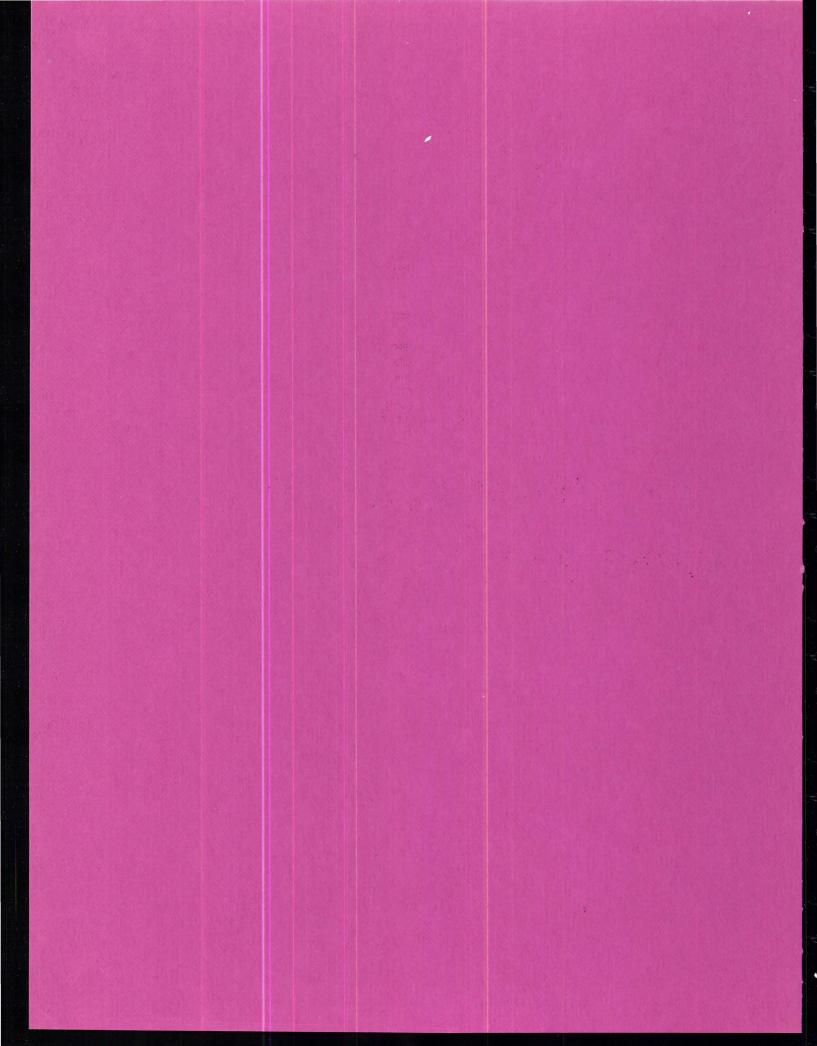
Florida Legislature

1989 SUMMARY OF GENERAL LEGISLATION

Regular Extended Session April 4 - June 3, 1989 Special Session "A" June 3, 1989 Special Session "B" June 19 - 20, 1989



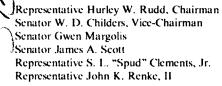
BOB CRAWFORD President



THE FLORIDA LEGISLATURE JOINT LEGISLATIVE MANAGEMENT COMMITTEE

FRED BREEZE, EXECUTIVE DIRECTOR

DIVISION OF LEGISLATIVE LIBRARY SERVICES



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September 29, 1989

Honorable Robert B. Crawford President, and Members of the Senate

Honorable Tom Gustafson Speaker, and Members of the House

Dear Members:

I am pleased to furnish you the <u>Summary of General Legislation 1989</u>, 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 regular and special sessions this year.

Sincerely,

Representative Hurley W. Rudd Chairman Joint Legislative Management Committee

BGB:am

TOM GUSTAFSON Speaker

BOB CRAWFORD President TOM GUSTAFSON Speaker



THE FLORIDA LEGISLATURE
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Representative Hurley W. Rudd, Chairman Senator W. D. Childers, Vice-Chairman Senator Gwen Margolis Senator James A. Scott Representative S. L. "Spud" Clements, Jr. Representative John K. Renke, II B. GENE BAKER, DIRECTOR Room 701, Capitol Tallahassee, Florida 32399-1400 Telephone (904) 488-2812

FOREWORD

This SUMMARY OF GENERAL LEGISLATION highlights, within broad subject areas, the general laws enacted during the following 1989 sessions: Regular Extended Session of April 4 to June 3, the "A" Special Session of June 3, and the "B" Special Session of June 19-20.

