally, the act increases certain court fees assessable under Sections 382.023, 741.02, and 28.101, F.S.

Medical Malpractice and Tort Reform

COMMITTEE SUBSTITUTE FOR SENATE BILL 460 (CHAPTER 88-173) amends Section 768.28, F.S., to shorten the statute of limitations for medical malpractice actions against a governmental agency to the same period of time permitted for filing an action against a private person, which will have the practical effect of moving forward the period of time during which private practitioners can be sued in contribution by the governmental agency. It is also provided that failure of the Department of Insurance or the appropriate agency to make final disposition of a medical malpractice claim within 90 days after it is filed is deemed a final denial of the claim.

Section 768.57, F.S., which provides for notice of filing of medical malpractice actions, is revised to disallow the filing of suit for a period of 90 days after notice is mailed to any prospective defendant.

In revising the Good Samaritan Act (Section 768.13, F.S.), immunity is granted to licensed physicians gratuitously performing screening services for their act or failure to act in arranging further medical treatment, if the physician acted as a reasonably prudent physician would have acted under similar circumstances.

The act, in addition, creates a section providing a dependent child with a right to seek damages for permanent loss of services, comfort, companionship, and society resulting from the negligence of another which caused permanent total disability of the child's parent. These provisions become effective October 1, 1988.

Mentally Ill or Incompetent Persons

HOUSE BILL 288 (CHAPTER 88-33), effective October 1, 1988, strikes Subsection 1.01(5), F.S., thereby eliminating the general statutory definition of "lunatic" and "insane person", and provides definitions of "mentally ill" and "mentally incompetent" for purposes of statutory sections relating to declaratory judgments for executors, administrators or trustees, partnerships, banking trusts, gambling, extradition and the transfer of prisoners for treatment.

Powers of Attorney

COMMITTEE SUBSTITUTE FOR HOUSE BILL 487 (CHAPTER 88-36) amends Section 709.08, F.S., to include persons related to the principal by lineal consanguinity, whether natural or adopted, in the list of potential designates who the principal can choose as his attorney-in-fact by executing a durable family power of attorney. [Generally, this will have the practical effect of adding grandparents and grandchildren to family members presently authorized.]

In creating Section 709.11, F.S., HOUSE BILL 168 (CHAPTER 88-62) authorizes a member of the armed forces to execute a contingent power of attorney which would go into effect only upon deployment of the member of the military. The act is effective October 1, 1988.

Probate

HOUSE BILL 645 (CHAPTER 88-340) [a general clarifying revision of the probate code as recommended by The Florida Bar to assist in standardizing the probate of estates and to facilitate the use of trust instruments in estate planning] amends Section 731.201, F.S., by redefining "beneficiary" of an estate to exclude a beneficiary of a trust if the estate includes a devise to the trust. The trustee, however, would be a beneficiary of the estate.

Additionally, the act removes the requirement that trust beneficiaries be given notice of estate administration, and permits easier and less expensive methods of serving a notice of administration by revision of Section 733.212, F.S. It permits the creation of an unfunded trust prior to death which will be funded by the probate of a will pursuant to amended Section 732.513, F.S. Factors to be considered in awarding compensation to personal representatives and professionals assisting in probate are clarified in Section 733.617, F.S. The system of filing claims against the estate and objecting to such claims is more specifically delineated. The application of the 1987 amendments to the provisions governing the probate of a will by joint personal representatives is specifically limited in testate cases to wills executed after October 1, 1987, and in intestate cases to joint personal representatives appointed to administer the intestate estate of a decedent dying on or after October 1, 1987, through amendments to Section 733.615, F.S.

The act amends Section 733.702, F.S., to make the three-month time limitation for filing a claim against a decedent's estate an absolute bar, but an extension may be requested and granted on grounds of fraud or estoppel, after notice to the

estate. The act also provides for extension of time for filing an objection. The act applies to all estates of decedents dying after July 1, 1988.

HOUSE BILL 426 (CHAPTER 88-110), effective October 1, 1988, amends Section 733.903, F.S., to codify existing case law by prohibiting the reopening of a closed probate action based solely on the later discovery of a will.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1174 (CHAPTER 88-217) amends Section 731.303, F.S., which relates to representation in proceedings involving decedents' estates or trusts, to provide that orders binding on a holder of any power of appointment or revocation (as well as just a general power) are binding upon any person whose interest may be affected by the exercise or nonexercise (rather than just nonexercise) of the power. A new subsection provides that any statement which binds the holder of a power of appointment or revocation also binds the potential beneficiaries of the trust whose rights are subject to the exercise or nonexercise of the power. [Consequently, the failure of the holder to object to an accounting, which constitutes a waiver of rights by the holder, would also constitute a waiver by the beneficiaries.]

The act also amends Section 737.307, F.S., which provides limitations on proceedings against trustees after the beneficiary receives a final, annual, or periodic accounting, to provide that giving such accounting to a holder of a power of appointment or revocation constitutes the giving of such an accounting to the contingent beneficiaries as well.

Real Estate

SENATE BILL 214 (CHAPTER 88-40) repeals the present Florida Statutory Rule Against Perpetuities and adopts the uniform rule against perpetuities which was recommended by the National Conference of Commissioners on Uniform State Laws. The uniform law is similar to present Florida law except that it provides authority to a court to rewrite a provision which later proves to be void because of failure of an interest to vest in 90 years. The court is directed to attempt to reform the provision in accordance with the testators' apparent desires. The act also replaces the present required vesting of "a life in being plus 21 years" with a definite period of 90 years and abolishes the presumption that an aged female will not later become a parent.

The act is primarily applied prospectively, to contingent interests and powers of appointment created on or after October 1, 1988, although retroactive application is provided in some circumstances.

The act provides as a rule of construction that, in the absence of evidence of contrary intent, it shall be presumed that the transferor of an interest intended that the interest be valid.

SENATE BILL 201 (CHAPTER 88-48) amends Section 177.041, F.S., to provide that the title opinion or certification accompanying plats of a subdivision submitted to the approving agency of the local governing body must show all mort-

gages not satisfied or released of record nor otherwise terminated by law. The act is effective October 1, 1988.

Service of Process

COMMITTEE SUBSTITUTE FOR SENATE BILL 484 (CHAPTER 88-135) establishes a uniform statewide system for the appointment of private process servers by the court through the creation of the Florida Certified Process Server Act as Sections 48.25-48.31, F.S.

The act amends Section 48.021, F.S., to provide that nonenforceable civil process may be served by a person designated as a certified process server under the act.

Procedure is provided for certification of process servers and maintenance of the list of certified servers by the chief judge of each circuit. Certified process servers are subject to regulation by the court, including removal for cause. The present right to serve civil process by a sheriff or other person appointed by the court in an individual case is retained. This act takes effect October 1, 1988.

Subchapter S Trusts

SENATE BILL 765 (CHAPTER 88-232) eliminates from Section 738.06, F.S., the requirement that a trustee treat a constructive dividend from a Subchapter S corporation as income. [If income, under federal tax laws, the dividend would have to be paid by the trustee to the trust beneficiary even though the trustee did not actually receive the dividend.] This act is effective October 1, 1988.

Surrogate Parenthood

SENATE BILL 9 (CHAPTER 88-143) prohibits contracting for the purchase, sale, or transfer of custody or parental rights, and provides that such contracts are void and unenforceable as against the public policy of the state. The act amends Section 63.212, F.S., which provides prohibited acts relating to adoption. The new legislation authorizes the parties to enter into a nonbinding preplanned adoption agreement which sets out the intent of the parties upon entering into a surrogate parenthood arrangement. Required terms for such agreements are provided, including a right of rescission by the volunteer mother any time within 7 days after the birth of the child, and certain safeguards for the legal and medical protection of the child. Fees are strictly limited to reasonable legal, medical, psychological and psychiatric expenses, and reasonable living expenses of the volunteer mother. No intermediary or finder's fees are permitted for matching volunteer mothers with intended parents. Conception must occur through a fertility technique specified in the surrogacy agreement, and the volunteer mother must be at least 18 years of age.

EDUCATION*

The 1988 Legislative Session was unusual because relatively few bills affecting education, public or private at any level, became law. Of those that were successful, the majority were the result of actions required by the Open Government Sunset Review Act (Section 119.14, F.S.). Consequently, the following summary of education legislation enacted by the 1988 Florida Legislature is presented in two sections—open government sunset review bills and general education bills, the latter tending to contain more substantive changes than the former.

PUBLIC RECORDS AND OPEN MEETINGS
LAWS EXEMPTIONS

[Many of Florida's laws contain exemptions to Chapter 119, F.S., the Public Records Law, or Section 286.011, F.S., the Open Meetings Law. The exemptions were created to enable government agencies to carry out their tasks efficiently, to protect information of a sensitive and personal nature about individuals, and to protect trade secrets and related information that could put an organization or entity at an unfair disadvantage in the marketplace.

[To assure that the exemptions continue to serve their intended purpose and cause no public harm, the Legislature enacted Section 119.14, F.S., the Open Government Sunset Review Act, which requires a periodic legislative review of all public records and open meetings law exemptions. If the review does not result in the reenactment of an exemption, it is automatically repealed.]

The 1988 Legislature reviewed 23 exemptions to either the Public Records Law or the Open Meetings Law that are contained in laws affecting education. These reviews resulted in the passage of 23 laws reenacting all the various exemptions. Some acts included more than one exemption. [In one case a single Senate bill containing several exemptions became law, as did three House of Representatives bills addressing the same exemptions.]

The following section contains summaries of the Open Government Sunset Review laws relating to education passed by the 1988 Legislature. These acts all share a common effective date of October 1, 1988.

Community College Direct-Support Organizations

SENATE BILL 114 (CHAPTER 88-152) reenacts the Public Records Law exemption contained in Section 240.331, F.S., for any information identifying donors and prospective donors to community college direct-support organizations, and continues to subject the exemption to the provisions of the Open Government Sunset Review Act.

Community College Student Records

SENATE BILL 115 (CHAPTER 88-9) reestablishes the exemption for community college students' records from the Public Records Law and continues to subject the exclusion to the provisions of the Open Government Sunset Review Act.

University Direct-Support Organizations

SENATE BILL 116 (CHAPTER 88-237) reestablishes the exemption for public university direct-support organizations' records from the Public Records Law. The act requires the annual audits for university direct-support organizations to include a copy of the independent auditors' management letter.

The legislation requires the Board of Regents to establish rules for direct-support organizations' use of property, facilities, or personal services. The rules must include a budget, audit review, and oversight by the Board of Regents.

The law permits the Board's chairman to appoint a person to the direct-support organizations' boards of directors and executive committees. The president of the university for which the direct-support organization is established shall also serve on the board of directors and executive committee.

A section of the act unrelated to the Sunset (Section 11.61, F.S.) review requires the chancellor and the Board of Regents or a committee composed of Board members to screen all applicants for the position of university president. The committee must submit the names of all qualified applicants to the chancellor for further review and interviews. The chancellor must recommend a list of applicants to the Board for appointment.

At least 50 percent of the members of the campus-level screening committee used in the process must be representatives of business and industry. The remaining membership must include equal representation from the university's administration, faculty, support personnel, and students. The act prohibits any entity except the university-level search committee, the Board's search committee, or the chancellor, from officially endorsing or withholding endorsement from any candidate. Appointments shall comply with the provisions of Sections 286.011 and 119.07, F.S., the Public Records and Open Meetings Laws.

State University Employee Records

SENATE BILL 117 (CHAPTER 88-23) reestablishes the Public Records Law exemption for state university employee records. Contents of the exempted records are limited by law to evaluations of employee job performance. The act continues to subject the exemption to the provisions of the Open Government Sunset Review Act.

*Prepared by Senate Education Committee

State University Student Records

SENATE BILL 119 (CHAPTER 88-10) reenacts the Public Records Law exemption for state university student records and continues to subject the exclusion to the provisions of the Open Government Sunset Review Act.

Department of Education Direct-Support Organization

SENATE BILL 148 (CHAPTER 88-154) reinstates the Public Records Law exemption for any information identifying donors and prospective donors to the Department of Education's direct-support organization.

The law also amends Section 229.8021, F.S., to require the State Board of Education to adopt rules providing for Department of Education budget and audit review and oversight of the Department's direct-support organization, plus any conditions the organization must meet in order to use Department facilities, property, or personnel. The new law also requires the organization's annual audit to include a management letter.

The Public Records Law exemption included in Section 229.8021, F.S., will continue to be subject to the Open Government Sunset Review Act as provided for in Section 119.14, F.S.

School Board Direct-Support Organizations

SENATE BILL 149 (CHAPTER 88-155) reinstates the Public Records Law exemption for any information identifying donors and prospective donors to district school board direct-support organizations. The exemption will continue to be subject to the Open Government Sunset Review Act as provided for in Section 119.14, F.S.

The act also amends Section 237.40, F.S., to authorize school board direct-support organizations to operate in support of adult vocational and community education programs in addition to the prekindergarten through 12th-grade programs already receiving assistance. Other changes include requirements that school boards adopt rules describing the conditions under which direct-support organizations can use board property, facilities, and personnel, and adopt rules in coordination with the Department of Education to provide for budget and audit review and oversight of direct-support organizations. Provision is also made to require a management letter to be included in the annual audits of board direct-support organizations.

A final section of the law amends Section 237.211, F.S., to authorize school boards to replenish self-insurance program checking accounts through electronic, telephonic, or other media if each transfer is confirmed in writing and signed by the superintendent or his designee.

Real Property Purchase by Education Boards

SENATE BILL 163 (CHAPTER 88-11) amends Section 235.054, F.S., continuing the exemption from the Public Records Law of appraisals, offers, and counteroffers associated with the purchase of real property by public education boards.

The act also continues to subject the exemption to the provisions of the Open Government Sunset Review Act.

College Level Academic Skills Test

SENATE BILL 229 (CHAPTER 88-18) reenacts the exemption in Section 229.551, F.S., excluding test items and work papers associated with the College Level Academic Skills Test (CLAST) from the Public Records Law. The exemption will continue to be subject to review under provisions of the Open Government Sunset Review Act.

Community College Employee Records

SENATE BILL 243 (CHAPTER 88-24) reinstates the Public Records Law exemption contained in Section 240.337, F.S., for community college personnel records, specifically those items related to employee performance evaluations, and continues to subject the exemption to the provisions of the Open Government Sunset Review Act.

Complaints Against Public School Teachers and Administrators

COMMITTEE SUBSTITUTE FOR SENATE BILL 249 (CHAPTER 88-25) reinstates the Public Records Law exemption for all materials associated with the investigation of complaints against public school teachers and administrators. Once the investigation has been completed by the Department of Education, the material becomes open for a public review. The act also continues to subject the exemption to the provisions of the Open Government Sunset Review Act.

Student Assessments

SENATE BILL 252 (CHAPTER 88-19) reinstates the Public Records Law exemption for test items and work papers associated with the development of the Statewide Student Assessment Tests (SSAT I & II). Section 232.248, F.S., is further amended to provide for future review of the exemption in accordance with the Open Government Sunset Review Act.

Public School Personnel Files

COMMITTEE SUBSTITUTE FOR SENATE BILL 254 (CHAPTER 88-26) reinstates the Public Records Law exemptions for the following items contained in public school personnel files: material related to a complaint against an employee until a preliminary investigation of the complaint has been completed, employee performance evaluations until completion of the school year after the year in which the evaluation was made, derogatory material about an employee until 10 days after the employee has been notified of its existence, employee payroll deduction records, and medical records. The exemptions will continue to be subject to the provisions of the Open Government Sunset Review Act.

Exceptional Student Evaluations

SENATE BILL 261 (CHAPTER 88-27) amends Section 230.23, F.S., to maintain the exemption from the Open Meet-

ings Law of all hearings pertaining to the evaluation and academic placement of public school students with exceptionalities. The act also creates an exemption from the Public Records Law for all records resulting from such hearings. Both the open meetings and public records exemptions will continue to be subject to the provisions of the Open Government Sunset Review Act.

Examinations for School Managers and Teachers

SENATE BILL 265 (CHAPTER 88-54) amends Sections 231.17 and 231.1715, F.S., to reenact the Public Records Law exemption for all tests, test items, and work papers related to the state licensure examinations for teachers and school managers. The exemptions will continue to be subject to the provisions of the Open Government Sunset Review Act.

Student Records

SENATE BILL 267 (CHAPTER 88-292) amends Section 228.093, F.S., to reinstate the exemptions from the Public Records Law for all personally identifiable records or reports of pupils or students and any personal information contained in such material. [These exemptions correspond to provisions in federal laws concerning an individual's right to privacy.]

The act also amends Section 230.2316, F.S., which provides for dropout prevention programs; Section 232.23, F.S., dealing with the transfer of student records; and Section 232.145, F.S., describing school district reports to state agencies regarding exceptional students. Each of these statutes references the privacy of student records provided by Section 228.093, F.S. The amendments clarify and reenact the student records exemptions from the Public Records Law contained in each of these statutes.

All the Public Records Law exemptions pertaining to student records will continue to be subject to the provisions of the Open Government Sunset Review Act.

Transfer of Student Records

HOUSE BILL 174 (CHAPTER 88-259) reinstates and clarifies the Public Records Law exemptions contained in Section 232.23, F.S. This section of law describes the general procedure for handling records when a student transfers from one school to another. The exemption continues to be subject to the provisions of the Open Government Sunset Review Act.

A similar provision is contained in SENATE BILL 267 (CHAPTER 88-292), summarized immediately above, which also was passed by the 1988 Legislature.

Exceptional Student Records

HOUSE BILL 177 (CHAPTER 88-260) amends Section 232.145, F.S., to clarify and reenact the Public Records Law exemption for the records of exceptional students transferred by school districts to the Department of Health and Rehabilitative Services and other appropriate state agencies. The exemption continues to be subject to the provisions of the Open Government Sunset Review Act.

A similar action is contained in SENATE BILL 267 (CHAPTER 88-292), summarized elsewhere in this article, which also was passed by the 1988 Legislature.

Dropout Prevention Programs

HOUSE BILL 178 (CHAPTER 88-261) amends Section 230.2316, F.S., to reenact and clarify the Public Records Law exemption for student records when such records are shared by state agencies in conjunction with a dropout prevention program. The exemption continues to be subject to the Open Government Sunset Review Act.

A similar provision is contained in SENATE BILL 267 (CHAPTER 88-292), summarized elsewhere in this article, which also was passed by the 1988 Legislature.

Industry Services Training Program

HOUSE BILL 179 (CHAPTER 88-262) amends Section 230.66, F.S., to revive and readopt the Public Records Law exemption for materials related to methods of manufacture or production, potential trade secrets, business transactions, or proprietary information received, generated, or discovered during the course of an industry services training program contracted for by the Department of Education. The exemption will continue to be subject to the provisions of the Open Government Sunset Review Act.

State University Divisions of Sponsored Research

HOUSE BILL 180 (CHAPTER 88-313) combines the reinstatement of a Public Records Law exemption for state university divisions of sponsored research with a number of actions designed to enhance the operation of the Florida Prepaid Postsecondary Education Expense Program.

The act continues the Public Records Law exemption for any materials in a division of sponsored research activity that relate to manufacturing or production methods, potential and actual trade secrets, potentially patentable material, business transactions, or any proprietary information received or produced during the course of the activity. The exemption will continue to be subject to the provisions of the Open Government Sunset Review Act.

The changes to the Prepaid Postsecondary Education Expense Program include amendments to Section 240.551, F.S., clarifying that the Program is to be administered by a board with rulemaking authority functioning as an agency of the state and assigned by law, in accordance with Section 6 of Article IV of the State Constitution, to the Division of Treasury of the Department of Insurance.

Further modifications to the law provide that the Program Trust Fund is created within the State Treasury and that money associated with an individual advanced payment contract is exempt from the claims of creditors of the contract purchaser or beneficiary. This exemption from creditor claims is also provided by the creation of Section 222.22, F.S.

Additional amendments to Section 240.551, F.S., exempt unexpended funds from a terminated advance payment contract from the provisions of Chapter 717, F.S., pertaining to

the disposition of unclaimed property. The board retains such funds; however, they must be used to further the prepaid tuition program.

Community College Technology Transfer Centers

HOUSE BILL 181 (CHAPTER 88-314) amends Section 240.334, F.S., to reenact the Public Records Law exemption of any materials related to methods of manufacture or production, potential and actual trade secrets, potentially patentable material, business or property information received, ascertained, generated, or discovered during activities conducted within a community college transfer center. The exemption will continue to be subject to the provisions of the Open Government Sunset Review Act.

Postsecondary Proprietary Schools

HOUSE BILL 1444 (CHAPTER 88-375) provides for the revival and readoption of the Public Records Law and Open Meetings Law exemptions contained in two unrelated sections of law.

Section 246.226, F.S., is amended to reenact the exemptions to public access for activities of the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools that are associated with the investigation of complaints against schools licensed by the board. If the board finds probable cause for taking action against a school, the material from the investigation becomes open to the public.

The act also amends Section 240.209, F.S., reinstating the public access exemption for the materials and activities associated with the selection of a chancellor for the State University System until the selection committee transmits a list of nominees to the Board of Regents.

All the Public Records Law and Open Meetings Law exemptions contained in this law will continue to be subject to the provisions of the Open Government Sunset Review Act.

GENERAL BILLS

Primary Grade Class Size

COMMITTEE SUBSTITUTE FOR SENATE BILL 3 (CHAPTER 88-141) amends Section 230.2312, F.S., by requiring the Commissioner of Education to report primary grade class size by district and grade level each year. The report will be sent to the President of the Senate, the Speaker of the House of Representatives, and the State Board of Education, and will list classes of 25 or fewer students, classes at each integer from 26 through 34, and those of 35 or more students.

Virgil Hawkins Fellowship

SENATE BILL 178 (CHAPTER 88-99) creates Section 240.4069, F.S., to place into law the Virgil Hawkins Fellowship Program for minority law school students. It funds 60 law students a year—30 at Florida State University and 30 at University of Florida. It allows law school deans to award any vacant

fellowships to second- and third-year law students based on the availability of program money.

Community Hospital Education Program

SENATE BILL 198 (CHAPTER 88-291) clarifies the operational procedures and the agency responsible for the Community Hospital Education Program established pursuant to Section 381.503, F.S. It no longer requires the Program to have a continuing education program for practicing physicians, nor does it require a predetermined goal for the number of physicians the state is annually required to produce.

The legislation adds two licensed practicing physicians to the Community Hospital Education Council—a general practitioner and an osteopathic physician. Council members may now serve four-year terms.

The act identifies the accrediting agency that must approve the educational programs offered and operated by hospitals. It deletes the reference to Department of Education funding policies for hospitals operating medical programs, and formulas used to develop the medical education programs' budgets. The act has an effective date of October 1, 1988.

Linkage Institutes

COMMITTEE SUBSTITUTE FOR SENATE BILL 259 (CHAPTER 88-162) amends Subsection 240.137(4), F.S., to establish the Florida-France Institute jointly administered by New College of University of South Florida and Florida State University, and the Florida-Israel Institute jointly administered by Florida Atlantic University and Broward Community College. It changes the community college administration of the Florida-Canada Institute from Broward Community College to Palm Beach Junior College. This act extends the expiration date of the Florida Far East Asian Council to June 30, 1989.

Florida High Tech Council Sunset Review

COMMITTEE SUBSTITUTE FOR SENATE BILL 425 (CHAPTER 88-134) reestablishes the Florida High Technology and Industry Council in Section 229.8053, F.S., and provides a Sunset review date of October 1, 1998, it allows the Council the option of organizing as a not-for-profit corporation. It places the Council in the Executive Office of the Governor but allows it to operate independently of the Governor.

The law places the Council's membership on four-year staggered terms beginning with the expiration of their present terms of membership. It defines the role of the Council as advisory and clarifies the duties of the executive director.

The Council is prohibited from conducting program reviews in high technology areas that are not funded by applied research funds. Members of the Council may participate in program reviews conducted by the Board of Regents. The Council may petition the Board to conduct a program review of an area if the review will encourage high technology industries to locate in Florida.

The legislation renames Advanced Technology Fund to Advanced Technology Research to more appropriately describe the contents of Section 240.539, F.S., and clarify the Council's

responsibility and authority regarding research funds. The act also defines the term "high technology."

University Student Fees

COMMITTEE SUBSTITUTE FOR SENATE BILL 479 (CHAPTER 88-241) amends Paragraph 240.209(3)(g), F.S., to increase the University Capital Improvement Trust Fund and building fees 50 cents each.

The act creates the State University System Facility Enhancement Challenge Grant Program in Section 240.2601, F.S., to help the university system obtain private contributions that will be matched by state dollars to acquire high-priority instructional and research-related capital facilities. The match will be one-to-one state funds to private contributions. The state will provide its match when half the cost of the facility has been raised by a university from private contributions.

The act establishes a Capital Facilities Matching Trust Fund. The Public Education Capital Outlay and Debt Services Trust Funds, Capital Improvement Trust Fund, and Contracts and Grants Trust Fund may not be used by the state to match the private contributions.

Various sections of Chapter 240, F.S., are conformed to reflect name changes for the Florida State Museum, the State Medical Museum and the Florida State Medical Museum Council.

Use of Capital Outlay Millage for Environmental Compliance

SENATE BILL 1342 (CHAPTER 88-223) amends Sections 200.065 and 236.25, F.S., to authorize district school boards to use the proceeds from the 1.5 mills of discretionary ad valorem taxation available for capital outlay purposes to pay costs directly related to compliance with state and federal environmental requirements governing school facilities. The boards must advertise the compliance efforts as the intended use of such funds.

High School Athletic Trainers

By creating Section 232.435, F.S., COMMITTEE SUBSTITUTE FOR HOUSE BILLS 162 and 107 (CHAPTER 88-257) encourages high schools to implement a program of athletic training to reduce the incidence and severity of athletic injuries. It lists four levels of athletic trainers and their qualifications and requires technical assistance from the Department of Education. The law that gives immunity for team physicians (Section 768.135, F.S.) is changed to encourage more doctors to volunteer for sporting events. To be immune from civil damages, team physicians do not have to prove that they complied with specific standards of practice as provided in law; they only have to act as "reasonably prudent" physicians would act under similar circumstances. [No state funding is provided.]

Student Absence for Religious Instruction

HOUSE BILL 247 (CHAPTER 88-317) creates Subsection 232.0225(2), F.S., which allows students in grades K-12 to be released from school to receive daily religious instruction, at-

tend religious events, or refrain from secular activities as their religion requires. School boards will develop lists of religious holidays when absence will be excused. Public universities and colleges will adopt a policy to accommodate religious observance, practice, and belief of students and faculty under new Section 240.134, F.S.

The act also amends Sections 228.041 and 236.02, F.S., to allow school districts to reduce the number of hours in the last 3 days of the school year to 4 hours for final examinations.

The legislation assures through revision of Paragraph 232.246(5)(c), F.S., that any changes in high school graduation requirements will not affect students already in high school when the changes are made.

Fees for Recreational Courses and Activities

HOUSE BILL 304 (CHAPTER 88-399) gives school districts (Paragraph 228.072(8)(c), F.S.) and community colleges (Paragraph 240.301(5)(e), F.S.) more discretion than they now have to set fees for recreational courses. Previously, each recreation student's fee had to pay for his share of the cost of the recreation course or activity. This legislation allows some students to pay more in fees than others for the same course, and fees for some courses can be high enough to allow others to be low in fees or free. [No state funding is required, since the total program of recreational activities is still fee-supported.]

School Boards' Investment of Surplus Funds

HOUSE BILL 449 (CHAPTER 88-326) modifies several sections of Florida law related to the authority of local school boards to invest funds not immediately needed for expenditures.

Section 236.24, F.S., is amended to make school board surplus fund investment authority identical to the investment authority of counties and municipalities. The boards' investment authority is not strengthened or expanded by these changes; however, the procedure is consolidated and clarified.

A change made in Section 236.49, F.S., extends from one to three years the time school boards may leave surplus proceeds from local bond sales invested in federal government instruments of indebtedness or in other bonds or obligations fully guaranteed by the federal government.

Section 230.23, F.S., is amended to allow school boards to set aside a portion of their surplus funds for investment in minority-operated financial institutions. The institutions must be banks or savings and loans appearing on the federal list of minority financial institutions designated as authorized depositories. When more than one minority financial institution exists within a school district, the institution receiving the investment must be selected by competitive bid. The amount of funds to be invested in the minority institution is left to the discretion of the school boards; however, it is suggested that the amount be based on the percentage of minority population in the district.

A final change in the law amends Section 159.416, F.S., to allow surplus proceeds from local industrial development

bonds to be invested in the same manner as school boards invest surplus funds under the authority of Section 236.24, F.S.

Florida Education Finance Program

SENATE BILL 248 (CHAPTER 88-161) revises Section 229.565, F.S., and various provisions of Chapter 236, F.S., to change the manner and method of determining the basic annual allocation from the Florida Education Finance Program to each school district for operations.

Juvenile Justice Records

HOUSE BILL 452 (CHAPTER 88-80) amends Section 39.12, F.S., permitting the release of juvenile justice records to school superintendents or their designees. The act also amends Section 415.51, F.S., permitting the release of child abuse records to the principal of a school in which a school resource officer is investigating a report of child abuse involving a student enrolled at that school. These changes take effect on October 1, 1988.

Traffic Education Program

HOUSE BILL 467 (CHAPTER 88-328) authorizes the development of a comprehensive traffic education program in kindergarten through grade 6. The State Bicycle and Pedestrian Program in the Department of Transportation will administer the program until July 1, 1991, when the Department of Education will assume administrative responsibility for it. Either the Department of Transportation or the Department of Education may contract with a state university to develop a course and curriculum materials.

In an unusual procedure, this act amends Section 1 of HOUSE BILL 429 (CHAPTER 88-405), other provisions of which are addressed in the MOTOR VEHICLE AND TRANSPORTATION article, which section establishes the State Bicycle and Pedestrian Program within the Department of Transportation. The amendment permits the Department to contract with a state university to develop course and curriculum materials.

Low-Energy-Use Design in School Construction

COMMITTEE SUBSTITUTE FOR HOUSE BILL 893 (CHAPTER 88-352) in amending Paragraph 235.212(1)(a), F.S., re-

quires education boards to justify through value analysis low-energy-use design in the construction of new educational facilities. The act also adds Paragraph 235.435(1)(i), F.S., to allow school boards to use state school construction funds to renovate and remodel schools designated as historic educational facilities if the buildings continue to house students. To qualify as an historic facility, the school must be listed or eligible for listing in the National Register of Historic Places, be designated historic under the Internal Revenue Code, or be found historically significant by the Florida Department of State.

Report Card Pick-Up Days

Section 232.2452, F.S., created by COMMITTEE SUBSTITUTE FOR HOUSE BILL 925 (CHAPTER 88-354) encourages school districts to establish at least two report card pick-up days during the course of a school year. [The apparent purpose of the legislation is to induce parents and guardians to visit their children's schools and talk with their teachers.] To that end, the act further encourages the districts to establish flexible pick-up times (i.e., before school, evenings, weekends) to attract as many parents as possible.

Community Colleges' Lease-Purchase of Equipment

HOUSE BILL 957 (CHAPTER 88-359) provides a mechanism for community colleges to lease-purchase equipment through amendments to Sections 240.319 and 287.064, F.S. The Division of Bond Finance of the Department of General Services and the Comptroller will act on behalf of community colleges to develop and implement master equipment financing agreements. These agreements provide consolidated financing for deferred payment, installment sale, or lease-purchase of equipment. The Comptroller has the authority to require the colleges to enter into systemwide agreements. The colleges may also consolidate purchasing agreements for administrative and instructional materials. This act takes effect on October 1, 1988.

[The Comptroller and the Division of Bond Finance are already providing similar master equipment financing agreements for the state and its various agencies.]

ETHICS AND ELECTIONS*

The 1988 Regular Session of the Legislature passed three elections-related bills containing several revisions to the Florida Election Code. [One of the bills, COMMITTEE SUBSTITUTE FOR SENATE BILL 34, contained numerous provisions to help alleviate problems at the polls, ease voter registration, allow overseas absentee electors to vote in a timely manner and clarify certain campaign finance provisions for candidates and committees. However, this bill was vetoed by the Governor, leaving two elections bills to become law.]

Four ethics-related bills were passed by this Legislature. Various bills addressed the following concerns: gift reporting requirements for elected officials and other officers and employees were clarified; authorization for local governing bodies to adopt ordinances restricting appearances before such agencies, for lobbying purposes, by certain former officials and employees; and exemption for elected officials who are employed by tax-exempt organizations from the conflict of interest provisions of the Code of Ethics (Part III of Chapter 112, F.S.) if certain conditions are met.

ELECTIONS LEGISLATION

HOUSE BILL 541 (CHAPTER 88-334), clarifies the law with regard to residency requirements for candidates for school board (Sections 230.04 and 230.10, F.S.). This act requires a candidate for school board member to reside in the school board member residence area from which he seeks election at the time of qualifying and once elected, a school board member must maintain residency in this area throughout his term of office. These provisions are effective January 1, 1989.

Another elections law, COMMITTEE SUBSTITUTE FOR SENATE BILL 400 (CHAPTER 88-85), amends Subsection 100.041(4), F.S., to provide that each county and district officer having a term of office not otherwise set by law will assume office in January rather than November following his election. This act also revises Sections 129.06 and 195.087, F.S., to restrict certain "lame duck" county officers from making budget amendments or transferring funds between itemized appropriations or from spending more than one-twelfth of any appropriation in a single month, without the approval of the board of county commissioners or the Department of

Revenue, whichever body approved the original budget. The law has an effective date of October 1, 1988.

ETHICS-RELATED LEGISLATION

The gift reporting requirements for elected officials and for other officers and specified state employees are amended in two separate enactments. HOUSE BILL 242 (CHAPTER 88-316) revises the reporting requirements in Section 112.3145, F.S., to exempt "gifts representing an expression of sympathy and having no material benefit" to the recipient. A similar exemption for elected officials required to report gifts under Section 111.011, F.S., is included in COMMITTEE SUBSTITUTE FOR HOUSE BILL 949 (CHAPTER 88-358).

In addition, COMMITTEE SUBSTITUTE FOR HOUSE BILL 949 (CHAPTER 88-358) revises Section 112.313 to allow the governing bodies of counties and municipalities to adopt ordinances restricting post-employment activities of former county officials or employees before the bodies with whom they served or the agencies with whom they were employed. This law also amends, effective October 1, 1988, Section 112.3144, F.S., to extend to elected officials required to file *full* financial disclosure forms, the delinquency notice provisions currently provided for officials and employees who file limited disclosure. Gift reporting requirements in Section 111.011, F.S., for elected officials are revised to raise the reporting threshold from \$25 to \$100.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 559 (CHAPTER 88-408) amends the conflict of interest provisions of The Code of Ethics found in Section 112.313, F.S., to allow persons employed by a tax-exempt organization which does business with the governing body, to be elected or appointed to said governing body if certain requirements are met.

A final ethics act, COMMITTEE SUBSTITUTE FOR SENATE BILL 412 (CHAPTER 88-29) removes the Executive Director and employees of the Florida Commission on Ethics from the Senior Management Service and Career Service classification and pay plan and benefit packages for these services by revising Paragraph 110.205(2)(b), F.S., and places them under the classification and pay plan and benefit package for legislative staff administered by the Joint Legislative Management Committee by amending Subsection 112.321(4), F.S.

*Prepared by House Ethics and Elections Committee

FINANCE AND TAXATION*

While no significant tax increases were adopted during the 1988 Legislative Session, a great deal of legislation affecting various aspects of taxation and state and local financial matters was enacted.

Sales tax exemptions were adopted for charter fishing boats, food and drinks sold for 25 cents or less in vending machines sponsored by nonprofit organizations, and nonprofit religious television stations, and the method for computing use tax on asphalt manufactured for one's own use was revised. Included within major legislation relating to solid waste management were several provisions relating to sales tax. The dealer's credit was revised, and an additional registration fee was imposed on persons required to obtain a dealer's certificate of registration; this fee, along with a portion of sales tax proceeds, is to be deposited in the new Solid Waste Management Trust Fund. Also, an exemption is provided for machinery and equipment used for processing recyclable materials.

Administrative provisions relating to various local option taxes were revised, and imposition of additional tourist development taxes under specified conditions was authorized. Included among the acts that deal with taxation of fuel is a revision of the tax on aviation fuel for certain commercial carriers for a one-year period.

Numerous provisions were adopted in the area of ad valorem taxation. Detailed procedures were provided for determination of the situs of movable tangible personal property. Authorization for waiver of the annual application requirement for homestead exemption was extended to most other ad valorem exemptions, and procedures were adopted to allow the homestead exemption to persons who apply after the March 1 deadline if extenuating circumstances can be demonstrated. The Florida Advisory Council on Intergovernmental Relations is directed to study the impact of escalating tax assessments on the elderly, and provision was made for partial abatement of taxes on property damaged by windstorm or tornado for the year 1988. Exemptions for property used for religious, charitable, and similar purposes were revised and clarified. Procedures applicable to condominium, cooperative, and mobile homeowners' associations were extended and revised, and requirements relating to assessment of time-share real property were adopted. Also, a uniform method for the collection of non-ad valorem assessments which may be used beginning in 1990 was enacted.

Other legislation affected the excise tax on documents, corporate income tax, and intangible tax, and vessel registration fees were increased. In the area of tax administration, uniform provisions relating to the length of time tax records must be maintained were adopted.

Pursuant to review under the Open Government Sunset Review Act (Section 119.14, F.S.), exemptions from public rec-

ords requirements applicable to numerous types of tax information were revived and readopted.

In the general area of financial matters, the rating criteria for certain obligations in which state funds may be invested were revised. State attorneys and public defenders were authorized to make certain transfers of appropriations. Requirements were adopted relating to the safekeeping of securities purchased by counties and municipalities. Investment of county, municipal, and state funds in securities of any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940 was authorized under specified conditions. Various revisions were made to statutory requirements applicable to bond financing of public facilities, and requirements relating to research and development facilities and parks were revised. Provisions which authorize state agencies to accept credit cards were revised, and this authority was extended to local governments. Also, requirements for qualification of county governments for emergency distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund were revised.

Sales Tax

The sales tax exemption for charter fishing boats which was repealed on July 1, 1987, is reinstated by COMMITTEE SUBSTITUTE FOR SENATE BILL 594 (CHAPTER 88-123), which creates Paragraph 212.08(7)(y), F.S. This paragraph exempts the charge for chartering any boat, with the crew furnished, solely for the purpose of fishing; the exemption does not apply to any charge to enter or stay upon any "head-boat," party boat, or other boat.