Among the significant issues addressed during the 1989 regular and special sessions were: money laundering, recreational salt water licenses, funding for emergency cleanup of polluted coastal areas, controlled release of prisoners, guardianship, drug abuse, social services for the aging, workers' compensation insurance cost control, regulation of firearm sales, special district uniformity, transportation planning and budgeting and the regulation of facsimile transmissions. Spending authorization for the 1989-90 Fiscal Year totaled \$23.055 billion, 8.7 percent above the prior 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 and Data Processing Division, and the Legislative Information Division for making possible the utilization of the Legislative computer in the preparation of the SUMMARY text.

B. Gene Baker

BGB:am

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AGRICULTURE*

1

Agriculture-related bills enacted into law in the 1989 Reguthe regulatory authority of the Department of Agriculture and Consumer Services and the Department of Citrus, with one act designed to adequately compensate those citrus nursery growers currently in court seeking compensation for losses from citrus canker and those to whom relief through the courts has been foreclosed.

A summary of these measures is provided below. Other measures dealing with related issues such as safety standards for amusement rides, soil, agricultural economic development, the licensing of citrus fruit dealers and commercial feed are included in separate parts of this article. Summaries are provided under the various headings as follows:

Citrus Canker

[The Joint Select Committee on Citrus Canker was established by the President of the Senate and the Speaker of the House on February 8, 1989. This committee was appointed to examine the facts and circumstances surrounding the development and implementation of the Joint Federal/State Citrus Canker Eradication, Financial Assistance, and Risk Assessment Programs for the purpose of determining the appropriateness of actions taken and the need for further action; to review and determine the status of on-going litigation, the potential liability, and expected future costs to the state. The joint committee was to make recommendations for legislative and executive action to the presiding officers regarding these matters.]

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1088 (CHAP-TER 89-91), a result of the recommendations of the Joint Select Committee on Citrus Canker, sets out the procedure to Citrus Canker Eradication Program in order to recover compensation for their plants.

Presumptive just compensation rates are established for various categories of plants. The act also contains the first year appropriations for payment of the claims, as well as appropriations to pay outstanding judgments which have not been appealed and administrative costs of implementation of the program.

All persons whose plants have been destroyed must use the procedure set up by this law, including those persons who have filed lawsuits in circuit court. The procedure provides an departmental inspections. In addition, the act allows state inexpeditious means for payment of claims and will proceed as spectors to make surprise inspections and impound faulty follows

1. The Office of Citrus Canker Claims (OCCC), which will be set up in the Department of Banking and Finance, must from the Division of Administration to the Division of Standuse reasonable efforts to notify claimants of the existence of the office and the availability of compensation.

2. Claimants must file an application with the OCCC to obtain compensation.

The OCCC will calculate the amount due to the claimlar Session are predominately measures to expand or improve ant using the formula set out in the act. If the claimant agrees to the amount, the OCCC will make the payment after the claimant signs a release.

4. A claimant who contests the compensation calculated or the number and category of plants destroyed can request a hearing in front of a hearing officer with the Division of Administrative Hearings. The state will be represented by the Department of Legal Affairs.

Appeals of the hearing officer's decision will be to the 5. First District Court of Appeal. Provision has been made for payment of attorneys' fees for those cases which are pending in circuit court and in those administrative hearings in which the claimant prevails.

In addition to the \$15 million of general revenue money which will be deposited in the Citrus Canker Compensation Trust Fund, there will be \$5 million generated from three different taxes on the citrus industry. The first is a tax of 12.5cents-per-plant on the movement, sale or distribution of all commercial citrus nursery stock. The second imposes a tax of \$1-per-plant on the commercial sale or distribution of citrus trees to homeowners. This is also known as the dooryard tax. The third is a tax of 2.4-cents-per-box of citrus fruit. Part of both the 12.5-cent-per-plant tax and the box tax will be deposited in the Citrus Canker Eradication Trust Fund.

The act establishes the compensation process as an ongoing program and anticipates that each legislature will provide the necessary funding, based on the traditional formula of two-thirds general revenue, one-third industry taxes.

Department of Agriculture and Consumer Services

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE be used by persons whose citrus plants were destroyed in the FOR SENATE BILL 185 (CHAPTER 89-111) strengthens the safety standards for the amusement ride industry in Florida as regulated by the Department of Agriculture and Consumer Services. The act requires that any amusement ride operated in the state undergo intensive periodic inspections which will include metal fatigue testing. It also mandates that each ride owner must notify the Department in writing 15 days prior to an opening date to allow for adequate inspection time. Provides that any owner who operates without the proper credentials is subject to a \$500-per-violation-per-day fine. All parks that do not employ a full-time safety inspector are subject to ride equipment in case of an accident. The law further provides for the relocation of the Bureau of Fairs and Expositions ards within the Department. The measure becomes effective October 1, 1989.

COMMITTEE SUBSTITUTE FOR SENATE BILL 562 (CHAP-TER 89-94) amends Sections 3, 5 and 6 of Chapter 87-229,

^{*}Prepared by Senate and House Agriculture Committees

Laws of Florida, to provide for a 2-year continuation of the program for agricultural economic development in the Department of Agriculture and Consumer Services. Funds appropriated to the Department for the program are for Fiscal Year 1990–91. The program repeal date is changed to October 1, 1991.

HOUSE BILL 580 (CHAPTER 89-245) relates to commercial feed and treated fence posts. Section 580.061, F.S., is amended for the purpose of clarifying the term "owned by" as it relates to distributors of commercial feed who are exempt from inspection fees. When any corporate entity which owns 90 percent of the stock during any period and which is also acting as registrant or distributor and any corporation acting as the owner of livestock is owned by the same entity, the commercial feed inspection fee exemption applies. The act provides that cooperatives as described in Chapters 618 or 619, F.S., are exempt from the inspection fee when sales are made to its members. It further provides that sales made by cooperatives to individuals or entities who are not members of the cooperative may not be exempt from the commercial feed inspection fee. Section 580.091, F.S., relating to inspection, sampling and analysis procedures by the Department, is amended in the act to correct cross-references pertaining to cooperatives.

Subsection 501.90(3), F.S., is amended to increase the annual license fee for treating fence post products from \$25 to \$50. The Florida Treated Fence Post Act is reenacted and scheduled for repeal on October 1, 1999, and legislative review prior to that date. The act takes effect October 1, 1989.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 757 (CHAP-TER 89–197) adds a new provision to Section 573.102, F.S., relating to the "purpose" section of Chapter 573, F.S., which concerns agricultural commodities. It provides for the funding for production, harvesting, economic, environmental and marketing research. Section 573.103, F.S., is amended to allow the citrus industry to petition the Department of Agriculture and Consumer Services for a marketing order under the guidelines of Chapter 573, F.S. It also provides for the term "citrus" to be included as an agricultural commodity only for the purpose of funding production research and associated activities related to chemical residue.

Section 573.118, F.S., relating to assessments to fund marketing orders, is amended to place a 1-cent-cap on each standard-packed box of citrus fruit and to direct the Department to deposit assessments collected into the Citrus Inspection Trust Fund.

HOUSE BILL 1416 (CHAPTER 89–4) saves from repeal and provides for a future review and repeal of the Antifreeze Act of 1978 (Sections 501.091–501.923, F.S.) It also provides directory and advisory language giving the Division of Standards authority in Section 570.46, F.S., which lists the Division's duties, to enforce this act. The law further provides an exemption for a violation of the Antifreeze Act, from the power of the Division of Consumer Services to bring legal action pursuant to Subsection 570.544(10), F.S. These provisions have an effective date of October 1, 1989.

Citrus Industry

SENATE BILL 914 (CHAPTER 89–83) authorizes the Department of Agriculture and Consumer Services, effective October 1, 1989, to impose a fine and suspend, for a specified time, the license of a citrus fruit dealer who falsely represents that a citrus fruit was grown in the interior or Indian River production area or that a processed citrus product was prepared from fruit from those production areas. The act provides that the fines imposed for the violations will be deposited in the Department's General Inspection Trust Fund.

HOUSE BILL 922 (CHAPTER 89–12) amends Section 601.28, F.S., providing the Department of Agriculture and Consumer Services with the authority to adopt rules which would allow the Department to contract with packing houses individually for inspection services during extended work hours. Technical amendments are made to properly cite the names of the various bureaus within the Division of Fruit and Vegetable Inspection. Section 601.10(8), F.S., is reinstated without a future repeal date which permits the Department of Citrus to prepare and disseminate certain information. The act takes effect October 1, 1989.

Plant Industry

HOUSE BILL 833 (CHAPTER 89-56) authorizes the Department of Agriculture and Consumer Services to enter into compliance agreements with beekeepers. It also provides for a definition of a "compliance agreement" as being a written agreement between the Department and any beekeeper who agrees to comply with certain requirements. Beekeepers are required to register with the Department and obtain a certificate of registration which is to be renewed on an annual basis. The act requires that all honeybees and used beekeeping equipment that are shipped or moved into the state be accompanied by a certificate of inspection issued by the state of origin. It deletes the requirement that the beekeepers must receive a permit from the Department before honeybees and used beekeeping equipment can be shipped or moved into or within the state. These provisions are effective October 1, 1989.