COMMITTEE SUBSTITUTE FOR SENATE BILL 854 (CHAPTER 88-243) creates Paragraph 212.06(1)(c), F.S., which provides the method for calculating the use tax on asphalt manufactured for one's own use. The tax is to be computed upon the cost of materials which become a component part or which are an ingredient of the finished asphalt and of the transportation of such components and ingredients, plus an indexed tax of 38-cents-per-ton. Beginning July 1, 1989, this indexed tax is to be adjusted annually based on the change in the annual average of the "materials and components for construction" series of the Producer Price Index as compared to 1988. This act also provides two new sales tax exemptions. New Paragraph 212.08(7)(y), F.S., exempts food or drinks sold for 25 cents or less through a coin-operated vending machine sponsored by a nonprofit corporation qualified as such pursuant to the Internal Revenue Code. Paragraph 212.08(7)(o), F.S., is amended to expand the definition of "religious institutions" for exemption purposes to include any nonprofit corporation qualified as such pursuant to the Internal Revenue Code which owns and operates a Florida television station, at least 90 percent of the programming of which consists of pro-

*Prepared by House Bill Drafting Services

grams of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other non-profit organizations, is predominantly from contributions from the general public.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1192 (CHAPTER 88-130), this session's major legislation on solid waste management, discussed under the heading CONSERVATION AND NATURAL RESOURCES, contains several provisions relating to sales tax. Subsections 212.12(1) and 212.04(5), F.S., are amended to revise the dealer's credit for collecting the tax. The basic credit is reduced from 3 percent to 2.5 percent of the tax due; when the amount of tax due exceeds \$1,200 (rather than \$1,000) the allowance is reduced from 1 percent to 0.83 percent. Under new Subsection 212.18(5), F.S., every person who holds a sales tax dealer's certificate of registration and who has taxable sales or purchases during the preceding year of \$30,000 or more must pay an additional annual registration fee for each certificate of registration. For certificateholders with taxable sales or purchases up to \$200,000 the fee is \$25, and for those with taxable sales or purchases of \$200,000 or more the fee is \$50; however, the fee shall not exceed \$10,000 for dealers filing consolidated returns. The penalties provided under Subsection 212.12(2), F.S., for failure to pay any tax due apply to failure to pay this fee. The fee is to be deposited into the Solid Waste Management Trust Fund. New Section 212.237, F.S., provides that 0.2 percent of sales tax proceeds are to be transferred into the Trust Fund. Also, Paragraph 212.08(5)(e), F.S., is created to provide a sales tax exemption for industrial machinery and equipment purchased after July 1, 1988, which utilizes recyclable materials in manufacturing for sale items of tangible personal property and which is used to increase the taxpayer's consumption of Florida-source recyclable materials by at least 10 percent. This exemption expires October 1, 1991.

Local Option Taxes

COMMITTEE SUBSTITUTE FOR SENATE BILL 854 (CHAPTER 88-243) creates Paragraph 125.0104(3)(l), F.S., authorizing any county or subcounty special district which has imposed the additional 1-percent tourist development tax allowed under Paragraph 125.0104(3)(d), F.S., for one year, to impose, by majority plus one vote, an additional tourist development tax of 2 percent, if the state is participating with the county in an economic development project for which the additional 2-percent tax is necessary to retire the bonded indebtedness, if the state's contribution toward the cost of the project does not exceed \$3 million, and if the total cost of the project does not exceed \$12 million.

The authorized uses for the charter county convention development tax which Dade County may levy under Paragraph 212.0305(4)(b), F.S., are revised by HOUSE BILL 1162 (CHAPTER 88-401). Presently two-thirds of the proceeds are to be used to improve the largest existing publicly owned convention center in the county, and one-third to construct a new multipurpose facility in the county's most populous municipal-

ity. This act extends the purposes of the latter facility to include a stadium. It provides that upon completion of the former project, that portion of the proceeds may be used to plan for, operate or manage one or more convention-related facilities, and also may be used to acquire and construct an intercity light rail transportation system as described in the Light Rail Transit System Status Report to the Legislature dated April 1988, to provide a means to transport persons to the convention center. Upon completion of the latter project, that portion of the proceeds may be used to acquire, construct, improve or operate one or more convention-related facilities in the most populous municipality.

Administrative provisions relating to local option taxes are included in SENATE BILL 1203 (CHAPTER 88-119). The guidelines for determining when a transaction is deemed to have occurred in a county imposing a discretionary sales surtax (thus making the transaction subject to the tax) under Subsection 212.054(3), F.S., are revised. New provisions specify that a transaction is subject to the tax when: delivery is made to a location within the county or to a location within a county also imposing the surtax; delivery of certain property is made to a location outside the county, but the property is brought into the county within 6 months after delivery, in which event the owner pays the surtax as a use tax; or a Florida manufacturer or wholesaler sells tangible personal property to a dealer who is located outside the county, but delivers the property within the county to a customer of the dealer.

This act also revises Subsection 213.053(9), F.S., which requires the Department of Revenue to disclose names and addresses of taxpayers to local governments levying local option taxes or any state tax distributed to local government based on the place of collection. Municipalities are included within the local governments to which such disclosure shall be made, and the taxpayers are described as those who have been granted a sales tax dealer's certificate of registration who reside either within or adjacent to the local government's boundaries. Disclosure is to be made only if the local government denies the taxpayer an occupational license when the Department cancels the taxpayer's certificate of registration.

Taxation of Fuel

SENATE BILL 574 (CHAPTER 88-296) creates Section 206.9837, F.S., effective October 1, 1988, which requires retail aviation fuel dealers to post in a place clearly visible to the public in the fixed base operator terminal, or on the outside housing of each pump or other dispensing device, the price of the aviation fuel, including a statement disclosing whether the stated price includes tax.

The excise tax on aviation fuel imposed pursuant to Section 206.9825, F.S., is revised by COMMITTEE SUBSTITUTE FOR HOUSE BILL 1254 (CHAPTER 88-371). In lieu of the 5.7-cents-per-gallon tax, a commercial air carrier that elects the apportionment formula based on its rates of Florida to total miles provided by Section 212.0598, F.S., for purchases subject to sales tax, shall be subject to an excise tax at the rate of 8 percent of the retail sales price, but not lower than 4.4-

cents-per-gallon, and this tax qualifies for that apportionment formula. Any such carrier is not eligible for the credit for Florida employees provided by Section 206.9855, F.S. This provision expires July 1, 1989.

This act also revises the exemption from the sales tax on special fuel which applies when the fuel is used for agricultural, aquacultural, or commercial fishing purposes. Presently this exemption is granted by a refund of taxes paid; this act amends Paragraph 212.67(1)(e), F.S., and creates Section 212.637, F.S., to allow the exemption at the time of purchase.

COMMITTEE SUBSTITUTE FOR SENATE BILL 854 (CHAPTER 88-243) allows a person to seek relief from the Department of Revenue pursuant to informal conference procedures for motor or special fuel taxes, if he can establish to the satisfaction of the Department that the tax assessed has been remitted to the state, or that no tax is due because the fuel was sold for a use other than for use in a motor vehicle. This amendment is applicable to audit periods which remain open for final assessment.

Excise Tax on Documents

An exemption from the documentary stamp tax is included in SENATE BILL 1203 (CHAPTER 88-119). Section 201.24, F.S., is amended to exempt any assignment, transfer, or other disposition, or any document, which arises out of a lease or lease-purchase of educational facilities or sites. This act also revises language which describes an exemption from the tax on stock certificates under Section 201.05, F.S. It specifies that the tax does not apply to any stock or share issued in this state of an "open-end or closed-end management company or a unit investment trust" registered under the Investment Company Act of 1940, rather than of an "open-end mutual fund" so issued and registered. This amendment takes effect October 1, 1988.

Corporate Income Tax

SENATE BILL 1203 (CHAPTER 88-119) deals with several aspects of the corporate income tax. Section 220.03, F.S., is amended to update references to the Federal Internal Revenue Code within the Florida Income Tax Code to include recent amendments, adopting the federal code as amended and in effect on January 1, 1988, retroactive to said date. [Last session, Subsection 220.11(4), F.S., was enacted to provide an alternative tax rate for taxpayers determining taxable income under the alternative minimum tax provisions of the Internal Revenue Code.] This act clarifies that language, specifying that such a taxpayer must pay tax on whichever base imposes the greater tax liability, i.e., tax on the alternative minimum tax at a 3.3 percent rate or tax on the standard federal taxable income base at the rate of 5.5 percent. Also, the definition of "bank" under the Florida code contained in Subsection 220.62(1), F.S., is extended to include Florida Industrial Development Corporations organized under Chapter 289, F.S., to clarify their entitlement to various tax credits. All of these amendments operate retroactively to January 1, 1988.

Sections 220.183 and 624.5105, F.S., provide for community contribution credits against the corporate tax and insurance premium tax, respectively. This act limits such credits; it provides that a business firm or an insurer may receive for all approved community contributions that it makes after June 1, 1988, and before July 1, 1988, annual tax credits under either of said sections, but not under both sections, in an amount not to exceed the amount remaining available in that state fiscal year for grants by the Department of Community Affairs under said sections. However, the maximum total credits that may be allowed for a single contribution may not exceed \$1.2 million, of which \$600,000 may be taken against taxes due in fiscal year 1988-89 and the remainder in fiscal year 1989-90.

Intangible Personal Property Tax

SENATE BILL 677 (CHAPTER 88-190) amends Subsection 199.103(2), F.S., to revise the basis of valuation of shares or units of mutual funds, money market funds, and unit investment trusts from the "offering price" to the "net asset value" of such shares or units on the last business day of the previous calendar year. This act takes effect January 1, 1989.

Ad Valorem Taxation

[In November Florida voters will have the opportunity to approve a constitutional amendment extending to widowers the present tax exemption for property up to the value of \$500 of widows, the blind and the disabled (COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION 318).] If this amendment is approved, SENATE BILL 357 (CHAPTER 88-293), amending Section 196.202, F.S., will take effect to implement this constitutional amendment for widowers who are Florida residents.

Determination of the situs of movable tangible personal property for purposes of taxation is addressed by SENATE BILL 374 (CHAPTER 88-83), which amends Section 192.032, F.S. It provides that such property is to be assessed in the county in which it is physically present on January 1, except that property present for temporary purposes only and in the state for 30 days or less is not subject to assessment. Tangible personal property which was physically present in one county of this state on January 1, but present in another county of this state at any time during the preceding year, is to be assessed in the county where it was "habitually located or typically present," as defined by the act. Property taxable as goods-in-transit and railroad property are not affected by these provisions.

The act further provides that tangible personal property used in traveling shows such as carnivals, ice shows, or circuses shall be deemed to be physically present or habitually located or typically present only to the extent the value of such property is multiplied by a fraction, the numerator of which is the number of days such property is present in Florida during the taxable year and the denominator of which is the number of days in the taxable year. This act applies beginning January 1, 1989.

[Under present law a county may, at the property appraiser's request and by majority vote of its governing body, waive the requirement for annual filing for homestead exemption once initial application is made and the exemption is granted (Subsection 196.131(3), F.S.).] COMMITTEE SUBSTITUTE FOR SENATE BILLS 33, 197, and 241 (CHAPTER 88-65) creates Subsection 196.011(8), F.S., to extend this authorization and allow counties to waive the annual filing requirement for the following exemptions: permanently and totally disabled veterans; disabled veterans confined to wheelchairs; totally and permanently disabled persons; renewable energy sources; property used by hospitals and nursing homes; homes for the aged; educational property; property owned and used by labor organizations; community centers; property owned by sewer and water companies; property of widows, blind persons, and totally and permanently disabled persons to the value of \$500; and certain ex-servicemen. Reapplication is required when the property is sold or its exempt status changes in any way, and the property owner is required to notify the property appraiser of any such change; failure to provide such notification is subject to interest and penalty provisions. Subsection 196.131(3), F.S., is repealed to conform, and no homestead exemption application waiver granted thereunder is effective after December 31, 1988. The act applies to exemptions based on assessments made on and after January 1, 1989.

The annual application for homestead exemption is also the subject of COMMITTEE SUBSTITUTE FOR SENATE BILL 334 (CHAPTER 88-101). This act creates Subsection 196.011(8), F.S., which allows persons qualified to receive the homestead exemption who fail to file by the March 1 deadline to file their application and a petition to the Property Appraisal Adjustment Board, along with a \$15 fee, on or before the 25th day following the mailing of the notice of proposed property taxes. If such person can demonstrate particular extenuating circumstances judged by the property appraiser or board to warrant granting the exemption, the exemption may be granted.

This act also deals with several other ad valorem tax matters. An amendment to Subsection 193.011(2), F.S., directs the property appraiser to consider any applicable judicial limitation in determining the highest and best use to which property can be put for the purpose of arriving at just valuation of the property. Also, the act addresses the problem of the impact of escalating tax assessments on the elderly. The Florida Advisory Council on Intergovernmental Relations is directed to conduct a study of the extent and severity of the impact of escalating ad valorem and non-ad valorem tax assessments on the homestead residences of elderly homeowners in Florida, and to recommend alternative means of mitigating the negative impact of such escalation. The study is to be submitted to the Governor and Legislature no later than February 15, 1989. The Department of Community Affairs is directed to develop and prepare, by February 15, 1989, a brochure to be distributed through the property appraisers' offices, providing an explanation in layman's terms of the Homestead Property Tax Deferral Act and its advantages.

Finally, this act creates Subsection 196.295(3), F.S., to authorize partial abatement of taxes when houses or other residential buildings or structures are destroyed or damaged due to windstorm or tornado so that they are not capable of being used and occupied. Application for such abatement is to be made to the property appraiser. If he determines that the applicant is entitled to partial tax abatement, he shall notify the tax collector of the amount that taxes should be reduced, based on the number of months the building was not capable of use or occupancy. This provision applies only to the 1988 tax year.

SENATE BILL 1234 (CHAPTER 88-220) amends Section 196.29, F.S., to provide that when a community college district board of trustees acquires real property, the taxes for that portion of the year after such acquisition shall be cancelled; such a provision is presently in effect for counties and school boards.

Provisions relating to tax exemption of property used for religious, charitable, and similar purposes are revised by COMMITTEE SUBSTITUTE FOR SENATE BILL 375 (CHAPTER 88-102). A definition of "use" is provided, and other definitions under Section 196.012, F.S., relating to use of property, are revised. Also, the definition of "educational institution" is revised to include Department of Education, university, and community college direct-support organizations, and facilities located on the property of eligible entities which will become owned by those entities on a date certain. Section 196.192, F.S., is amended to require that property must be owned by an exempt entity to qualify for exemption, and to require that each use to which property is being put must be considered in granting an exemption from ad valorem taxation, including any economic use, in addition to any physical use. An amendment to Subsection 196.196(3), F.S., specifies that property claimed as exempt for religious purposes which is used for profitmaking purposes shall be subject to ad valorem taxation.

COMMITTEE SUBSTITUTE FOR SENATE BILL 24 (CHAPTER 88-146) deals with ad valorem tax procedures applicable to condominium, cooperative, and mobile homeowners' associations. Subsection 194.011(3), F.S., is amended to delete the requirement that condominium or cooperative associations obtain the written consent of certain association members before filing a joint petition with the Property Appraisal Adjustment Board and to authorize mobile homeowners' associations to file such joint petitions. Unit owners must be provided with notice of the intent to so file and may elect not to be included. Also, an owner of contiguous, undeveloped parcels is authorized to file a single joint petition with the board if the property appraiser determines such parcels are substantially similar in nature, and an amendment to Subsection 194.013(1), F.S., provides for a single filing fee. Amendments to Sections 194.171 and 194.181, F.S., provide that a condominium or cooperative association or mobile homeowners' association may be the plaintiff in lieu of the taxpayer in suits contesting ad valorem taxes. New Subsection 197.343(2), F.S., requires that a duplicate of the additional tax notice mailed to a taxpayer when payment has not been received by

a specified date be mailed to a condominium unit owner's condominium association or mobile home owner's homeowners' association if the association has so requested, and a reasonable fee for this service is authorized.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1171 (CHAPTER 88-216) corrects and clarifies several provisions of existing law. Subsection 193.023(7), F.S., is created to provide a cross-reference to the requirements relating to assessment of cooperative parcels contained in Section 719.114, F.S. An erroneous cross-reference to licensing of mobile homes in Section 193.075, F.S., is corrected. A corrected title is provided for the "Millage and Tax Statement" which accompanies the notice of taxes pursuant to Section 197.342, F.S. Section 197.122, F.S., is amended to specify that tax liens for outstanding personal property taxes shall be liens against all personal property of the taxpayer within the county.

In other areas, an amendment to Section 197.202, F.S., allows the tax collector to destroy tax receipts after one year, rather than five years, if microfilmed. Also, the "truth in millage" (TRIM) provisions under Section 200.065, F.S., are revised. A TRIM notice to taxpayers is required when a taxing authority's tentatively adopted millage rate exceeds a proposed rate that is subsequently adjusted pursuant to review of the tax rolls by the Department of Revenue. Local taxing authorities are required to notify the property appraiser, the tax collector and the Department of Revenue within 3 days of adoption of the resolution or ordinance setting the millage rate. Section 286.0105, F.S., which requires notices of public meetings to contain a statement that a record of the meeting is required to appeal a decision made at the meeting, is amended to provide an exemption for TRIM notices of hearings required to adopt millage rates.

In the area of assessment of time-share real property, the act creates Subsections 192.037(10), (11) and (12), F.S. In making his assessment of time-share real property, the property appraiser is directed to look first to the resale market. If there is an inadequate number of resales to provide a basis for arriving at value conclusions, then the property appraiser shall deduct from the original purchase price usual and reasonable fees and costs of the sale, which include all marketing costs, atypical financing costs, and those costs attributable to the right of a time-share unit owner or user to participate in an exchange network of resorts, and which shall be presumed to be 50 percent of the original purchase price; such presumption is rebuttable. These provisions apply retroactively to January 1, 1988.

Non-ad Valorem Assessments

COMMITTEE SUBSTITUTE FOR SENATE BILL 1171 (CHAPTER 88-216) also provides requirements for a uniform method of collection of non-ad valorem assessments, which are defined as only those assessments which are not based upon millage and which can become a lien against a homestead as permitted in Section 4, Article X of the State Constitution. Except as noted, these provisions take effect January 1, 1990.

For tax year 1989, the contents of the notice of taxes are specified. Sections 197.102 and 197.322, F.S., relating to definitions and to the form of the notice of taxes, are amended to include references to non-ad valorem assessments. Section 197.363, F.S., which presently provides conditions under which special assessments may be collected in the same manner as ad valorem taxes, is amended to provide that, at the option of the property appraiser, special assessments collected pursuant to said section prior to January 1, 1990, may continue to be so collected, but no new special assessments may be collected pursuant to said section after that date. Local governing boards collecting under said section may elect to use the new uniform method of collection if they comply with specified requirements.

Section 197.3631, F.S., is created to specify general provisions relating to non-ad valorem assessments. Such assessments may be collected pursuant to the uniform method provided in new Sections 197.3632 and 197.3635, F.S.; they may also be collected pursuant to any alternative method which is authorized by law, but such alternative method shall not require the tax collector or property appraiser to perform those services as provided for in said sections.

New Section 197.3632, F.S., sets forth the requirements of the uniform collection method. (It takes effect October 1, 1989, to allow time for holding the required hearings.) A local governing board which elects to use this method must enter into a written agreement with the property appraiser and tax collector providing for reimbursement of necessary administrative costs. It must adopt a resolution at a public hearing prior to January 1 stating its intent to use the uniform method, and send a copy of the resolution to the property appraiser, the tax collector, and the Department of Revenue by January 10. Annually by June 1, the property appraiser must provide the local government with information regarding the property to be assessed and the owners of such property. The local government must adopt a non-ad valorem assessment roll at a public hearing held between June 1 and September 15 if: the non-ad valorem assessment is levied for the first time; the non-ad valorem assessment is increased beyond the maximum rate authorized by law or judicial decree at the time of initial imposition; the local government's boundaries have changed, unless all newly affected property owners have provided written consent for such assessment to the local governing board; or there is a change in the purpose for such assessment or in the use of the revenue generated by such assessment.

Notice of such hearing must be given by mail and by publication. If the local governing board adopts the non-ad valorem assessment roll, it shall specify the unit of measurement for the assessment and the amount of the assessment. By September 15 the roll must be certified on a compatible electronic medium to the tax collector. If the non-ad valorem assessment is to be collected for a period of more than one year or is to be amortized over a number of years, the board shall so specify and shall not be required to annually adopt the roll.

Non-ad valorem assessments collected pursuant to this method are to be included in a combined notice for ad va-

lorem taxes and non-ad valorem assessments; a separate mailing shall be used only as a solution to the most exigent factual circumstances. Such assessments are subject to all collection provisions of Chapter 197, F.S., including provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for nonpayment. New Section 197.3635, F.S., specifies in detail the requirements for the form for the combined notice of ad valorem taxes and non-ad valorem assessments.

These same provisions relating to non-ad valorem assessments are also included in COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1192 (CHAPTER 88-130), discussed under the heading CONSERVATION AND NATURAL RESOURCES.

Vessel Registration Fees

HOUSE BILL 593 (CHAPTER 88-336) deals with the registration of vessels and increases the fees imposed therefor. The act expresses the legislative intent that moneys generated by the vessel registration fee increase and allocated to the Division of Law Enforcement of the Department of Natural Resources be used to enhance marine and boating law enforcement. The following amendments are made to Section 327.11, F.S.: the fee for transfer of registration is increased from \$1 to \$3.25, and the tax collector is authorized to retain \$2.25 of the fee; provision is made for issuance of replacement decals by the tax collector for a \$2.25 fee; and the fees for a duplicate registration certificate or issuance of a new certificate when the classification of a vessel changes with respect to commercial use are increased from \$1 to \$2.25, and references to issuance by the Department of Natural Resources are deleted. These changes take effect October 1, 1988. Subsection 327.25(1), F.S., is amended to increase registration fees effective June 1, 1989, as follows: Class A-1, from \$2 to \$3; Class A-2, from \$6 to \$10; Class 1, from \$11 to \$18; Class 2, from \$31 to \$50; Class 3, from \$51 to \$82; Class 4, from \$61 to \$98; Class 5, from \$76 to \$122; dealer registration certificate, from \$10 to \$16. The county's share of these fees is proportionately increased. Effective October 1, 1988, Subsection 327.25(12), F.S., is created. It authorizes the Department to establish by rule procedures for vessel registration based on the applicant's birth month, if it determines it is in the state's best interest to do so. For persons registering under such procedure, it specifies that operation of a previously registered vessel after midnight of the last day of a person's birth month, without a current registration, is a noncriminal violation and shall subject the owner or operator to a fine of \$15.

Tax Administration

The length of time for which certain tax records must be maintained is clarified and made uniform under the provisions of SENATE BILL 1203 (CHAPTER 88-119). Section 213.35, F.S., is created to provide that persons required by law to perform any act in administration of taxes enumerated in Section 72.011, F.S., shall keep suitable books and records until the

expiration of the time within which the Department of Revenue may make an assessment with respect thereto. The following sections are amended to conform and provide for retention of records regarding the indicated taxes as specified in Section 213.35, F.S.: Section 206.12, F.S. - taxes on fuels and other pollutants; Section 207.008, F.S. - tax on operation of commercial motor vehicles; Sections 211.125 and 211.33, F.S. - taxes on production of oil and gas and severance of solid minerals; Sections 212.04, 212.12, and 212.13, F.S. - tax on sales, use and other transactions, including admissions and rentals and license fees; and Section 214.17, F.S. - designated non-property taxes.

In other administrative areas, this act restricts the application of Subsection 213.75(1), F.S., which specifies that payments made to the Department of Revenue under any state revenue law shall be applied first to interest, then to any penalty, and then to any tax due. Payments made pursuant to compromise with the Department are exempted from this requirement, and taxpayers are authorized to specify a different order of application at the time a payment is made.

Also, Paragraph 95.091(3)(a), F.S., which specifies the length of time within which the Department may determine and assess taxes, penalties, or interest, is amended. The Department may do so at any time after a taxpayer fails to make a required payment or file a required return; present law requires that such failure be "fraudulent." For purposes of determining such time periods, the act provides that a tax return filed before the last day prescribed by law, including any extension thereof, shall be deemed to have been filed on such last day, and payments made prior to the last day prescribed by law shall be deemed to have been paid on such last day. These amendments take effect July 1, 1988, and are applicable to taxes which remain open to assessment on that date.

Open Government Sunset Review

[Section 119.14, F.S., the Open Government Sunset Review Act, provides that, in accordance with a specified schedule, existing statutory exemptions from public records and open meetings requirements will no longer apply, unless the Legislature specifically readopts such exemptions.] This session, all such exemptions within Title XIV of the Florida Statutes, relating to taxation and finance, were subject to such review. As a result, the exemptions from public records requirements for the following were readopted by SENATE BILL 1203 (CHAPTER 88-119): Section 192.105, F.S. - federal tax information; Sections 193.074 and 201.022, F.S. - property tax returns and statements of consideration paid for real property; Subsections 197.027(3) and (6), F.S. - nonhomestead property records and statements disclosing unusual financing costs; Subsection 195.084(1), F.S. - tax information exchanged among the Department of Revenue, property appraisers, tax collectors, and the Auditor General; Subsection 196.101(4), F.S. - income statement required to qualify for the exemption for property of totally and permanently disabled persons; Section 199.222, F.S. - annual intangible personal property tax returns; Subsection 206.27(2), F.S. - information concerning

fuel tax audits and investigations by the Department of Revenue or the Florida Department of Law Enforcement; Subsections 211.125(10) and 211.33(5), F.S. – returns and records relating to the taxes on the production of oil and gas and the severance of solid minerals; Paragraph 212.0305(3)(d), F.S. – convention development tax records; Subsection 213.21(3), F.S. – Department of Revenue records of compromises; Subsection 213.22(2), F.S. – technical assistance advisement information; Subsections 213.27(1) and (6), F.S. – confidential information shared by the Department with debt collection or auditing agencies; and Section 220.242, F.S. – declarations of estimated corporate income tax. Section 213.053, F.S., the general confidentiality section for tax returns and information received by the Department and shared with other officials, is amended to conform and clarify language; to readopt the exemption for information supplied by the Department to local governments levying local option taxes; and to authorize the Department to provide information relative to the commencement of business activities of a foreign corporation to the Division of Corporations of the Department of State in the conduct of its official duties.

SENATE BILL 330 (CHAPTER 88-28) amends Section 212.0505, F.S., which imposes a tax on unlawful sales and other transactions involving certain drugs, cannabis, or controlled substances, to readopt the exemption from public records requirements for state attorney requests to settle or compromise taxes imposed under that section.

All of these "open government sunset" amendments take effect October 1, 1988, and all of these exemptions are scheduled for another review in ten years.

Financial Matters

HOUSE BILL 1508 (CHAPTER 88-385) relates to the investment of state funds. It amends Subsections 215.47(2) and (4), F.S., to revise the rating criteria for bonds, notes, or obligations of any municipality, political subdivision, agency, or authority of the state, and for interest-bearing obligations with a fixed maturity of any corporation within the United States, with which state funds may be invested. It requires that such obligations be rated in any one of the three highest ratings by two nationally recognized rating services. It also authorizes investment in rated or unrated bonds, notes, or instruments backed by the government of Israel. Also, Section 215.46, F.S., which relates to duties of the Attorney General with respect to collection of defaulted investments, is repealed.

HOUSE BILL 274 (CHAPTER 88-318) amends Subsection 215.82(2), F.S., to provide procedures for actions to validate state bonds issued for land acquisition for outdoor recreation development or issued under the Educational Institutions Law of 1935. It also creates Subsection 218.37(4), F.S. This subsection directs the Division of Bond Finance of the Department of General Services to conduct a study of professional fees paid to fiscal advisers, bond counsel, and others, and adopt a fee schedule commensurate with fees typically paid in states similar to Florida in size and character as the recommended schedule for all state and state agency financings.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 929 (CHAPTER 88-355) creates Sections 27.38 and 27.60, F.S. These provisions authorize state attorneys and public defenders to transfer appropriations funded from identical funds, except appropriations for fixed capital outlay, and transfer the amounts included within the total original approved budget and releases, between categories of appropriations within a budget entity and 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 budget transfers made pursuant to such authorization.

COMMITTEE SUBSTITUTE FOR SENATE BILL 419 (CHAPTER 88-171) amends Paragraphs 125.31(2)(a) and 166.261(2)(a), F.S., to provide requirements for the safekeeping of securities purchased by counties and municipalities. If registered with the issuer or its agents, such securities must be immediately placed for safekeeping in a location which protects the governing body's interest. If in book entry form, such securities must be held for the credit of the governing body by a depository chartered by either the federal government or the state and must be kept by the depository in an account separate and apart from the assets of the financial institution. If physically issued to the holder, but not registered with the issuer or its agents, such securities must be immediately placed for safekeeping in a safety-deposit box in a financial institution in this state that maintains adequate safety-deposit box insurance.

This act also creates Paragraphs 125.31(1)(f), 166.261(1)(f), 215.47(1)(o), and 665.0701(1)(n), F.S., and amends Paragraph 219.075(1)(a), F.S., to allow investment of county and municipal surplus funds, county officers' surplus funds, state funds, and funds of savings associations, savings and loan associations, and building and loan associations, in securities of any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, if the portfolio of such investment company or investment trust is limited to United States Government obligations and to repurchase agreements fully collateralized by such United States Government obligations, and such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian. Also, Paragraphs 280.13(1)(p) and 280.14(1)(q), F.S., are created, specifying that such securities may be pledged as security for public deposits by banks and savings associations. These provisions are effective October 1, 1988.

Statutory requirements relating to bond financing of various public facilities were the subject of three different bills. SENATE BILL 535 (CHAPTER 88-67) includes within the type of projects that may be financed under the Florida Industrial Development Financing Act, as listed in Section 159.27, F.S., a social service center, which is defined as a community or social service center constructed for an organization which holds current exemption from federal income tax under Section 501(c)(3) of the Internal Revenue Code.

COMMITTEE SUBSTITUTE FOR SENATE BILL 979 (CHAPTER 88-302) revises the definition of a portion of the cost of

a public health facility that may be financed by bonds as defined under Paragraph 154.205(6)(d), F.S. It specifies that the term "cost" embraces financing charges and interest for a reasonable period after completion of construction, rather than for 24 months after such completion. A similar amendment is made to the definition of "cost" under the Florida Industrial Development Financing Act contained in Paragraph 159.27(2)(d), F.S.

Requirements relating to the establishment of research and development authorities and financing of research and development parks are revised under the provisions of COMMITTEE SUBSTITUTE FOR HOUSE BILL 675 (CHAPTER 88-409). The definition of "research and development park" under the Florida Industrial Development Financing Act contained in Subsection 159.27(7), F.S., is revised to require that research and development activities at such parks be related to such activities of the affiliated institutions of higher education, and that related facilities be engaged in research and development, be necessary to the park's purposes, or be in support of a center's facilities or activities. It is specified that the administering or taking of academic or professional or occupational licensing examinations does not constitute "testing" under this definition. Part V of Chapter 159, F.S., relating to research and development authorities, is substantially revised. The purpose of such authorities expressed in Section 159.701, F.S., is revised to require that the research and development promoted by such authorities, the research and development parks established, and the resultant broadening of a county's economic base, be in affiliation with one or more institutions of higher education.

Part III of Chapter 23, F.S., which creates the Florida Research and Development Commission, is repealed, and the Commission's duties with regard to approval of the designation of such authorities are assigned to the Board of Regents (Sections 159.703 and 159.704, F.S.). Further amendments to said sections require the affirmative vote of the president of each affiliated institution of higher education or his designee for any authority action involving the issuance of bonds, the transfer, development, lease or encumbrance of lands owned by the Board of Trustees of the Internal Improvement Trust Fund and leased to an authority, or the lease of park lands to a state agency, and require publication of notice of authority meetings. Further amendments to Sections 159.704 and 159.705, F.S., specifically link a park's operation and the issuance of bonds therefor to the requirements of the Florida Industrial Financing Act, and require approval by the Trustees of the Internal Improvement Trust Fund of changes to a master sublease when an authority grants subleases of land owned by the Trustees. An amendment to Section 240.242, F.S., exempts universities from competitive bid requirements when leasing educational facilities in a research and development park with which the university is affiliated, when the Board of Regents certifies in writing that the leasing of the educational facilities is in the best interests of the State University System and that the exemption from competitive bid requirements would not be detrimental to the state.

This act also revises provisions under Chapter 255, F.S., relating to lease of space by state agencies. New Section 255.2501, F.S., requires specific authorization by the Appropriations Act for any contract on behalf of the state, the term of which is more than five years, for the lease, lease-purchase, sale-leaseback, purchase or rental of any office space, building, real property and improvements thereto or any other fixed capital outlay project, any of which is financed with local government obligations of any type. Specific requirements relating to competitive bidding and limitations on lease payments are imposed as a condition for seeking such Appropriations Act approval. New Section 255.2502, F.S., requires that any contract on behalf of the state which binds the state or its executive agencies to the lease, rental, lease-purchase, purchase or sale-leaseback of office space, real property or improvements to real property for a period in excess of 1 fiscal year include the following statement: "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature." New Section 255.2503, F.S., prohibits any lease, contract, rental agreement, lease-purchase agreement, purchase agreement or sale-leaseback agreement on behalf of the state that requires a state agency or department or public officer or employee to refrain from making legislative budget or fixed capital outlay requests for alternate space other than that in any such agreement. Contracts in violation of these requirements are declared to be null and void.

Section 255.25, F.S., relating to leasing requirements, is amended to include references to these new sections. Other amendments to this section require approval of design and construction plans by the Division of Building Construction prior to the lease of space by a state agency in a private building to be constructed for state use, and delete certain restrictions on lease of space in privately owned buildings when space is available in a publicly owned building owned by an entity other than the state.

SENATE BILL 1203 (CHAPTER 88-119) includes three different provisions in the general area of financial matters. Subsection 212.235(1), F.S., is amended to provide that funds in the State Infrastructure Fund in excess of \$500 million, rather than \$550 million, annually, shall revert to the General Revenue Fund.

Section 215.322, F.S., presently authorizes state agencies to accept credit cards in payment for goods and services, with the State Treasurer's approval, and allows imposition of service fees. This section is amended to allow imposition of surcharges, and to provide that only taxes, license fees, tuition, and other statutorily prescribed revenues may be subject to a service fee or surcharge; such transactions are presently exempt from service fees. Units of local government are also authorized to accept credit cards in payment of financial obligations and to impose a surcharge to cover service fee charges. Any state agency or unit of local government that surcharges a person who pays by credit card shall be subject to minimum public disclosure requirements to be adopted by the Treasurer. The Treasurer is authorized to establish contracts with one or more financial institutions or credit card

companies for processing credit card collections for deposit into the State Treasury or another qualified public depository. Any state agency which accepts credit cards must use at least one of these contractors unless the agency obtains authorization from the Treasurer to use another contractor, and such contracts may authorize a unit of local government to use such services upon the same terms and conditions. This act further provides that credit card account numbers in the possession of a state agency or unit of local government are confidential and exempt from the disclosure requirements of Chapter 119, F.S.

The requirements for qualification of county governments for emergency distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund specified in Section 218.65, F.S., are also revised. The requirement that in order to so qualify a county must have a population of less than 50,000 is deleted, and present requirements relating to the value of additions to the tax roll or the percentage increase in taxable value are made applicable only to counties with a population of 50,000 or above. Also, the present \$20 per capita limitation under said section is increased to \$24.60, and beginning in 1989, this limitation shall be adjusted annually for inflation, based on the percentage change in the state and local government price deflator for purchases of goods and services, all items, 1983 equals 100, or successor reports for the preceding calendar year as initially reported by the United States Department of Commerce, Bureau of Economic Analysis, as certified by the Florida Consensus Estimating Conference.

Professional Sports Franchise Funding

Mechanisms for providing funding to attract professional sports franchises to Florida and construct appropriate facilities are provided by HOUSE BILL 1717 (CHAPTER 88-226). The Sports Advisory Council within the Department of Commerce is to serve in an advisory capacity in carrying out the requirements of this act. Applications for state funding are to be submitted to the Department of Commerce for screening. The applicant must be a unit of local government responsible for the construction, management, or operation of the professional sports franchise facility or holding title to the property on which the facility is located. Requirements applicable to such applications are specified, including submission of an economic impact study which estimates the annual amount of the revenues to be generated by sales taxes with respect to the use and operation of the professional sports franchise facility; such revenues are designated the "Professional Sports Facility Sales Tax Revenues." By January 15 of each year, the Department is to transmit qualified applications to the Governor and Legislature. The Department is directed to make recommendations regarding the applications and, in consultation with the Department of Revenue, to estimate the annual amount of the Professional Sports Facility Sales Tax Revenues.

If the Legislature approves the professional sports franchise project and approves a level of Professional Sports Facility Sales Tax Revenues for an eligible applicant in the General Appropriations Act or in any general law, and the applicant produces a verified copy of a signed agreement with a professional sports franchise for a term of at least fifteen years and a verified copy of approval by the governing authority of the league in which the franchise exists approving the location of the franchise to Florida, a funding plan is to be implemented which provides for an annual appropriation of an amount equal to the approved Professional Sports Facility Sales Tax Revenues from the General Revenue Fund to the unit of local government. No governmental entity may receive more than \$2 million in any state fiscal year pursuant to these provisions. If the professional sports franchise facility generates a net after-tax profit during any fiscal year after payment of debt service and other obligations, such profit, up to the amount transferred to the local government under the act, shall be deposited in the General Revenue Fund. Funds provided under the act may be used only for paying capital and other costs in connection with the use of the professional sports franchise facility and the location or relocation of a professional sports franchise.

More specifically, the act provides that an applicant that meets the requirements of the act with respect to a franchise that will locate in Florida before January 1, 1989, and commence season games no later than the 1991 season, is approved for funding, and an annual appropriation of \$1,757,920 is provided for the first approved applicant.

The Professional Sports/Economic Trust Fund is created in the Department of Commerce for the purpose of providing direct aid to units of local government for the purpose of attracting professional sports franchises to the state, pursuant to rules adopted by the Department. No local government that receives state funding as described above may receive more than \$15 million from the Trust Fund over the life of the facility. Appropriations of \$5 million in each of the next 3 fiscal years are made to the Trust Fund for the applicant that first meets the requirements of the act as described above.

Any professional sports facility that receives state funding must be designated as a shelter site for the homeless in accordance with the criteria of local homeless shelter programs, except when the facility is otherwise contractually obligated for a specific event or activity. Any applicant that receives state funding must ensure that at least 15 percent of funds and facilities with respect to food and beverages and related concessions at the facility shall be awarded to minority business enterprises.

This act also creates Paragraph 125.0104(3)(l), F.S., authorizing any county to impose an additional 1-percent tourist development tax in order to pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility.

HEALTH AND REHABILITATIVE SERVICES*

Laws relating to health and rehabilitative services enacted during the 1988 Legislative Session address a wide range of subjects. Laws dealing with aging issues include: strengthening protections for residents in adult congregate living facilities (ACLFs) and clients of home health agencies; providing statutory authority for the Community Care for Disabled Adults program; strengthening statutory provisions and providing a new funding source for the displaced homemaker program; exempting home dialysis from home health agency regulations; studies of mentally ill persons in ACLFs, the disabled adult population in the state, and elderly access to health care; exempting certain facilities which rely upon treatment by spiritual means through prayer from nursing home regulation and their administrators from nursing home administrator licensure requirements; and providing for leasing arrangements in ACLFs.

Legislation in the alcohol, drug abuse, and mental health area included: transferring childrens' mental health programs from the Children, Youth and Families Program Office to the Alcohol, Drug Abuse and Mental Health Program Office within the Department of Health and Rehabilitative Services (DHRS); strengthening the planning and budgeting process for alcohol, drug abuse and mental health programs within DHRS; authorizing DHRS to develop and demonstrate alternate financing systems for alcohol, drug abuse and mental health services; requiring quality assurance programs in certain licensed facilities and providing for immunity from liability for medical review committees in such facilities; strengthening rights of mental health patients; creating a Statewide Coordinator for Substance Abuse Prevention and Treatment and district substance abuse prevention coordinators; and assessing additional costs on drug or alcohol related misdemeanor convictions to fund alcohol and drug abuse treatment programs.