HOUSE BILL 834 (CHAPTER 89–199) amends the definition section of Chapter 581, F.S., authorizing the Division of Plant Industry in the Department of Agriculture and Consumer Services to adjust operations to more effectively meet the needs of the expanding plant industry, especially as it relates to citrus. Section 581.182, F.S., which is the substantive section of the chapter regulating the entry of citrus plants or propagative plant materials into the state, is amended to provide clarification of the genera being regulated with respect to the importation of citrus. Application procedures and guidelines for obtaining permits are revised and the director of the Division is given authority to waive permit requirements for certain citrus species which the Citrus Budwood Registration Committee has determined poses no threat of introducing citrus plant pests into the state.

Section 581.185, F.S., relating to the Endangered, Threatened, and Commercially Exploited Plant Lists is amended for 6 of the Federal Endangered Species Act [16 U.S.C. 1535 (1982)]. This act takes effect October 1, 1989.

593.116(2), F.S., to provide, effective October 1, 1989, that associations appointed under Section 823.03, F.S., which auany commercial cotton grower who fails to destroy cotton stalks by February 1 of each year in which the eradication program is in effect be subject to the same penalty as failure to may lawfully take custody of a neglected or cruelly treated anipay assessments.

State Soil

15.047, F.S., designating and declaring Myakka fine sand as the date of seizure or issuance of the order to provide care. the official Florida state soil.

Animals

cedures relating to distressed animals. The amended provi- \$10,000, or both. The law is effective October 1, 1989.

compliance with the state law and for adherence to Section sion provides that a neglected or mistreated animal may, as an alternative to removal from its present custody, be the subject of an order to furnish care. Such an order may be issued HOUSE BILL 842 (CHAPTER 89-11) amends Subsection by the county court or other specified individuals, societies or thorizes prosecution of violators.

A law enforcement officer or any of the specified agents mal or allow the animal to remain at its location and order the owner to provide certain care at the owner's expense. The act would also amend the hearing procedure to require that hear-SENATE BILL 524 (CHAPTER 89-16) creates Section ings conducted under this section be set within 30 days after

A new subsection (2) is added to Section 828.12 to provide a third-degree felony penalty for any person who tortures any animal with the intent to inflict intense pain, serious physical HOUSE BILL 581 (CHAPTER 89-194) amends Section injury or death. A violation of this subsection is punishable by 828.073, F.S., which sets forth the available options and pro- a term of imprisonment for up to 1 year or a fine of up to

APPROPRIATIONS*

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1718 (CHAP-TER 89-51) clarifies provisions of Chapter 216 relating to pursuant to provisions of Chapter 216, F.S., that the notice agency budget requests and the submission of the Governor's recommended budget as the aftermath of litigation between the Legislature and the Executive.

The act adds the definition of "independent judgment" to Section 216.011, F.S., to mean an assessment of need by the agencies without regard to the Governor's opinion, other legislative budget requests or revenue constraints. It defines "approved operating plan" as the original approved operating budget and statement of intent and "impoundment" as the omission of an appropriation in the approved operating plan, failure to release funds as required by Section 216.192, F.S., or the failure of a state agency to spend funds as appropriated.

Section 216.023, F.S., is revised to allow the Executive Office of the Governor to adjust agency legislative budget requests in incorporate technical corrections.

Under Section 216.031, F.S., as amended, the chairman of referred to in this summary as Section 216.77, F.S. either of the legislative appropriations committees as well as the Governor may direct agencies to address major issues in vised to provide that budget-amendments approved by the their legislative budget requests.

hold at least one public hearing prior to submitting his budget on June 30 and the number of authorized positions specified recommendations. The hearing(s) shall cover issues con- in the General Appropriations and special appropriations acts tained in agency legislative budget requests and issues which or as provided pursuant to Section 216.177, F.S. That section may be included in the Governor's budget recommendations.

of the Governor to request that agencies submit budgets unless specifically appropriated. The Governor may not apagencies' independent assessments of needs required for 216.212, F.S. their legislative budget requests.

to electronically transmit the Exhibit B, Major Issues and D-3A work papers along with his recommended budget. It also reguires the Governor to declare an impasse on any unresolved ing funds and the Governor or either house of the Legislature collective bargaining negotiations by the time he presents his recommended budget. Within 14 days he is required to furnish to each of the legislative appropriations committees, documented information as to the last offer he made or recom- 216.177, F.S., shall be followed prior to the Administration mended.

Governor must follow the guidelines specified in Section priations Act. Changes in existing programs by an agency 216.162, F.S., when submitting his recommended budget.

new Section 216.177, F.S., to require that the statement of intent be submitted to the Governor at least 10 days before the end of the period allowed by law for veto consideration. It further clarifies that the statement of intent that accompanies of Section 216.177, F.S., apply when the Administration Comthe General Appropriations Act is not law and is not subject to veto.

It provides that when action is taken that requires notice shall be in writing at least seven working days in advance. The law gives either appropriations chairman or either presiding officer of the legislature the authority to contest executive spending actions or proposals. It specifies that documentation provided by both of the appropriations chairman, the presiding officers of either house of the legislature and the Governor may be considered by the Administration Commission when resolving executive/legislative disputes over agency spending. It requires that a two-thirds majority of members present with the Governor voting in the affirmative is required to uphold the contested spending action or proposal. The measure provides judicial standing to the Governor or Legislature to review Administration Commission decisions made pursuant to this section. These provisions constitute the notice, review and objection procedures of Section 216.177, F.S., referenced in various sections of the act and hereafter

Amended Subsections 216.181(3) through (14), F.S., are re-Governor are subject to Section 216.177, F.S. Salary rate is to Revised Section 216.131, F.S., requires the Governor to be calculated on salary policy, the actual salary rate in effect shall apply if the Governor utilizes his authority to adjust the Amended Section 216.151, F.S., allows the Executive Office approved salary rate. Lump-sum salary bonuses are barred which address specific initiatives and fall within targets set by prove changes in the amounts appropriated from trust funds the Governor. Any such requests, however, cannot affect the unless pursuant to the federal funds provisions of Section

Language in Section 216.192, F.S., relating to the release Section 216.163, F.S., is changed to require the Governor of appropriations and revision of budgets is made subject to Section 216.177, F.S.

> The Governor and agencies are prohibited from impoundare given judicial standing to review actions or proposals that violate this section in new Section 216.195, F.S.

Section 216.241, F.S., is amended to specify that Section Commission approving new programs that require expendi-This law amends Section 216.164, F.S., to clarify that the ture of additional funds not authorized in the General Approwhich are inconsistent with the approved operating budget The act transfers Subsections 216.181(1) and (2), F.S., to are barred. The Speaker of the House, the President of the Senate or either Appropriations Chairmen may object in such instances.

Revised Section 216.262, F.S., specifies that the provisions mission acts on agency requests to add positions which are not authorized in the General Appropriations Act.

^{*}Prepared by Legislative Library

budget. It provides that the notice, review and objection provisions of Section 216.177, F.S., apply when the Administration funds from fixed capital outlay projects are transferred.

The 1989 General Appropriations Act, SENATE BILL 1500 cent of projected expenditures. (CHAPTER 89-253) and its implementing act, SENATE BILL appropriations of \$23.256 billion for 1989-90. However, de- Florida in the coming year.

Under Section 216.292, F.S., as amended, transfers made ductions of \$73 million in contingency and reserve items and by department heads using their 5 percent transfer authority \$128 million in gubernatorial vetoes resulted in total effective must be consistent with the intent of the approved operating appropriations of \$23.055 billion for the current year an increase of 8.7 percent over 1988-89.

Spending for educational functions represent 37.9 percent Commission acts on agencies' requests to transfer appropria- of total outlays; health and rehabilitative services, 24.3 pertions in excess of 5 percent or in instances where excess cent; transportation, 8 percent; and criminal justice spending, 5.9 percent. General government costs account for 20.4 per-

What follows are selected pages from the annual publica-1501 (CHAPTER 89-254) authorized \$23.183 billion in state tion, Fiscal Analysis in Brief, a document issued jointly by the spending for the fiscal year ending June 30, 1990. Special ap- House and Senate Appropriations Committees included here propriation and claims bills added \$73 million providing total to provide a summarized overview of authorized spending for

Summary of 1989-90 Total Effective Appropriations (Millions of Dollars)

General Appropriations Act	General Revenue Fund	Infrastructure Fund	Lottery Fund	Other Trust Funds	Total Funds
Operations (Section 1):					
Education					
Public Schools	4,210.3		590.3	526.9	5,327.5
Universities	1,009.3		104.2	260.2	1,373.7
Community Colleges	497.2		66.5	0.0	563.7
All Other Education	145.3	150.0	230.4	201.3	727.0
HRS	2,476.7			3,086.7	5,563.4
Transportation				561.5	561.5
General Government	571.5	7.9		3,839.7	4,419,1
Criminal Justice	1,151.8			79.4	1,231.2
Natural Resources &					•
Environmental Regulation	87.9	14.6		210.5	313.0
Salary Increases &					
Fringe Benefits	103.4		11.3	24.4	139.1
Finad Constal () the					
Fixed Capital Outlay (Section 2):			_		
	32.2	335.6	24.1	2,572.4	2,964.3
T					
Total General					
Appropriations Act	10,285.6	508.1	1,026.8	11,362.9	23,183.4
Special Appropriations					
Bills and Claims Bills	20.1			50.1	
birris and cramis birris	20.1			53.1	73.2
Total Appropriations	10,305.7	508.1	1,026.8	11,416.0	23,256.6
Less:					
Contingency and Reserve Items	56.3	7.6	2.7	6.7	
contingency and reserve items	50.5	7.6	2.7	6.7	73.3
Vetged Items (See Veto					
List on Page 155)	31.7	28.3	30.9	37.1	100.0
	0	20.0	30.9	37.1	128.0
Total Effective					
Appropriations	10,217,7	472.2	993.2	11,372.2	23,055.3
	- • · · • •	•••••	000.2		20,000.0