In the area of children and families, laws relating to the protective services system were passed to enhance the ability of DHRS to respond to reports of abuse and neglect and to protect potential victims of abuse and neglect. Serious, habitual, juvenile offenders were recognized as needing more intensive treatment than other delinquents and special procedures and programs were established for such juvenile offenders. Laws relating to child day care include: clarification of child day care licensing requirements; establishment of intergenerational child care; establishment of a grant program for private employers providing child care for their employees; and extension of the loan program for child day care. A number of enhancements to the shelter care and foster care system were enacted, a community resource mother or father program was established to strengthen families and a Task Force on the Future of the Florida Family was created.

Laws enacted related to developmental services included the following: provision of general liability coverage for developmental services foster homes and group homes; transfer of

the epilepsy program from developmental services to health; clarification of the independence of the Florida Developmental Disabilities Planning Council; and clarification of procedures relating to intake, involuntary admission to residential services, discharge of residential clients, determination of competency, and transfer of appropriated funds.

A number of significant laws were passed relating to health, including: protection of the public from radon gas through the development of environmental radiation standards, radon research, certification of persons who measure radon levels and who perform mitigation of buildings for radon, public information programs, mandatory testing for radon in certain buildings, and the development of building codes for radon-resistant buildings; comprehensive policies for dealing with the disease of Acquired Immune Deficiency Syndrome (AIDS) through education, counseling and testing, reporting of infection, treatment, and prohibitions against discrimination against persons with AIDS; rewrite of the tuberculosis control statute to update its provisions; reorganization of the health components of DHRS to upgrade the public health program within DHRS; and enhancements of programs and funding for indigent health care services. Additional health related laws were enacted that deal with education and screening for blood cholesterol levels, enforcement of no smoking policies in public places, food service managers' training and inspections of food services establishments, social security numbers for newborns, the Women, Infants and Children Nutrition Program, lead products in plumbing, and trauma care. The Drug and Cosmetics Technical Review Panel was continued and the abortion clinic licensure laws were revised and reenacted. Parental consent provisions for minors seeking abortions were conformed to court rulings. Finally, a new chapter was created reenacting and transferring the Hospital Cost Containment Board and nursing home reporting laws.

Aging and Adult Services

HOUSE BILL 394 (CHAPTER 88-323) amends Part III of Chapter 400, F.S., the Home Health Services Act, clarifying that the provision of only home dialysis services, supplies, or equipment is not a home health service. This act takes effect October 1, 1988.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 844 (CHAPTER 88-350) amends Chapters 400 and 410, F.S., addressing several aging related issues. The legislation amends Part II of Chapter 400, F.S., relating to adult congregate living facilities (ACLFs) as follows:

1. It provides that it is unlawful to refer a person to an unlicensed ACLF, punishable by a fine not to exceed \$500. The Department of Health and Rehabilitative Services (DHRS) is directed to maintain a list of licensed facilities and to notify at least annually each physician, hospital, nursing home, and certain DHRS staff of the penalty for

*Prepared by Senate Health and Rehabilitative Services Committee

referring people to unlicensed facilities as well as instructions for verifying the licensure status of any facility.

2. It clarifies that authorized persons have the right to enter or inspect a licensed facility without obtaining a court order.
3. It prohibits DHRS from renewing the license of a facility with outstanding fines.
4. It directs the DHRS Mental Health Program Office to take the lead in conducting a study of the mentally ill ACLF population. The study is to focus on such things as the service needs of that population, the extent to which those needs are being met, and the effect of caring for the mentally ill and nonmentally ill in the same facility. By March 1, 1989, the results of the study are to be reported to the Legislature and Governor, including recommendations concerning the development of specialized ACLFs for mentally ill residents or other options.

This legislation also creates Sections 410.601-410.606, F.S., the Community Care for Disabled Adults (CCDA) Act. It provides legislative intent and definitions and establishes the CCDA program within the Department of Health and Rehabilitative Services. Designed to enable a disabled adult to live as independently as possible, CCDA provides case management and an array of community-based services similar to those provided through Community Care for the Elderly. Persons who meet the definition of "disabled adult" are eligible for the program, although services are limited by the level of resources appropriated by the Legislature, and guidelines are provided for prioritizing eligible persons. Persons with incomes above the institutional care program eligibility standard are to be charged a fee, the schedule for which is to be established in rule by January 1, 1989.

The legislation also amends those sections of Chapter 410, F.S., relating to the home care subsidy program. Currently limited to eligible elderly persons age 65 or older, the program is expanded to enable elderly persons age 60 to 65 and disabled adults between 18 and 60 to participate. The program is limited by its appropriation, and priority is given to persons who are not eligible for other comparable DHRS services. The Department is directed to develop a schedule of subsidy payments based on the financial status of the participant. Section 410.037, F.S., is created providing for certain confidentiality of information.

The Department of Health and Rehabilitative Services, with the cooperation of the Department of Labor and Employment Security, is directed to conduct a study of the state's disabled adult population with emphasis on an appropriate continuum of care. An appropriation of \$50,000 is provided for the study, and DHRS is directed to submit a report to the Legislature and Governor by March 1, 1989.

HOUSE BILL 855 (CHAPTER 88-411) amends Sections 400.051 and 468.1645, F.S., expanding the exemptions from law governing nursing homes and nursing home administrators for facilities relying exclusively on treatment through prayer. Such facilities are required to comply only with appli-

cable sanitation and safety standards, and facility administrators are no longer required to be licensed as nursing home administrators.

HOUSE BILL 1051 (CHAPTER 88-364) amends Section 400.424, F.S., providing an exception to provisions in the Adult Congregate Living Facilities Act governing resident contracts. With certain restrictions, facilities with 60 or more apartments may have refund policies and termination notices in accordance with the Residential Tenancies part of the Landlord and Tenant law and may substitute a lease for a contract. This act takes effect October 1, 1988.

SENATE BILL 18 (CHAPTER 88-145) directs DHRS to forward copies of adult congregate living facilities licensure inspection reports to at least one public library in each county, if possible, or to the county seat. Confidential status of certain records is provided for in the law.

COMMITTEE SUBSTITUTE FOR SENATE BILL 567 (CHAPTER 88-181) strengthens the law governing the state's funding of displaced homemaker programs and provides for a new source of revenue. Within guidelines established in the legislation, DHRS will develop a state plan and enter into contracts to fund displaced homemaker programs and request any funding expansion in accordance with the plan. A program which receives state funds is required to generate at least 25 percent of its funding from local sources (by fiscal year 1991-92) and to maintain and report certain information to DHRS.

The information submitted by each program is to be compiled by DHRS and included in the plan and annual plan update submitted to the Legislature by January 1 of each year. The plan will also include such things as information on the incidence of displaced homemakers and an assessment of the effectiveness of each funded program.

The legislation also establishes the Displaced Homemaker Trust Fund to be used by DHRS for its administrative responsibilities and to fund programs. The Fund shall receive moneys generated by an additional \$7.50 fee on applications for marriage licenses and \$5 fee on filings for dissolution of marriage and may receive other funds. Part or all of the additional fee on dissolution of marriage may be waived. This act takes effect October 1, 1988.

COMMITTEE SUBSTITUTE FOR SENATE BILL 810 (CHAPTER 88-195) establishes the Florida Task Force on Elderly Access to Health Care which will prepare a report for the Legislature with recommendations for improving access to health care by the state's elderly. The Task Force is to address six specific issues including evaluation of the impact of a legislatively mandated prohibition on balance billing of Medicare patients by physicians.

The 11-member Task Force will include 5 members appointed by the Governor from specified groups and 3 members each appointed by the President of the Senate and the Speaker of the House of Representatives. The Task Force may meet as often as it wishes provided that it hold at least three public hearings around the state. The University of South Florida College of Public Health is designated as the resource center for the Task Force and will have the responsibility for providing staff support.

One section of COMMITTEE SUBSTITUTE FOR SENATE BILL 1068 (CHAPTER 88-398) amends Section 410.402, F.S., to provide for the development of an allocation formula for the distribution of funds for respite care programs for persons with Alzheimer's disease. The formula is to take into account the number of persons and couples 75 years of age or older, and the number of households in which at least one member is 75 years of age or older. This act takes effect October 1, 1988.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1212 (CHAPTER 88-219) provides increased protection for in-home recipients of home health and related care. The Home Health Services Act (Part III of Chapter 400, F.S.) is amended to provide for the following:

- 1) screening of certain in-home employees of agencies licensed or registered under the act similar to screening requirements for child care, mental health, and other personnel. The screening, to include records checks of the state's central abuse registry and statewide criminal records correspondence checks for certain specified offenses, will be implemented on or after October 1, 1989. The effect on employment, the provision of exemptions, and the on-going process for screening are described;
- 2) the establishment of the employment history of personnel, including a provision for certain protection from liability when a prior employer reports an honest assessment of a person's job performance to a prospective employer;
- 3) informing all recipients of care of the right to report abuse, neglect, or exploitation and the way to do so; and
- 4) periodic face-to-face and telephone contact by certain agency staff with each person receiving in-home care.

The legislation also amends Chapter 464, F.S., the Nurse Practice Act, for the same screening to be completed for each applicant for a license who applies on or after October 1, 1989. The screening procedures subsequently affecting relicensure, inactive licenses, and reactivation of licenses are given. This act takes effect October 1, 1988.

Alcohol, Drug Abuse and Mental Health

A portion of COMMITTEE SUBSTITUTE FOR HOUSE BILLS 614, 103 AND COMMITTEE SUBSTITUTE FOR HOUSE BILLS 220 and 85, ETC. (CHAPTER 88-337) relates to funding and administration of substance abuse programs. Included is an amendment to Section 939.017, F.S., creating a provision that allows local governments to impose a surcharge on persons found guilty of misdemeanors involving alcohol and drugs and to use the funds collected for local treatment programs. The Department of Health and Rehabilitative Services (DHRS) is required to establish a program for the distribution of funds back to the counties for allocation by the counties based on departmental guidelines.

The act also includes language creating a statewide coordinator for substance abuse prevention to be designated by the

Governor whose responsibilities include development of a state plan, coordination of interagency activities and encouragement of public awareness and involvement. A policy-level staff person from the Departments of HRS, Education, Corrections, Community Affairs and Law Enforcement is to be appointed to coordinate interagency and intra-agency activities. Further, DHRS is directed to establish within each service district, a full-time substance abuse coordinator position to develop and implement prevention activities, and each university and community college is encouraged to develop courses designed to educate students and professionals in recognizing substance abuse and identifying resources for referral and treatment.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1068 (CHAPTER 88-398) also makes a number of changes to provisions of law relating to the planning, organization and delivery of alcohol, drug abuse, and mental health services. Section 20.19, F.S., is amended to transfer the responsibility for children's mental health services from the Children, Youth, and Families Program Office to the Alcohol, Drug Abuse and Mental Health Program Office, and to require the development of a system to annually measure and report client outcome and program effectiveness for those programs.

Part IV of Chapter 394, F.S., relating to community alcohol, drug abuse and mental health services is amended to provide further specificity regarding the planning process for the service delivery system. Changes are made to require the inclusion of a summary budget request in district plans for services, to the membership and composition of district planning councils to enhance planning for children's services, and to require reporting to the district planning council by the district administrator regarding the status of funding for the priorities established in the district plan.

Section 394.79, F.S., which provides the requirements for the alcohol, drug abuse and mental health state plan is completely revised to specify the components of the plan, and to require its submission to the Legislature and the district planning councils; the plan for the biennium 1989-91 is to be submitted to the Legislature by December 1, 1988.

Several changes are made in Section 394.76, F.S., relating to the financing of community alcohol, drug abuse and mental health services and certain funds were exempted (Medicaid, and children's services) from requiring local matching. In addition, DHRS was authorized to develop and demonstrate alternative financing systems for alcohol, drug abuse and mental health services.

New sections are added to Chapters 394, 396 and 397, F.S., requiring that licensed alcohol, drug abuse and mental health facilities and community mental health centers have ongoing quality assurance programs to monitor and evaluate the appropriateness and quality of client care, to ensure that services are rendered consistent with prevailing professional standards and to resolve problems. The Department of Health and Rehabilitative Services (DHRS) has access to all records necessary to determine compliance with the quality assurance requirements, but records are not subject to the provisions of Section 119.07, F.S., and are not admissible in any

civil or administrative action except in certain disciplinary proceedings by the Department of Professional Regulation.

Section 768.40, F.S., is also amended to include in the definition of a medical review committee, quality assurance committees for these programs, for the purpose of providing such committees immunity from liability.

Hospitals licensed under Chapter 395, F.S., which operate alcohol, drug abuse or mental health programs are exempt from the quality assurance requirements provided in this act. This act takes effect October 1, 1988.

SENATE BILL 1274 (CHAPTER 88-307) amends Section 394.459, F.S., requiring that notification of representatives be provided when a person is admitted to a mental health facility for involuntary examination or treatment or when a petition for involuntary placement is filed for a person previously voluntarily admitted. The names and addresses of contact persons to be notified in case of an emergency are to be entered in voluntary patients' records but no notification is to be provided unless an emergency occurs. The act takes effect October 1, 1988.

Children

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 302, 434 and 863 (CHAPTER 88-319) authorizes DHRS to operate or contract for commitment programs for the rehabilitation of serious habitual juvenile offenders who are identified by their delinquency adjudication and the number and types of arrests they have had during a 12-month period. At the delinquency adjudication hearing, the court may add the recommendation for commitment to a serious habitual offender program to the three placement options offered by DHRS, if the juvenile meets the criteria and a space is available. It provides for the state to petition for an additional court proceeding after a commitment determination to decide whether a serious habitual juvenile offender placement is warranted. It delineates the components of the serious habitual juvenile offender program, contains provisions for program planning and development, and establishes the length of the program. It also encourages county sheriffs' offices to develop a multiagency information system to identify and track serious habitual juvenile offenders.

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 614, 103, AND COMMITTEE SUBSTITUTE FOR HOUSE BILLS 220 and 85, ETC. (CHAPTER 88-337) is a comprehensive act relating to prevention initiatives. It creates the "Florida Family Policy Act" which establishes the primary goal of the Legislature to be that of protecting, preserving, and enhancing the stability and quality of Florida's families through the funding of programs and services and the enforcement of laws and policies to prevent family dysfunction and the loss of family independence.

It directs DHRS to establish a two-year pilot program in one rural and one urban county to provide funding incentives and resources to "fully provide" assistance and services to shelter and foster homes and the children in their care. The pilot program is to make available to each child in shelter or foster care

discretionary funding of at least \$500 per year in order to meet his or her special needs such as medical care, dental care and a variety of other services. In the pilot areas, shelter and foster homes would receive training, technical assistance, respite care and assistance with transportation to appointments and other related activities as they pertain to the children in care. An evaluation of the two-year pilot program is to be completed either by DHRS or through a contract. The pilot program shall be effective October 1, 1988.

This act also provides additional foster care services. It provides authorization and structure for comprehensive independent living services to youth in foster care, including provisions for post-secondary education and vocational training. The pre-service and in-service training requirements for foster and shelter parents are expanded. It specifies considerations to be included in dispositional hearings and clarifies requirements for other court hearings and notices of hearings. It also provides fee waivers for vocational and post-secondary educational settings under certain conditions.

The fee waiver provision has an effective date of July 1, 1988, and the remainder of the foster care services are effective October 1, 1988.

In the area of child care, the law creates the "Child Care Partnership Act" which establishes a matching grant program to be administered by DHRS for employers who contribute to the cost of child care for their Florida employees' dependents. The employer may apply for a grant for an amount up to 50 percent what was expended toward these costs. However, no private employer may receive more than \$100,000 in annual matching grants. The Child Care Facility Trust Fund has been extended from June 30, 1988, to June 30, 1993. The interest rate on the loans offered through the Child Care Facility Trust Fund can be set at 1 percent per annum provided that the applicant makes 75 percent or more of their slots for child care available to DHRS clients.

This act also creates the Future of the Florida Family Task Force. The Task Force which is composed of legislative and lay members, is to provide to the Legislature and the Governor a report reassessing and evaluating existing laws, rules, programs, and funding pertaining to the family with specific recommendations on changes needed to strengthen the family and its future. The final report is due February 1, 1990, and the Task Force is Sunset (Section 11.61, F.S.) on July 1, 1990.

This section of the act becomes effective December 1, 1988.

This act allows DHRS to establish community resource mother or father programs in counties with a high incidence of medically underserved high-risk children, low birthweight, and infant mortality problems. The program would enable men and women with backgrounds and incomes similar to their clients to provide outreach support services and training to high-risk pregnant women and to high-risk and handicapped children and their families. It allows DHRS to create a community resource mother or father advisory committee and provides for the term and membership of the committee.

This act incorporates statutory changes to the child abuse and neglect reporting law as a part of the Department's Pro-

protective Services Initiative. It requires the use of a statewide toll-free hotline to receive all reports of abuse, neglect or exploitation for aged persons, disabled adults and children. It separates the role of the investigator from that of the service worker and provides for earlier intervention by service workers. It requires the use of a standardized risk assessment instrument in protective investigations. It authorizes the indexing of an indicated report of abuse/neglect/exploitation by the names of all subjects of the report. It specifies the role of the investigator in dependency proceedings and strengthens the required role of the abuse registry in tracking critical steps in the protective investigation to make certain that all required actions are taken.

It also more closely conforms the child abuse portions of the law regarding the responsibility of the abuse registry and immunity provisions to those of the aged and disabled adult portions of the law and provides a penalty for false reporting. It amends provisions on confidentiality in administrative hearings to make certain that neglect reports are handled similarly to abuse reports. It provides that adult relatives will be given priority consideration over nonrelative placements when a child must be removed from the home setting because of abuse, abandonment or neglect.

It also provides that an advanced registered nurse practitioner licensed in accordance with Chapter 464, F.S., as well as a licensed physician may perform a medical examination on a child who is the subject of an abuse/neglect report. The protective services provisions are effective October 1, 1988.

HOUSE BILL 1623 (CHAPTER 88-391) amends Section 402.30, F.S., to change the composition of the Advisory Council on Child Care by deleting two trainer members and adding four new members consisting of two licensed child care providers, a representative of the Florida Association of Academic Nonpublic Schools, and the chairperson of the State Advisory Council on Early Childhood Education. Section 402.302, F.S., is amended to modify the definition of "child care facility" and to define "substantial compliance" with respect to provisions relating to child care.

It creates Section 402.3025, F.S., relating to public and nonpublic schools. In public schools the following programs are not considered to be child care and will not have to be licensed:

- 1) programs for children in 5-year-old kindergarten or older;
- 2) programs for children between the ages of 3 and 5, provided they are staffed and operated by the school, and meet age appropriate standards adopted by the State Board of Education; and
- 3) programs for children under the age of 3 who are eligible for services under Public Laws 94-142 or 99-457 and which meet age appropriate standards adopted by the State Board of Education.

The State Board of Education is required to adopt rules to implement these standards and enforcement and monitoring will be the responsibility of the Department of Education.

In nonpublic schools, programs for children under 3 years of age will be considered child care and therefor licensed.

Also, in nonpublic schools, programs for ages kindergarten and above, and programs for 3- and 4-year-olds operated directly by the school provided a majority of the children in the school are age 5 and older, will not be considered child care. Those nonpublic school programs serving 3- and 4-year-olds will not be required to be licensed but must substantially meet standards promulgated pursuant to Sections 402.305-402.3057, F.S. The Department of Health and Rehabilitative Services (DHRS) or the local licensing agency shall be responsible for enforcing substantial compliance with the promulgated standards. Penalties for noncompliance are provided. The enforcement is to be done in a manner to minimize or eliminate the duplication of inspections of child care programs and for other programs under the jurisdiction of DHRS (sanitation, etc.). It encourages DHRS and the accrediting agencies to work together to develop agreements to facilitate the enforcement of the standards. The Department is required to establish, by rule, a fee for inspection activities, but the fee cannot exceed the fees imposed for child care licensure.

It also directs DHRS to request proposals for the establishment of intergenerational child care programs designed to use senior workers as child care personnel.

This act takes effect October 1, 1988, except for the provisions relating to intergenerational child care which take effect earlier.

HOUSE BILL 1668 (CHAPTER 88-97) revises the list of subject areas in which DHRS may adopt rules pertaining to the regulation of abortion clinics. [It deletes language from Section 390.012, F.S., that was ruled unconstitutional by the courts.] The Department is authorized to develop rules regulating abortion clinics requiring that only licensed physicians perform pregnancy terminations, patient records be maintained, and fetal remains be disposed of properly. Internal risk management programs will no longer be required in abortion clinics. The regulatory statutes are scheduled for future review and repeal by October 1, 1998. It also provides that a minor may have an abortion performed without parental consent if the court determines that she is sufficiently mature to give an informed consent to the procedure. It also provides confidentiality for the minor who files a petition and requires that the court rule on the minor's maturity within 48 hours unless the minor requests an extension. This act takes effect October 1, 1988.

COMMITTEE SUBSTITUTE FOR SENATE BILL 659 (CHAPTER 88-189) allows DHRS to restrict access to the children of someone who is the subject (suspected abuser) of a child abuse or neglect report during a child protective investigation in an institutional setting. It also allows DHRS to continue to restrict access by these individuals after the case has been "confirmed" and is awaiting a judicial determination upholding the "confirmed" classification. This restrictive action can only be taken in cases when the investigation indicates that abuse or neglect has occurred, but the level of evidence necessary to classify the report as "confirmed" has not been established.

The subject of a report whose access to children in care has been restricted can petition the circuit court for a judicial review in order to determine if the actions of DHRS were war-

ranted. It also provides a 90-day limit for the restrictive action unless a judicial finding has been established. It requires that in cases where the removal of the subject of the report or the perpetrator in a confirmed report will result in the closure of a facility, DHRS may provide personnel to operate or assist in maintaining the ongoing operation of the facility.

It provides DHRS the authority to utilize a team of specialists in the area of child abuse and neglect to assist with child protective investigations in institutional settings when there are a number of reports or severe allegations and a specialized investigation is needed.

Developmental Services

HOUSE BILL 1516 (CHAPTER 88-386) creates Section 393.075, F.S., and requires the Bureau of Risk Management of the Department of Insurance to provide general liability coverage to owners or operators of foster care facilities or group home facilities solely for DHRS and those who care for children placed by developmental services staff of DHRS and who provide such supervision and care in their place of residence.

The general liability coverage is the same as that for foster homes licensed pursuant to Section 409.175, F.S. Coverage extends up to \$100,000 per person, but cannot exceed \$200,000 per incident. The Department of Insurance is responsible for handling and resolving all claims made against foster care or group home facilities.

[The act does not amend, expand, or supersede the provisions of Section 768.28, F.S., and does not modify the provisions of Section 768.28, F.S., thus refraining from designating whether the foster care or group home facility operator or owner is or is not an employee or agent of the state.]

COMMITTEE SUBSTITUTE FOR SENATE BILL 1068 (CHAPTER 88-398) amends and creates several sections of law relating to services to persons with developmental disabilities. It creates Sections 385.207 and 385.208, F.S., providing legislative intent regarding persons with epilepsy and establishes a program for the care and assistance of persons with epilepsy within the Office of the Deputy Assistant Secretary for Health of the Department of Health and Rehabilitative Services. The act also establishes an Epilepsy Task Force to assist DHRS in the development of a comprehensive epilepsy program, and the Task Force must submit its report to the Legislature by March 1, 1990. The act amends Section 393.063, F.S., adding a definition of "epilepsy" and removing it from the definition of "developmental disability".

The act makes several changes to Chapter 393, F.S., relating to persons with developmental disabilities, which include:

- 1) providing intent regarding the Developmental Disabilities Planning Council and requiring that it function independently of the agency in which it is housed;
- 2) modifying the procedures and criteria for application for services, accelerating the time in which the eligibility determination must be made, requiring domicile in Florida as a condition of eligibility, creating a provision for

emergency determination for eligibility and providing a right to appeal a determination of ineligibility;

- 3) substantially amending the provisions relating to involuntary admission to residential services, providing for DHRS diagnosis and evaluation teams to be appointed at the time a petition is filed, allowing for a special master to be appointed and generally clarifying and revising procedures;
- 4) clarifying the procedure for appointment of guardian advocates, allowing for appointment of counsel and presentation of evidence; prohibiting court costs from being charged to DHRS;
- 5) prohibiting the transfer of funds from the developmental services program without a finding by the Secretary of DHRS that it will not be harmful to the program, and prohibiting the development of programs that would dilute funding to ongoing programs and services; and
- 6) requiring DHRS to promulgate rules for developmental services programs.

This act takes effect October 1, 1988.

Health

HOUSE BILL 263 (CHAPTER 88-265) requires DHRS to implement a comprehensive program to disseminate information to the public about the health risks of high-blood cholesterol levels and the latest research on methods to prevent, control, and treat high-blood cholesterol levels. Literature will be distributed by DHRS through hospitals and county public health units to the public and health care personnel. In conjunction with the Department of Education, literature will also be distributed to health education instructors in the public schools, community colleges, and state universities and to educators who train medical and other health career students. The act specifies the content of the literature. This legislation also creates the Study Committee on Cholesterol Screening, the purpose of which is to study the feasibility and desirability of providing the public with more widespread access to cholesterol screening tests. The Committee shall be composed of nine members, one each designated by the President of the Senate and the Speaker of the House of Representatives with the remaining members appointed by the Governor to represent a variety of health care provider and facility associations. The Committee shall be appointed by August 1, 1988, submit a report of its findings and recommendations for legislative action by February 1, 1989, and conclude its duties no later than June 30, 1989. The required report must include, but not be limited to, an assessment of whether screening for cholesterol levels needs to be made more readily available to the public, how widespread cholesterol screening can safely be implemented, and a number of issues which would arise if cholesterol screening were offered by persons or facilities other than those presently authorized to offer such screening.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 299 (CHAPTER 88-266) amends sections of Chapter 385, F.S., the Clean Indoor Air Act, providing for enforcement of the act by the Department of Health and Re-

habilitative Services and the Division of Hotels and Restaurants of the Department of Business Regulation. The act provides for the issuance of notice to comply, assessment of fines and filing of complaints in the circuit courts as means for ensuring compliance. It provides for exemptions on a case-by-case basis and requires that fines collected be used for children's medical services programs.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 785 (CHAPTER 88-275) amends Section 381.061, F.S., to require DHRS to adopt by rule, food safety protection standards for the training of all managers responsible for the storage, preparation, display, and serving of foods to the public in establishments regulated under Chapters 381 and 509, F.S. The purpose of the standards is to ensure that upon successfully passing a test, a manager will have demonstrated knowledge of basic food practices. The standards must also provide for a certification program which allows private or public agencies to conduct an approved test and verify the test results to DHRS. The fee for the test is capped at \$50. All managers employed by food establishments must pass the test and receive a certificate prior to July 1, 1990. Managers employed after the effective date of the law have 90 days to pass the test. The regulation of food safety protection standards for any required training and testing of food service establishment personnel is preempted to the state. The ranking of food service establishments is also preempted to the state, provided however that any local ordinances establishing a ranking system in existence prior to the effective date of this act shall remain in effect.

The legislation also amends Section 509.013, F.S., to delete the exclusion from inspection by the Department of Business Regulation those retail grocery stores which prepare food for consumption off the premises.

The effective date of this act is October 1, 1988, except for the provision relating to grocery stores preparing food for consumption off the premises which takes effect July 1, 1989.

HOUSE BILL 796 (CHAPTER 88-348) directs the Department of Health and Rehabilitative Services, through the State Registrar for Vital Statistics, to make necessary arrangements to enable Florida to participate in the Social Security Administration's voluntary Enumeration-at-Birth Program. It authorizes and requires the State Registrar to take any action necessary to carry out the program in the state. The program will allow parents to apply for a social security number for their child at the time they submit information needed to complete birth registration to a hospital or physician.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1420 (CHAPTER 88-285) creates a radon protection program for the State of Florida. This program consists of coordination of state university research, training, and service activities on radon by the Board of Regents (BOR) through the Office of the Chancellor, resulting in a final report, recommendations, and draft code for radon resistant building by no later than February 1, 1990; the creation of a Coordinating Council on Radon Protection; DHRS certification of radon testing and mitigation services; a public information program; the development, publication, and adoption of standards for

radon resistant buildings, a surcharge on building permits to fund these activities; mandatory testing of public and private schools and certain health care facilities; the preclusion of local governments from adopting and enforcing their own ordinances establishing building regulations until the Department of Community Affairs receives the BOR report and makes legislative recommendations regarding the retention, modification, or elimination of the statutory local government preclusion; and an initial appropriation to implement the law.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1519 (CHAPTER 88-380) establishes state policy relating to Acquired Immune Deficiency Syndrome (AIDS). This comprehensive bill balances the rights of individuals and the need to protect the public's health, emphasizing the role of education of the public as well as health care professionals in halting the spread of AIDS. A model protocol is established for Human Immunodeficiency Virus (HIV) counseling and testing. Those provisions of Chapter 384, F.S., the Sexually Transmissible Disease Act, which relate to AIDS are amended to include specific due process provisions for persons subject to actions by DHRS relating to examination, treatment, and placement. Provisions are added relating to prehearing detention, protection of parties, and appellate procedures. Acquired Immune Deficiency Syndrome (AIDS) patient care networks are established. Additional criminal sanctions are added for prostitution when AIDS is involved. Discrimination on the basis of an HIV test result is prohibited. Insurers are regulated to protect against discrimination and ensure fair access to insurance products.

HOUSE BILL 1599 (CHAPTER 88-389) relating to tuberculosis is a comprehensive revision of Chapter 392, F.S., a 20-year-old statute concerning the control of tuberculosis (T.B.). The act provides for interviewing, for purposes of case finding and follow-up, those infected or reasonably suspected of being infected and requires reporting to DHRS by those who diagnose or treat T.B.; provides DHRS with the authority, under certain circumstances, to apprehend, examine, treat, and hold those who are infected; provides specific due process provisions for all those aggrieved by these procedures and allows for appeals processes; requires treatment plans for each person known to be infected with T.B.; requires all information to be kept confidential; requires DHRS to operate or contract for community T.B. programs, including hospitalization; and makes it illegal for an infected person to willfully expose others to the disease.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 19 (CHAPTER 88-235) creates a position of Deputy Secretary for Health within DHRS. The Deputy Secretary will serve as the State Health Officer, be responsible for all public health and environmental health functions of DHRS, and report directly to the DHRS Secretary. Within each DHRS district, there is created a position of Deputy District Administrator for Health, which will report directly to the District Administrator. The Office of the Deputy Secretary for Health has a distinct budget entity within the departmental summary budget document. An Advisory Council on Health is created.

The assistant secretaries for administration and programs are made deputy secretaries. As a result, the departmental Deputy Secretary and the Deputy Secretaries for Operations, Health, Programs, and Administration all report directly to the Secretary of DHRS. A sixth deputy secretary position is also created, the Deputy Secretary for Management Systems, which also reports directly to the Secretary and whose office has a distinct budget entity.

The program staff directors of each program office are made assistant secretaries, and are directly responsible to the Deputy Secretary for Programs. Within the Alcohol, Drug Abuse, and Mental Health Program Office there is created a Deputy Assistant Secretary for Alcohol and Drug Abuse and a Deputy Assistant Secretary for Mental Health, who report to the Assistant Secretary for Alcohol, Drug Abuse, and Mental Health.

All funding and personnel for children's mental health services are transferred from the Children, Youth, and Families (CYF) Program Office to the Alcohol, Drug Abuse, and Mental Health Program Office, except CYF is to have the responsibility and funds for programs serving children through the CHARLEE Program, which is funded by the Menninger Foundation, the Eckerd Family Youth Alternatives, Inc., and the Elaine Gordon Treatment Center.

The Department of Health and Rehabilitative Services (DHRS) is authorized to reimburse travel expenses incidental to DHRS clients' medical services at a rate lower than the maximum state rate.

The Department is required to utilize specific criteria related to service capacity, demand for service, and facility adequacy when preparing its priority list for legislative funding for public health unit facility needs. Specifically appropriated funds can be released only when the board of county commissioners provides at least 25 percent of the cost of the project or agrees that such a facility be used for public health unit services, that the county not charge rent for use of the facility by the public health unit, and that the county not attempt to sell such facility without the concurrence of DHRS.

Free-standing inpatient hospice facilities which provide day care services to hospice patients only are exempted from adult day care center licensure. The act's effective date is October 1, 1988.

COMMITTEE SUBSTITUTE FOR SENATE BILL 135 (CHAPTER 88-153) provides specific authority for DHRS to participate in the federally funded maternal and child health and preventive health services block grant funds and the "Special Supplemental Food Program for Women, Infants, and Children". The law authorizes DHRS to promulgate rules for this program.

COMMITTEE SUBSTITUTE FOR SENATE BILL 212 (CHAPTER 88-159) amends sections of Chapter 499, F.S., relating to drugs and cosmetics and saves from Sundown (Section 11.611, F.S.) repeal the Florida Drug and Cosmetic Technical Review Panel; it reenacts and revises sections of the law establishing the Panel and its areas of responsibility. These revisions, most of which bring the law establishing the Panel into compliance with the Sundown Act, provide for a purpose, se-

lection of a chairman, meetings and record keeping and clarification of the duties and responsibilities of the Panel. The act also amended Section 499.05, F.S., authorizing DHRS to enter and inspect certain facilities (not including pharmacies) and creates Section 499.224, F.S., authorizing the Secretary of DHRS to classify drug products that are not currently classified by the federal government. As amended, the law also includes provisions relating to the practice of pharmacy. The act amends Section 465.0276, F.S., eliminating continuing education requirements for physicians who are dispensing drugs to patients in the regular course of their practice and imposing a \$25 registration and renewal fee for such physicians at the time they register with their professional licensing board as a dispensing practitioner. This act takes effect October 1, 1988.

COMMITTEE SUBSTITUTE FOR SENATE BILL 472 (CHAPTER 88-94) amends Section 553.06, F.S., removing outdated references to the Florida State Sanitary Code and rewording rule development language. The act also prohibits the use of lead-based solder and flux in joining copper pipes that supply drinking water to consumers. It repeals Sections 553.12 and 553.13, F.S., relating to outdated references exempting certain specifically named counties and counties with certain populations from the provisions of the State Plumbing Code.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 534 (CHAPTER 88-294) further advances recent enhancements of Florida's indigent health care programs. Medicaid coverage is expanded to the elderly with incomes up to 100 percent of the federal poverty income level. Medicaid services are to be phased in to children up to age 8 by October 1, 1991. Medicaid physician reimbursement rates are increased for critical care visits, hospital visits, and pediatric surgery. The Medicaid hospital inpatient length of stay cap for neonates is increased from 40 to 120 days, provided the Health Care Financing Administration will approve such an increase.

Sections of Chapter 154, F.S., relating to county public health unit (CPHU) service delivery, funding, and personnel are updated. The Florida Health Care Responsibility Act is revised to strengthen provisions requiring counties to fulfill their financial obligations for their indigent residents who are provided out-of-county hospital care. County indigent care districts are redesignated as county health care special districts. An additional \$10 million is provided to expand CPHU primary care programs to all 67 counties.

The definition of "cost" for health facility financing and industrial development financing is changed to include financing charges and interest for a "reasonable" period after completion of construction.

The Medicaid Medically Needy Program is revived and re-adopted, with a required annual report and re-enactment by the 1989 Legislature.

A shared county and state program is established and funded at \$10 million to provide inpatient hospital services to those with incomes up to 100 percent of the federal poverty level who are not categorically eligible for Medicaid.

Medicaid inpatient hospital reimbursement rates are increased for those facilities which provide a "disproportionate share" of Medicaid and charity services.

Funding is provided for rural hospital swing beds. The Department of Health and Rehabilitative Services is directed to perform a number of analyses related to rural hospitals.

A teaching hospital initiative is enacted to provide additional reimbursement to the statutorily defined teaching hospitals. Minor revisions are made to Certificate of Need review criteria, projects subject to review, and conditions and monitoring.

COMMITTEE SUBSTITUTE FOR SENATE BILL 598 (CHAPTER 88-186) relates to trauma care. Major portions of the law address clarifications identified in the implementation of the 1987 trauma legislation. The act amends Section 395.031, F.S., requiring local or regional trauma agency delegation of authority for trauma center and pediatric trauma center verification, written notice of intent to cease implementation of a local plan, and contracting for plan implementation.

The act amends Section 395.032, F.S., relating to state regional trauma planning, to delete duplicative language relating to minimum local or regional plan specifications. These specifications appear in Section 395.031, F.S., and need not be repeated.

Section 395.035, F.S., relating to trauma registry information is also amended. The reporting of trauma registry information to DHRS by acute care hospitals is phased in as follows: hospitals with 300 beds or more shall furnish this information beginning October 1, 1989; and hospitals with less than 300 beds shall furnish this information beginning October 1, 1990. Required as part of this trauma registry reporting will be reports of severe disability and head injury registry data, required by Sections 413.48 and 413.612, F.S.

A new aspect of the legislation relates to access to emergency services and care. Specific provisions are created which enforce the ability of persons to receive emergency services and care and provide sanctions against those hospitals which deny such access.

Finally, a provision is added to Section 401.265, F.S., indicating that a medical director providing oral or written instructions to certified emergency personnel shall be deemed to be providing emergency medical care or treatment for the purposes of Subsection 768.13(2), F.S. The effective date of this act is October 1, 1988.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1076 (CHAPTER 88-208) amends Sections 395.017 and 455.241, F.S., to establish a maximum fee which a hospital, ambulatory surgical center, or health care practitioner may charge a patient for copying the patient's record. The charge may not exceed the fee charged per page for copying records by the local clerk of the county court.

The legislation further amends Section 455.241, F.S., to specify that, in addition to medical records, the medical condition of a patient may not be discussed with any person other than the patient, the patient's legal representative, or other health care providers involved in the treatment of the patient, except upon written consent of the patient. The legislation

also provides for certain confidentiality of information disclosed by a patient to a health care provider.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1673 (CHAPTER 88-394) reenacts Part II of Chapter 395, F.S., relating to the Hospital Cost Containment Board, scheduled for repeal on October 1, 1988, pursuant to Section 11.61, F.S. (Regulatory Sunset Act) by transferring the entire part into a newly created statutory chapter, Chapter 407, F.S., and rearranging, amending and renumbering the sections. In addition, Sections 400.341-400.364, F.S., relating to nursing home reporting are also transferred, renumbered and amended into new Chapter 407, F.S. The chapter is titled Health Care Cost Containment, and the name of the Hospital Cost Containment Board has been changed to the "Health Care Cost Containment Board." This act simplifies and streamlines the methodology by which a hospital would have to file its annual budget with the Board, and be subject to detail budget review or penalties. Specifically, the law changes the budget review process in ten major ways: (Section 470.50, F.S., unless otherwise noted.)