		GENERAL	REVENUE		INFRA-	
ITEM NO.	ITEM	RECURRING	NON-RECURRING	LOTTERY	STRUCTURE	TRUST
5E	Board of Regents-District Cost			4,854,077		
	Differential					
155A	Tax Litigation		245,000			
213A	International Rowing Regatta		50,000			
213A	Hialeah Citizens Association		20,000			
213A	Professional Businessman of Hialeah		25,000			
_ 213A	West Perrine Community Development Corporation		100,000			
213A	Bold City Classic Promotion		50,000			
213A	Glades/Okeechobee Development Council		50,000			
213A	Genesis Incubator Project		450,000			
213A	Lafayette County Development Authority		50,000			
213A	Liberty City Resource Center		100,000			
213A	Miami International Gateway Development		50,000			
	Conference					
213A	World Disability Games		50,000			
213A	Jacksonville Jazz Festival		25,000			
213A	Jacksonville Florida Film Festival		50,000			
213A	International Tennis Training Center		1,000,000			
217A	Business Loan Pilot Program		100,000			
228A	Sea Level Study/Tampa Bay	44,000				
229A	Spoil Island Study/Tampa Bay	28,000				
231A	Safe Neighborhooods Planning Grants		3,066,625			
286	Assistance Alternatives to	400,000				
	Incarceration Programs	COE 0CA				
348	Public Broadcasting-Television Station Daytona Beach	605,264				
348	Public Broadcasting-Radio Station Tampa	75,000				
375	Florida Information Resource Network			1,000,000	0	

GENERAL REVENUE INFRA-ITEM NO. ITEM RECURRING NON-RECURRING LOTTERY STRUCTURE TRUST _ _ _ _ _ _ _ _ _ _ ____ ~~~~~~~ _____ 382A Florida Endowment Fund for Higher 100,000 Education Mary McLeod Bethune Scholarship 393A 200,000 409A Alternative Certification 168,000 413A School Related Personnel of the Year 19,000 425A Barry University-Podiatric Medicine 150,000 429A Florida Southern/BS-Nursing 17,578 429B Florida Southern/BS-Accounting 59,425 œ 433A Florida Memorial Airway Science 213,618 469A Additional Elementary Art & Music 1,500,000 Teachers 490 Okaloosa Education Technology Project 2,000,000 490 Polk Education Technology Project 1,000,000 490 Monroe County School Board Project 787,222 495A Condition of Children Study 200,000 499A Dade Academy of the Teaching Arts 250,000 500 Dropout Prevention-Teen 2,500,000 Parents/Parenting Education 500 Dropout Prevention-Florida First 3,900,000 Start 504B Gadsden Model 254,246 506B Instr. TV Equipment Grants 698,868 518B Pasco County Community Partnership 20,000 Program 526A Summer Inner-City Youth & Dropout 50,000 Prevention 552 Instructional Equipment-Edison CC 50,000 554 Sunshine State Skills 54,500 557A Louis Wolfson Media History Center 35,000 558A Biennale Miami 100,000

		GENERAL	REVENUE		INFRA-	
ITEM NO.	ITEM 	RECURRING	NON-RECURRING	LOTTERY	STRUCTURE	TRUST
				000.004		
561B	Minority Student Recruitment & Retention			290,084		
590	Expenses-Veterans Administration Nursing Home Needs Assessment			25,000		
593C	Business/Education Partnership			40,000		
601	Institute of Government	50,000				
601A	Laboratory Schools Transportation			200,000		
603B	Patent Depository Library			122,149		
607A	Southeast Florida Center for Aging	50,000				
608A	Laboratory Schools Equipment			1,600,000		
608B	University Computerization/Planning			50,000		
610A	University of West Florida Communication Arts			100,000		
623C	Cancer Experimentation			250,000		
644	High Tech Research & Development			350,000		
665A	South Florida Water Management District- Wellfield Plan		10,000			
668A	Lake Miccosukee Restoration & Improvements				500,000	
668C	Dogwood Acres Lake Restoration-Holmes County				40,000	
668F	Horseshoe Beach Boat Basin				50,000	
668G	Suwannee River Water Management District Boundary Expansion		500,000			
749	Expenses/General Services Division of Motor Pool				74,600	
806A	Contracted Services Construction/ Renovation Study		25,000			
819	Other Personal Services State Operated Facilities Study	33,000				