- 1) subjects all hospitals to budget review if they exceed the maximum allowable rate of increase (MARI) with the exception of those hospitals exempted under current law, the Florida Elks Children's Hospital, and certain rural hospitals;
- 2) requires only hospitals requesting an increase in charges (gross revenues per adjusted admission, GR/AA) which exceed the MARI or, are requesting budget amendments which would cause the hospital to exceed the MARI, to file projected budgets and be subject to detailed budget review;
- 3) hospitals not requesting increases above the MARI only file a "budget letter" which stipulates what the hospital's projected GR/AA for its next fiscal year will be, and affirms that the hospitals intends to stay within the MARI for its group;
- 4) allows a hospital, whose actual audited experience at the end of the fiscal year indicates it came in below the MARI, to "bank" up to a cumulative total of 3 percentage points to be used in the future;
- 5) changes the definition of maximum allowable rate of increase (MARI), by allowing hospitals to increase charges by the market basket index (currently the National Hospital Input Price Index, NHIPI) plus two points as the base, and then allows for additional points to be added to the base depending on each hospital's specific experience by giving 50 percent credit for the proportion of Medicare days to total days, 100 percent credit for uncompensated charity care days to total days, and 100 percent credit for the proportion of Medicaid days to total days (Subsection 407.002(17), F.S.);
- 6) allows budget amendments to be retroactive in certain circumstances;
- 7) prioritizes review criteria ranking reasonable rate of return as the first priority, and allows the hospitals to use this criteria to justify increased charges;

- 8) gives the Board some discretion in using review criteria to evaluate penalty situations. (Subsection 407.51(3), F.S.);
- 9) allows a hospital which had increases in net revenue below the NHIPI plus 2 percentage points to bank up to a cumulative maximum of 3 net revenue percentage points to be used to offset any future year penalties for exceeding the MARI. (Paragraph 407.51(1)(c), F.S.); and

- 10) shortens the timeframe the Board has to approve a budget subject to budget review, from 120 to 90 days.

The act also changes the current law by decreasing the number of members on the Board from 11 to 9 members. The new Board will consist of three providers, including one representative of the for-profit hospitals, one representative of the not-for-profit hospitals and one representative of the nursing home industry; three members who are major purchasers of health care; and three members who are consumers, provided, one consumer member must be 60 years of age or older (Paragraph 407.01(1)(b), F.S.).

Finally, the law provides for another Sunset review of the Health Care Cost Containment Act (Chapter 407, F.S.) in 1992.

The enactment provides for a three-part 18-month study to be conducted by the State University System, to determine a Florida specific measure of hospital expenses (Florida Hospital Input Price Index or FHIPI.) The study would also provide recommendations on a methodology and reporting system to measure the impact of changes in reimbursement levels from

all government payers, to make recommendations for a statistical measure or index for severity of illness for acute care hospitals and, to make a separate recommendation for a severity index for psychiatric hospitals.

In addition, the law directs the Health Care Cost Containment Board to conduct a study of the shortage in the supply of registered nurses and a study on the fiscal impact on hospitals for providing health care services to migrant and rural farmworkers.

A funding source for the Statewide Health Council and the local health councils is also established within the law to supplement the declining certificate-of-need application fees. The act provides for assessments on all health care facilities subject to licensure and is estimated to generate approximately \$1,193,350. Hospitals, nursing homes and Medicare certified home health agencies are assessed an annual fee of \$500, and all other health care facilities are assessed \$150. The Department of Health and Rehabilitative Services is directed to establish rules to implement this provision (Subsection 381.703(3), F.S.).

Finally, the law creates a State Center for Health Care Statistics with responsibilities to develop a comprehensive information system which may be utilized by the Legislature, other state agencies, and private and public entities. A 13-member State Comprehensive Health Information System Advisory Council is established to assist the Department in reviewing and making recommendations concerning the information system.

INSURANCE*

The 1988 Legislature adopted legislation affecting all lines of insurance. The most notable of these relates to motor vehicle liability insurance and will require Floridians to carry property damage liability insurance, provide for enhanced enforcement of mandatory insurance requirements, and reduce the cost of uninsured motorist coverage. Other significant legislation in the area of property and casualty insurance includes the regulation of financial guaranty insurance and the insurance reform recommendations of the Academic Task Force for Review of the Insurance and Tort Systems. These reforms relate to excess profits, the property and casualty joint underwriting association, and the reporting of certain data to the Department of Insurance.

In the area of health insurance, important consumer protection legislation was enacted relating to long-term care insurance, medicare supplement insurance and Health Maintenance Organizations. Other legislation includes coverage for mammograms, certain coverage for adopted children, and protection of the solvency of multiple employer welfare arrangements which provide health insurance coverage to many Floridians.

Equally important was legislation affecting all lines of insurance, including revision of the insurance premium tax rate and credits against the tax. Other general insurance legislation includes laws relating to preneed funeral contracts and the general revision of procedures used in the regulation of the insurance industry by the Department of Insurance.

GENERAL REGULATION

Automatic Bank Withdrawals

HOUSE BILL 321 (CHAPTER 88-320) creates Section 627.0665, F.S., requiring insurers to notify insureds of any increase in premium prior to any automatic bank withdrawal of the increased premium. This act takes effect October 1, 1988.

Exchange of Business

SENATE BILL 682 (CHAPTER 88-104) amends Section 626.752, F.S., pertaining to exchange of business. The act establishes requirements regarding the placing of business by an insurance agent with an insurer for which he is not licensed. The act authorizes an insurer to furnish forms, coverage documents, binders, applications and other supplies to resident Florida general lines agents to facilitate the writing of brokered business.

The legislation also clarifies existing language in Section 626.918, F.S. regarding departmental requirements of certain surplus lines insurers.

Firefighters Health Project

COMMITTEE SUBSTITUTE FOR HOUSE BILL 203 (CHAPTER 88-263) creates Section 112.185, F.S., which creates the Florida Firefighters, Paramedics and Police Officers Health Project to be administered by the University of Miami School of Medicine. The goal of this project is to improve the health of these groups statewide through a voluntary, extensive dietary and exercise program.

Fire Loss Information/Citations

SENATE BILL 1298 (CHAPTER 88-222) amends Section 633.175, F.S., to allow law enforcement officials to obtain information relating to the investigation of a fire loss without the approval of the Division of State Fire Marshal. Additionally, the act amends Section 633.052, F.S., to allow fire safety inspectors certified by the Division to issue citations for civil infractions relating to fire safety.

General Revision

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 368 (CHAPTER 88-166) amends various sections of the insurance code to clarify and modify licensing requirements, and to delete language made obsolete by subsequent legislative enactments. The act streamlines application procedures and expands the authority of the Department of Insurance with respect to background investigations of individuals with the ability to control insurance entities. Grounds for administrative action against applicants or licensees are expanded to include the commission of felonies or crimes punishable by one year or more under federal law, or the law of any other state or country. With respect to applications for insurance, the act imposes requirements geared to consumer protection. To facilitate the dissemination of information by the Department of Insurance, the act creates a mailing list for the Department of all insurers. The act also modifies procedures with respect to insurer insolvency proceedings. Most of the provisions of this act take effect October 1, 1988.

Insurance Premium Tax

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1054 (CHAPTER 88-206) amends Section 624.509, F.S., to change the rate and credits applicable to the insurance premium tax. The act reduces the tax rate scheduled to go into effect July 1, 1988, from 2.25 to 2 percent and increases the credit for salaries paid by insurers to certain employees in Florida. An intangible tax credit is also provided. The tax is imposed for the first time on professional liability self-insurance trusts, commercial self-insurance funds, group workers' compensation self-insurers, dental service plans, and continuing care con-

*Prepared by House Insurance Committee

tracts. Effective July 1, 1989, the tax will also be imposed upon multiple-employer welfare arrangements and medical malpractice self-insurance trusts. The sales tax is imposed on motor vehicle service agreements.

The premium tax is *not* imposed on fraternal benefit societies.

Patients Compensation Fund

SENATE BILL 704 (CHAPTER 88-192) amends Section 768.54, F.S., to exempt the Patient's Compensation Fund (PCF) from intangible personal property tax. The PCF was created for the purpose of limiting the liability of physicians and hospitals who are members of the Fund. The effect of this act is to exempt the investment portfolio of the PCF from state tax.

Preneed Funeral Arrangements

COMMITTEE SUBSTITUTE FOR SENATE BILL 1375 (CHAPTER 88-139) amends Chapter 639, F.S., rearranging provisions relating to preneed funeral arrangements to ensure that purchasers of these arrangements are not subject to federal income taxation.

[This legislation was created in response to a recent Internal Revenue Service Ruling which would subject purchasers of these arrangements to federal income tax on the interest income of funds placed in trust pursuant to the preneed arrangement.] This act takes effect October 1, 1988.

HEALTH AND LIFE

Adopted Children

COMMITTEE SUBSTITUTE FOR HOUSE BILL 421 (CHAPTER 88-269) amends Sections 627.6415, 627.6578 and 641.31, F.S., to require insurance coverage of newborn adopted children to begin from the moment of birth, rather than upon placement in the residence of the adoptive parents. This act takes effect October 1, 1988.

Child Health Assurance Act

COMMITTEE SUBSTITUTE FOR HOUSE BILL 470 (CHAPTER 88-329) delays the 1989 Sunset (Section 11.61, F.S.) review of the Child Health Assurance Act (Sections 627.6416 and 627.6579, F.S.), until 1992. This act requires health insurance policies to provide coverage for child health supervision services at stated intervals from birth until age 16. The services required to be provided include physical examinations and immunizations. The act also provides for a study of the use and cost of these benefits, to be conducted by the Department of Insurance. The results of the study are to be reported to the Legislature on or before March 1, 1990.

Health Insurance Claim Forms

COMMITTEE SUBSTITUTE FOR SENATE BILL 421 (CHAPTER 88-30) amends Section 627.647, F.S., to require persons filing claims under their health insurance policies to disclose all other insurance policies which may cover the claim. [This

act will enable insurance companies to identify policies subject to coordination of benefits to prevent over-payment of claims.] This act takes effect October 1, 1988.

Health Maintenance Organizations

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1576 (CHAPTER 88-388) creates Part IV of Chapter 631, F.S., (Sections 631.811-631.827, F.S.) to provide a Consumer Assistance Plan for Health Maintenance Organizations (HMOs) in order to protect subscribers against the failure of such entities to perform their obligations because of insolvency. Medicaid HMOs created pursuant to Section 409.266, F.S., are specifically excluded from application of the act.

New statutory sections establish mandatory membership for HMOs in the Plan under a five-to-nine-member board of directors appointed and supervised by the Department of Insurance. Eligibility and coverage limits are set out for individuals under the Plan and the scheme's powers and responsibilities are prescribed in addressing any insolvent HMO.

The levy of assessments against HMOs is authorized to fund the Plan which HMOs in turn may offset against corporate income taxes. The Plan is exempted from all other state taxes and fees. Enforcement authority is granted to the Department by allowing for the suspension or revocation of an HMOs certificate of authority to operate for failure to pay an assessment.

Additional provisions require: the Plan to release records upon the termination of a liquidation, rehabilitation or revocation of certificate proceeding; the filing of an annual report by the board with the Department; provision of immunity for member HMOs, the Plan and the Department in the performance of their duties; fixing the limits of the Plan's liability with respect to insolvent HMOs; and barring advertising the existence of the Plan by an HMO as an enticement to subscribers.

The law also addresses the Health Maintenance Organization Act, Part II of Chapter 641, F.S. (Sections 641.17-641.3922, F.S.). In addition to revising existing definitions and providing new ones, information requirements for an application for a certificate of authority are changed and additional procedures are set out for the preparation of informational material distributed by an HMO to subscribers. The application fee is raised from \$240 to \$1,000.

Revision of current law increases the surplus requirement for an HMO, amends provisions relating to financial statements, permits the Department to accept financial examination of a HMO by an independent CPA in lieu of a departmental examination, requires departmental disapproval of HMO contract rates which are deemed inadequate, excessive or unfairly discriminatory, strengthens the hold harmless provisions of provider contracts for the benefit of HMOs and subscribers, revises provisions dealing with the classification and treatment of HMO assets and departmental supervision of HMO service companies, increases the penalty for violation of a cease and desist order of the Department from \$50,000 to \$200,000 and revises the rights of a subscriber to convert upon termination.

New provisions include: departmental approval authority for contracts between HMOs and service providers, filing of financial statements by HMOs for all contract providers except certain independent physicians, extension of benefit provisions for HMO contracts, restriction on the payment of dividends.

The provisions of the law are scheduled for Sunset review and repeal on October 1, 1991. The act takes effect October 1, 1988, except for those sections implementing the Consumer Assistance Plan which have a July 1, 1989, effective date.

Long-Term Care Insurance

COMMITTEE SUBSTITUTE FOR SENATE BILL 606 (CHAPTER 88-57) creates Part XIX of Chapter 627, F.S., to establish minimum standards for long-term care insurance policies [based on the Model Act recommended by the National Association of Insurance Commissioners]. Long-term care insurance is generally designed to provide coverage for the prolonged assistance with daily living activities required by individuals as a result of some physical or mental disability. Prior to this legislation, there were no laws specifically regulating the form, content and manner of sale of these policies.

The act sets forth minimum standards and regulations regarding the sale of these policies in order to protect the consumer from substandard policies, while allowing insurers flexibility in the development of long-term care insurance products. This act takes effect October 1, 1988.

Mammograms

COMMITTEE SUBSTITUTE FOR HOUSE BILL 421 (CHAPTER 88-269) amends Sections 627.6417 and 627.6612, F.S., to require individual and group health insurance policies which provide coverage for mastectomies to also provide coverage for mammograms. This act takes effect October 1, 1988.

Medicare Supplement Insurance

COMMITTEE SUBSTITUTE FOR HOUSE BILL 632 (CHAPTER 88-338) amends Part VIII of Chapter 627, F.S., [to incorporate the provisions of the National Association of Insurance Commissioners Model Act of 1987 into the existing Medicare Supplement Reform Act, enhancing enforcement of regulations and providing additional consumer protection].

Medicare supplement insurance is health insurance which supplements Medicare coverage by providing reimbursement for expenses Medicare does not cover. The act requires compliance with the Medicare Supplement Reform Act by employer and labor union group policies, and filing of policies with the Department of Insurance by out-of-state group insurers.

The act also enhances the enforcement of loss ratio standards and raises the loss ratio for individual policies from 60-65 percent, increasing the amount insurers must pay out to consumers as benefits. This act takes effect October 1, 1988.

Multiple-Employer Welfare Arrangements

HOUSE BILL 1555 (CHAPTER 88-116) creates Sections 624.4412, 624.4414 and 624.4415, F.S., to provide that employers participating in multiple-employer welfare arrangements (MEWAs) are liable for assessments when they begin to operate with a negative fund balance. Section 624.4392, F.S., is created to prohibit a MEWA from having a negative fund balance. [MEWAs are plans of group insurance established by two or more employers for providing health insurance benefits to their employees. The act is aimed at protecting the interests of these employees since most MEWAs are currently operating at a deficit.] This act takes effect October 1, 1988, but existing MEWAs will not be assessable until October 1, 1989.

State Group Health Insurance Program

COMMITTEE SUBSTITUTE FOR HOUSE BILL 836 (CHAPTER 88-126) amends Section 110.123, F.S., to change the method by which the Department of Administration selects health maintenance organizations (HMOs) to provide health insurance benefits to state employees. HMOs must provide a minimum benefit package and meet other eligibility criteria used during the negotiation process. The Department can limit the number of HMOs with which it contracts based upon the number of bids received, number of employees, and geographic factors.

The act also amends Section 641.19, F.S., to require HMOs which offer services through a managed care system to have a chiropractor and a podiatrist as a "gatekeeper" as well as a medical physician or osteopathic physician. [A gatekeeper is a physician who is responsible for coordinating the health care services of a subscriber, including referring the subscriber to other providers of the same discipline.]

PROPERTY AND CASUALTY INSURANCE

Coordinated Community Transportation Providers

COMMITTEE SUBSTITUTE FOR SENATE BILL 221 (CHAPTER 88-239) amends Section 284.31, F.S., pertaining to coordinated community transportation providers. The act provides that the insurance risk management trust fund will provide fleet automotive liability coverage to motor vehicles titled to the state when the vehicles are used by coordinated community transportation providers performing services for the transportation disadvantaged.

Financial Guaranty Insurance

COMMITTEE SUBSTITUTE FOR SENATE BILL 1140 (CHAPTER 88-87) creates Part XX of Chapter 627, F.S., establishing regulation as to the formation and operation of insurers which write financial guaranty insurance. Financial guaranty insurance provides protection against financial loss associated with a debt instrument or other monetary obligation.

[The act is based on the Model Act recommended by the National Association of Insurance Commissioners. Because of concern over the type and degree of exposure covered by fi-

nancial guaranty insurance, the act imposes substantially higher levels of surplus and reserves upon insurers writing this type of insurance than that required of other insurers. Insurers presently writing financial guaranty insurance may continue to do so under a grandfather clause.]

Industrial Fire Insurance

SENATE BILL 328 (CHAPTER 88-41) amends Section 626.729, F.S., pertaining to the definition of "industrial fire insurance." The term "industrial fire insurance" is redefined to increase the limit of coverage which may be provided on one risk, including structure and contents, from \$30,000 to \$40,000.

Medical Malpractice Joint Underwriting Association

HOUSE BILL 1160 (CHAPTER 88-368) amends Paragraph 627.351(4)(c), F.S., pertaining to the Board of Governors of the Florida Medical Malpractice Joint Underwriting Association. The act provides that a dentist be added to the Board of Governors of the Association.

Motor Vehicle Insurance

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1216 (CHAPTER 88-370) creates Section 324.022, F.S., to require, effective October 1, 1989, every owner and operator of a motor vehicle subject to the Florida Motor Vehicle No-Fault Law to maintain property damage liability insurance in the amount of \$10,000 per accident. Also, the act amends Section 627.727, F.S., to provide that effective October 1, 1989, uninsured motorist coverage will no longer be provided as excess of liability coverage and, therefor, uninsured motorist coverage will be offset by the amount of any available liability coverage.

The act creates Section 627.7295, F.S., to provide that insurance policies which provide Personal Injury Protection (PIP) and liability coverage must be of at least six months duration and noncancellable during the first third of the policy term. Insurers may cancel new policies before the 60th day following issuance for reasons other than nonpayment of premium.

The act amends Section 627.736, F.S., to require insurers to report existing policies, renewals, cancellations and non-renewals to the Department of Highway Safety and Motor Vehicles effective April 1, 1989. The Department will suspend the driver's license and vehicle registration of owners failing to maintain insurance.

The law amends Section 627.733, F.S., to increase the reinstatement fee for drivers whose licenses have been suspended for driving without insurance from \$15 to \$150 for a first offense, \$250 for a second offense and \$500 for each subsequent violation during the three-year period following the first reinstatement. Law enforcement officers are authorized to seize license plates from any vehicle operated by the owner whose registration has been suspended for 30 days. Local law enforcement agencies will receive one-third of the reinstatement fee for every license plate seized from vehicles with suspended registrations.

The act also creates the Motor Vehicle Insurance Task Force to examine the affordability and availability of motor vehicle insurance. The Task Force must submit its recommendations to the Legislature by April 1, 1989. This act takes effect October 1, 1988.

HOUSE BILL 32 (CHAPTER 88-250) amends Section 627.0652, F.S., to reduce the age at which an insured may qualify for a premium discount from 65 to 55. The discount will apply to motor vehicle liability, personal injury protection and collision insurance. The insured must successfully complete an accident prevention course approved by the Department of Highway Safety and Motor Vehicles to qualify for the discount. This act takes effect January 1, 1989.

SENATE BILL 1105 (CHAPTER 88-211) repeals Subsection 627.728(7), F.S., pertaining to the insurer's notice of cancellation. The act repeals a duplicative provision to remove any ambiguity regarding the contents of an insurer's notice of cancellation. The contents of a notice of cancellation regarding the insured's right to appeal will be governed by Subsection 627.728(11), F.S.

Motor Vehicle Rental Companies

COMMITTEE SUBSTITUTE FOR SENATE BILL 924 (CHAPTER 88-197) amends Section 626.321, F.S., to allow a motor vehicle rental company business office to obtain a limited insurance license to sell baggage insurance and motor vehicle excess liability insurance. The act also authorizes such a business office which obtains a limited license to sell insurance providing for the liability of the lessee to the lessor for damage to the leased vehicle.

Motor Vehicle Service Agreement Salesman

SENATE BILL 329 (CHAPTER 88-46) amends Section 634.011, F.S., pertaining to the definition of a "salesman." The term "salesman" is redefined with respect to motor vehicle service agreement companies to provide that where such companies sell motor vehicle service agreements from five or more business locations, the sales manager or other person in charge of each location will be considered the salesman.

Sheriff's Liability Insurance

SENATE BILL 595 (CHAPTER 88-103) creates Section 30.555, F.S., [to replace statutory language which was inadvertently repealed in 1987]. The act authorizes sheriffs to obtain liability insurance for damages arising out of claims stemming from the performance of their duties.

Task Force Recommendations

HOUSE BILL 1606 (CHAPTER 88-390) amends Sections 627.0625 and 627.215, F.S., [embodies many of the insurance reform recommendations of the Academic Task Force for Review of the Insurance and Tort Systems] to merge the excess profits laws for property and casualty insurance lines with that applicable to workers' compensation so that the profits of these commercial lines are considered together by the De-

partment of Insurance when it determines whether an excess profit exists which should be returned to policyholders.

The act also amends Subsection 627.351(5), F.S., to place the Florida Property and Casualty Joint Underwriting Association (JUA) on a stand-by basis so that it may become operational more quickly when an insurance availability crisis exists for any type of risk. An objective trigger is established for creation of the JUA based upon the inability of the market assistance plan to provide insurance quotes for a specified percent-

age of persons seeking coverage. This act takes effect October 1, 1988.

Traffic Arrest Bonds

SENATE BILL 1338 (CHAPTER 88-309) amends Sections 627.758 and 903.36, F.S., to increase the amount a surety insurer may provide with respect to a guaranteed traffic arrest bond certificate offered by an automobile club.

LAW ENFORCEMENT AND CRIMINAL JUSTICE*

The most important piece of legislation on the subjects of criminal justice and law enforcement enacted by the Legislature in its 1988 Regular Session was an omnibus act addressing a number of concerns: increased protection for juveniles in judicial proceedings, enhancement of penalties for assaulting law enforcement officers, facilitation for implementation of the Safe Neighborhoods Act, increased funding for drug and alcohol abuse treatment, and authorization for property owners to detain armed trespassers. The legislature also increased the discretionary authority of judges to impose sentences, directed prosecutors and law enforcement agencies to concentrate their resources on career criminals, proposed a Victims' Rights amendment to the state constitution, tightened the requirements for licensing firearms, provided statutorily for the continued work of the Joint Task Force on State Agency Law Enforcement Communications, limited the circumstances for expunging criminal records, dealt with fraud with respect to developer escrow accounts, academic standing, admission tickets and credit cards, and prohibited the use of minors in sexual explicit depictions.

Sentencing Guidelines

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 307 (CHAPTER 88-131) amends Sections 921.0015 and 921.001, F.S., to make major changes in the statewide sentencing guidelines. This act adopts the recommendations of the Supreme Court to grant judges greater discretion in sentencing by allowing them to depart one cell, i.e., range of punishment, up or down, from the recommended cell without having to give a written reason. It also makes it possible for judges to sentence defendants whose recommended sentence is in the first cell (probation and up to 12 months jail) to community control or up to 22 months in state prison. Such sentence would not be subject to appeal. [Approximately 65 percent of the defendants who are charged with a felony offense fall into the first cell.]

The act contains directions to the Sentencing Guidelines Commission to provide to the Legislature, prior to the 1989 Session, a revised set of guidelines which emphasizes the intent of the Legislature to utilize prison resources to incarcerate violent and dangerous offenders and which takes into account prison capacity. The revision of Section 921.0015, F.S., relating to the adoption and implementation revised sentencing guidelines, took effect July 1, 1988. All other provisions of the act take effect October 1, 1988.

Career Criminals and Habitual Felony Offenders

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 307 (CHAPTER 88-131) creates a new section which provides directive language to the state attorneys and law enforcement agencies, in communities with

populations of 50,000 or more, to concentrate their resources on identification, apprehension, prosecution and incarceration of career criminals. Each of these agencies are directed to create career criminal units with experienced officers and prosecutors to deal with the small percentage of offenders committing a large percentage of the crimes. The act provides criteria, developed by the Florida Department of Law Enforcement, to identify those offenders. It is the intent that the career criminals be prosecuted to the greatest extent possible, but the act does not prohibit plea bargaining under appropriate circumstances.

The act amends Section 775.084, F.S., the habitual felon statute, to allow the court to enhance the penalty of an offender if the court determines he is an habitual felon or a habitual violent felon. A person sentenced pursuant to this section is not subject to the sentencing guidelines and the statutory maximum sentences to which he is subject are doubled. In the case of the violent offender (persons who have been convicted of certain enumerated offenses involving violence) the court must impose mandatory minimum sentences. These changes are effective October 1, 1988.

Victim's Rights

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 634 (CHAPTER 88-96) amends Chapter 960, F.S., to provide implementing language for the Victims' Rights amendment (Senate Joint Resolution 135) which will be on the ballot in the general election in November of 1988. Victims of crimes will be informed of their rights and will be assisted by law enforcement and state attorneys to see that those rights are respected. The act provides a method to ensure that those defendants who are employed will use some of the proceeds of their employment to pay restitution to the victims of their offenses. Direct-support organizations, under contract with the Executive Office of the Governor, may assist crime victims.

Agencies are required to develop guidelines for dealing with the victims of crime and the Sentencing Guidelines Commission is required to consider fairness to the victims when developing the sentencing criteria for offenders.

This act also amends the current "Son of Sam" statute (Section 944.512, F.S.) to make certain that the proceeds of any literary, movie or television account of a crime which would be payable to an offender would go to the victim of the crime, the offender's dependents, and to pay court costs and the costs of imprisonment. Any money left over would go to the Crimes Compensation Trust Fund for distribution to other victims of crimes. The act is effective upon ratification of Senate Joint Resolution 135.

HOUSE BILL 748 (CHAPTER 88-344) creates Section 784.046, F.S., making a protective injunction available for persons who have been the victims of two or more acts of vio-

*Prepared by the House Committee on Criminal Justice

lence by the same person. One of the acts must have been committed within 6 months of the filing of the petition for injunction. A temporary injunction may be issued without a hearing, but may not be effective for more than 30 days. This injunction can be enforced through contempt proceedings and may include an imposition of a fine. A law enforcement officer may arrest a person without a warrant pursuant to Subsection 901.15(8), F.S., if he finds probable cause to believe the person has knowingly committed an act of repeat violence in violation of an injunction. Finally, this legislation revises Section 784.045, F.S., to provide that battery upon a pregnant woman constitutes aggravated battery. The law takes effect October 1, 1988.

Juveniles

HOUSE BILL 1653 (CHAPTER 88-381) creates Section 959.31, F.S., the Delinquency Prevention Act of 1988, which provides for the creation of local delinquency prevention councils in each of the 20 judicial circuits. These councils shall establish delinquency prevention strategies and programs for the purpose of reducing delinquency.

The act also amends Chapter 39, F.S., to statutorily provide for the placement of a child in nonsecure detention at the point of intake. The detention criteria at a detention hearing has been changed to restrict placement in detention to juveniles charged with serious delinquent acts. These changes also require arraignment within 48 hours after filing a petition for delinquency when a child is detained. This law requires a hearing before a child can be transferred to an adult jail and requires the Department of Health and Rehabilitative Services to reimburse the county jail facility the average daily cost for housing each juvenile transferred from a detention facility.

The act clarifies and expands the use of guardians ad litem or other advocates in juvenile proceedings by requiring the appointment of a guardian ad litem to represent a minor in any criminal proceeding if the minor is a victim of or witness to a sexual offense and permitting the appointment of an advocate in any criminal proceeding when the minor is involved as either a victim or witness. This language is effective October 1, 1988.

SENATE BILL 870 (CHAPTER 88-244) amends Section 787.03, F.S., effective October 1, 1988, to increase the penalty for unlawfully interfering with custody of a child from a first-degree misdemeanor to a third-degree felony. The enactment also makes it a third-degree felony, in situations where there has been no court order establishing custody or visitation rights, for a parent, legal guardian, or relative of a child, to take, conceal, or entice away their child in or out of Florida, maliciously intending to deprive another person of his custodial right to such child. These penalties do not apply to victims of domestic violence who seek shelter from such abuse with their child.

SENATE BILL 590 (CHAPTER 88-298) amends Section 933.18, F.S., to expand the enumerated circumstances justifying the issuance of a warrant to search a private dwelling to include the commission of the following misdemeanor child

abuse offenses occurring within a dwelling: interference with custody (Section 787.03, F.S., a first-degree misdemeanor), unnatural and lascivious act (Section 800.02, F.S., a second-degree misdemeanor), and exposure of sexual organs (Section 800.03, F.S., a first-degree misdemeanor). These provisions take effect October 1, 1988.

Weapons and Firearms

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 579 (CHAPTER 88-183) authorizes the Secretary of State to revoke the license of a person who is no longer eligible to be licensed and to suspend the license or the application for a license of a person who has been charged with an offense which would make him ineligible for a license. It also amends Chapter 790, F.S., to make several changes in the concealed weapon law.

In revising Section 790.06, F.S., the act clarifies that a concealed weapons permit does not authorize the carrying of concealed machine guns. It also prohibits the carrying of concealed firearms in airports and provides that persons who carry concealed weapons into places which are not authorized by the license are guilty of a misdemeanor of the second degree.

Consular security officials from countries with diplomatic relations with the United States are allowed to obtain concealed weapons licenses for a \$300 fee. These licenses are valid for one year and may be renewed.

This act also increases the waiting period found in Subsection 790.33(2), F.S., which counties may impose for the purchase of a firearm from two days to three working days and allows the county commission to adopt the waiting period by a majority vote instead of an extraordinary vote.

Law Enforcement Officers

HOUSE BILL 1653 (CHAPTER 88-381) amends Sections 784.07, 843.01 and 843.02, to provide enhanced penalties for people who commit aggravated battery or aggravated assault on law enforcement officers and to add to the list of people provided that protection. The act creates Section 775.0825, F.S., to make it a life felony with a 25-year mandatory sentence for anybody convicted of attempted murder of a law enforcement officer.

Under revised Section 901.15, F.S., persons employed by the state as law enforcement officers are granted statewide arrest powers if a felony involving violence occurs in their presence, if a felony occurs in their presence while they are engaged in the lawful performance of their duty, or if a felony warrant has been issued and is being held by another officer. HOUSE BILL 1397 (CHAPTER 88-373) contains the same provisions except for fixing a penalty for attempting to kill a law enforcement officer. These provisions are effective October 1, 1988.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 323 (CHAPTER 88-51) adds Subsection 943.12(17), F.S., to give the Criminal Justice Standards and Training Commission of the Florida Department of Law Enforcement (FDLE) the authority

to develop rules to certify and discipline officers who work in specialized areas. It also creates Subsection 943.1395(6), F.S., which gives the Commission the authority to impose penalties against certified officers who do not maintain good moral character. The penalties that may be imposed include revocation of the officer's certificate, suspension of the certificate for up to two years, placement of the officer on probation for up to two years, issuance of a reprimand, or requiring the officer to complete additional training courses.

SENATE BILL 488 (CHAPTER 88-177) amends Sections 784.07 and 381.411, F.S., to add, respectively, employees or agents of the Department of Corrections who supervise or provide services to inmates to the list of people for whom there is an enhanced penalty when they are assaulted or battered and to provide the same enhanced protection to employees of the Department of Health and Rehabilitative Services engaged in the lawful performance of their duties. Assaults are enhanced from a second- to a first-degree misdemeanor and batteries are enhanced from a first-degree misdemeanor to a third-degree felony.

HOUSE BILL 642 (CHAPTER 88-339) amends Section 843.08, F.S., effective October 1, 1988, to increase the penalty for false personation of a law enforcement officer, from a misdemeanor of the first degree to a felony of the third degree. The law also provides that impersonation of a police officer during the commission of a felony shall be a felony of the first degree. The act also adds state attorney investigators to the list of persons it is unlawful to falsely personate.

SENATE BILL 1114 (CHAPTER 88-212) amends Section 30.48, F.S., to allow the sheriffs to be paid either monthly, twice per month, or biweekly instead of being limited to payment once a month, effective October 1, 1988.

Wire, Oral and Electronic Communication

COMMITTEE SUBSTITUTE FOR SENATE BILL 585 (CHAPTER 88-184) amends Chapter 934, F.S., relating to wire, oral and electronic communications. [In 1986, Congress passed federal legislation (Title III of the Electronic Communications Act of 1986, P.L. 99-508) which made far reaching revisions of the federal Wire and Oral Intercept Law (18 U.S.C. 2510 et seq. (1982)). There is a special two-year delayed effective date measured from the date of enactment, October 21, 1986, governing state authorizations of interceptions. As a result, by October 21, 1988, Florida must have in effect a revised Chapter 934, F.S., that complies with the requirements of the federal act.

[Current Florida law only recognizes and protects oral communications conducted over "wire," e.g., telephones. The changes made in this act extend the protection provided oral communications to communications using new technologies, such as cellular phones, voice mail, and computer-to-computer data transfer. This legislation effective October 1, 1988, makes the minimum changes required to conform with the federal law but uses Florida language when necessary to protect the cause and meaning of the federal statute.]

COMMITTEE SUBSTITUTE FOR SENATE BILL 16 (CHAPTER 88-144) statutorily establishes the Joint Task Force on State Agency Law Enforcement Communications originally created in 1984 by the Governor and Cabinet as head of the Department of General Services (DGS) and charged with exploring the feasibility of a common, comprehensive law enforcement communications system that would minimize the expense of maintaining separate communications capabilities for individual law enforcement agencies.

The Task Force is composed of five members, one employee from each of the five state agencies which were represented on the 1984 body: the Department of Law Enforcement, the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation, the Division of the Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles and the Divisions of Law Enforcement of the Department of Natural Resources and the Game and Fresh Water Fish Commission.

The Governor and Cabinet, as head of DGS, are to establish a 3.5-year radio communications pilot project, beginning on January 1, 1989, and ending on June 30, 1992, which the Task Force would implement. No later than January 1, 1992, the Task Force would be required to evaluate the program and make recommendations with respect to further implementation statewide to the Governor and Cabinet and the Legislature. If the Task Force, with the concurrence of the Governor and Cabinet as the head of DGS, considers the pilot project successful, the Division of Communications of DGS would be responsible for designing, engineering, acquiring, implementing, and maintaining the system. Six initial positions are established in the Division to accomplish these tasks.

A \$1 surcharge is imposed on each annual motor vehicle and boat registration, in addition to the license tax and fee imposed by Sections 320.08 and 327.25, F.S., respectively, as authorized by the creation of Section 320.0802, F.S., and Subsection 327.25(6), F.S. A trust fund is created in DGS and credited with the revenue from the surcharge, which is to provide funds for the pilot project, relevant positions in the Division, limited assistance in maintaining the existing radio communications system until the new system is operating, and for implementation of the statewide system if approved by the Governor and Cabinet and funded by the Legislature. In the event implementation is discontinued because the pilot project is unsuccessful, moneys in the trust fund would revert to the General Revenue Fund.

A temporary transfer of up to \$500,000 is provided to the radio system trust fund from other funds in the State Treasury to pay all start-up costs relating to the operation of the Joint Task Force on State Agency Law Enforcement Communications, including fixed capital outlay. The Department of General Services shall repay such moneys.

Safe Neighborhoods

HOUSE BILL 1653 (CHAPTER 88-381) amends Chapter 163, F.S., effective October 1, 1988, by making changes in the

Safe Neighborhoods Act (Sections 163.501-163.522, F.S.) which will make it easier for communities to utilize this valuable tool to provide safe and secure environments for residents to work and live. The act amends Section 163.506, F.S., to authorize local government neighborhood improvement districts to levy up to 2 mills ad valorem tax and to utilize special assessments for planning and implementing improvements.

Alcohol and Drug Abuse

HOUSE BILL 1653 (CHAPTER 88-381) amends Sections 142.01, 142.03, 893.13 and 921.187, F.S., and creates Sections 893.16 and 893.165, F.S., to include provisions which allow judges to assess additional costs, equal to the maximum fine which may be imposed, for drug offenses. The funds raised through this assessment shall be used for drug and alcohol treatment and education programs designated by the counties. The act also amends the Florida Racketeer Influenced and Corrupt Organization (RICO) Act (Sections 895.01-895.09, F.S.), to provide that some of the funds collected pursuant to the RICO act shall go to the Department of Health and Rehabilitative Services to fund drug and alcohol abuse treatment and education programs. These provisions are effective October 1, 1988.

SENATE BILL 101 (CHAPTER 88-82) amends Sections 316.1932, 316.1934, 327.352 and 327.354, F.S., to authorize the use of physical tests which are approved by the Department of Health and Rehabilitative Services (DHRS), for the purpose of determining the blood alcohol level of motorists and boat operators who are driving under the influence of alcohol or drugs (DUI). These physical tests specifically include, but are not limited to, infrared light tests. Language requiring that breath testing analysis comply with methods approved by DHRS is reinstated by the act.

The act also adds Paragraph 316.193(6)(d), F.S., which authorizes the court to require a person convicted of DUI and sentenced to jail to serve all or a portion of that sentence in a residential alcoholism or drug abuse treatment program. Any time spent in such a program is to be credited as time served in jail.

SENATE BILL 824 (CHAPTER 88-196) amends Section 25.387, F.S., by changing the name of the (driving while intoxicated) DWI Schools Coordination Trust Fund to the (driving under the influence) DUI Programs Coordination Trust Fund and increasing the assessment for DUI which is deposited in the Fund from \$3 to \$6.

The act also amends Section 775.08, F.S., to provide that the term misdemeanor does not include noncriminal traffic violations of Chapter 316, F.S., the Florida Uniform Traffic Control Law or any local government ordinances. Pursuant to this law, offenses such as driving under the influence and reckless driving will now be designated as misdemeanors.

The act creates statutory language which prohibits an adult having control of any residence from having an open house party at the residence if he knows that an alcoholic beverage

or drugs was being consumed or was in the possession of a minor at the party.

The act also amends Section 316.193, F.S., effective October 1, 1988, to require the clerks of court to inform persons charged with driving under the influence that their license will be taken from them upon conviction and that they should make arrangements for transportation from the court.

Section 921.143, F.S., is amended to permit a victim or the next of kin of a victim to appear at the sentencing hearing of a person who has pled guilty or *nolo contendere* to a criminal violation of Chapter 316, F.S., for the purpose of making a sworn oral or written statement.

HOUSE BILL 241 (CHAPTER 88-59) amends Florida's schedules of controlled substances, contained in Section 893.03, F.S., effective October 1, 1988, which are modeled after 21 C.F.R. 1308. [During the last year several changes to the federal schedules occurred. This act conforms Florida's schedules of controlled substances to recent changes and proposed changes in the federal law, with one exception.]

The following substances are added to Schedules I-V: Schedule I - 2,5-dimethoxy-4-ethylamphetamine (DOET), cathinone, 3,4-methylenedioxy-N-ethylamphetamine, N-hydroxy-3,4-methylenedioxyamphetamine; Schedule II - carfentanil; Schedule III - tiletamine and zolazepam or any salt thereof; Schedule IV - cathine, fencamfamin, fenproporex, mefenorex, propylhexedrine; and Schedule V - pyrovalerone.

[Propylhexedrine, placed on Schedule V at the federal level is, instead, placed on Schedule IV in Florida, based on findings of abuse of this substance in the state. Placement on Schedule IV will allow felony penalties to be imposed for unlawful acts involving propylhexedrine. Inclusion within Schedule IV, however, will not limit availability of over-the-counter products, such as nasal decongestants, containing the substance.]

Criminal Justice System - Procedures

COMMITTEE SUBSTITUTE FOR HOUSE BILL 7 (CHAPTER 88-248) amends Section 943.058, F.S., relating to procedures for the sealing and expunction of criminal history records to provide that when all the criteria established in Paragraphs 943.058(2)(a)-(d), F.S., have been met, Florida Department of Law Enforcement (FDLE) records may be ordered sealed or expunged by the court. It also revises Subsection 943.058(5), F.S., to expand the exceptions of instances where the subject of sealed or expunged records would be able to lawfully deny or fail to acknowledge the events covered by such records to include when the subject is seeking employment by the Department of Health and Rehabilitative Services (DHRS); or to be employed in sensitive positions having direct contact with children, the developmentally disabled, or the aged or elderly; or to be licensed or employed by the Office of Teacher Education, Certification, Staff Development, and Professional Practices of the Department of Education (DOE); or any district school board; or any local governmental entity licensing child care facilities.

This act removes the statutory language in Paragraph 943.058(6)(a), F.S., which restores the subject of an expunged criminal history record to the full legal status occupied before the arrest, indictment, information, or judicial proceedings.

By adding Subsection 943.058(9), F.S., this act also prohibits a record from being expunged if the event covered by such record related to sexual battery, lewd and lascivious assault, or child abuse committed against a minor, if the defendant had been found guilty of or pled guilty to any of these crimes, regardless of whether adjudication had been withheld.

HOUSE BILL 1653 (CHAPTER 88-381) amends the Florida Racketeer Influenced Corrupt Organization (RICO) Act. Once the court directs the distribution of funds received pursuant to Subsection 895.09(1), F.S., to law enforcement and other valid claims, 25 percent of the remainder of the funds shall be deposited in the Forfeited Property Trust Fund of the Department of Natural Resources. Fifty percent will continue to be deposited into the general fund of the county or municipality responsible for the forfeiture. The remaining 25 percent shall be deposited in the Drug Abuse Trust Fund of DHRS to be distributed to public and private nonprofit organizations licensed to provide drug treatment and rehabilitation programs in the district in which the final order of forfeiture has been entered by the court.

This legislation also creates Section 925.055, F.S., to provide that effective October 1, 1989, state and local law enforcement agencies will adopt policies requiring annual financial audits for the expenditure of investigative and evidence funds or special law enforcement trust funds for complex or protracted investigations.

SENATE BILL 718 (CHAPTER 88-193) amends Chapter 940, F.S., relating to executive clemency. This act rewords sections of this chapter to provide conformity with rules of the Office of Executive Clemency. The Secretary of State, rather than the Department of State, is designated to receive executive orders specified under Article IV, Section 8 of the State Constitution. This act also revises the procedures to be employed for those applicants seeking clemency.

SENATE BILL 10 (CHAPTER 88-39) at common law, prosecutions for homicide are limited to cases in which the victim died within a year and a day of the act alleged to have caused the death. This act abrogates the common law rule and, in effect, enables the state to prosecute as a homicide an act which results in the death of a person more than a year and a day from the time the act occurs. [This change will be particularly significant in situations where advanced medical technology, particularly in the form of life support systems, extends the life of a potential homicide victim beyond the time restriction established by common law.]

HOUSE BILL 433 (CHAPTER 88-325) revises Subsection 812.015(6), F.S., to provide that the charges of resisting a merchant and theft may be tried concurrently. [In *KC v. State*, 13 FLW 300 (Fla. 1988), the Supreme Court held that conviction of theft was an element of the offense of resisting a merchant and that the two charges could not be tried together.] This act clarifies the legislative intent that the two charges can be tried together. The law is effective October 1, 1988.

HOUSE BILL 635 (CHAPTER 88-52) amends Section 943.06, F.S., by adding a member to the Criminal Justice Information Systems Council who will be the clerk of a circuit court.

Law Enforcement - Resources

HOUSE BILL 409 (CHAPTER 88-324) amends provisions within Chapter 943, F.S., relating to the statewide criminal analysis laboratory system. This legislation creates Section 943.355, F.S., to the Florida Crime Laboratory Council within Florida Department of Law Enforcement (FDLE). The Council consists of ten members and will act in an advisory capacity providing recommendations to the executive director of FDLE to ensure fiscal accountability of state funding and to promote coordination between the members of the statewide system. The Council will provide assistance in submitting an annual budget and in determining funding requests. Pursuant to an amended Subsection 316.193(6), F.S., this act also increases the surcharge on convictions for driving under the influence from \$25 to \$75 which is to be used to fund the crime analysis laboratories. The Council is given a Sundown (Section 11.611, F.S.) review date of October 1, 1998.

Criminal Justice System Funding

HOUSE BILL 1049 (CHAPTER 88-280) amends Subsections 27.34(2), 27.54(3) and Section 27.3455, F.S., which govern the expenditures for State Attorneys and Public Defenders and mandate the payment of additional court costs for any person pleading or found guilty of a felony, misdemeanor, criminal traffic offense or county ordinance referenced as a misdemeanor under state law.

The act provides that counties will deposit revenues from additional court costs in a special county trust fund from which eligible county expenditures would be reimbursed. Also payment of the mandatory court costs are to be made part of any plea agreement reached by the prosecution and defense for a guilty or *nolo contendere* pleadings.

[These changes will increase the collection of additional court costs by streamlining the procedures by which counties are reimbursed.] The act also increases the amount State Attorneys and Public Defenders are allowed for reimbursement of costs and requires the counties to submit, on a standardized form, an annual statement of revenues and expenditures to the Comptroller and Auditor General.

The expiration date of the special county trust fund is extended until 1992, pursuant to this act which takes effect October 1, 1988.

HOUSE BILL 185 (CHAPTER 88-73) amends Sections 316.660 and 318.21, F.S., effective October 1, 1988, to provide that fines, forfeitures and civil penalties collected for violations of the provisions of Chapter 318, F.S., (traffic infractions) which occur in special improvement districts of the Seminole and Miccosukee Indian Tribes shall be paid to the special improvement district in the same manner in which they are paid to municipalities where the violations occur.

Boating Safety

COMMITTEE SUBSTITUTE FOR SENATE BILL 341 (CHAPTER 88-133) amends various provisions of Chapter 327, F.S., which defines the rules which are to be used by vessel operators on the navigable waters of the state. The law amends Section 327.02, F.S., to redefine operation of a vessel and to define boating accident and navigation rules. Section 327.33, F.S., is revised to provide penalties for violation of these rules. The duties of boat operators with respect to safety equipment and regulations set out in Section 327.50, F.S., are amended. The act creates Section 327.731, F.S., require that boaters who have caused an accident through a violation of the rules must take a boating safety course before operating a vessel again. The act also creates Section 327.3521, F.S., to impose a civil penalty of \$500 for any person arrested for boating under the influence who refuses to submit to a blood alcohol test. The law takes effect October 1, 1988.

Fraudulent Practices

HOUSE BILL 34 (CHAPTER 88-251) amends Section 501.1375, F.S., effective October 1, 1988, to provide that any developer who willfully fails to establish an escrow account, deposit funds into escrow or who withdraws funds from escrow, except in accordance with said section is guilty of a third-degree felony. Failure to establish an escrow account, or failure to place funds in an escrow account within ten days after receipt by the developer is prima facie evidence of an intentional and purposeful violation.

HOUSE BILL 93 (CHAPTER 88-312) amends Section 812.014, F.S., to require, that before failure to comply with the terms of a lease of one year or longer can constitute the offense of theft, a demand must be made, in writing, for the return of the property. The property must be returned within seven days of receipt of the demand. A certified letter to the last known address of the lessee, delivered or not, shall constitute receipt of demand. The act is effective October 1, 1988.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 468 (CHAPTER 88-407) amends Chapter 817, F.S., relating to fraudulent practices by creating Section 817.566, F.S. This section provides that any person who, with intent to defraud, misrepresents his association with, or academic standing or other progress at, a state institution of higher education or community college by falsely making, altering, simulating, or forging a document, degree, certificate, diploma, award, transcript or other paper as true, knowing it to be false, shall be guilty of a misdemeanor of the first degree punishable by a term of imprisonment not to exceed one year, or a fine not to exceed \$1,000. Persons who cause or procure such a misrepresentation, or who utter and publish or otherwise represent such a document as true, knowing it to be false, shall also be guilty of a first-degree misdemeanor.

This act also creates Section 817.5621, F.S., providing that a person other than the party to a lease, conditional sales contract, or security agreement who transfers any right or interest in a motor vehicle is prohibited from obtaining or exercising

control over a motor vehicle and then selling, transferring, assigning, leasing or assisting, causing or arranging the sale, transfer assignment or lease to another person without first obtaining written authorization from the secured creditor, lessor, or lien holder if he receives compensation for doing so. Violation of the provisions of this act is a third-degree felony. In addition to criminal sanctions, persons suffering damage as a result of this section may seek civil remedies as well. The act takes effect October 1, 1988.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1102 (CHAPTER 88-127) creates Section 817.361, F.S., to prohibit the transfer, in connection with a commercial transaction, of non-transferable tickets for admission to more than one amusement location or for more than one day after the ticket has been used at least once. A first violation of this section is a misdemeanor of the second degree and a second or subsequent violation is a misdemeanor of the first degree.

SENATE BILL 927 (CHAPTER 88-198) amends Sections 817.58 and 817.62, F.S., as of October 1, 1988, to define the term acquirer, as a business or financial institution or the agents of such that authorizes a merchant to accept payment by credit card and prohibits fraudulent practices by merchants who have been authorized by an acquirer to accept payment by credit card. The act makes it illegal for a merchant to present to an acquirer a transaction record of a sale when the sale was not actually made.

Property Crimes

COMMITTEE SUBSTITUTE FOR HOUSE BILL 685 (CHAPTER 88-273) revises Section 806.13, F.S., which prohibits a person from willfully and maliciously damaging, in any way, the real or personal property of another by adding that damages to property include, but are not limited to, the placement of graffiti or other acts of vandalism. The act also provides that a convicted person may, in addition to any other criminal penalties, be required to pay for any damage he caused. These provisions have an effective date of October 1, 1988.

HOUSE BILL 1653 (CHAPTER 88-381) amends Sections 810.08 and 810.09, F.S., to authorize property owners to detain armed trespassers. The owners are immune from suit for false imprisonment. After detaining the trespassers, the property owner must contact the appropriate law enforcement agency as soon as is practicable. The act also amends Section 810.115, F.S., by prohibiting defacing or causing a gap or opening in a fence. The law allows the court to require an offender to pay for any damages caused. These provisions take effect October 1, 1988.

Obscenity

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1153 (CHAPTER 88-283) creates Section 847.0145, F.S., prohibiting the selling or buying of minors with the intent to use the minor, or knowledge that the minor will be used, in sexually explicit conduct. Violation of this section is a felony of the first degree. The act also creates Section 847.0147, F.S., which prohibits the sale or the offer to sell or transmit, over telephone lines,

any obscene material or message. A violation of this section is a misdemeanor of the first degree.

The act amends Sections 847.012 and 847.013, F.S., to explicitly include among the prohibited depictions the knowing sale or rental of a videotape of a motion picture to a minor which depicts nudity, sexual conduct, sexual excitement, sadomasochistic abuse, sexual battery or bestiality harmful to minors.

The act also creates statutory language which makes it a misdemeanor of the first degree for a person to sell or rent a video tape of a movie which does not display the official rating of the movie by the Motion Picture Association America or N.R. if the movie is not rated. The effective date of the act is October 1, 1988.

Gambling

SENATE BILL 194 (CHAPTER 88-71) amends Section 849.235, F.S., effective October 1, 1988, by revising the current language defining an antique slot machine from one that was manufactured prior to January 1, 1941, to one that was manufactured at least twenty years before the prosecution or action is brought for illegally possessing certain gambling devices described in Sections 849.15-849.233, F.S. [Thus, if a person is prosecuted in 1988 for illegally possessing a slot machine, he can defend against such action by showing that the slot machine is not used for gambling and that it was manufactured before 1968 (rather than proving it was manufactured before 1941).]

LOCAL GOVERNMENT*

Among the most significant pieces of local government legislation passed by the Florida Legislature in its extended 1988 Regular Session are: enactment of an omnibus bill addressing the problem of affordable housing for low-income persons and the homeless; revision of the Motor Vehicle Warranty Enforcement Act, Florida's "Lemon Law," to provide for state-run arbitration of consumer complaints related to new motor vehicles; amendment of regulatory provisions covering mobile home and recreational vehicle manufacturers, mobile home park tenancies, and motor vehicle manufacturers and dealers; creation of the Florida Economic Development Act of 1988 to facilitate the development of Florida commerce at the international level and to promote enterprise zones and community development within the state; and refinement of provisions relating to thermal efficiency standards for buildings.

Building Construction Standards

SENATE BILL 7 (CHAPTER 88-142) amends Subsection 553.73(3), F.S., to revise the conditions under which a local governing body may adopt more stringent requirements than those in the State Minimum Building Codes. The local governing body must hold a public hearing prior to determining the need for increased code requirements and must provide notice of hearing at least ten days in advance in a newspaper of general circulation. The governing body's determination must be based on a review of local conditions which justifies the need for expanded requirements to protect life and property. Upon request, the enforcing agency must provide applicants for building permits with a listing of all adopted requirements or codes which exceed the State Minimum Building Codes.

Subsection 553.79(12), F.S., is added to require that building permits for single-family residential structures be issued within 30 working days of application unless unusual circumstances require more time for application processing or the application fails to comply with the enforcing agency's laws or codes.

Building Codes/Binding Opinions

In revising Section 553.77, F.S., SENATE BILL 26 (CHAPTER 88-81) expands the authority of the Board of Building Codes and Standards to issue binding opinions.

Upon the written application of a private party (but not a local enforcement agency) the Board will have to review any decision of a state agency that regulates building construction. The Board will issue binding opinions on:

- 1) the interpretation and enforcement of the specific model code adopted by the state agency; and
- 2) whether new technologies, techniques and materials conform to that model code.

These provisions will not apply to any decision of the State Board of Education pursuant to Section 235.26, F.S. (public education facilities state code); the State Fire Marshal pursuant to Chapter 633, F.S., (fire prevention); the Department of General Services pursuant to Section 255.25, F.S., (prior approval for state buildings); or of any local government with respect to construction not subject to a state agency model code.

[This act is designed primarily to create an intermediate appellate process for architects who submit plans in the design of major building construction projects for review by state agencies or owners of those projects. Currently, there is no such process available at the state level, like the code enforcement board process at the local level, other than judicial review for resolving disputes with state agencies.]

Mobile Homes, Parks and Recreational Vehicles

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 38 (CHAPTER 88-147) revives and readopts, pursuant to Sunset (Section 11.61, F.S.) review, Sections 320.01 and 320.71 through 320.866, F.S., regulating mobile home and recreational dealers and manufacturers and provisions of Chapter 723, F.S., relating to mobile home park tenancies.

The act provides a definition for "van conversion". It amends the definition of "park trailer" to increase the allowable width from 12 to 14 feet as long as such units do not exceed 400 square feet when constructed to American National Standards Institute (ANSI) standards and 500 square feet when constructed to U.S. Department of Housing and Urban Development (HUD) standards.

The act requires nonresident motor vehicle, mobile home and recreational vehicle dealers to register with the Department of Revenue to obtain a sales tax dealer registration number. It requires a license tax of \$2,000 annually in each county where sales are made, requires \$1,250 of this amount to be deposited in the General Revenue Fund and \$750 to be returned to the county. The act establishes a service of process procedure for nonresident licensees.

The term "mobile home or recreational vehicle broker" is clarified to refer to persons engaged in the business of dealing in used units as opposed to new units. The act imposes the same requirements on recreational vehicle brokers as are required of recreational dealers relative to a permanent location for transacting business and sufficient space to store vehicles offered and displayed for sale.

The law requires garage liability insurance of recreational vehicle dealers. The enactment requires training of licensure applicants and authorizes the issuance of a supplemental license for off-premises sales. The act prohibits unfair or deceptive trade practices by recreational dealers and authorizes the Department to seek injunctive relief against such dealers.

*Prepared by Economic, Community and Consumer Affairs Committee

The act decreases the number of mobile homes and recreational vehicles sold which shall require a person to become licensed as a dealer from three in a 12-month period to one in a 12-month period.

The measure authorizes the Department to conduct special inspections of mobile home and recreational vehicle manufacturers and dealers and authorizes fees to be established for such inspections. The act requires the inspection of used recreational vehicles by the Department within 72 hours of a sale of such vehicles.

The law amends Section 723.006, F.S., by adding a subsection that requires the Division of Florida Land Sales, Condominiums and Mobile Homes to notify, in writing, the person who filed a complaint or statement alleging a violation of a provision of the Mobile Home Act as to the results of the investigation and disposition of the complaint.

The act revises Section 723.011, F.S., to provide that the prospectus which the park owner is required to deliver to a prospective lessee must be provided prior to execution of the lot rental agreement or at the time of occupancy, whichever occurs first. The lot rental agreement is voidable for 15 days after delivery of the prospectus and Section 733.012, F.S., is amended to reflect in the disclosure language of the prospectus these stipulations as they appear in revised Sections 723.011 and 723.014, F.S.

The act amends Section 723.037, F.S., to provide that a notice of increase in lot rental amount due to a pass-through charge must include the amount of the charge, the name of the governmental entity mandating the capital improvement and the nature or type of the pass-through charge being levied.

The law reenacts Sub-subparagraph 723.061(2)(a)2.c., F.S., which would otherwise have been repealed July 1, 1988. This provision constitutes a portion of the formula used to calculate the purchase price which must be paid to a mobile homeowner who is being evicted due to change in the use of the land underlying a mobile home park, if the park owner is compensating the homeowner for the home and its appurtenances rather than for relocation expenses.

The act creates the Study Commission on Mobile Homes, to be comprised of two Senators appointed by the President of the Senate, two Representatives appointed by the Speaker of the House, and two representatives of the mobile home park industry and two representatives of mobile home owners, appointed by the Governor. The Commission is to study the issue of alternative dispute resolution in conjunction with disputes as to rent.

The Commission is established as of November 10, 1988, and shall submit its final report no later than March 15, 1989, unless otherwise stipulated. The law takes effect October 1, 1988.

County Officers/Salaries and Budgets

SENATE BILL 184 (CHAPTER 88-158) revises Section 145.022, F.S., which authorizes a board of county commissioners, where there is agreement of the county official in-

volved, to pass a resolution guaranteeing an appropriate salary to said county official, if all fees collected by the official are turned over to the board of county commissioners. In the absence of a resolution, tax collectors must submit their budgets, which are funded by fees, to the Department of Revenue for approval, pursuant to Subsection 195.087(2), F.S. Charter counties and counties which have abolished the tax collector's office are specifically exempted from this requirement to remove prior uncertainty about their need to comply. This act places a limitation on the applicability and duration of the county commission resolution and permits its rescission.

Subsection 129.03(2), F.S., is revised to provide that all tax collectors subject to a resolution adopted pursuant to Subsection 145.022(1), F.S., who turn fees over to the board of county commissioners must also submit their budgets for the ensuing fiscal year.

[The act effectively repeals eight special acts affecting Franklin, Marion, Hamilton, Taylor, Levy, Lafayette, Gilchrist and Dixie counties which provide that the tax collectors may submit their budgets to the board in the absence of a resolution allowing the counties to supplement the tax collector's budget with sources of funding other than their fees. Therefore, these special acts are inconsistent with general law which provides that tax collectors are fee officers unless a resolution exists providing otherwise.]

Emergency Telephone Service

SENATE BILL 396 (CHAPTER 88-231) repeals section 2 of Chapter 85-317, Laws of Florida, which would have repealed, effective December 31, 1988, Subsection 365.171(13), F.S., which allows counties to charge a fee through local telephone companies for the recurring costs of maintaining and operating a "911" emergency telephone system. The provisions authorizing the fee to cover recurring costs were substantially revised by the 1987 Legislature (Chapter 87-259, Laws of Florida).

Vehicle Towing/Private Property

COMMITTEE SUBSTITUTE FOR SENATE BILL 452 (CHAPTER 88-240) deals with local government authority to tow vehicles on private property. Sections 125.0103 and 166.043, F.S., which prohibit counties or municipalities, respectively, from adopting a rule or ordinance which has the effect of imposing a price control on a business which is not franchised by, owned by, or under contract with the county or municipality, unless specifically provided by general law, are revised to permit counties or municipalities to regulate rates with respect to the towing of vehicles from private property. Section 715.07, F.S., is amended to confer the same authority on counties or municipalities with respect to vehicles parked on private property. The act is effective October 1, 1988.

Metropolitan Planning Organizations (MPOs)

COMMITTEE SUBSTITUTE FOR SENATE BILL 458 (CHAPTER 88-86) revises Paragraph 339.175(3)(a), F.S., to provide that the Governor shall prescribe a method for appointing to

a Metropolitan Planning Commission (MPO) certain alternate members who may vote in the absence of a quorum to address the problem of MPO members not attending meetings. The act also amends Subsection 339.175(17), F.S., to require that when a transportation project has been identified as a school safety concern by a MPO technical advisory committee, the governmental entity responsible for the project shall consider at least two alternatives before making its decision about the project.

County Officers/Financial Report

SENATE BILL 480 (CHAPTER 88-175) amends Subsections (1) and (3) of Section 218.36, F.S., to increase from 15 to 31 the number of days after the close of a fiscal year as the period during which a county officer must make an annual financial report to the board of county commissioners, and to direct the board of county commissioners to notify the Governor of the failure of any county officer to comply with this reporting requirement on the 32d day following the close of the fiscal year instead of on the 16th day as previously provided.

The act also amended various sections in Chapter 145, F.S., to increase the base salaries of the clerk of the circuit court, county comptroller, tax collector, the property appraiser, and the supervisor of elections.

Volunteers/County Government Service

COMMITTEE SUBSTITUTE FOR SENATE BILL 500 (CHAPTER 88-66) authorizes counties and constitutional officers to recruit, train, and accept the services of volunteers who provide goods or services to a unit of government, on a one-time, occasional, or ongoing basis, without monetary or material compensation. In so doing, counties and constitutional officers may circumvent any civil service system requirements applicable to government employees and may circumvent any other provisions of law relating to public employment, except for laws governing workers' compensation. Governmental entities are authorized to provide incidental reimbursement consistent with the benefits section of the act, including but not limited to subsistence, lodging, and transportation costs. Volunteer deputy voter registrars are exempt from the provisions of the law.

Housing Finance Authorities

COMMITTEE SUBSTITUTE FOR SENATE BILL 502 (CHAPTER 88-136) amends Section 159.608, F.S., to authorize housing finance authorities (HFAs) to own real property and personal property acquired through the use of surplus funds or through joint ventures with private entities, provided that the obligations of the authority are limited to project revenues. At least 50 percent of the units owned by the HFA must be for low-income or very low-income families. [This will enable HFAs to acquire properties which might otherwise be converted to some use other than low-income housing and will facilitate joint ventures between HFAs and private entities.]

Housing finance authorities are also authorized to deposit funds with a lending institution to provide security for the insti-

tution to make loans to eligible persons (those earning less than 150 percent of median income) for the purchase of single-family homes or to developers for the construction, reconstruction, or rehabilitation of qualifying housing developments. Funds may not be deposited in any lending institution in which an HFA member, officer, or employee has an ownership interest. The sale price on single-family homes to be financed is limited to 90 percent of the area median home price. [The use of HFA reserve funds as collateral for mortgage loans will enable the leveraging of private funds for housing on a revolving basis. This provision is anticipated to prove especially useful for projects for very low-income persons and for projects too small to finance through tax-exempt bonds.]

The powers of HFAs were expanded in a third way by authorizing loans to be made directly to persons or families who would otherwise be unable to borrow from conventional lending sources and whose annual income does not exceed 80 percent of the county median income, based on a family of up to four persons. The HFA may adjust the annual income requirements for families of greater than four persons. Loans which must be secured by either first mortgages or subordinated mortgages must be used for the purchase, construction, rehabilitation, or refinancing of single-family residences at a price within 90 percent of the median sales price for the county.

Motor Vehicle Warranties/Lemon Law

COMMITTEE SUBSTITUTE FOR SENATE BILL 556 (CHAPTER 88-95) significantly amends chapter 681, F.S., commonly referred to as the Lemon Law, to provide for state-run arbitration of consumer complaints related to new motor vehicles.

The act specifically:

1. Amends Section 681.101, F.S., relating to legislative intent, to replace reference to the express warranty issued by the manufacturer with the warranty provided for in this chapter.
2. Amends Section 681.104, F.S., to provide the manufacturer with a final, instead of an initial, repair attempt, within 14 calendar days, instead of 10 working days, of the consumer's delivery of the vehicle to a repair facility.
3. Amends Section 681.108, F.S., to require a manufacturer's dispute settlement procedure to comply with 16 C.F.R. 703, in effect October 1, 1983, pursuant to the federal Magnuson-Moss Act (15 U.S.C. 2301, *et seq.* (1982)).
4. Creates Section 681.109, F.S., to establish procedures to determine who is eligible for dispute settlement by the Florida New Motor Vehicle Arbitration Board. The Division of Consumer Services of the Department of Agriculture and Consumer Services is authorized to screen all requests for arbitration before the Board, and to forward to the Board all disputes determined to be potentially entitled to relief.
5. Creates Section 681.1095, F.S., to establish the Florida New Motor Vehicle Arbitration Board within the Depart-

ment of Legal Affairs and to describe its functions. The Attorney General is authorized to establish as many boards as necessary to hear cases in various locations throughout the state. Each board is to consist of three permanent and three alternate members. A consumer must submit the dispute to the Division before filing a civil action, and a manufacturer must submit to arbitration if the consumer so requests within 30 days of a final action by a certified informal dispute settlement procedure or within one year of the expiration of the Lemon Law rights period. The Board must hear the dispute within 40 days and decide the dispute within 60 days after the Division approves the request. If the decision is in favor of the consumer, the manufacturer must comply with the terms within 40 days. The act provides that a decision is final unless appealed by either party to circuit court within 30 days of notice of the decision. The appellant must send a copy of the petition to appeal to the Board within seven days of filing. If the Board does not receive such copy within 40 days, the Attorney General may impose a fine of \$1,000 a day until the amount stands at twice the purchase price. The Department of Legal Affairs is required to maintain records of each dispute submitted to the Board and compile aggregate annual statistics for disputes submitted to the Board and specified annual statistics for each manufacturer.

6. Creates Section 681.112, F.S., which allows the consumer to bring an action to recover damages caused by a violation of this chapter if commenced within one year of the expiration of the Lemon Law rights period or within one year after final action of the procedure, Division or Board.
7. Creates Section 681.113, F.S., which prohibits anything in the chapter from being construed to create any liability upon a dealer or creating a cause of action by a consumer against a dealer other than separate written express warranties offered by a dealer.
8. Creates Section 681.114, F.S., to require a manufacturer who accepts the return of a vehicle pursuant to this chapter to notify the Department of Legal Affairs and report the vehicle identification number (VIN) of the vehicle.

The act requires the Department of Legal Affairs to adopt implementing rules.

The act imposes a \$2 fee on the consumer or lessee at the time of sale or lease agreement to be collected by the dealer or lessor and forwarded to the Department of Legal Affairs to be deposited in the Motor Vehicle Warranty Trust Fund.

The act provides for a \$300,000 appropriation from the General Revenue Fund, \$75,000 to the Division of Consumer Services, and \$225,000 to the Trust Fund. The \$300,000 so appropriated is to be refunded by June 30, 1990 to the General Revenue Fund from the Trust Fund. The Department of Legal Affairs is to receive \$700,000 from the Trust Fund and authorization for 13 additional positions.

The act includes a severability clause, provides for future repeal on October 1, 1994, and Sunset (Section 11.61, F.S.) review prior to that date.

The act is to apply to motor vehicles purchased or leased in this state on or after January 1, 1989, and is to take effect January 1, 1989, except the provisions relating to the certification of manufacturer procedures and rulemaking which took effect June 1988.

Municipal Public Works/Rate Limits

COMMITTEE SUBSTITUTE FOR SENATE BILL 702 (CHAPTER 88-301) adds Subsection 180.191(5), F.S., to allow a municipality, operating and providing municipally owned water and sewer services, within a county that was regulating water and sewer rates on or before May 1, 1988, to exercise an option to exempt itself from rate regulation in such counties provided municipal services were offered prior to county regulation, and consumers outside municipal boundaries are to be charged the same rates, fees, and charges as consumers inside the municipal boundaries.

[To the extent that municipalities are able to develop a more equitable rate structure, consumers both inside and outside of the municipal boundaries should benefit.]

Economic Development

SENATE BILL 955 (CHAPTER 88-201), the Florida Economic Development Act of 1988 accomplishes the following:

1. Creates the Florida Economic Growth and International Development Commission for the purpose of developing a strategy for economic growth and international development with the state and furthering the coordination and development of Florida's economy. The Commission will be placed, for administrative purposes, within the Department of Commerce and will consist of 33 members including the Secretary of State; Commissioners of Agriculture and Education; Secretaries of the Departments of Commerce, Labor and Employment Security, Transportation, and Community Affairs; executive directors of the Department of Natural Resources and the Department of Citrus; a member of the Florida Senate and a member of the Florida House of Representatives; as well as representatives of private industry and nonprofit and international organizations. The Commission will review existing programs and services offered by the state and make recommendations in order to provide a unified direction for economic and international development, to ensure a stable and dynamic economic climate and to attract and maintain businesses suitable to the state. By March 1, 1989, the Commission is required to submit to the Governor and Legislature a preliminary report recommending a strategy to guide the future economic development, international development and economic growth of the state. By January 1, 1990, the Commission shall submit its final report and will expire June 30, 1990.

2. Creates Section 15.185, F.S., giving the Department of State the specific authority to develop and coordinate a program of further global understanding and commerce by encouraging and assisting sister city and sister state relationships between Florida cities and cities throughout the world, and sister state relationships between Florida and countries and provinces throughout the world. The Department of State shall not participate in such relationships with countries specified in Section 620(f)(1) of the Federal Foreign Assistance Act of 1961 (P.L. 87-195), as amended. An appropriation of \$18,958 is provided to underwrite administrative costs for fiscal year 1989.
3. Amends Section 159.445, F.S., to rename the High Technology Innovation Research and Development Board the Florida Seed Capital Board, and the High Technology Research and Development Fund the Florida Seed Capital Fund. The act transfers the Board to the Department of Commerce and allows the Board to fund only those business applications received prior to July 15, 1987. The chairman of the Board is assigned a one-year term. The act allows the Comptroller and Insurance Commissioner to appoint a designee to the Board. In addition, of the \$1.25 million Fund balance, \$25,000 is appropriated to the Department of Banking and Finance for the purpose of conducting a study to explore a state leveraging fund concept. The study will specifically address investing a privately managed Florida Strategic Fund, which would then reinvest in professionally managed venture capital pools that emphasize seed and venture capital investments. The Florida Seed Capital Board will provide information and expertise in the preparation of the study. The study will be submitted to the Legislature by January 1, 1989, for further appropriation.
4. Provides specific statutory powers and duties related to the international trade efforts of the Division of Economic Development of the Department of Commerce by revising Section 288.03, F.S. In addition, the requirement that the Division submit a report on industrial trends is deleted. However, the act requires an annual report by the Department to the President of the Senate and the Speaker of the House on the impact of foreign trade on Florida's economy, including any recommended initiatives to increase trade. The act provides that Subsection 288.012(2), F.S., relating to foreign offices operated by the Department of Commerce, will not stand repealed on January 1, 1989.
5. Creates Section 288.118, F.S., to establish the position of export finance officer within the Department of Commerce. Section 288.743, F.S., provides for a feasibility study to determine the export finance needs of small- and medium-sized businesses and includes an objective assessment of the additional investment, production, employment and tax revenues that could be expected as a result of the creation of an export finance corporation. If approved by the Secretary of Commerce and the Comptroller, an export finance corporation, as provided in Section 288.744, F.S., may be created based on specific safeguards and criteria. An appropriation of \$350,000 is provided from general revenue for the study and support of the Florida Economic Growth and International Development Commission discussed in 1. above.
6. Contains changes for enterprise zone incentives as follows:
 - a. *Enterprise Zone Jobs Credit.*—The definition of a new employee in Sections 212.096 and 220.03, F.S., is modified. The minimum employment period required for claiming the credit is increased from 30 to 90 days. The "new jobs test" is removed, allowing businesses to claim a credit each time a vacancy is filled with a resident of an enterprise zone. The credit is reduced from 25 percent to 15 percent of the actual monthly wages paid in Florida to each new employee for up to one year to compensate for the potential increase in applications for the credit. "Economically disadvantaged persons" participating in the Job Training Partnership Act program or those receiving Aid to Families with Dependent Children who are hired by a business will be eligible for the tax credit, regardless of the location of the business or the residence of the employee;
 - b. *Sales Tax Exemption for Building Materials Used in the Rehabilitation of Real Property in an Enterprise Zone.*—The provision found in Subparagraph 212.08(5)(g)1., F.S., which require firms desiring to claim this exemption are required to apply for a refund permit prior to purchasing building materials is eliminated;
 - c. *Sales Tax Exemption for Business Property Used in an Enterprise Zone.*—Subparagraph 212.08(5)(h)2., F.S., is deleted thereby removing the refund permit requirement for claiming this exemption also;
 - d. *Sales Tax exemption for Electrical Energy Used in an Enterprise Zone.*—Enterprise zones sponsored jointly by a city and county are made eligible for this exemption by amendment of Paragraph 212.08(15)(a), F.S.; and
 - e. *Sales Tax Credit for Job Creation in an Enterprise Zone.*—Revisions are made as noted under a. above. Also, additional time is permitted for applicants to claim the credit pursuant to revised Subsection 212.096(3), F.S. Under new Paragraphs 290.0055(7)(a) and 290.0065(8)(c), F.S., existing zones would be permitted to amend their boundaries one time prior to January 1, 1989, providing the new zone meets size and composition requirements and local participation is not diminished. In addition, the act authorizes the creation of up to 20 new enterprise zones in the state on a competitive basis. New zones must be approved prior to July 1, 1990, based on the criteria identified in Subsec-

tion 290.0065(3), F.S. As provided in new Subsection 290.0055(8), F.S., and revised Subsection 290.0065(2), F.S., new zones would be required to include a neighborhood improvement district created pursuant to Part IV of Chapter 163, F.S.

The cost of administering the enterprise zone provisions of the act are to be funded by an appropriation of \$50,693 from general revenue to the Department of Community Affairs for fiscal year 1989.

7. Extends the expiration date for the Florida Council on Asian Affairs, originally created by Chapter 86-216, Laws of Florida, from June 30, 1988 to June 30, 1989.
8. Creates an International Banking and Trade Study Commission, composed of 15 members, to analyze state international and domestic banking laws relative to international banking and trade, assess possible impediments to economic growth and development, and suggest changes in state banking laws. The preliminary report of the Commission is due March 1, 1989, with a final report to be submitted by December 31, 1989.
9. Extends administrative grants for an additional year to community development corporations throughout the state under the Community Development Corporation Support and Assistance Program by amending Subsection 290.36(3), F.S. In addition, a joint committee, composed of three House members and three Senate members will perform a study of all components of the program and submit a preliminary report of its recommendations to the Legislature by January 31, 1989, and a final report by March 1, 1989.
10. Amends Sections 290.046-290.048, F.S., relating to the Small Cities Community Development Block Grant program to lower administrative expenses, to extend the grants to additional communities and to provide greater administrative control. In addition, local governments are authorized to expend up to ten percent of their block grant funds for certain activities outside of designated target areas.
11. Revises Subsection 288.063(3), F.S., relating to transportation projects funded through the Department of Commerce. Beginning July 1, 1988, these funds may be used only as an inducement to attract new employment opportunities to the state or for facilities necessary to expand existing companies operating within the state.

Municipal Annexation/Solid Waste

COMMITTEE SUBSTITUTE FOR SENATE BILL 990 (CHAPTER 88-92) creates Subsection 176.062(4), F.S., to provide that a party, which has an exclusive franchise to provide solid waste collection services in an unincorporated area which was in effect for at least six months prior to the initiation of an annexation, may continue to provide such services to an annexed area for five years or the remainder of the franchise term, whichever is shorter, under certain circumstances:

- 1) a municipality, at its discretion, requiring the franchisee to provide the same level and quality of solid waste services as are required to be provided in other areas of the municipality not served by the franchise, and
- 2) requiring the franchisee to provide such service at a reasonable cost as defined in the act.

The municipality may allow the franchisee to continue providing services pursuant to the existing franchise agreement or the municipality may terminate any franchise where the franchisee does not agree to comply with the requirements of the law within 90 days of the effective date of the proposed annexation.

Thermal Efficiency Code/Standards

SENATE BILL 1115 (CHAPTER 88-213) revises Section 553.901, F.S., to require proposed changes to the Florida Energy Efficiency Code, which the Department of Community Affairs is required to review and update on a biennial basis, be available for public review and comment at least six months prior to Code implementation, rather than by June 1 of the year prior to Code implementation.

Section 553.902, F.S., is amended to broaden the definition of "exempted building" to include not only mobile homes, but any other structures for which federally mandated standards preempt state energy codes. The definition of "energy performance index" is updated to mean the relative energy performance of a residential building compared to a residential structure designed according to baseline energy performance levels for the envelope, heating, ventilating and air-conditioning (HVAC), and water heating components. A definition is added for the "energy performance level" of a building as including the levels of insulation, the amount and type of glass, and the HVAC and water-heating system efficiency levels.

Section 553.904, F.S., is amended to include in the thermal efficiency standards for new nonresidential buildings the systems design and equipment performance related to energy distribution, lighting, energy managing, and auxiliary systems. [Energy codes in use throughout the nation typically include lighting as a fundamental element in the energy efficiency of commercial buildings.]

Section 553.906, F.S., is amended to include in the thermal efficiency standards for both residential and nonresidential renovated buildings, defined as those buildings the renovation cost of which exceeds 30 percent of the assessed value of the structure, the level of infiltration and the systems design and equipment selection and performance related to energy distribution, lighting, energy managing, and auxiliary systems. [Standards for renovated buildings apply only to the portions of the structure which are actually renovated.]

Section 553.907, F.S., is amended to assure compliance with the thermal efficiency code if the intended design, materials, or equipment are altered during the construction or renovation process in such a way that the building's energy performance would be diminished. An amended copy of the compliance certification must be submitted by the building owner

or his agent to the local enforcement agency by the final inspection date and must be placed on the building permit.

Section 553.9085, F.S., is revised to require an energy performance level display card be placed on the building by the building department before final approval for occupancy, rather than the energy performance index (EPI) display card be placed on the building at final inspection. The EPI may be included on the display card when appropriate.

Certain new and renovated existing facilities which are frequented by the general public and which are defined in Section 553.48, F.S., are required to have listening systems installed to ensure listening access to hearing-impaired persons. The buildings are defined as all theaters, auditoriums, motion-picture houses, exhibition halls, meeting rooms, and passenger depots. New buildings and renovations of privately owned buildings with assembly areas having a capacity of more than 50 persons and an audio amplification system would be required to provide a permanent assistive system which meets the standards of the American National Standards Institute (ANSI). Any assembly area without an audio amplification system and whose space is used primarily as a meeting or conference room, would be required to provide either permanently installed or portable listening systems. If a listening system serves only a limited section of the assembly area, then that section must be within a 50-foot viewing distance of the stage or performing area so as to provide an unobstructed view to facilitate lip reading. For the purpose of these provisions, "renovation" means substantial construction representing 50 percent or more of the replacement value of the facility. The act takes effect October 1, 1988.