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ITEM NO.		GENERAL RECURRING	, REVENUE NON-RECURRING	LOTTERY	INFRA- STRUCTURE	TRUST

840A	Area Health Education Centers					3,000,000
840A	Area Health Education Centers- Challenge Project					444,600
894	Community Mental Health Services- Lock Towns Program	16,667				
895	Baker Act Services-West Florida Community Care Mental Health Center	250,000				
10 895	Baker Act Services- Psychiatric Hospital Reimbursement	291,404				
899	Community Substance Abuse Services/Tampa Crossroads					175,214
924A	Child Care Partnership Program	500,000	500,000			
926	Contracted Services Phone Friends	30,000	·			
926	Contracted Services Early Delinquency Intervention	450,000				
926	Contracted Services Early Bethune-Lasalle Success Program	25,000				
949	Developmental Disabilities - Toddler Intervention Program	50,000				
956	Start-up Funds/Group Homes Developmentally Disabled	80,000				
990	OPS-Children's Medical Services Clinic Feasibility Study		50,000			
100 6A	Regional Perinatal Intensive Care Center/Special Base Contracts	10,199,566				
1011 B	Transfer to Shared County & State					10,000,000
1099	Expenses for Mental Illness Benefits Study Commission					100,000
1449A	Asbestos Removal From Brevard Courthouse		350,000			

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	ITEM NO.	ITEM	GENERAI RECURRING	REVENUE NON-RECURRING	LOTTERY	INFRA- STRUCTURE	TRUST
							
	1456A	Mobile Equipment/Project First Base		20,000			
	1481C	Center for Independent Living Fort Myers		25,000			
	1481D	Head Injury Care & Education Program					323,270
	1481E	Center for Independent Living - Panama City		25,000			
щ	1539	Senate - Proviso on Alcohol Treatment	1	050 000			
11	1563A	Transfer to Armory Board Trust Fund		250,000			250,000
	1563B	Drug Interdiction Program	2 024 600	2,078,903			230,000
	1578	Modernization of State Lands Records Feasibility/Needs Assessment -	1,034,600	2,070,903			
		Geographic Information System					500,000
	1600A	Transfer to Coastal Protection TF Habitat Restoration, Reefs, Hatcheries					250,000
	1600D	Red Drum Fishery Enhancement					
	1607A	Turkey Point Ship Channel Assessment					75,000
	1669A	Relocation From Fletcher Bldg.					550,400
	1750A	Lynn Haven Library Project		40,000			
	1750B	Volusia County Oral History Project		5,000			
	1757A	Brandon Cultural Center - Brandon		20,000			
	1757B	Flagler Centennial Celebration		125,000			
	1757C	Sistrunck Historical Festival		65,000			
	1760A	South Florida Cultural Consortium		150,000			
	1761A	Florida Panther Sculpture Acquisition		30,000			
	1761B	Chautaqua Arts Festival		35,000			
	1761D	New World Symphony		100,000			
	1761F	Concert Association of Greater Miami		100,000			
	1761G	International Summer Exchange		150,000			
		Program/Atlantic Center for the Arts					
	1761H	Greater Miami Opera Media Program		250,000			

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		GENERAL	REVENUE		INFRA-	
ITEM	NO. ITEM	RECURRING	NON-RECURRING	LOTTERY	STRUCTURE	TRUST

17613	Florida Keys Community College/ Noguchi Sculpture Garden		75,000			
1761	Ballet Etudes - Dade		5,000			
1800	Consultant Fees - Dept. of State					750,000
18837	Planning/Construction/Relocation Florida Agriculture Museum Administration Building & Grounds, Tallahassee				250,000	
Soati	on 1.1					
36011	Salary Adjustment for Department of Legal Affairs	300,000				61,070
	State Group Health Insurance Benefits					
	Unused Annual Leave Credits					
1888#	Renovations/Repairs/Additions/Paving Florida Citrus Bldg Winter Haven				1,000,000	
19120	Regional Office, West Palm Beach				2,000,000	
1929 <i>8</i>	FCO - Parking Facility - Leon				1,300,000	
1929E	Lakeland Parking Garage				1,200,000	
1935	Repair & Maintenance, Centrally Managed Statewide - Billy Joe Rish				25,000	
19710	Hillsborough County Driver License Office/Feasibility & Planning Study					90,000
1975E	Larson Building Renovation					10,000,000
1979 <i>4</i>	First District Court of Appeal Basement Renovation - Planning		30,000			
1980 <i>F</i>	Exterior Repairs, Painting & Waterproofing - Agencywide				162,500	
1981 A	Roof Inspection/Repairs - Agencywide				215,000	
1985A	Military Vehicle/Privately Owned Vehicle				26,750	