Handicapped Persons/Accessibility

COMMITTEE SUBSTITUTE FOR SENATE BILL 1124 (CHAPTER 88-305) amends Subsections 316.1956(2) and (3), F.S., to require parking spaces provided by nongovernmental entities for disabled persons to be conspicuously outlined in blue paint and to be signed and marked in accordance with standards adopted by the Department of Transportation. In addition to vehicles displaying parking permits issued pursuant to Section 316.1958 or Section 320.0848, F.S., those bearing license plates issued pursuant to Section 320.0842 (wheelchair veterans), Section 320.0843 (wheelchair users), or Section 320.0845 (Paralyzed Veterans of America), F.S., are authorized to park in spaces designated for the disabled.

The act also creates Subsection 318.18(7), F.S., to authorize a \$100 fine for illegally parking in a space provided for disabled persons under Section 316.1955 or Section 316.1956, F.S. [Previously, a \$32 fine was authorized pursuant to Subsection 318.18(2), F.S., and a cross-reference in Section 316.1955, F.S., still refers to that subsection rather than the new Subsection (7).] The law is effective October 1, 1988.

Real Property Purchases/Local Governments

HOUSE BILL 183 (CHAPTER 88-315), amends Sections 125.355 and 166.045, F.S., which provide identical exemptions from the open records requirements of Chapter 119,

F.S., for appraisals, offers, and counteroffers associated with the purchase of real property by a county or municipality, to clarify that the exemptions to the open government law provided for appraisals, offers, and counteroffers may be utilized at the option of the local government, rather than being mandatory in nature. When a local government, with respect to any given purchase of real property, chooses not to use the public records exemption, with its attendant requirements, the local government may follow any procedure for the purchase of real property authorized in its charter or established by ordinance provided that the procedure is not in conflict with the provisions of Chapter 119, F.S. Section 166.045, F.S., is revived and readopted and is amended, in accordance with Paragraph 119.14(4)(e), F.S., to include uniform language subjecting the section to Open Government Sunset Review Act (Section 119.14, F.S.). The act has an effective date of October 1, 1988.

Telecommunications Services/Tax

HOUSE BILL 349 (CHAPTER 88-35), in accordance with the Open Government Sunset Review Act (Section 119.14, F.S.), revives and reenacts Paragraph 166.231(9)(e), F.S., providing an exemption from the public records law for telecommunications service providers records, obtained by municipalities in conjunction with an audit of records relative to the public service tax. The act also makes technical amendments regarding the applicability of the Open Government Sunset Review Act, as required by Paragraph 119.14(4)(e), F.S.

Tangible Personal Property

HOUSE BILL 486 (CHAPTER 88-53) amends Section 274.02, F.S., to raise from \$200 to \$500 the minimum value of fixtures and other tangible personal property of a nonconsumable nature and expected to last at least one year, owned by local governments, for which records must be kept and inventories must be made. The law takes effect October 1, 1988.

Housing

Among its primary substantive provisions, HOUSE BILL 1454 (CHAPTER 88-376), relating to housing:

1. Creates Section 420.5087, F.S., the State Apartment Incentive Loan (SAIL) Program, to be administered by the Florida Housing Finance Agency (FHFA), for the purpose of stimulating the production of rental units affordable to very low-income persons. The program would provide low-interest mortgage loans to for-profit, non-profit, and public entity sponsors of mixed income apartment projects in which at least 20 percent of the units are set aside for a minimum of twelve years for persons with incomes below 50 percent of the median income. A scoring system for the evaluation and competitive ranking of applications will be established by rule on the basis of specified criteria relating to the public purposes of the program and to project cost-effectiveness and feasibility. The ability to produce low-income units at the least cost to the state will be

a central element in the scoring and will reward sponsors utilizing other incentives, such as tax-exempt financing and the federal low-income housing tax credit, those contributing greater amounts of equity to their projects, and those receiving local government contributions. In addition to interest at a below-market rate, loans will be subject to interest contingent as provided in new Subsection 420.507(22), F.S., upon project cash flow and appreciation so that the state will share long-term project profits. [An appropriation of \$14.4 million from the State Infrastructure Fund has been provided for the program.]

2. Creates Section 420.5088, F.S., the Florida Homeownership Assistance Program, for the purpose of assisting low-income persons in purchasing homes by reducing the amount of up-front costs (down payment and closing costs) to 5 percent of the purchase price. The program will make second mortgage loans available in conjunction with the Florida Housing Finance Agency's single-family housing mortgage programs. The second mortgage loans will be subject to interest at up to 3 percent, will be amortized over a period of up to ten years, and, pursuant to new Subsection 420.507(23), F.S., may have payments deferred for up to five years. Loan repayment would be required upon sale, transfer, refinancing, or rental of the secured property. [This program has been funded through a \$200,000 appropriation from the State Infrastructure Fund.]
3. Provides additional legislative findings in Section 420.502, F.S., relating to the Florida Housing Finance Agency (FHFA) which recognize the necessity for new programs to stimulate the construction and substantial rehabilitation of rental housing for eligible persons.
4. With respect to activities of the FHFA, the act amends Section 420.503, F.S., to define the term "substantial rehabilitation" as restoration exceeding 40 percent of the value of a dwelling unit and the term "elderly" as persons who are 62 years of age or older.
5. Revises the categories of membership found in Section 420.504, F.S., comprising the nine-member FHFA by requiring one member to be an advocate for low-income persons and have experience in housing development.
6. Expands the powers of the FHFA found in Section 420.507, F.S., to include the development and administration of the State Apartment Incentive Loan (SAIL) Program and the Florida Homeownership Assistance Program. Specific powers relating to each program are granted and include the authority to make mortgage loans to project sponsors and to homeowners at reduced interest rates which fall within statutory maximums.
7. Requires the FHFA by amending Section 420.511, F.S., to include in its annual report information relating to the effectiveness of the SAIL and homeownership assistance programs including the number and cost of units

produced or purchased, a demographic profile of persons assisted, and the geographic distribution of program funds.

8. Extends the Florida Affordable Housing Demonstration Program by deleting language, contained in Section 420.604, F.S., limiting it to a two-year pilot program and requires the continued inclusion in the program of previously designated demonstration areas. The Affordable Housing Loan Program, Section 420.605, F.S., is amended to require that community development corporations and community-based organizations receive preference for loans made from funds appropriated for them and creates a pilot program in Dade County to provide grants to assist housing cooperatives which meet certain criteria. [No funds were appropriated for community-based organizations through the Affordable Housing Loan Program, but \$100,000 was appropriated from the State Infrastructure Fund for the Housing Cooperative Pilot Program in Dade County.]
9. Creates the Housing Predevelopment Assistance Act as Sections 420.303-420.33, F.S., for the purpose of providing financial and technical assistance to local governments, housing authorities, and not-for-profit organizations that sponsor housing for very low-income persons and farmworkers. Sponsors must either document their experience in housing development or participate in the training and technical assistance program conducted through the Department of Community Affairs. The Housing Predevelopment Trust Fund is to be established with appropriated funds and all loan payments, and any other proceeds from program activities, will be paid into the fund to enable it to operate on a revolving basis. The Farmworker Housing Trust Fund and the Community-Based Organization Loan Program will be superseded by the new predevelopment loan program when it takes effect on October 1, 1988. Loans will be available for site acquisition and development, fees for requisite services from architects, engineers, attorneys, other professionals, and marketing expenses. Loans for professional fees may be forgiven if the proposed project proves to be unfeasible. Interest on all loans will be set at 3 percent and a maximum term of three years will apply, with a possible one-year extension for extraordinary circumstances. Housing predevelopment grants will be available for administrative expenses, market and feasibility studies, consulting fees, initial operating expenses, and development activities. [Budget authority was provided for the use of \$2.5 million available in the Farmworker Housing Trust Fund; however, no funds were provided for training and technical assistance for project sponsors.]
10. Creates Section 420.625, F.S., a grant-in-aid program to provide assistance to local agencies to enable them to help persons in their communities who have become, or are about to become, homeless and, where possible, to restore homeless persons to suitable living condi-

tions and self-sufficiency. Supportive services could include, but are not limited to, information and referral services, case management services, emergency financial assistance, temporary shelter programs, job counseling, and meals programs. Funds will be allocated among the 11 districts served by the Department of Health and Rehabilitative Services on the basis of the magnitude of the homelessness problem, the local commitment to address the problem of homelessness, and an agreement by local government and private agencies not to reduce current services. Each district administrator will distribute funds to local agencies in accordance with the spending plan developed by the local coalition for the homeless. Up to 10 percent of the state funds awarded may be used by the local coalition for staffing and administration. Agencies contracting to provide services with grant-in-aid program funds must provide at least a 25 percent cash or in-kind match. In accordance with new Subsection 420.623(4), F.S., the Department must submit an annual report consisting of data and recommendations on programs and funding, including data provided by each local coalition. [An appropriation of \$1.05 million is provided for the grant-in-aid program and \$50,000 was appropriated for the local homeless coalitions. An additional \$4 million is appropriated to continue the Emergency Financial Assistance Program in current law under Section 420.627, F.S.]

11. Extends the Affordable Housing Study Commission (AHSC), Section 420.609, F.S., revises its membership, and requires it to review certain housing initiatives and present its findings on an annual basis. The act schedules the Commission for Sundown (Section 11.611, F.S.) review and repeal in 1991, and changes the 1996 Sundown date for the Committee on Housing for the Elderly (Section 31 of Chapter 86-192, Laws of Florida) to 1991 to coincide with that for the AHSC. [No funding was provided for either advisory body.]
12. Expands the Pocket of Poverty Program to include the community of Immokalee. The Collier County Board of County Commissioners must appoint a review committee as soon as possible after July 1, 1988, to prepare the required local comprehensive farmworker housing plan. The local plan must be submitted to the Department of Community Affairs by October 1, 1988, for a review of its applicability in meeting the community's housing needs. [A \$1 million appropriation is provided for Immokalee.]
13. Amends Subsection 212.235(2), F.S., to authorize the use of State Infrastructure Fund moneys for affordable housing.

Among its unfunded provisions, the act:

14. Creates the Maintenance of Housing for the Elderly Program (Sections 420.901-420.906, F.S.) for the purpose of protecting the health and safety of elderly persons and extending the useful life of affordable housing units for the elderly by providing financial assistance to non-

profit organizations that operate federally subsidized housing communities for elderly persons. Nonprofit organizations may apply to the Department of Community Affairs for loans at up to 3 percent interest for a term of up to five years in an amount not exceeding \$100,000 per housing community. Federal matching funds or a 25 percent match from the applicant would be required. Eligible maintenance projects would include nonrecurring repairs for complete electrical rewiring, reroofing, retiling and recarpeting, and other safety-related repairs and maintenance necessary to extend the availability of the units. [No funding was provided for this program.]

15. Requires the Board of Regents to establish the Multidisciplinary Center for Affordable Housing within the School of Building Construction of the College of Architecture at the University of Florida, with the collaboration of other related disciplines. The Center is to conduct research related to the availability of affordable housing for low-income persons and to fire safety, provide assistance to governmental entities, provide a focus for teaching new technology and skills related to affordable housing, develop prototypes for multi-family and single-family units, and develop a private sector base of support for the Center. An annual report to the Governor and the Legislature is required. The Center's director will be appointed by the Dean of the College of Architecture. [A \$300,000 appropriation from the State Infrastructure Fund was provided for the study center, but was vetoed by the Governor.]
16. Requires the Board of Regents through creation of Section 410.504, F.S., to establish a multidisciplinary center on independent housing and other living environments for the elderly at one or more of the state universities. The purpose of the center, or centers, would be to collect information, promote research, and develop models relating to elderly living environments. Annual reports to the Governor and the Legislature are required.
17. Authorizes in revised Section 420.608, F.S., an inventory of publicly owned lands and buildings, to identify those suitable for affordable housing on a statewide basis rather than in the 12 counties, as defined in Section 420.604, F.S., involved in the Affordable Housing Demonstration Program. [Funding was not provided for an expanded inventory.]
18. Specifies four components, by amending Section 420.606, F.S., to be included in the training and technical assistance program for community-based organizations (CBOs) to be provided through the Department of Community Affairs: structuring a housing proposal, management and board responsibilities of CBOs, construction process and property disposition, and model housing projects. Technical assistance is to also include onsite visits associated with state loan and grant programs for housing and a monthly newsletter to CBOs and local governments. [However, funding was not provided for this program.]

19. Establishes in Sections 420.421-420.429, F.S., the Neighborhood Housing Services Grant Fund as a separate fund in the State Treasury to carry out the purposes of the Neighborhood Housing Services Act. [No funds were appropriated.]
20. Creates a new Part I of Chapter 420, F.S., Sections 420.0001-420.0005, F.S., entitled the State Housing Incentive Partnership (SHIP) Act which includes Legislative findings, a statement of policy and purpose, and definitions for Part I (although the part contains no program substance that requires definitions), and establishes in the State Treasury a separate trust fund named the State Housing Trust Fund.
21. Renumbers and amends Section 420.011, F.S., as 420.102, F.S., thereby applying definitions contained in that section only to Part II of Chapter 420, F.S., rather than to the chapter as a whole. Amends Section 380.0666, F.S., relating to powers of land authorities, to correct a cross-reference to Section 420.011, F.S.
22. Repeals obsolete provisions relating to a proposal for a multidisciplinary center on living environments for the elderly (Section 34 of Chapter 86-192, Laws of Florida), the Housing Advisory Council (Subsection 20.18(5), F.S.), and requirements for reports by the Governor on housing (Section 420.005, F.S.).
23. Repeals, effective October 1, 1988, the Farmworker Housing Assistance Act (Sections 420.40-420.417, F.S.), the Community-Based Organization Loan Program (Section 420.607, F.S.), and the Mobile Home Relocation Site Acquisition and Development Act (Sections 420.701-240.713, F.S.), all of which are to be superseded by the Housing Predevelopment Assistance Program.

Land Sales Practices

HOUSE BILL 1492 (CHAPTER 88-90) revives and readopts Chapter 498, F.S., the "Florida Uniform Land Sales Practices Law," pursuant to Sunset (Section 11.61, F.S.) review. The act amends Section 498.005, F.S., to add the definition of "common promotional plan". The law amends Subsection 498.017(6), F.S., to allow the Division of Florida Land Sales Condominiums and Mobile Homes of the Department of Business Regulation, to establish a fee for filing a material change by rule. The fee must be between \$200, the present statutory rate, and \$1,000. If the cost of processing the material change exceeds \$1,000, the Division is authorized to charge the actual cost subject to the subdivider's right to a hearing.

Section 498.019, F.S., is amended to require the Division to establish within its trust fund separate accounts for each of the businesses it regulates, and to prepare annual reports showing the income and expenditures relating to each of those businesses. These reports may be used to justify fees charged by the Division.

Section 498.022, F.S., is created to authorize the Division to investigate alleged acts of fraud in the sale of lands subdivided into 25 or more lots, and to take action as necessary.

A private right-of-action is created for individuals injured as a result of fraudulent activity which activity is made a third-degree felony.

Subsection 498.025(1), F.S., which exempts "a subdivision as to which the plan of disposition is to dispose to 45 or fewer persons" from the registration requirements of the law, is amended to refer to "ultimate disposition" to conform to case law. Paragraphs 498.025(2)(a) and (b), F.S., are combined for clarification.

Section 498.035, F.S., is revised to authorize a subdivider to use advertising practices that include payment to Florida residents of nonmonetary gifts of less than a \$250 value annually for referral of prospects for sale presentations under certain conditions.

Section 498.041, F.S., is amended to eliminate the requirement that real estate salesmen and brokers register with the Division. Instead, registrants are required to annually file a list of all salesmen and brokers who have been working or are expected to work for them in the coming year as an agent of the registrant.

Section 498.061, F.S., is amended to eliminate the five-year statute of repose limiting as action for liability for any violation of Chapter 498.

The act repeals Section 498.015, F.S., which creates the land sales advisory council; Section 498.045, F.S., which provides for the registration and regulation of salesmen and brokers; and Section 498.055, F.S., which requires the Division to report disciplinary action to Florida Real Estate Commission (FREC). The act takes effect October 1, 1988, and provides for a Sunset date of October 1, 1995.

County Charters/Special Elections

HOUSE BILL 1662 (CHAPTER 88-38), relating to the holding of special elections for the adoption of proposed county charters, amends the notice procedures in Section 125.82, F.S., regarding the ordinance method of adopting a county charter, as follows:

1. The ballot statement shall be prepared and approved as provided under Section 101.161, F.S., (in the same manner as for constitutional amendments).
2. As provided under Section 100.342, F.S., for any special election or referendum not otherwise provided for, there must be at least 30 days' notice prior to election, by publication, at least twice, in a newspaper of general circulation in the county (or by posting if no newspaper is generally circulated within the county).
3. The time period applicable to charter elections held under Part II of Chapter 125, F.S., (regarding the charter commission method of adopting a charter) does not apply to charter elections instigated by county ordinance.

The act specifically provides that proposed by ordinance any county charter which was adopted by vote of the electors at an election conducted and noticed in conformance with the provisions of Section 100.342 and Subsection 101.161(1), F.S., is ratified.

This act nullifies the effect of the Fifth District Court of Appeals' decision as of the effective date of the act (May 13, 1988), thereby ratifying the Orange County Charter which the court held invalid for failure to satisfy the time constraints of Subsection 125.64(1), F.S., (adoption of charter by commission) for the holding of a special election to approve the charter, although the Orange County document was adopted under the authority of Section 125.82, F.S., (adoption of charter by ordinance). Therefore, this act saves Orange County the potential costs associated with holding an additional election, prospective legal fees to be incurred as a result of the decision, and all costs associated with questions raised regarding the validity of Orange County government decisions made since November 1986.

Motor Vehicle Dealers/Licensing

HOUSE BILL 1683 (CHAPTER 88-395) significantly amends the statute regulating motor vehicle dealers and manufacturers pursuant to Sunset (Section 11.61, F.S.) review.

The act:

1. Amends Section 320.131, F.S., to clarify the Department of Highway Safety and Motor Vehicles (DHSMV) authority to issue and regulate temporary tags.
2. Amends Section 320.27, F.S., to require license applicants to file fingerprints with the DHSMV and to bear costs of processing, allow issuance of a dealer license pending a fingerprint check, allow issuance of the license as a computerized "smart card" and to impose cost for such cards on licensees.
3. Amends Section 320.64, F.S., to add as disciplinary grounds for denial, suspension or revocation of a manufacturer's, distributor's or importer's license: the establishment or implementation by a manufacturer of a system of allocation which is unequitable and unreasonably discriminatory or not supported by reason and good cause after considering the equities of the dealer; the intentional delay, refusal, or failure of a manufacturer to deliver vehicles, parts, or accessories in reasonable quantities to a dealer; the threat or requirement by a manufacturer that a dealer assent to a release, assignment, or other action, which instrument is intended to relieve any person from liability or obligation under Chapter 320; and coercion of a dealer towards conduct whereby the dealer waives his right to protest.
4. Creates Section 320.6403, F.S., to prohibit the refusal by a manufacturer or importer to accept the lawfully designated successor to a distributor agreement as provided by a will or as designated by the distributor during his lifetime.
5. Amends Section 320.642, F.S., to require the manufacturer to give written notice of intent to add a new dealership or relocate one to the DHSMV, lists notice requirement, requires DHSMV to publish a notice of such proposed action in the Florida Administrative Weekly and to notify affected dealers with standing that in order to protest the establishment of an additional dealership or the relocation of an existing dealership they must file a complaint within 30 days of the published notice; prohibits the DHSMV from issuing a license to the proposed dealer when a timely protest is filed by a dealer or when a manufacturer fails to show that the existing dealer or dealers are not providing adequate representation of the same line-make motor vehicles in the community or territory; places the burden of proof upon the manufacturer in establishing inadequate representation; lists 11 factors which the DHSMV may use in its consideration of whether an existing dealer is providing adequate representation; provides criteria for dealer standing to protest; grants standing to dealers in counties of less than 300,000 persons if: 1) the proposed dealership location is in the area of responsibility of the existing dealer or dealers as provided in the franchise agreement; or 2) if the existing dealer or dealers of the same line-make have a licensed franchise location within a radius of 20 miles of the proposed additional dealership or relocated dealer; or 3) if an existing dealer or dealers can demonstrate that within any 12-month period within the 36-month preceding the application for the proposed dealership that such dealer or its predecessor made 25 percent of its retail sales of new motor vehicles to persons whose registered household addresses were located within a radius of 20 miles of the proposed dealership; grants dealer standing to protest to existing dealers in counties with greater than 300,000 persons if: 1) a dealer has a license franchise location within a radius of 12.5 miles of the location of the proposed additional or relocated motor vehicle dealer; or 2) if a dealer can demonstrate that within any 12-month period within the 36-month period preceding the application for the proposed dealership that such dealer or its predecessor made 25 percent of its retail sales of new motor vehicles to persons whose registered household addresses were located within a radius of 12.5 miles of the proposed dealership; provides that the DHSMV's denial of such dealer license shall remain in effect for 12 months.
6. Amends Section 320.643, F.S., to allow a manufacturer to file a complaint with the DHSMV to determine whether a proposed transferee is qualified to assume the franchise after notice of such transfer.
7. Amends Section 320.696, F.S., to require that reasonable compensation to a dealer for warranty work shall not be construed to be less than the amount the dealer charges for similar nonwarranty retail repairs.
8. Creates Section 320.699, F.S., to outline a dealer's options in seeking redress for manufacturer conduct which adversely affects the dealer, including: 1) an administrative hearing under Chapter 120, F.S., and 2) a dealer protest hearing pursuant to Section 320.642; provides that a protest hearing shall be held within 180 days of the date of filing of the notice of protest, unless extended for good cause.

1988 SUMMARY OF GENERAL LEGISLATION

9. Creates Section 320.6991, F.S., to provide a two-year delay on reapplication for an additional or relocation dealer license when a manufacturer has dismissed an application.
10. Provides for Sunset (Section 11.61, F.S.) review and repeal of Sections 320.27-320.71, F.S., as well as sections added to Chapter 320 by this act by October 1, 1998.

MOTOR VEHICLES AND TRANSPORTATION*

The 1988 Legislature addressed various transportation issues ranging from bonding of turnpike revenues and acquisition of right-of-way by the Department of Transportation to mandating a limited program of motor vehicle emissions inspections in certain counties.

Legislation was passed this year to create an interconnected statewide turnpike system consisting of toll roads and feeder roads constructed pursuant to the Florida Turnpike Law (Sections 338.22-338.244, F.S.) and other noninterstate limited access nontoll highways contained in the turnpike system plan to be developed by the Department of Transportation. The legislation authorizes the bonding of turnpike system revenues in order to construct economically feasible toll facilities throughout the state that are contained in the plan and approved by the Legislature. Several turnpike projects are approved in the act, including extension of the turnpike from Wildwood to Lebanon Station and extension of the Sawgrass Expressway to Interstate 95.

The Transportation Code (Chapters 334-339, 341, 348, 349 and Sections 332.003-332.007, 351.35-351.37, 861.011, F.S.) is amended to provide for increased governmental coordination to protect and acquire right-of-way for the state's future transportation facilities, particularly transportation corridors. To finance additional right-of-way acquisition and to finance bridge construction, the Legislature approved placing a constitutional amendment on the November ballot which would allow the Department of Transportation to bond gas tax revenue. Legislation implementing the constitutional amendment will become law upon the passage of the amendment. The implementing legislation creates the Right-of-way Acquisition and Bridge Construction Trust Fund and provides for the transfer to the fund of \$30 million in motor fuel tax revenue in fiscal year 1988-89 and \$50 million each fiscal year thereafter.

In addition to this legislation, legislation was also passed this year to provide better protection of transportation facilities. The Legislature created the "State Highway System Access Management Act" to regulate access to facilities on the state highway system, other than limited access facilities. No connection to the system may be constructed or altered without first obtaining an access permit from the Department or local government and any connection which is approved must be constructed, at the expense of the permittee, in accordance with the permit conditions. Any unpermitted connection is subject to closure after notice and a hearing.

Important legislation relating to motor vehicles and air quality was also enacted this year. A mandatory motor vehicle emissions inspection program will begin March 1, 1990, and will require annual emissions inspections in counties that fail to meet the minimum ozone standards established by the federal government (nonattainment areas). As of June 1, 1988, the following counties were classified as nonattainment areas: Broward, Dade, Palm Beach, Duval, Hillsborough, and Pinel-

las. Any county which is not a nonattainment area can, by a majority vote of its county commission, become part of the mandatory inspection program.

In the area of highway safety, significant legislation included a statewide prohibition against possession of an alcoholic beverage in an open container while operating or riding in a motor vehicle. Effective October 1, 1988, any person who is found in possession of an alcoholic beverage in an open container will be guilty of a moving violation (\$52 fine), if operating a motor vehicle, or guilty of a nonmoving violation (\$32 fine), if a passenger in a vehicle. The prohibition does not apply to a passenger of a vehicle operated by a hired chauffeur or a passenger on a bus whose driver holds a chauffeur's license, or to a passenger of a motor home in excess of 21 feet in length.

MOTOR VEHICLES

Vehicle Parking

SENATE BILL 1139 (CHAPTER 88-246) amends Section 316.1967, F.S., to require the owner of a motor vehicle who denies responsibility for a parking violation on the grounds that another person was using the vehicle, to furnish to the authority who issued the citation an affidavit containing the name, address, and driver's license number of the person who was in possession of the vehicle. The affidavit is admissible in a proceeding on the parking violation and it raises a presumption that the person identified in the affidavit is responsible for payment of the parking ticket. An individual charged pursuant to an affidavit is provided an opportunity to rebut the presumption of guilt. This act will become effective October 1, 1988. (Other provisions of this law are discussed under the MOTOR VEHICLES sections **Vehicle Registration** and **Commercial Motor Vehicles**.)

The parking of a motor vehicle for a period in excess of 24 hours, on a public street, highway, parking lot or other public property or upon private property where the public has the right to travel by motor vehicle, for the purpose of displaying the vehicle for sale, hire, or rental is prohibited under new Section 316.1951, F.S., created by COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 292 (CHAPTER 88-93) except as specifically provided. However, persons who are licensed as motor vehicle dealers and who are in compliance with all municipal or county licensing regulations may display vehicles as specifically authorized by local regulation. An individual may sell his own property, including vehicles, on or adjacent to property he owns or on or adjacent to property owned by another person if he has the permission of the owner of the location to use the property or adjacent public street.

Law enforcement officers are authorized to post a notice on any vehicle parked in violation of this act and the vehicle may

*Prepared by Senate Transportation Committee

be towed 24 hours after the notice is posted. The owner of the vehicle is responsible for any towing and storage fee. The effective date of this act is October 1, 1988.

COMMITTEE SUBSTITUTE FOR SENATE BILL 344 (CHAPTER 88-91) amends Section 316.1945, F.S., to provide that persons may stop or park their vehicles on the roadway or shoulder of a limited access facility only as provided by regulation of the Department of Transportation. (Other provisions of this act are discussed under the MOTOR VEHICLES section **Speed Limits** and under the TRANSPORTATION section **Public Transportation**.)

Motor Vehicle Registration

Section 320.07, F.S., is amended by SENATE BILL 1139 (CHAPTER 88-246) to provide that the driver of a vehicle leased for 30 days or less may not be charged with operating a motor vehicle without a valid license plate and validation sticker. The lease agreement will be proof that the vehicle was leased. This act will take effect October 1, 1988. (Other provisions of this act are discussed under the MOTOR VEHICLES sections **Vehicle Parking** and **Commercial Motor Vehicles**.)

Effective October 1, 1988, the Department of Highway Safety and Motor Vehicles is authorized under Section 320.58, F.S., as revised by HOUSE BILL 79 (CHAPTER 88-253) to appoint personnel employed by school boards to enforce the vehicle registration provisions of Chapter 320, F.S. The act also amends Subsection 320.02(2), F.S., to provide that, upon registering a motor vehicle, the recording by the owner of the vehicle's odometer reading is discretionary instead of mandatory. (Other provisions of this act are discussed under the MOTOR VEHICLES section **Golf Carts**.)

Section 320.0808, F.S., is amended by COMMITTEE SUBSTITUTE FOR SENATE BILL 711 (CHAPTER 88-311) to delete the provision prohibiting the manufacture of Challenger license plates after September 30, 1991, and to provide that annual use fees collected pursuant to the issuance of such plates shall be distributed in accordance with the following formula:

Fifty percent shall be distributed to the Astronaut's Memorial Foundation, Inc., for the purpose of constructing and maintaining a memorial to astronauts who have lost their lives in the service of the space agency and for educational activities that constitute a living testament to such astronauts;

Twenty-five percent shall be distributed to the Challenger Astronauts Memorial Scholarship Trust Fund, to be used as provided by Section 240.408, F.S.; and,

Twenty-five percent shall be distributed to the Technological Research and Development Authority for the purpose of funding space research grants to be conducted at the Space Research Foundation. The act requires the Authority to distribute available resources among state universities and independent colleges based on their research strength in space science technology.

The act also establishes the Space Research Foundation, to be funded from Challenger license plate use fees, which shall serve as a repository for research that relates to the de-

velopment of extraterrestrial, scientific, commercial, and other activities in space. The Foundation shall be located in close proximity to the Kennedy Space Center in coordination with the Space Coast Development Commission, Inc., to foster collaboration between state government, the federal government, and the private sector.

The act also amends Section 320.0805, F.S., to delete the requirement that the application and fee for a personalized prestige license plate must be received by the Department of Highway Safety and Motor Vehicles no later than 60 days prior to the first day of the applicant's registration period.

Effective October 1, 1988, the Department of Highway Safety and Motor Vehicles is authorized, under the provisions of COMMITTEE SUBSTITUTE FOR HOUSE BILL 823 (CHAPTER 88-410), to issue a transporter license plate pursuant to new Section 320.133, F.S., to any applicant who, incidental to the conduct of his business, engages in the transporting of unregistered motor vehicles. The fee for such a plate is \$75, established in new Subsection 320.08(15), F.S. (Other provisions of this act are discussed under the MOTOR VEHICLES section **Driver Licenses**.)

Driver Licenses

The Department of Highway Safety and Motor Vehicles is authorized by COMMITTEE SUBSTITUTE FOR HOUSE BILL 823 (CHAPTER 88-410) through revision of Section 322.16, F.S., to impose on a person's driver's license a restriction requiring such person to wear a medical identification bracelet when operating a motor vehicle. This provision takes effect October 1, 1988. (Other provisions of this act are discussed under MOTOR VEHICLES section **Motor Vehicle Registration**.)

HOUSE BILL 365 (CHAPTER 88-322) amends Section 322.17, F.S., to provide, effective October 1, 1988, for the replacement without charge of stolen driver licenses or instruction permits upon furnishing proof satisfactory to the Department of Highway Safety and Motor Vehicles that the license or permit was stolen.

Speed Limits

Effective October 1, 1988, counties and municipalities are permitted by COMMITTEE SUBSTITUTE FOR SENATE BILL 70 (CHAPTER 88-47) which revises Section 316.189, F.S., to establish a maximum speed limit of 25-miles-per-hour in residence districts after determining that such speed limit is reasonable.

Each contract let by the Department of Transportation for the performance of bridge or road construction or maintenance work is required by COMMITTEE SUBSTITUTE FOR SENATE BILL 344 (CHAPTER 88-91) to contain a traffic maintenance plan which shows the appropriate regulatory speed signs and traffic control devices for an area where road construction is being performed (work zone area) pursuant to amended Sections 316.0745 and 337.11, F.S. The act amends Section 316.183, F.S., to make it unlawful to exceed the posted maximum speed limit in a work zone area, defined in new

Subsection 316.003(79), F.S. Violators would be subject to a fine of \$52 plus \$4 for every mile per hour over the speed limit (Subsections 318.18(3), and (8), F.S.). (Other provisions of this act are discussed under MOTOR VEHICLES section **Vehicle Parking** and the TRANSPORTATION section **Public Transportation**.)

Vehicle Emissions Inspection

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1056 (CHAPTER 88-129) establishes a mandatory motor vehicle emissions inspection program, the Clean Outdoor Air Law, in any county that fails to meet the minimum ozone standards established by the federal government (nonattainment areas). Any county which is not a nonattainment area can, by a majority vote of its county commission, become part of the mandatory inspection program. [As of June 1, 1988, the following counties were classified as nonattainment areas: Broward, Dade, Palm Beach, Duval, Hillsborough, and Pinellas.] The Department of Highway Safety and Motor Vehicles will administer the program the cost of which will be underwritten by the Motor Vehicle Inspection Trust Fund. All moneys received by the Department will be deposited in the Fund which is established by the act in Subsection 215.22(4), F.S.

The program, which will begin March 1, 1990, will apply to motor vehicles, model year 1975 or newer, which have a gross vehicle weight of 10,000 pounds or less or a net vehicle weight of 5,000 pounds or less. However, it does not apply to mopeds, motorcycles, and certain other vehicles. [Large trucks will not be subject to annual inspections and instead will be required to comply with a statewide opacity standard, which will be enforced through roadside stops of trucks which are suspected of being in violation.]

Vehicles subject to inspection will be required to be inspected annually within 90 days prior to the expiration of the motor vehicle registration period. Section 320.02, F.S., is amended to require proof of inspection or waiver at the time of registration of each motor vehicle in the state.

The cost of the inspection will be established by the Department, but may not exceed \$10. Vehicles which fail inspection can be reinspected free of charge at the inspection station or at the service station which performs the required repairs. [Each inspection station is required to set aside one lane for optional safety inspections.]

The inspection stations will be operated by private contractors under contract with the Department.

The act also creates Section 316.2935, F.S., to provide that, effective January 1, 1989, it will be a misdemeanor of the second degree to sell, transfer, or operate a motor vehicle which has had its pollution control equipment tampered with. Second and subsequent offenses will constitute misdemeanors of the first degree. The act also makes it a third-degree felony to forge, alter or reproduce without authorization an inspection certificate.

Commercial Motor Vehicles

Section 316.302, F.S., is amended by COMMITTEE SUBSTITUTE FOR SENATE BILL 1193 (CHAPTER 88-306) to exempt all intrastate commercial motor vehicles having a gross vehicle weight of less than 26,000 pounds from most of the federal safety regulations (found in various parts of Title 49 of the Code of Federal Regulations) adopted for use in Florida, except those dealing with the actual operation of the vehicle and those relating to equipment requirements.

The act reenacts an expanded weekly cap on the number of hours an intrastate commercial motor vehicle operator may drive or be on duty.

Persons who have no convictions on their driving record for the preceding three years and who are employed as driver-salesman are grandfathered in, so that these drivers can continue in their present employment, even though they may not meet the federal government's driver qualification regulations.

The provisions of this act relating to the federal motor vehicle safety regulations take effect October 1, 1988.

Section 320.0801, F.S., is amended to impose a \$5 surcharge on the annual registration of commercial motor vehicles and some new civil penalties are added to Section 316.3025, F.S.

The act also repeals the retaliatory tax, Section 207.004(5)(d), F.S., which has been held to be unconstitutional by a Florida court, and makes changes to the fuel use decal fee [in order to avoid constitutional problems which have led to such fees being declared unconstitutional when challenged in other jurisdictions]. The fuel use decal fee will now be \$4 and will be imposed on all interstate carriers, including Florida-licensed carriers. [This action is taken in order to make up for lost revenue from the change in the fuel use decal fee, the act increases the cost of emergency and trip permits, which are purchased primarily by out-of-state carriers.]

Effective October 1, 1988, Section 316.515, F.S., is amended by SENATE BILL 1139 (CHAPTER 88-246) to provide that the maximum length limitations imposed therein apply to any combination of vehicles and are not limited to a combination of motor vehicles. (Other provisions of this act are discussed under the MOTOR VEHICLES sections **Vehicle Parking** and **Motor Vehicle Registration**.)

Motorcycles and Mopeds

Under the provisions of HOUSE BILL 429 (CHAPTER 88-405), persons under the age of 16 must wear protective headgear and eye protection when operating or riding upon a moped. Persons 16 years of age or older are exempted from the requirement to wear protective headgear and eye protection while operating or riding upon a motorcycle powered by a motor with a displacement of 50 cubic centimeters or less, or which is rated not in excess of 2 brake horsepower, and which is not capable of propelling such motorcycle at a speed greater than 30-miles-per-hour on level ground. [The effect of these amendments to Section 316.211, F.S., is to require a person under the age of 16 to wear protective headgear and eye protection when operating a moped or small motorcycle

(50 cc's or less) and to exempt any person 16 years of age or older from wearing protective headgear and eye protection when operating such vehicles.]

The act also amends Sections 322.07 and 322.16, F.S., to provide that a person who has been issued a temporary instruction permit may operate a motorcycle and that any person, regardless of age, who has been issued a restricted license may operate a motorcycle. However, a restricted operator under 16 years of age is prohibited from renting a motorcycle or moped.

In addition, the act amends Section 316.304, F.S., to provide that a person operating a motorcycle may use a headset that is installed in a helmet and worn so as to prevent the speakers from making direct contact with the user's ears in order that the user can hear surrounding sounds. (Other provisions of this act are discussed under the MOTOR VEHICLES section **Traffic Safety Education**.)

Traffic Safety Education

The current motorcycle safety education program (Section 322.026, F.S.) is repealed by HOUSE BILL 429 (CHAPTER 88-405) and is replaced with a program contained in new Section 322.0255, F.S., containing at least 12 hours of instruction, at least 6 hours of which must consist of actual motorcycle operation. Effective January 1, 1989, every first-time applicant for licensure to operate a motorcycle who is under 21 years of age will be required to complete such course prior to licensure. The course will be funded through a combination of the current \$2.50 surcharge assessed annually on the registration of mopeds and motorcycles pursuant to Paragraph 320.08(1)(d) and Section 322.025, F.S., and user tuition fees authorized in the act.

This act also authorizes the state to implement a traffic safety education program for kindergarten through grade 6, concentrating on walking, bicycling, school bus safety, use of mass transit, and early motor vehicle safety awareness training. (Other provisions of this act are discussed under the MOTOR VEHICLES section **Motorcycles and Mopeds**.)

All-Terrain Vehicles

Any person under the age of 16 is required by SENATE BILL 1289 (CHAPTER 88-221) to wear a safety helmet and eye protection while operating, riding, or otherwise being propelled by an all-terrain vehicle as defined in the act. Any operator involved in an all-terrain vehicle accident which results in the death of any person or the injury of any person which results in treatment by a physician is required to report the accident pursuant to Section 316.066, F.S. Violators of this act will be subject to a penalty of \$25. The act takes effect October 1, 1988.

Golf Carts

Effective October 1, 1988, HOUSE BILL 79 (CHAPTER 88-253) authorizes golf carts to be operated on roads located within self-contained retirement communities and also amends Section 316.212, F.S., to authorize golf carts to cross

a roadway where a single mobile home park is located on both sides of the highway, provided that the governmental entity having jurisdiction over such roadway reviews and approves the crossing. Such operation could be prohibited by local governments or by the Department of Transportation if necessary to ensure safety.

The act also provides that, notwithstanding any other provision of law, if notice of the use of golf carts or other electric vehicles is posted at the entrance and exit to any mobile home park, it is not necessary that the park have a gate or other device at the entrance and exit.

Medical Advisory Board

HOUSE BILL 212 (CHAPTER 88-107) reenacts the Medical Advisory Board in Section 322.125, F.S., within the Department of Highway Safety and Motor Vehicles effective October 1, 1988, but places the chairman of the Board within the Department rather than the Department of Health and Rehabilitative Services; increases the maximum membership of the board from 18 to 25 qualified persons; deletes the requirement that one member be a person who is not, and never has been, licensed to practice medicine; and, requires that one member of the Board be a chiropractor.

The Board is repealed pursuant to the Sundown Act (Section 11.611, F.S.) effective October 1, 1998, and will be reviewed by the Legislature prior to that date.

Traffic Offenses

Effective October 1, 1988, the possession of an alcoholic beverage in an open container while operating or riding in or on a vehicle in Florida is made illegal by the provisions of COMMITTEE SUBSTITUTE FOR HOUSE BILL 165 (CHAPTER 88-22) which creates Section 316.1936, F.S. An open container is any container on which the seal has been broken or from which immediate consumption is possible.

The container is considered to be in the possession of the passenger if the container is in the physical control of the passenger. It is in the possession of the driver if it is not in the possession of a passenger and it is not located in a locked glove compartment, locked trunk, or other locked nonpassenger area of the vehicle.

Any operator who violates this section is guilty of a noncriminal moving violation (fine of \$52) and a passenger is guilty of a nonmoving violation (fine of \$32).

The prohibition on possession of an open container imposed by this act does not apply to a passenger of a vehicle operated by a hired chauffeur or a passenger on a bus whose driver holds a chauffeur's license or to a passenger of a motor home which is in excess of 21 feet in length.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 36 (CHAPTER 88-50) amends Section 322.03, F.S., to criminalize the offense of driving without ever having been issued a valid driver's license. This offense will now be a misdemeanor of the second degree, punishable by a term of imprisonment not to exceed 60 days or a fine not to exceed \$500, or both.

1988 SUMMARY OF GENERAL LEGISLATION

The act also amends Section 318.18, F.S., to reduce the penalty for riding on roller skates, coasters, or similar devices on a roadway from \$52 to \$17. The act takes effect October 1, 1988.

Effective October 1, 1988, Section 316.072, F.S., is amended by HOUSE BILL 366 (CHAPTER 88-74) to provide that it is a misdemeanor of the second degree for any person to willfully fail or refuse to comply with any lawful order or direction of any traffic accident investigation officer or traffic infraction enforcement officer.

Florida Highway Patrol

SENATE BILL 528 (CHAPTER 88-178) repeals Section 321.071, F.S., which is an obsolete provision of law relating to special service officers within the Florida Highway Patrol.

TRANSPORTATION

Transportation Right-of-Way

If the constitutional amendment proposed in COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION 391 is approved by the electors in November 1988, COMMITTEE SUBSTITUTE FOR SENATE BILL 1429 (CHAPTER 88-247) will take effect and create the Right-of-Way Acquisition and Bridge Construction Trust Fund in new Section 215.605, F.S., to provide for the bonding of gas tax revenues deposited into the Fund. Pursuant to revised Section 206.46, F.S., in fiscal year 1988-89, \$30 million in motor fuel tax revenue will be transferred into the Fund and each fiscal year thereafter \$50 million in such revenue will be deposited into the Fund. The money in the Trust Fund may be used for the acquisition of property for state roads and for state bridge construction.

Section 215.82, F.S., is amended to provide specific validation procedures for right-of-way acquisition and bridge construction bonds, respectively.

The Transportation Code is amended by COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 392 (CHAPTER 88-168) to provide for increased coordination between the Department of Transportation (DOT) and local governments in planning and protecting right-of-way for the state's future transportation facilities, particularly those major facilities which are defined as transportation corridors. [The act's provisions relating to the protection and acquisition of rights-of-way will allow increased protection of all transportation facilities and will allow earlier acquisition of property in transportation corridors.]

A transportation corridor is defined in new Subsection 334.03(24), F.S., as existing right-of-way and all property or property interests necessary for securing and using future transportation rights-of-way including land for transportation purposes, for management of access, and for securing applicable approvals and permits.

The act creates Section 337.273, F.S., to provide for the designation of transportation corridors by DOT and local governments and encourages agreements between governmental entities to protect and acquire designated corridors. Each corridor protection agreement will describe the corridor and

set out the responsibilities of each party in the protection and acquisition of the corridor.

Sections 336.02 and 337.241, F.S., authorizing the DOT and counties to file maps of reservation, are amended to include transportation facilities and transportation corridors. The authority to file a map of reservation is also extended to cities.

The DOT is given the authority in amended Section 337.25, F.S., to convey a leasehold interest in property owned by the Department.

The Secretary of DOT is authorized in a revision of Section 337.27, F.S., to delegate certain right-of-way acquisition functions to the district offices.

In addition, the act amends Section 335.04, F.S., to freeze the miles of each county's urban minor arterials on the state highway system at the July 1, 1988, level.

A minimum fee of \$500-per-linear-mile is imposed in Section 334.401, F.S., for the use of municipal right-of-way for any cable, or fiber optic. A fee in excess of \$500 may be imposed when justified by the cost of allowing such use as specified in the act.

Transportation Corporations

COMMITTEE SUBSTITUTE FOR HOUSE BILL 621 (CHAPTER 88-271) authorizes the creation of nonprofit "transportation corporations" to assist the Department of Transportation (DOT) in securing transportation right-of-way and in the planning and design of transportation systems. Any three or more qualified electors may apply to the DOT for approval of a transportation corporation. Before the corporation is created, the DOT must approve the articles of incorporation and the bylaws and must contract with the corporation for the performance, on behalf of the DOT, of services specified in the contract.

Transportation corporations may work directly with landowners, governmental agencies, elected officials, and others to support and develop transportation projects. This includes receiving contributions of land and money and acquiring, holding, investing, and administering property for the development of projects.

The board of directors of each corporation will be appointed by the Secretary of the DOT for a term of 4 years or until removed by the Secretary. The DOT may also require the corporation to alter its structure, organization, or activities. The corporation may be dissolved at the discretion of the DOT or when the directors determine that the corporation's purpose has been completed. Upon dissolution, the assets of the corporation will become the property of the DOT.

Each corporation will be subject to audit by the DOT and the Auditor General. In addition, each corporation must have an independent audit performed and must provide a management letter to the DOT.

Public Transportation

Known as the Magnetic Levitation Demonstration Project Act, COMMITTEE SUBSTITUTE FOR HOUSE BILL 1202 (CHAPTER 88-402) provides, effective October 1, 1988, for a

centrally coordinated permitting and planning process for the location, construction, operation, and maintenance of a magnetic levitation demonstration project in this state. Only one such project will be permitted. The length of the project is limited by the requirement that the project be located principally within one county.

The project will be privately funded and the entity operating the project will be assessed fees to pay for all governmental expenses associated with the project.

The Department of Transportation is authorized to use its eminent domain authority to acquire land for the rail line. The title to such land will be held in the name of the state and leased to the rail line operator at a price equal to the cost of acquisition.

The lead agency in charge of the permitting process will be the Florida High Speed Rail Transportation Commission. However, all other affected agencies will be consulted on matters within their jurisdictions.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 986 (CHAPTER 88-360) creates Section 341.3025, F.S., to authorize any governmental entity or agency, or any legal entity created to administer an interlocal agreement which owns or operates a public rail system in more than one county to adopt rules and regulations for the operation and management of the system including regulations relating to fares, fees, and charges for the use of the facilities and services of the system. [Currently, the only system meeting the requirements of this act is the Tri-County Commuter Rail System.]

It is unlawful for a person to ride the train or send freight on the train without paying the appropriate fare or fee. Persons not paying the fee, in addition to any other penalty provided by law, are guilty of a noncriminal violation, punishable by a fine of \$50 for each violation. If the accused elects to appear in court, he will be deemed to have waived his right to pay the set penalty and, if the court determines that an infraction occurred, a penalty of up to \$500 may be imposed.

The entity operating the rail system is authorized to employ enforcement officers or to contract with a private firm or company for the issuance of citations and verification of payments. All fines collected will be paid to the entity. The commission of an offense must be proved beyond a reasonable doubt at a hearing.

After October 1, 1988, permits will be required for structures that exceed the federal obstruction standards near any facility shown on an airport master plan or airport layout plan under the provisions of COMMITTEE SUBSTITUTE FOR HOUSE BILL 940 (CHAPTER 88-356) which amends various sections of Chapter 332, F.S. Any structure which is granted a permit will be required to install and maintain obstruction marking and lighting.

The act also requires any person who files for a variance to forward the application to the Department of Transportation (DOT) for comment. The DOT will have 45 days from receipt in which to comment or waive its right to comment.

Any person issued a variance must, at his own expense, install, operate, and maintain marking and lighting as provided by rule of the DOT. Any existing structure not in compliance

on the effective date of the act will be required to comply when the existing marking requires refurbishment, the existing lighting requires replacement, or within five years of enactment, whichever occurs first.

The Department of Transportation is authorized by SENATE BILL 836 (CHAPTER 88-88) to regulate railroad speed limits by order instead of by rule. Such orders would be subject to the provisions of Chapter 120, F.S.

COMMITTEE SUBSTITUTE FOR SENATE BILL 344 (CHAPTER 88-91) amends Section 316.271, F.S., to provide that trolleys may be equipped with bells and such bells are not required to be used only as a warning device. (Other provisions of this act are discussed under the MOTOR VEHICLES section **Vehicle Parking** and the TRANSPORTATION section **Public Transportation**.)

Outdoor Advertising

Effective October 1, 1988, a sign placed at a road junction with the state highway system to provide information regarding the distance or direction to a residence or farm operation is exempted by COMMITTEE SUBSTITUTE FOR SENATE BILL 925 (CHAPTER 88-245) from the requirement in Chapter 479, F.S., that a permit be obtained from the Department of Transportation prior to the erection of any outdoor advertising sign. Signs exempted pursuant to this act may not exceed 8 square feet in size.

Access to the State Highway System

The "State Highway System Access Management Act" (Sections 335.18-335.189, F.S.) is created by COMMITTEE SUBSTITUTE FOR SENATE BILL 1364 (CHAPTER 88-224) to regulate access to facilities on the state highway system other than limited access facilities. No connection to the system may be constructed or altered without first obtaining an access permit. The connection must then be constructed in accordance with the permit at the expense of the permittee. Any unpermitted connection is subject to closure by the permitting authority after notice and a hearing. However, specific provisions are made for the issuance of nonconforming permits and the modification or revocation of permitted connections and of unpermitted connections which have been in continuous use for one year on the act's effective date. The Department of Transportation (DOT) is authorized to establish a fee schedule for state permit applications.

The DOT is directed to adopt minimum access management standards and local governments are authorized to adopt regulations relating to access to the state highway system which meet or exceed those standards adopted by the DOT. When local standards are adopted, permits will be required from the DOT and the local government prior to the construction of a connection. However, the DOT and any local governmental entity are authorized to enter into an interlocal agreement to allow the local government to be the sole permitting authority. This delegation of authority may be rescinded if the Secretary determines that the delegation is not being carried out in accordance with the interlocal agreement.

Department of Transportation Contracts

Effective October 1, 1988, COMMITTEE SUBSTITUTE FOR HOUSE BILL 1112 (CHAPTER 88-281) amends Section 337.141, F.S., to require that the construction contracts of the Department of Transportation (DOT) provide for final payment to the contractor within 75 days of the DOT's acceptance at the project location of all required documents, if the acceptance letter and the surety's consent are received from the contractor within 30 days after the acceptance of other documentation received at the project location. If the contractor fails to provide the acceptance letter and surety consent letter within the allowed time, the DOT has 45 days from the receipt of those letters to make payment. If the DOT does not make the payments within the 75 days, the DOT must pay the contractor interest at the rate of 1-percent-per-month or portion thereof.

The DOT is allowed to recover from the contractor third-party damages resulting from the contractor's failure to complete the project within the contract time or within approved time extensions, except when the failure to timely complete is caused by the DOT's act or omission as provided by amended Subsection 337.18(4), F.S.. The DOT is allowed to recover only damages it has actually paid. The act also provides that nothing therein would create a cause of action against the DOT, or against a contractor, by an abutting property owner or business entity where none has previously existed.

Department of Transportation Consultants

Section 337.106, F.S., is amended by SENATE BILL 626 (CHAPTER 88-299) to provide that persons or firms rendering professional services to the Department of Transportation may self-insure against claims of professional liability, if the person or firm is a member of a group or association which is qualified to self-insure pursuant to Section 627.356, F.S.

Constitutional Charter County

Section 339.175, F.S., is amended by COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 295 (CHAPTER 88-163) to provide that a Metropolitan Planning Organization (MPO) contained within or conterminous with any constitutional charter county will have two additional voting members who are appointed by the Governor. One of the additional members must be an elected municipal official and one must be a private citizen who resides in the unincorporated portion of the county.

The act also amends a charter county's power under Section 125.01, F.S., to license and regulate taxis. On July 1, 1988, a charter county will be authorized to issue permits for the operation of taxis equal to one permit for each 1,000 residents. Any new permits issued after June 4, 1988, must be issued by lottery to qualified applicants. The provisions of this act will take effect October 1, 1988.

Exemption from Payment of Tolls

COMMITTEE SUBSTITUTE FOR HOUSE BILL 40 (CHAPTER 88-252) exempts persons who have severe and permanent upper limb mobility problems, and who operate vehicles specially equipped for the handicapped, from the payment of tolls in this state and establishes a procedure for the voluntary payment of tolls by such individuals through amendment to Section 338.155, F.S.

An exemption from the payment of tolls for members of the clergy is repealed by this act (Section 347.19, F.S.). An exemption for the military department of the state is rewritten to apply to military vehicles only and not to military officers operating privately owned vehicles.

Palm Beach Expressway Authority

Effective October 1, 1988, HOUSE BILL 799 (CHAPTER 88-125) abolishes the Palm Beach Expressway Authority (Part V of Chapter 348, F.S.) and provides that any entity which takes over the projects, powers and duties of the authority must assume all assets, debts, and liabilities of the authority.

Department of Transportation Organization

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1164 (CHAPTER 88-215) amends Section 20.23, F.S., to reorganize the Department of Transportation by eliminating the six divisions in the central office and replacing them with offices, nine of which are established in the act. Among these offices is a new Office of Management and Budget which will be responsible for preparation of the five-year transportation plan, preparation of the budget, production management and for developing uniform implementation and monitoring procedures for district activities relating to the budget and five-year transportation plan. Any additional offices equivalent to a division or higher would require legislative approval.

In lieu of the three central office deputy assistant secretaries, the Secretary will appoint a State Transportation Planner, a State Transportation Engineer and a State Operations Administrator. These positions will be responsible for developing policy and managing major technical programs in the central office.

The role of the central office is amplified to include responsibility for monitoring implementation of the policies and procedures it establishes in order to ensure uniform compliance and quality performance by the districts.

The title of the head of each of the seven districts is changed from "deputy assistant secretary" to "district secretary." Offices will also be established in each district to manage the major functional responsibilities of the Department.

Florida Turnpike

HOUSE BILL 1639 (CHAPTER 88-286) rewrites the "Florida Turnpike Law," Sections 338.22-338.244, F.S., to create an interconnected statewide turnpike system consisting of toll roads and feeder roads constructed pursuant to Florida Turn-

pike Law and other noninterstate limited access nontoll highways contained in the turnpike system plan.

The Department of Transportation (DOT) is required to develop and maintain a turnpike system plan that shows the ultimate connection of limited access highways into the statewide turnpike system. Any project to be constructed or acquired as part of the turnpike system must be in the plan, the first five years of which will be submitted to the Legislature for approval by March 1 of each year. No project may be added to the plan unless it meets the economic feasibility criteria set forth in the act, and the DOT must prioritize projects according to economic feasibility in its legislative budget request.

All turnpike projects must be approved by the Legislature. Projects located wholly within one county are no longer subject to approval by the county commission. Projects that add capacity or otherwise affect the local transportation system continue to be required to be included in the plan of the affected Metropolitan Planning Organization (MPO), but if these projects do not fall within an MPO jurisdiction, they will no longer be subject to approval by the county commission of the affected county; instead, the DOT will notify the affected county and provide for public hearings.

The act approves as turnpike projects the turnpike system as of July 1, 1988. Legislative approval and authorization for the issuance of bonds by the Division of Bond Finance are provided for the following projects, if the projects are determined to be economically feasible:

1. Those projects in Alternative IV in the report, "Future of Florida's Turnpike," to be financed by the issuance of revenue bonds not to exceed \$220 million.
2. Extension of the turnpike system from Wildwood to Lebanon Station to be financed by revenue bonds and by the DOT with State Transportation Trust Fund revenues.
3. Extension of the Sawgrass Expressway from the northern terminus to Interstate 95 to be financed by revenue bonds and by the DOT with State Transportation Trust Fund revenues.

No state funds may be used to pay the debt service on bonds issued to finance the turnpike system; however, the DOT is authorized to expend any available funds for preliminary engineering, construction, or right-of-way acquisition of a turnpike project subject to reimbursement from bond proceeds. If approved by the Legislature, the DOT is authorized to use revenue from the State Transportation Trust Fund to pay a portion of the capital costs of toll projects as necessary to provide an interconnected turnpike system.

In the process of increasing turnpike tolls from 1988 through 1992, the DOT is required, to the maximum extent feasible, to equalize the toll structure so that the per mile toll rate will be approximately the same throughout the turnpike system.

The DOT is authorized to pledge revenues from the turnpike system to pay the bonded indebtedness and operating and maintenance expenses of the Sawgrass Expressway, to the extent that toll revenues of the expressway are insufficient. The expressway will be subject to planning, management and operating control of the DOT.

The act authorizes as additional concessions on the turnpike, the sale of handmade goods produced in this state; equipment providing travel information or tickets, reservations or related services; and equipment providing banking services.

The Florida Transportation Commission is required to perform a study of the various public transit systems in Florida addressing specific subject areas set forth in the act. The report containing the findings and recommendations of the Commission must be submitted to the Governor and Legislature by March 1, 1989.

Effective July 1, 1989, the law (Paragraph 341.051(3)(d), F.S.) prohibiting the expenditure of state funds for operation deficits of public transit projects is repealed.

Counties are authorized, pursuant to revised Section 125.01, F.S., to pay the costs of any transportation facility located in the county using revenue derived from county toll facilities, after provision has been made for payment of debt service and operation and maintenance expenses of the toll facility.

PROFESSIONAL REGULATION*

The Legislature made no major changes in existing laws regulating the practice of professions during the 1988 Regular and Special Sessions. Regulation of certain professions which was subject to Sunset (Section 11.61, F.S.) review during 1988 was continued; new laws to regulate, for the first time, the professions of yacht brokering, interior design, athletic agency, dietetics and nutrition, and selling of travel were enacted; various laws affecting professions across the board were enacted; and revision to the medical incidents legislation of the February 1988 Special Session affected, among other things, the practice of certain professions. Professional Regulation is divided into three broad categories: laws affecting individual professions; laws affecting more than one profession or professions generally; and the medical incidents legislation, affecting professions peripherally.

Athlete Agents

COMMITTEE SUBSTITUTE FOR SENATE BILL 73 (CHAPTER 88-229) provides for the regulation, effective October 1, 1988, of previously unregulated "athlete agents" by the Department of Professional Regulation.

It establishes registration requirements for persons who act as agents for student athletes in regard to the employment of such student athletes as professional athletes and requires each agent and student athlete to notify the college or university upon representation by an agent.

The act establishes criminal penalties for agents who fail to provide notification and requires any contract between a student and an agent to provide certain disclosures. It also establishes certain contract cancellation rights for student athletes. The law also proscribes certain conduct by agents in their solicitation of and contract relations with student athletes.

Architecture and Interior Design

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1502 (CHAPTER 88-383) provides for the regulation of interior designers by the Department of Professional Regulation. It renames the Board of Architecture as the Board of Architecture and Interior Design and increases the membership to include two interior designers.

The act makes numerous changes in provisions relating to procedures involved in the examination and licensure of architects and interior designers and establishes educational and work experience requirements for interior designers.

It establishes internship requirements for applicants who seek licensure as architects beginning October 1, 1989; prescribes interior design practice requirements; and establishes interior design continuing education requirements.

The legislation revises license reactivation requirements for architects and establishes such requirements for interior designers. Further, provisions in Chapter 481, F.S., relating to

the certification of architectural corporations or partnerships are substantially reworded, as are provisions relating to the use of seals by architects and interior designers.

The law establishes grounds for disciplinary action against interior designers, provides procedures relating to the discipline of such persons, and establishes for the "grandfather" licensing of interior designers without examination for a one-year period.

Sections 481.201-481.231, F.S., regulating the practice of architecture, are revived and readopted, which sections were scheduled for repeal on October 1, 1988, and said sections are repealed on October 1, 1998, subject to review by the Legislature pursuant to the Regulatory Sunset Act. The act becomes effective October 1, 1988.

Chiropractic

COMMITTEE SUBSTITUTE FOR HOUSE BILL 790 (CHAPTER 88-276) amends Sections 460.406 and 460.4065, F.S., to require applicants who desire to be licensed as chiropractors by examination to complete a 3-month, 300-hour training program in the state under supervision of a chiropractor and to have successfully completed the National Board of Chiropractic Examiners certification examination, Parts I and II and clinical competency, within ten years before applying to the Department of Professional Regulation for licensure. The act also amends Section 460.4104, F.S., to increase the fee for peer review of chiropractors from \$50 to \$100. The provision which requires the training program takes effect October 1, 1989; otherwise the bill is effective October 1, 1988.

Construction Contracting

COMMITTEE SUBSTITUTE FOR SENATE BILL 155 (CHAPTER 88-156) revives and readopts Sections 489.101-489.131, F.S., regulating the practice of construction contracting, which sections were scheduled for repeal on October 1, 1988, and repeals said sections on October 1, 1998, subject to review by the Legislature pursuant to the Regulatory Sunset Act. It revives and readopts Section 489.5331, F.S., relating to civil remedies, which section was scheduled for repeal on October 1, 1988, and transfers it to Section 768.0425, F.S.

Among a number of changes having minimum substantive effect, the following should be noted: Section 489.103, F.S., is amended to revise exemptions, including exemptions for swimming pool and spa contractors, and to provide a disclosure statement for persons acting as contractors on their own behalf; Section 489.107, F.S., is amended to repeal provisions relating to appointment of alternate members to the Construction Industry Licensing Board; revised Section 489.109, F.S., provides for involuntary inactive status of certificates or registrations; and in Section 489.113, F.S., the Department of Professional Regulation is empowered to issue cease and desist

*Prepared by Senate Legal Research and Drafting Services

orders to persons engaged in contracting without registration or certification. The law creates Section 489.1195, F.S., to regulate contractors' qualifying agents. Section 489.127, F.S., is amended to provide procedures for issuance and enforcement of citations by counties and municipalities. Sections 489.133 and 376.303, F.S., contain language transferred from Section 489.113, F.S., regulating pollutant storage systems speciality contractors. The act directs the Secretary of Professional Regulation to appoint a committee to evaluate consumer complaints against contractors. The effective date of this act is October 1, 1988.

Dietetics and Nutrition Practice

COMMITTEE SUBSTITUTE FOR SENATE BILL 93 (CHAPTER 88-236) creates the "Dietetics and Nutrition Practice Act" to provide for the licensure of dietitian/nutritionists and nutrition counselors by the Department of Professional Regulation.

The law requires any person practicing dietetics and nutrition to be licensed except for certain licensed health care professionals, governmental employees, sales persons, employees of certain nonprofit organizations, and employees of certain licensed health care facilities.

It creates a Dietetics and Nutrition Practice Council under the Board of Medicine, provides for Council membership, and establishes Council duties. It establishes licensure fees and educational and professional experience requirements for licensure, and it provides for the "grandfather" licensure of certain persons. The law also establishes practice requirements, provides for the licensure of certain persons by endorsement, and establishes practice requirements as well as provisions relating to inactive licenses. It also proscribes certain acts and establishes criminal penalties for violations. Grounds for disciplinary action are likewise established. The act is effective October 1, 1988, and must be reviewed prior to October 1, 1998, by the Legislature pursuant to the Regulatory Sunset Act.

Electrical Contracting

COMMITTEE SUBSTITUTE FOR SENATE BILL 57 (CHAPTER 88-149) revives and readopts Sections 489.501-489.537, F.S., regulating the practice of electrical contracting, which sections were scheduled for repeal on October 1, 1988, and repeals said sections on October 1, 1998, subject to review by the Legislature pursuant to the Regulatory Sunset Act. It also revives and readopts Section 633.70, F.S., which was scheduled for expiration on October 1, 1988, and repeals that section and Section 633.72, F.S., on October 1, 1998, subject to review by the Legislature pursuant to the Regulatory Sunset Act.

In addition to a number of nonsubstantive changes made in sections within the range listed, the legislation removes the exemption from regulation for subcontractors and specialty contractors and exempts from regulation other persons, including fire protection system contractors and persons installing or repairing telecommunications, heating, ventilation or air-conditioning systems, community antenna television, or electric lock systems. It increases maximum fees for services

by the Electrical Contractors' Licensing Board. It replaces "licensure" of contractors with "certification," and revises or sets standards for certification. It creates Section 489.516, F.S., to prescribe qualifications to practice electrical or alarm system contracting on a statewide basis. It creates Section 489.522, F.S., to provide for regulation of qualifying agents. It provides additional grounds for disciplinary action, including financial mismanagement or misconduct, failing to affix a registration or certification number to a building permit application or advertisement, proceeding on a job without appropriate permits and approval, and practicing beyond the scope of certification or registration. The act is effective October 1, 1988.

Funeral Directing and Embalming

The statutory requirement that the Board of Funeral Directors and Embalmers "...shall maintain its official headquarters in the city in which it has been domiciled for the past 5 years..." is repealed by HOUSE BILL 901 (CHAPTER 88-76) for the purpose of permitting the Department of Professional Regulation to select the Board's headquarters site. The present location is Jacksonville.

Landscape Architecture

HOUSE BILL 780 (CHAPTER 88-347) revives and readopts Sections 481.301-481.331, F.S., regulating the practice of landscape architecture, which sections were scheduled for repeal on October 1, 1988, and repeals said sections on October 1, 1998, subject to review by the Legislature pursuant to the Regulatory Sunset Act. The act also amends individual sections within that range for a variety of purposes. It redefines the term "landscape architecture" and revises the legislative purpose in regulating the profession. It repeals obsolete language relating to the appointment of members of the Board of Landscape Architecture. It sets maximum fees for licenses and renewals of licenses, for applications, and for examinations. It prescribes additional requirements for taking the licensure examination, for licensure, for inactive status, for temporary certification, and for corporate or partnership practice.

It provides additional grounds for disciplinary proceedings and prohibits the use of the term "L.A." or "landscape engineering" by unlicensed persons.

It creates Section 481.310, F.S., to require applicants for licensure to demonstrate one year of practical landscape architecture experience beginning October 1, 1990.

It amends Section 481.321, F.S., to allow the Board of Landscape Architecture to prescribe a form of seal to be used, to require a landscape architect to surrender his seal to the Board if his certificate of registration is suspended or revoked, and to require a registrant's certificate number to be used in advertising.

It amends Section 481.329, F.S., to require that persons hired by governmental units as landscape architects be licensed.

It creates a committee which is to submit to the Legislature and Department of Professional Regulation a letter of agree-

ment which delineates the conditions under which landscape architects may submit permits for design of stormwater management drainage systems.

Massage Practice

COMMITTEE SUBSTITUTE FOR SENATE BILL 901 (CHAPTER 88-233) amends Section 480.046, F.S., to provide that practicing massage at an unlicensed site, other than a client's residence or office, a sports event, a convention, or a trade show, is grounds for disciplinary action. The act amends Section 480.0465, F.S., to provide that, pending licensure of a new massage establishment, the license number of the licensed masseur who is the principal owner of the establishment may be used in advertisements.

Medicine

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1015 (CHAPTER 88-361) amends Paragraph 154.04(1)(c), F.S., allowing certified physician assistants and certified osteopathic physician assistants to assess patients and order and deliver medications in county public health units according to written protocols adopted by each county public health unit and signed by the supervising physician, and the director of the unit. Medications, ordered within the scope of a written protocol, would be from the formulary adopted by the Department of Health and Rehabilitative Services for such units. Sections 458.347 and 459.022, F.S., are amended to authorize supervisory physicians and osteopathic physicians to delegate such patient care duties to physician assistants and osteopathic physician assistants through written protocols, but limited to the supervising physicians practice with a public health unit. The act requires that clinical hospital privileges be granted for a certified physician assistant or certified osteopathic physician assistant as long as the supervising physician or osteopathic physician is a staff member in good standing with the hospital. Privileges could be denied for cause.

Licensed hospital facilities are required pursuant to revised Section 395.011, F.S., to establish rules and procedures for considering applications for clinical privileges. Any such privileges granted would terminate upon termination of the supervising physician's membership on the hospital staff. Clinical privileges do not include admitting patients or the privilege of membership on a hospital's medical staff.

The law provides that neither Chapter 458 nor Chapter 459, F.S., prevents third-party payers from reimbursing a supervising physician or osteopathic physician for services rendered by physician assistants or osteopathic physician assistants under their supervision.

The requirements for certification as a physician assistant or osteopathic physician assistant are revised to allow applicants to be certified by the Department of Professional Regulation before establishing an employment relationship with a supervising physician or osteopathic physician. The certified registrant will still be required notify the Department and identify their supervisory physician upon employment or when there is any change in their supervisory physician. Section

458.348, F.S., is amended to delete the requirement that physicians notify the Board of Medicine when they enter into a supervisory relationship with physician assistants.

The law will allow physician assistant and osteopathic physician assistant candidates to take and fail the proficiency examination three times before they become ineligible for certification. Under current law, a candidate becomes ineligible for certification after failing the exam twice.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1176 (CHAPTER 88-218) amends Section 458.3145, F.S., to provide that an accredited medical school's affiliated clinics and teaching hospitals, at which holders of medical faculty certificates may practice medicine in conjunction with their faculty positions, must be registered with the Board of Medicine.

Nursing

COMMITTEE SUBSTITUTE FOR HOUSE BILL 557 (CHAPTER 88-270) amends Section 464.022, F.S., to exempt from the Nurse Practice Act a trained person furnishing hemodialysis treatments in a patient's home so long as telephone access to a registered nurse is available. This act takes effect October 1, 1988.

Pharmacy

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 446 (CHAPTER 88-172) creates Section 465.0126, F.S., to regulate the licensing of nuclear pharmacists and amends Sections 465.003 and 465.0193, F.S., to conform to the new section. Nuclear pharmacists are responsible for nuclear pharmaceuticals, records, and radiopharmaceuticals and medicinal drugs.

Section 465.018, F.S., is amended to require a newly designated prescription department manager of a community pharmacy, in addition to the community pharmacy permittee, to notify the Department of Professional Regulation of the change in the prescription department manager.

The law amends Section 465.022, F.S., to increase fees charged to pharmacies.

In addition, Section 499.054, F.S., is amended to prohibit the advertising of a legend drug unless the advertisement clearly states that the drug may be dispensed only upon prescription.

The act appropriates moneys and authorizes positions for the Department of Professional Regulation for inspection of pharmacies and training and supervision of pharmacy inspectors. The law takes effect October 1, 1988.

Radiologic Technology

COMMITTEE SUBSTITUTE FOR SENATE BILL 1354 (CHAPTER 88-310) amends Sections 468.301, 468.302, 468.304 and 468.307, F.S., to provide for certification of persons as basic X-ray machine operators-podiatry. Such persons may only perform radiographic functions which are within the scope of practice of, and under the supervision of, a podiatrist and may not practice in a walk-in emergency center or similar facility. Section 468.303, F.S., is also amended to authorize the De-

partment of Health and Rehabilitative Services to set fees by rule, within the maxima prescribed by statute, and Sections 468.304, 468.305, 468.306 and 468.309, F.S., are amended to increase or set permissible fees for applications and licensure of radiologic technologists and educational programs. The act also amends Section 468.304, F.S., to prohibit the acceptance of applications for limited computed tomography certificates.

The legislation amends Section 468.3101, F.S., to provide that violations of Sections 468.3001-468.314, F.S., or rules or orders of the Department of Health and Rehabilitative Services need not be willful or repeated in order to subject the perpetrator to disciplinary action.

Section 468.3035, F.S., relating to contracts with the Department of Professional Regulation, and Section 468.308, F.S., relating to certification based on prior experience or training are repealed. This act takes effect October 1, 1988.

Real Estate Brokers, Salesmen, and Schools

COMMITTEE SUBSTITUTE FOR SENATE BILL 82 (CHAPTER 88-20) revives and readopts Sections 475.001-475.486, F.S., regulating real estate brokers, salesmen, and schools, which sections were scheduled for repeal on October 1, 1988, and repeals said sections and Section 475.501, F.S., on October 1, 1998, subject to review by the Legislature pursuant to the Regulatory Sunset Act. It also revives and readopts Section 475.045, F.S., relating to the Florida Real Estate Commission Education and Research Foundation Advisory Committee, which was scheduled to expire October 1, 1988, and repeals said section on October 1, 1998, subject to review by the Legislature pursuant to the Sundown Act (Section 11.611, F.S.).

A number of minor changes are made to sections within the range; however, the following changes should be noted: revised Section 475.17, F.S., authorizes the Florida Real Estate Commission to require postlicensure education within the two years after licensure for a person to maintain a salesman's or broker's license and to allow additional time for completion of such education and requires a nonresident applicant to file an irrevocable consent to suits and actions against him in this state. The law makes failure by a licensee to give notice that he represents another party in a real estate transaction grounds for discipline. Section 475.501, F.S., is created to provide for state certification of real estate appraisers, and it prescribes standards and procedures for such certification. Persons who are not certified pursuant to this act may not certify real estate appraisals. Section 475.501, F.S., also sets forth standards for the appraisals themselves. The act amends Section 337.271, F.S., to require that the appraisal submitted by a person from whom the Department of Transportation is attempting to acquire property for highway purposes be made by a certified appraiser. These provisions become effective October 1, 1988.

Sellers of Travel

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1031 (CHAPTER 88-363) provides for the regulation of sellers of travel

(travel agents), who were previously unregulated, by the Division of Consumer Services of the Department of Agriculture and Consumer Services.

Sellers of travel are required to register with the Division. The act also establishes registration fees, establishes procedures for the registration of such persons, proscribes certain conduct by sellers of travel, and provides penalties for violations.

It further requires annual reports and requires advertisements to include the registration number of the seller, requires the maintenance of business records and a performance bond, and establishes procedures for claims against such bonds.

The law also defines and provides for the regulation of "promoters" as persons who solicit travelers, at the time of use of accommodations or facilities, for the sale of investments, goods, or services, and includes persons who provide travel or tour benefits in conjunction with such promotions, including time-share plans.

Numerous persons and activities are exempted from regulation under the law.

The Consumer Litigation Section of the Department of Legal Affairs is authorized to obtain injunctive relief, recover penalties, and otherwise enforce the act.

The measure also establishes criminal penalties for certain violations and establishes a trust fund into which any penalties are to be deposited. It further preempts regulation of sellers of travel to the state and provides for expiration of regulation on January 1, 1998, subject to legislative review pursuant to the Regulatory Sunset Act.

Talent Agents

HOUSE BILL 52 (CHAPTER 88-44) amends Section 468.401, F.S., to exclude from the definition of "engagement," as it applies to talent agencies, the procurement of opera, music, theater, or dance engagement for organizations operated for religious, charitable, scientific, testing for public safety, literary, or educational purposes or for nonprofit Florida arts organizations.

Yacht Brokers

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1125 (CHAPTER 88-282) provides for the regulation of yacht brokers and salesmen by the Department of Business Regulation effective October 1, 1988.

The legislation requires the licensure of persons who sell power or sail vessels which exceed 32 feet in length and weigh less than 300 gross tons but provides numerous exemptions for certain persons who are not in the business of selling such vessels. The law also establishes licensure procedures, provides for fees, requires the posting of a bond by brokers, requires brokers to escrow funds received in the course of certain transactions, and requires brokers to provide closing statements to the buyer and seller.

It establishes grounds for the discipline of licensees and provides for the suspension or revocation of licensees. The

act expires on October 1, 1998, and must be reviewed by the Legislature pursuant to the Regulatory Sunset Act.

Professions Generally

COMMITTEE SUBSTITUTE FOR HOUSE BILL 14 (CHAPTER 88-49) creates Subsection 455.217(4), F.S., to exempt meetings and records of meetings held for the exclusive purpose of creating or reviewing professional licensure examination questions or proposed examination questions from the public records and public meetings requirements of Chapter 119, F.S., and of Section 286.011, F.S. New Subsection 455.217(4), F.S., does not affect the right of a person who has failed an examination to review his examination questions, answers, papers, grades, and grading key.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1048 (CHAPTER 88-279) amends Subsection 455.225(1), F.S., to permit the Department of Professional Regulation to investigate an anonymous complaint of a violation of Chapter 455, F.S., or any applicable rule or practice act, effective October 1, 1988. Before an investigation may commence, the anonymous complaint must be in writing and legally sufficient, the alleged violation must be substantial, and the Department must have reason to believe, after preliminary inquiry, that the alleged violation is true.

HOUSE BILL 1626 (CHAPTER 88-392) amends a broad range of provisions in Chapters 455, 458, 460, 464, 466, 472, 474, 475, 476, 477, 484, 490, 491, 492, and 768, F.S., relating to various professions and occupations. This act amends provisions relating to licensure examinations for various professions and occupations; requirements for membership on certain boards, the number of members on certain boards, and the creation of a committee to resolve inter-board differences; probable cause panels; requirements for recordkeeping on certain patients; licensure by endorsement; license renewal fees; continuing education for chiropractic physicians; podiatric technicians; and handwriting sample requirements for licensed dentists. Also amended are provisions relating to immunity from liability for certain medical review committees, the violation of certain regulatory provisions and the punishment for such violations. The act also exempts individuals in certain occupations from the provisions of Chapters 476 and 477, F.S.

Amended Section 474.2141, F.S., and new Section 466.0283, F.S., provide for a practicing veterinarian and a practicing dentist to be appointed to the Impaired Practitioners Committee. These two sections also define duties and responsibilities of such Committee and the Department of Professional Regulation. They further provide that misrepresentation with respect to rehabilitation of a practitioner's impairment is a felony of the third degree.

New Section 461.017, F.S., provides for practice under supervision by certain podiatric practitioners.

This act also changes the date on which Chapter 490, F.S., is repealed, subject to review pursuant to the Regulatory Sunset Act, from October 1, 1990, to October 1, 1989. The provisions of this act are effective October 1, 1988.

SENATE BILL 1031 (CHAPTER 88-205) amends numerous provisions, effective October 1, 1988, relating to the certification and examination fees for acupuncturists, physicians, osteopaths, chiropractors, podiatrists, optometrists, nurses, pharmacists, pharmacies, dentists, dental hygienists, nursing home administrators, respiratory therapists, embalmers, engineers, land surveyors, accountants, veterinarians, masseurs, architects, landscape architects, opticians, hearing aid dispensers, physical therapists, physical therapist assistants, construction contractors, psychologists, clinical social workers, marriage and family therapists, and mental health counselors, with most changes being in the nature of fee increases.

New Section 455.230, F.S., provides that licensure examination questions and answers are not subject to discovery, but may be introduced into evidence under certain conditions in certain administrative proceedings. It further provides that an unsuccessful applicant may review his questions and answers under certain conditions.

This act deletes the special examination and licensing provisions relating to foreign-trained podiatric technicians in Chapter 455, F.S., but new Section 461.017, F.S., allows those foreign-trained podiatric technicians who applied for certification pursuant to Subsection 455.218(3), F.S., and were accepted prior to April 1, 1988, to sit for the certification examination no more than three times after July 1, 1988. New Section 461.017, F.S., also establishes the subject matter of such examinations.

Medical Incidents

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 819 (CHAPTER 88-277) amends a broad range of provisions in Chapters 20, 395, 455, 458, 459, 460, 461, 464, 466, 627, 641, and 768, F.S., relating to medical incidents. This act amends provisions relating to: disciplinary actions against hospitals; hospital risk management incident reports; review of hospital budget increases; risk management training of nonphysician personnel of health maintenance organizations; assessment of fees with respect to newborn infants; emergency care facility immunity under the Good Samaritan Act; and professional liability insurance for certain health care organizations. This legislation also amends provisions relating to: health care practitioner license suspension or restriction proceedings; notice of such license suspension or restriction; and temporary practice certificates for physicians. Provisions relating to arbitration panels and arbitration awards and settlement agreements involving medical negligence claims are also amended. This act also repeals Section 768.66, F.S., effective July 5, 1988.

Amended Section 768.40, F.S., establishes a method by which the Department of Professional Regulation and a professional society of certain physicians may enter into an agreement under which the society agrees to review any complaint or case referred to it for purposes of determining whether the actions of the physician referred to in the complaint represented a breach of the prevailing professional standard of

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care. This amended section also establishes the information which must go into the advisory report that such society agrees to provide to the Department. It also provides that such advisory report remain confidential.

Amended Section 61 of Chapter 88-1, Laws of Florida, redefines "birth-related neurological injury" to apply only to certain injuries to any live infant weighing at least 2,500 grams at birth. Amended Section 73 of Chapter 88-1, Laws of Florida, revises provisions for initial assessments paid by certain physicians electing to participate in the Florida Birth-Related

Neurological Injury Compensation Plan. Amended Section 74 of Chapter 88-1, Laws of Florida, prescribes certain duties with respect to the recordkeeping and financial management of the Florida Birth-Related Neurological Injury Compensation Association, and amended Section 76 of Chapter 88-1, Laws of Florida, appropriates for transfer, effective July 1, 1988, \$2 million from the Insurance Commissioners' Regulatory Trust Fund to the Florida Birth-Related Neurological Injury Compensation Association and appropriates for transfer, effective January 1, 1989, \$18 million from such Trust Fund to the Association.

PUBLIC OFFICERS AND EMPLOYEES*

The area of retirement seemed to be the main focus of concern during the 1988 Regular Session of the Legislature with respect to public officers and employees. The public officer and employee retirement provisions were amended so that state attorney investigators have been included as law enforcement officers for the purpose of death benefits. The Florida Retirement System was the subject of several pieces of legislation. Among other revisions, the Legislature revised contribution rates for various classes in the system, provided for contribution rates with respect to the retiree health insurance subsidy, required that an employee be "terminated" prior to the payment of any benefits under the system, and authorized as much as two years credit for authorized leaves of absence. The Legislature also provided guidelines with respect to money or assets in the System Trust Fund invested in institutions doing business with or for Northern Ireland.

State employment was the subject of several pieces of legislation in the 1988 Regular Session. The Legislature adopted the State Employees Pretax Benefits Program Act administered by the Department of Administration, revised state law governing other-personal-services employment, and revised provisions with respect to exemption from the Career Service System.

The Legislature prohibited the state employment or promotion of persons required to be registered with the Selective Service System who are not so registered, prohibited penalizing members of the Florida National Guard called into active service during employment, and revised military retirement limitations.

Retirement

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1497 (CHAPTER 88-382) makes substantial changes with respect to retirement programs in Florida. The act amends Section 112.1904, F.S., to redefine the term "law enforcement officer" to include state attorney investigators so that death benefits may be provided to such investigators. It amends Section 112.362, F.S., to revise the formula for cost-of-living adjustments to the minimum benefit adjustment with respect to public employees. The law also amends Paragraph 112.363(8)(b), F.S., to advance to January 1, 1989, the effective date of contribution rate increases with respect to the retiree health insurance subsidy. The law amends Section 112.65, F.S., to revise the limitation of benefits for certain retirees.

The act substantially revises the provisions of the Florida Retirement System, Chapter 120, F.S. It amends Section 121.021, F.S., to define the term "termination" and amends Subsection 121.031(3), F.S., to require the results of the biennial actuarial review of the System, mandated by existing law, be reported to the Legislature by February 1 prior to the next legislative session. Further, the act amends Section 121.051,

F.S., to provide that members of existing retirement systems must have a 12-month break of service to transfer to the Florida Retirement System. It revises Section 121.0515, F.S., to permit former members of the Highway Patrol Pension System and described former members employed by the Department of Corrections to receive special risk credit for prior service. The measure amends Section 121.052, F.S., to revise contribution rates applicable to members of the Elected State Officers' Class and to provide a contribution rate for the retiree health insurance subsidy for such members.

The act alters Section 121.055, F.S., to change the contribution rates applicable to members of the Senior Management Service Class and to provide a contribution rate for the retiree health insurance subsidy for members of this class. Moreover, the law amends Section 121.071, F.S., to revise contribution rates applicable to members of the Regular Class, Special Risk Class and Special Risk Administrative Support Class and to provide a contribution rate for the retiree health insurance subsidy for these classes. The act amends Section 121.081, F.S., to require the purchase of past service credit at the contribution rate in effect at the time the service was earned, to eliminate the 12-continuous-month reemployment provision for prior service, and to revise the contribution rate for the purchase of described prior service.

Section 121.091, F.S., is revised to provide that no benefits shall be paid under the Florida Retirement System until a member has terminated employment, to alter the criteria for eligibility to qualify for disability benefits, and to change the contribution rate for purchase by a spouse of a deceased member's refunded service. Section 121.121, F.S., is revised to provide that future service includes up to two years of creditable service for authorized leaves of absence. Paragraph 121.35(2)(a), F.S., is amended to permit employees of the State University System Executive Service to participate in the Optional Retirement Program. Also, the act amends Section 121.40, F.S., to revise the formula for cost-of-living adjustments for Institute of Food and Agricultural Sciences supplemental benefits for retired Institute personnel and to revise contribution rates for such retirees. Finally, the act creates a Joint Legislative Retirement Study Committee to develop an appropriate policy regarding the manner in which retirement issues are handled by the Legislature so as to promote a state-administered retirement system which provides an equitable benefit structure which is funded in a realistic and actuarially sound manner. Unless otherwise provided, provisions of the act take effect October 1, 1988.

COMMITTEE SUBSTITUTE FOR SENATE BILL 150 (CHAPTER 88-238) amends Paragraph 121.071(2)(a), F.S., to increase the rate of employer contributions with respect to members of the special risk class of the Florida Retirement System. The act also amends Paragraph 121.091(1)(a), F.S.,

*Prepared by House Bill Drafting Services

to increase the monthly retirement benefit with respect to special risk service. The provisions take effect October 1, 1988.

HOUSE BILL 1113 (CHAPTER 88-77) creates Section 155.45, F.S., to provide that hospitals which provide retirement coverage under the Florida Retirement System and which are terminating coverage because the hospital is closing are authorized to purchase annuities for all personnel with 25 or more years of creditable service who have reached age 55, and who have applied for retirement under the Florida Retirement System. The act further provides that such hospitals are authorized to invest funds, purchase annuities, or provide local supplemental retirement programs for purposes of providing annuities for their personnel.

Effective October 1, 1988, HOUSE BILL 1060 (CHAPTER 88-61) amends Sections 121.091 and 238.181, F.S., to permit district school retirees to be reemployed after retirement as hourly employees.

HOUSE BILL 446 (CHAPTER 88-406) creates Section 121.153, F.S., to provide requirements with respect to money or assets in the Florida Retirement System Trust Fund invested with institutions doing business in or with Northern Ireland. The act creates Section 655.421, F.S., to require every financial institution which is engaged in the business of making loans, extending credit, or advancing funds to file an annual report on financial activities in relation to Northern Ireland with the Department of Banking and Finance. The law takes effect October 1, 1988.

State Employment

COMMITTEE SUBSTITUTE FOR HOUSE BILL 755 (CHAPTER 88-345) creates Section 110.161, F.S., to create the State Employees Pretax Benefits Program Act. The act directs the Department of Administration to develop rules for the pretax program to specify the benefits under the program, the continuing tax exempt status of the program and other matters deemed necessary by the Department. The law provides for the implementation of the program in phases. Phase one allows employee contributions to premiums for the state health program and state life insurance to be paid on a pretax basis. Phase two allows employees to voluntarily establish expense reimbursement plans from salaries on a pretax basis to pay for qualified medical and dependent care expenses. The act creates the Pretax Benefits Trust Fund in the Department of Administration to receive employer FICA contributions saved by the pretax benefits program to be used to underwrite the program.

HOUSE BILL 533 (CHAPTER 88-333) effective October 1, 1988, amends Section 110.131, F.S., to revise state law governing other-personal-services (OPS) temporary employment. The act exempts seasonal employees and institutional clients employed as a part of their rehabilitation from the limitation on hours an employee may be employed annually in an OPS position. The enactment deletes a reporting requirement on OPS employees and authorizes the Secretary of the Department of Health and Rehabilitative Services to extend the OPS employment of certain health care practitioners beyond the hourly limitation imposed on OPS employees.

SENATE BILL 576 (CHAPTER 88-182) amends Paragraph 110.205(2)(q), F.S., to exempt positions for which the employee must be a law school graduate from the State Career Service. In addition, the act amends Subsection 216.181(7), F.S., to provide that the calculation for the annual salary rate for vacant and newly authorized state positions shall be 10 percent above the minimum of the pay grade for the position or as provided in the legislative letter of intent.

SENATE BILL 461 (CHAPTER 88-174) creates Paragraph 110.205(2)(s), F.S., to exempt the executive director of each board or commission within the Department of Professional Regulation from the State Career Service. The act directs the Department to set the salary and benefits for these positions in accordance with rules established for the Selected Exempt Service.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1133 (CHAPTER 88-366) amends Paragraph 110.205(2)(d), F.S., to exempt academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind from the career service and to provide that the salaries for such personnel shall be set by the Board of Trustees of the School, subject to approval by the State Board of Education. The act amends Paragraph 242.331(5)(e), F.S., to authorize the Board of Trustees to invest moneys in The Common Fund, an Investment Management Fund exclusively for nonprofit educational institutions. Finally, the law creates Section 242.333, F.S., to authorize the Board of Trustees to provide legal services for officers and employees of the Board who are charged with civil or criminal actions arising out of and in the course of their duties and responsibilities.

Military

Effective October 1, 1988, SENATE BILL 367 (CHAPTER 88-165) prohibits the employment or promotion of persons by the state when such persons who are required to register with the Selective Service System under the Military Selective Service Act have not so registered.

HOUSE BILL 484 (CHAPTER 88-330) amends Section 250.482, F.S., to provide that when a member of the Florida National Guard is called into active service, no private or public employer and no employing or appointing authority of the state, its counties, municipalities, political subdivisions, community colleges, or universities shall discharge, reprimand, or in any way penalize such member because of his absence by reason of state active duty. The effective date of the law is October 1, 1988.

HOUSE BILL 705 (CHAPTER 88-112) revises Section 250.22, F.S., as of October 1, 1988, to eliminate language which prohibits a person who retires under provisions of the Military Code and who is eligible to receive retirement pay from the state under any other provision of law from including, in determining eligibility and benefits for such other retirement, service performed or contribution made while employed by the Military Department of the state.

SENATE BILL 384 (CHAPTER 88-42) amends Paragraph 145.19(1)(a), F.S., relating to county officials to redefine the term "annual factor" for the purposes of calculating annual salary increases for county officers.

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STATE GOVERNMENT*

The 1988 Legislature took action in the areas of public access to government meetings and records; Sunset and Sundown review of commissions, Sections 11.61 and 11.611, F.S., respectively; preservation of historical and archaeological resources; state government involvement in the issues of child care, veterans affairs, administrative procedures, firesafety, law book distribution, printing, purchasing, and employee parking; charitable contributions; the arts; official recognition for Children's Day and Martin Luther King Day; national flood insurance; and asbestos.

These, and other acts relating to the function of the state and its agencies, are discussed below.

Public Records

SENATE BILL 654 (CHAPTER 88-188) amends Sections 119.011 and 119.07, F.S., to allow the court in a criminal case to order that certain information be kept confidential if that information would be defamatory to the good name of a victim or witness, would jeopardize the safety of a victim or witness, and would impair the ability of a state attorney to locate or prosecute a co-defendant. The act also provides an exemption from the public records law for court records which identify all victims of sexual assault. [Prior to the passage of this law, only those records of victims under the age of 18 were exempt.] This act becomes effective October 1, 1988.

COMMITTEE SUBSTITUTE FOR SENATE BILL 573 (CHAPTER 88-70) amends Section 13.10, F.S., by changing the name of the Commissioners for the Promotion of Uniformity of Legislation in the United States to the National Conference of Commissioners on Uniform State Laws.

The enactment also designates a person who has been elected a life member from Florida of the National Conference on Uniform State Laws to serve as a member of the Florida Commission. Further, the law authorizes a legislative employee to serve as an associate member and secretary to the Florida Commission.

SENATE BILL 56 (CHAPTER 88-15) revives and reenacts Section 272.18, F.S., relating to the Governor's Mansion Commission and authorizes the Commission to employ the services of a full-time curator.

The act also designates the Florida Room as a state room of the Governor's Mansion.

Additionally, the legislation authorizes a not-for-profit corporation to operate for the benefit of the Governor's Mansion under specified terms and conditions and requires the Commission to adopt rules governing loans of items to the Commission by foundations. The law becomes effective October 1, 1988, and provides for future review in accordance with the Sundown Act.

SENATE BILL 1064 (CHAPTER 88-303) relates to various statutes subject to the Regulatory Sunset and Sundown Acts. The act amends certain statutory sections to correct discrepan-

cies in the repeal clauses and the provisions for review of those laws.

HOUSE BILL 776 (CHAPTER 88-37) reenacts Sections 413.032-413.037, F.S., the Commission for the Purchase from the Blind or other Severely Handicapped after review pursuant to the Sundown Act. The act designates the Director of the Division of Vocational Rehabilitation of the Department of Labor and Employment Security as a Commission member. The Director of Prison Industries will no longer be a commission member. [The commission implements its policy through Rehabilitative Services, Enterprises and Products (RESPECT), a nonprofit agency which markets its products and services to state and local governments. RESPECT is given a precedence for the procurement of products and services from nonprofit corporations.] This law becomes effective October 1, 1988.

SENATE BILL 230 (CHAPTER 88-13) revives and readopts, as amended, provisions relating to the Capitol Center Planning Commission contained in Subsections (2) and (3) of Section 272.12, F.S., which were subject to Sundown review. The act changes all abbreviated references to Martin Luther King, Jr. Boulevard in the Capitol Center Planning District boundary description. It removes obsolete language relating to initial appointments to the Capitol Center Planning Commission and provides for filling vacancies on the Commission. The act provides for future Sundown review and repeal of Subsections (2) through (6) of Section 272.12, F.S. This law becomes effective October 1, 1988.

Archaeological Resources and Historical Preservation

HOUSE BILL 872 (CHAPTER 88-351) amends Section 267.061, F.S., authorizing the Division of Historical Resources of the Department of State to acquire and maintain objects of historical or cultural significance to Florida. In exchanging, selling, or transferring objects of historical or archaeological value, the Division is exempt from surplus property requirements.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 717 (CHAPTER 88-274), amends Section 253.027, F.S., and establishes the Emergency Archaeological Property Acquisition Act of 1988 to provide for emergency acquisition of state lands of archaeological significance. Archaeologically significant lands are defined as lands that contain unique prehistoric or historic artifacts, relics, or structures of archaeological value that are important to the state as a whole and represent a particular culture, historic event, or epoch. An Emergency Archaeological Acquisition account is established within the Conservation and Recreation Lands Trust Fund (CARL).

COMMITTEE SUBSTITUTE FOR SENATE BILL 309 (CHAPTER 88-43) creates Sections 266.118, 266.2095, 266.309, 266.411, and 266.508, F.S., which authorize six historic preservation boards to create direct-support organizations as

*Prepared by House Governmental Operations Committee

independent bodies under the Department of State. These boards are responsible for the preservation, acquisition, restoration, and management of historic sites and objects within certain areas.

[Two other boards currently have authority to establish direct-support organizations to assist them in carrying out their purposes and responsibilities.]

This law also provides for future Sundown review and repeal of these new sections.

State Government

COMMITTEE SUBSTITUTE FOR SENATE BILL 90 (CHAPTER 88-151) amends various provisions of Sections 110.151, 787.04, and 827.04, F.S., to require the Department of Administration to approve, administer, and coordinate child care services and conduct technical assistance and needs assessments for the child care needs of state officers and employees. The act provides, among other requirements, that: child care providers shall be selected by competitive contract; child care operators shall comply with all state purchase-of-service standards and local standards for the licensure and operation of child care facilities and shall maintain adequate liability insurance; neither the operator, nor any personnel employed by the facility, shall be employees of the state; and child care programs shall be financially self-sufficient.

The child care center located in a building not included in the Florida Facilities Pool may have a portion of rental fees waived. The Department of Administration shall establish guidelines to determine the most cost-effective method or employee option for meeting child care needs when the facility does not meet the guidelines for a child care center. The State Employee Revolving Trust Fund shall be used for start-up and operation of child care services. The Ina S. Thompson Child Care Center at the Department of Highway Safety and Motor Vehicles (DHSMV) shall be continued, and DHSMV shall be responsible for operation of the Center. The law also gives the Department of Administration the authority to adopt necessary rules.

The act also makes it a felony to remove a minor from the state or to conceal minors contrary to state agency or court order. In addition, the definition of child abuse is amended to include one who inflicts physical or mental injury on a child. This part of the law becomes effective October 1, 1988.

HOUSE BILL 1025 (CHAPTER 88-362) amends Sections 633.021, 633.025, and 633.081, F.S., to create a category of special state firesafety inspectors for those agencies having authority and responsibility for making firesafety inspections, i.e., the Department of Business Regulation, the Department of Health and Rehabilitative Services, and the Department of Education. The training requirement for special state firesafety inspectors is less than the requirement for firesafety inspectors within the Division of State Fire Marshal. The legislation also provides an exemption from certain National Fire Protection Association requirements for buildings having direct access to the outside from each living unit and having three stories or less. Battery operated smoke detectors will be consid-

ered approved detection devices for these buildings. This act becomes effective on October 1, 1988.

HOUSE BILL 1159 (CHAPTER 88-367) changes Section 120.52, F.S., to exempt from the rulemaking requirements in the Administrative Procedures Act, Chapter 120, F.S., the Comptroller's statements, memoranda, or instructions relating to claims for payment submitted by state agencies to the Comptroller.

SENATE BILL 59 (CHAPTER 88-150) amends Sections 11.246, and 283.52, F.S., to permit the law library of St. Thomas University to receive one free set of Florida Statutes for each ten students enrolled. In addition, St. Thomas University and Nova University are allowed to receive one free set of Florida Statutes for each law faculty member. [These institutions will receive the same benefits as the other law schools in the state.]

SENATE BILL 679 (CHAPTER 88-191) is an amendment to Sections 110.1245 and 240.2111, F.S., which provide that state agencies, the Board of Regents, and each state university may expend a maximum of \$50 for framed certificates, plaques, or other tokens of recognition to appointed members of state boards or commissions whose service has been satisfactory upon the expiration of the board or commission member's final term in such position.

SENATE BILL 138 (CHAPTER 88-230) amends Sections 240.209 and 272.161, F.S., to provide that the Department of General Services may charge for loading zone permits and scramble parking permits in an amount sufficient to cover the cost of maintaining parking areas.

Additionally, the Board of Regents is authorized to rent or lease parking facilities and to charge fees for such parking at those locations.

HOUSE BILL 1504 (CHAPTER 88-384) relates to the procurement of commodities and services by the Department of General Services as well as other state agencies. The act also addresses the procurement of information technology resources as well as requirements relating to an evaluation and projection of the financial condition of the employee group health self-insurance plan by the Economic Estimating Conference.

The law provides clarification of existing statutory authority relating to purchasing. Provisions are made in revised Paragraph 119.07(3)(p), F.S., for sealed bid documents or proposals to be exempt from the public records law until an agency decision or within ten days of bid opening, whichever occurs first. [This will allow the Department of General Services to maintain adequate security of bid documents during this period.]

In the event a bidder files a protest relating to a term contract, the protesting party would be required to post a bond pursuant to amended Subsection 287.042(2), F.S. The losing or nonprevailing party would be required to pay court costs.

Additionally, the threshold requirement for certain contracts is increased from \$600 to \$3,000 by revision of Section 287.058, F.S.

Changes to Section 216.136, F.S., will require the Economic Estimating Conference to evaluate and project the financial

condition of the employee group health self-insurance plan; such evaluation is to consider any financial impact of the state's use of health maintenance organizations on the funding of the self-insurance plan. The Conference is required to evaluate the plan prior to the Governor's submission of his budget recommendations to the Legislature and prior to each Regular Session of the Legislature.

Any proposed changes in benefits to the state employee group health self-insurance plan by the Governor, in his proposed budget recommendations to the Legislature, must be accompanied by a statement signed by an enrolled actuary under the provisions of amended Subsection 216.164(1), F.S.

Additionally, amendments are made to several sections of the statutes relating to information technology resources. Under revised Subsection 287.073(5), F.S., the Information Technology Resource Procurement Advisory Council (ITRPAC) would be required to review and recommend modifications to agency information technology resources if they cost more than \$1 million over a two-year period. Additionally, the Council is required to adopt rules to establish standards. New Subsection 287.073(7), F.S., requires the Council to issue to the Governor and Cabinet an annual report on its actions.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 156 (CHAPTER 88-32) amends Chapter 283, F.S., by increasing the threshold from \$1,000 to \$3,000 for the cost of printing all publications produced for public distribution as the determinant of whether an internal printing oversight committee oversees a printing project and whether a cost data and purpose statement shall be inserted on a publication. It also provides that certain university-related publications shall be awarded to a new publisher only when a certain net gain in savings can be realized. The repeal date for Chapter 283, F.S., is extended to October 1, 1990, and specifications are provided for legislative review of the Chapter.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 161 (CHAPTER 88-290) creates Section 20.37, F.S., establishing a new Department of Veterans' Affairs, contingent upon voter approval on November 8, 1988, of a constitutional amendment allowing for its creation. An executive director, appointed by the Governor, approved by three members of the Cabinet, and confirmed by the Senate, would serve at the pleasure of the Governor and the Cabinet who would head the Department. The act would transfer to the Department from the Department of Administration (DOA), the Division of Veterans Affairs and from the Executive Office of the Governor, the Florida Commission on Veterans Affairs. Both agencies would be reorganized under the Department. The makeup and autonomy of the Commission would remain. The act further provides for the Department to be the state approving agency for certain veterans' education and training.

The Department of Administration (DOA) is assigned additional responsibilities. It must adopt and apply criteria for recommending agency reorganizations (revised Paragraph 20.04(6)(c), F.S.); conduct pay plan and state group insurance program studies and authorize lump sum bonus awards for outstanding employee performance (Section 3 of the act); au-

dit and report on certain personnel operations and programs (amended Section 110.109, F.S.); establish training and continuing education programs for certain management staff (new Section 110.1095, F.S.); and report on and deny approval of positions within the Senior Management and Selected Exempt Services exceeding 0.5 and 2.15 percent, respectively, of the total full-time equivalent positions in the Career Service System (revised Paragraph 110.403(1)(a), F.S.). The Department of Administration no longer contracts with persons who locate applicants for certain Senior Management Services positions pursuant to amended Paragraph 110.403(3)(c), F.S. Employing agencies have contracting authority subject to contract approval by DOA. The Department shall no longer establish lists of contractors.

Under amended Subsection 110.123(5), F.S., with prior legislative approval, DOA may contract for medical services, require copayments by employees, and establish a voluntary comprehensive health maintenance program for employees participating in the state group insurance plan. A Division of State Employee's Insurance replaces the Office of State Employee's Insurance within DOA in amended Section 20.31, F.S.

Subparagraph 110.205(2)(m)l., F.S., regarding exemptions to the Career Service System, is amended by this act to add certain positions for which salaries are set by various departments. This Subparagraph is also amended by COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1164 (CHAPTER 88-215) to permit the Secretary of Transportation to exempt 20 policymaking positions from the Career Service System, already a prerogative of the Secretary of Health and Administrative Services. Screening and placement activities of DOA, whose activities relate to state employment services, are decentralized by the repeal of Subsection 110.213(5), F.S.

The act adds a new provision to Section 447.401, F.S., to give a career service employee a third option of utilizing an unfair labor practice procedure for the settlement of disputes involving the interpretation or application of a collective bargaining agreement.

Official Recognitions

HOUSE BILL 881 (CHAPTER 88-114) creates Section 683.17, F.S., designating the second Tuesday in April of each year as Children's Day.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 313 (CHAPTER 88-63) amends Section 110.117, F.S., to designate the birthday of Dr. Martin Luther King, Jr., as a paid state holiday and provides for the observance of the birthday on the third Monday in January.

SENATE BILL 562 (CHAPTER 88-68) amends provisions of law which exempt from regulation certain charitable organizations, solicitors, and their employees. Solicitors who receive less than a total of \$5,000 are exempt from the "Solicitation of Charitable Contributions Act".

The act creates Section 496.042, F.S., which governs persons who solicit contributions of \$5,000 or more on behalf of

a certain individual. These persons are required to register with the Department of State, are accountable for the funds they collect, and are subject to penalties prescribed by law. Funds collected by these persons must be used solely for the purpose specified. Excess funds may be used to benefit individuals in the same or similar circumstances as the individual for whom the funds were collected. This law becomes effective October 1, 1988.

Arts

HOUSE BILL 108 (CHAPTER 88-255) amends several sections of Chapter 265, F.S., to provide for the disbursement of matching funds under the Florida Fine Arts Endowment Program of 1985 and requires that organizations seeking matching funds meet specified criteria. Those organizations seeking funds must be a sponsoring organization as defined in Subsection 265.60(5), F.S.; be designated as a fine art sponsoring organization pursuant to Paragraph 265.606(2)(c), F.S.; and provide documentation of \$360,000 of eligible contributions. Previously, community colleges automatically qualified as sponsoring organizations. This law requires a community college to be designated as a nonprofit corporation pursuant to Section 501(c)(3) or (4) of the Internal Revenue Code and Chapter 617, F.S., in order to be eligible for participation within the Florida Fine Arts Endowment Program.

The act amends Section 265.26, F.S., to provide that funds held in trust by the John and Mable Ringling Museum direct-support organization be placed in two separate trust funds and be administered separately. Funds received for admission fees to the Museum, rental fees for use of the Museum facilities, and other income from the Museum and its program would be held in trust and used according to an agreement between the direct-support organization and the board of trustees of the Museum. Other funds would be used to supplement salaries of state personnel and for personnel not funded by the General Revenue Fund.

The Florida Fine Arts Endowment Trust Fund will be divided into five equal parts on October 1, 1988, with one part being allocated to each of the five fine arts regions.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 792 (CHAPTER 88-137) establishes a State Major Cultural Institution Program in the creation of Section 265.2861, F.S. Annual grants will be provided to designated State Major Cultural Institutions with revenue generated by increasing the corporate annual filing fee by \$10 through amendment to Subsection 607.361(8), F.S. A Vital Local Cultural Program is also established pursuant to new Subsection 265.286(7), F.S., to provide funding for local programs. The Florida Arts Council, with approval of the Secretary of State, recommends changes in the list of institutions receiving grants. As provided in new Section 265.701, F.S., the Department of State will be required to submit to the Florida Arts Council applications for grants available to local governments and non-profit corporations for the renovation or construction of cultural arts facilities. The Council provides the Secretary of State with a priority list as required by new Paragraph 265.285(1)(i) and Subsection 265.701(3), F.S. Grants must be

matched on a 50/50 basis pursuant to Subsection 265.701(2), F.S. Applications for grants for the acquisition or preservation of historical facilities must be submitted to the Historic Preservation Advisory Council which recommends a priority list to the Secretary of State in accordance with new Subsection 267.0617(3), F.S. The Secretary of State submits the list to the Legislature. These grants must also be matched on a 50/50 basis.

The maximum terms of members of the Florida Arts Council established in Paragraph 265.285(1)(a), F.S., will be increased from one to two four-year terms, under this law, provided that members are renominated to the Council. Finally, the act provides for the Department of State, in conjunction with the Department of Revenue, to conduct a study relating to levying a future cultural event user fee on admissions to cultural events. The results of this study will be reported to the Governor and the Legislature by February 15, 1989.

Miscellaneous

HOUSE BILL 1473 (CHAPTER 88-378) relates to asbestos in public and private buildings. [The act brings the asbestos legislation enacted last year into compliance with new federal rules.]

The law also addresses several new concerns and provides that:

- 1) asbestos surveyors who were engaged in the business of conducting surveys on or before October 1, 1987, and who do not qualify as a licensed asbestos consultant may apply to the Department of Labor and Employment Security for certification to conduct such surveys if they meet certain criteria (new Paragraph 455.302(4)(b), F.S.);
- 2) operation and maintenance activities can be conducted without licensed personnel in certain circumstances (revised Section 455.302, F.S.);
- 3) licensing provisions for consultants and contractors will be effective on January 1, 1989;
- 4) schools may conduct initial surveys and operation and maintenance plans as required under the federal Asbestos Hazard Emergency Response Act of 1986 (AHERA), P.L. 99-519, without the use of licensed personnel through October 12, 1989 (new Subparagraph 455.302(4)(b)6., F.S.); and
- 5) the Department of Professional Regulation may license as asbestos consultants individuals who have a Ph.D. degree in certain environmental sciences and meet other criteria (revised Section 455.303, F.S.).

SENATE BILL 994 (CHAPTER 88-202) conforms state law found in Sections 235.26 and 255.25, F.S., pertaining to educational facilities and state-owned buildings to the provisions of the regulations promulgated by the Federal Emergency Management Agency for the National Flood Insurance Program (44 C.F.R. 59 and 60, as revised October 1, 1986). [This keeps Florida eligible for flood insurance coverage and certain financial assistance under the federal program.]

The act amends Section 284.01, F.S., to extend insurance coverage from the Florida Fire Insurance Trust Fund to "manufactured" homes, not just to mobile homes, and their contents.

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STATISTICS REPORT

| | SENATE BILLS | | | HOUSE BILLS | | | TOTALS | | |
|---|--------------|--------|-------------------|-------------|--------|-------------------|--------|------------------|------|
| | FILED | PASSED | | FILED | PASSED | | FILED | PASSED | |
| | | SENATE | SENATE & HOUSE | | HOUSE | HOUSE & SENATE | | FIRST CHAMBER | BOTH |
| CONCURRENT RESOLUTIONS | 5 | 3 | 1 | 7 | 6 | 3 | 12 | 9 | 4 |
| RESOLUTIONS(ONE CHAMBER) | 53 | 50 | 0 | 106 | 94 | 0 | 159 | 144 | 0 |
| GENERAL BILLS | 1278 | 324 | 228 | 1441 | 429 | 212 | 2719 | 753 | 440 |
| LOCAL BILLS | 60 | 44 | 39 | 115 | 89 | 88 | 175 | 133 | 127 |
| GEN BILL/LOC APPLICATION | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| JOINT RESOLUTIONS | 29 | 4 | 3 | 33 | 8 | 4 | 62 | 12 | 7 |
| MEMORIALS | 6 | 3 | 2 | 7 | 2 | 0 | 13 | 5 | 2 |
| FILED, NOT INTRODUCED | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 0 | 0 |
| WITHDRAWN | 3 | 0 | 0 | 18 | 0 | 0 | 21 | 0 | 0 |
| TOTALS | 1434 | 428 | 273 | 1740 | 628 | 307 | 3174 | 1056 | 580 |
| APPROVED BY GOVERNOR | | | 202 | | | 185 | | | 387 |
| BECAME LAW WITHOUT SIGNATURE | | | 56 | | | 104 | | | 160 |
| VETOED BY GOVERNOR | | | 9 | | | 11 | | | 20 |
| BECAME LAW, VETO NOTWITHSTANDING | | | 0 | | | 0 | | | 0 |
| FILED WITH SECRETARY OF STATE (JT. RES., CONC. RES., MEM.) | | | 6 | | | 7 | | | 13 |
| BILLS TO CONFERENCE COMMITTEES | | | 1 | | | 1 | | | 2 |
| BILLS AMENDED | | | 204 | | | 298 | | | 502 |
| COMMITTEE SUBSTITUTES | | | 389 | | | 345 | | | 734 |
| COMMITTEE SUB FOR COMMITTEE SUB | | | 50 | | | 25 | | | 75 |
| RESOLUTIONS ADOPTED | | | 50 | | | 94 | | | 144 |
| FAILED TO PASS SENATE BY VOTE | | | 0 | | | 0 | | | 0 |
| FAILED TO PASS HOUSE BY VOTE | | | 1 | | | 3 | | | 4 |
| UNFAVORABLE COMMITTEE REPORT IN SENATE | | | 9 | | | 1 | | | 10 |
| UNFAVORABLE COMMITTEE REPORT IN HOUSE | | | 1 | | | 18 | | | 19 |
| BILLS FILED, NOT INTRODUCED | | | 0 | | | 13 | | | 13 |
| INDEFINITELY POSTPONED | | | 73 | | | 2 | | | 75 |
| LAID ON TABLE | | | 214 | | | 168 | | | 382 |
| WITHDRAWN PRIOR TO INTRODUCTION | | | 3 | | | 18 | | | 21 |
| WITHDRAWN/FURTHER CONSIDERATION | | | 0 | | | 40 | | | 40 |
| FAILED OF INTRODUCTION/2ND HOUSE | | | 0 | | | 0 | | | 0 |
| DIED IN SENATE COMMITTEES | | | 576 | | | 154 | | | 730 |
| DIED IN HOUSE COMMITTEES | | | 51 | | | 706 | | | 757 |
| DIED IN CONFERENCE COMMITTEES | | | 0 | | | 1 | | | 1 |
| DIED ON SENATE CALENDAR | | | 131 | | | 12 | | | 143 |
| DIED ON HOUSE CALENDAR | | | 26 | | | 145 | | | 171 |
| DIED IN MESSAGES | | | 26 | | | 58 | | | 84 |

*ONE CHAMBER RESOLUTIONS NOT INCLUDED

STATISTICS REPORT

| | SENATE BILLS | | | HOUSE BILLS | | | TOTALS | | |
|---|--------------|--------|-------------------|-------------|--------|-------------------|--------|------------------|------|
| | FILED | PASSED | | FILED | PASSED | | FILED | PASSED | |
| | | SENATE | SENATE & HOUSE | | HOUSE | HOUSE & SENATE | | FIRST CHAMBER | BOTH |
| CONCURRENT RESOLUTIONS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| RESOLUTIONS(ONE CHAMBER) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| GENERAL BILLS | 3 | 3 | 3 | 0 | 0 | 0 | 3 | 3 | 3 |
| LOCAL BILLS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| GEN BILL/LOC APPLICATION | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| JOINT RESOLUTIONS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MEMORIALS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FILED, NOT INTRODUCED | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| WITHDRAWN | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTALS | 3 | 3 | 3* | 0 | 0 | 0* | 3 | 3 | 3* |
| APPROVED BY GOVERNOR | | | 1 | | | 0 | | | 1 |
| BECAME LAW WITHOUT SIGNATURE | | | 2 | | | 0 | | | 2 |
| VETOED BY GOVERNOR | | | 0 | | | 0 | | | 0 |
| BECAME LAW, VETO NOTWITHSTANDING | | | 0 | | | 0 | | | 0 |
| FILED WITH SECRETARY OF STATE (JT. RES., CONC. RES., MEM.) | | | 0 | | | 0 | | | 0 |
| BILLS TO CONFERENCE COMMITTEES | | | 0 | | | 0 | | | 0 |
| BILLS AMENDED | | | 0 | | | 0 | | | 0 |
| COMMITTEE SUBSTITUTES | | | 0 | | | 0 | | | 0 |
| COMMITTEE SUB FOR COMMITTEE SUB | | | 0 | | | 0 | | | 0 |
| RESOLUTIONS ADOPTED | | | 0 | | | 0 | | | 0 |
| FAILED TO PASS SENATE BY VOTE | | | 0 | | | 0 | | | 0 |
| FAILED TO PASS HOUSE BY VOTE | | | 0 | | | 0 | | | 0 |
| UNFAVORABLE COMMITTEE REPORT IN SENATE | | | 0 | | | 0 | | | 0 |
| UNFAVORABLE COMMITTEE REPORT IN HOUSE | | | 0 | | | 0 | | | 0 |
| BILLS FILED, NOT INTRODUCED | | | 0 | | | 0 | | | 0 |
| INDEFINITELY POSTPONED | | | 0 | | | 0 | | | 0 |
| LAID ON TABLE | | | 0 | | | 0 | | | 0 |
| WITHDRAWN PRIOR TO INTRODUCTION | | | 0 | | | 0 | | | 0 |
| WITHDRAWN/FURTHER CONSIDERATION | | | 0 | | | 0 | | | 0 |
| FAILED OF INTRODUCTION/2ND HOUSE | | | 0 | | | 0 | | | 0 |
| DIED IN SENATE COMMITTEES | | | 0 | | | 0 | | | 0 |
| DIED IN HOUSE COMMITTEES | | | 0 | | | 0 | | | 0 |
| DIED IN CONFERENCE COMMITTEES | | | 0 | | | 0 | | | 0 |
| DIED ON SENATE CALENDAR | | | 0 | | | 0 | | | 0 |
| DIED ON HOUSE CALENDAR | | | 0 | | | 0 | | | 0 |
| DIED IN MESSAGES | | | 0 | | | 0 | | | 0 |

*ONE CHAMBER RESOLUTIONS NOT INCLUDED

1988 VETOED GENERAL BILLS

2nd
KFF
15
L45
1988

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| SB- 173 | Motor Vehicle Towing | 7/01/88 |
| CS/SB- 359 | Law Enforcement Officers/Retirement Awards | 7/01/88 |
| CS/SB- 786 | Horseracing/Capital Improvements | 7/01/88 |
| CS/SB- 874 | State Agencies/Judicial Review | 7/01/88 |

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| CS/HB- 72 | Construction Contracting/Exams | 7/06/88 |
| CS/HB- 218 | Retirement/State Attorney Investigators | 7/06/88 |
| CS/HB- 600 | Adult Congregate Living Facilities | 7/06/88 |
| CS/HB- 1003 | Beach and Shore Reservation/Permitting | 7/06/88 |
| CS/HB- 1389 | Transportation Projects/Financing | 7/06/88 |
| HB- 1449 | Local Governments/Industrial Revenue | 7/06/88 |
| HB- 1543 | Hunting and Fishing | 7/06/88 |

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