ITEM NO.	ITEM	GENERAI RECURRING	REVENUE NON-RECURRING	LOTTERY	INFRA- STRUCTURE	TRUST
	~~~ <u>~</u>					
	Parking - Jacksonville					
1985B	Military Vehicle/Privately Owned Vehicle				26,750	
	Parking - Deland					
1985C	Military Vehicle/Privately Owned Vehicle				26,750	
	Parking - Fort Myers					
1985E	Military Vehicle/Privately Owned Vehicle				26,750	
	Parking - Lake City					
1988A	Signal Training Sites - Camp Blanding				116,640	
2016A	Lake County Water Quality Project		36,000			
2016B	St. Lucie and Indian River Water Conservation Project		33,000			
2020A	Washington County State Farmers Market				200,000	
2020B	Construction/Paving - Hendry County Agriculture Center				150,000	
2020D	Baker County Fair Association				100,000	
2020F	Renovate Livestock Pavilion - Lafayette				100,000	
2020G	Agriculture Mult-Purpose Center - Nassau				50,000	
2020H	Planning/Construction Agriculture Building				150,000	
	- Collier					
20201	Renovate/Expand Lusk Pavilion - Wakulla				200,000	
2020J	Renovate Fair Bldg Walton				100,000	
2021A	Blackwater Road Maintenance					500,000
2025A	Forestry Work Station - Baker					66,000
2042A	Miami-Dade CC-Purchase of AT&T Bldg.			1,900,000		
2042B	FIU-Remodel/Furnish/Equipment for			1,000,000		
	Theater					
2042B	UWF-Athletic Facilities			200,000		
2042B	SUS-Lab School Construction Remodel/			1,000,000		
	Renovation/Maintenance/Equipment					
2042B	FIU-Community Ed Conference Center			1,500,000		

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ITEM NO.	ITEM	GENERAL RECURRING	NON-RECURRING	LOTTERY	INFRA- STRUCTURE	TRUST
2042C	WPBT Channel 2				*******	
2042D	Broward Co./Hollywood Central/ Elementary School Model			1,942,000 500,000		
2042D	Broward School Board/Handicapped Students			40.000		
2042D	Bradfrod Co./Bradford Co. High School			40,000		
2042D	Lake Co./Vo-Tech Center			400,000		
2042D	Osceola Co./Vo-Tech Center			500,000		
2042D	Volusia County Magnet School			600,000		
2042D	Washington Co./Vernon Elementary School			500,000		
2042D	Polk Co./Ridge Vo-Tech Center			199,000		
2042E	UF-IFAS - Lake Alfred - Citrus			700,000		
	Research & Education Center			237,500		
2058E	Redington Beach & Redington Shores					
	Dune Walkover				375,000	
2058F	Caladesi Island Beach Renourishment					
2065B	Toll Booth/Honeymoon Island		·			200,000
2099	Pensacola CC - Athletic Facility/Field					25,000
	Improvements					225,000
2099	Central Florida CC - Site Acquisition -					
	Ocala					20,000
2099	Pensacola CC - Agriculture Bldg Milton					
2099	Gulf Coast CC - Land Acquisition					120,000
2099	Central Florida CC - Lecanto Joint Use					700,000
	Facility					100,000
2100	FAMU - School of Business & Industry					
2100	UWF - Campus Recreational Facility					250,000
2100	UNF - Campus Access Project					250,000
2100	UCF - Campus Access/Parking					1,300,000
	FIU - Hospitality Center Bldg.					1,700,000
	UCF - Daytona Beach Research Center					338,000
						400,000

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		GENERA	REVENUE		INFRA-	
ITEM NO.	ITEM	RECURRING	NON-RECURRING	LOTTERY	STRUCTURE	TRUST
		÷, ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ;			*****	
2100	FAMU - Science & Research Lab Bldg.					600,000
2100	FAU/FIU Broward Univ Tower II					672 <b>,</b> 800
2100	FIU - Center for Conflict Resolution					1,200,000
<b>2</b> 10 <b>8</b>	Joint Use - Palm Beach Board/FAU Magnet School					250,000
2108C	FCO - Infra Construction - Satellite				2,000,000	
2113A	Fletcher Bldg. Ground Floor Renovation				2,862,300	
2152A	Economic Development Projects Little Havana Development Authority				75,000	
2152A	Miami Sports & Exhibition Facility				300,000	
2152B	Ali-Baba Triangle Safe Neighborhood Improvements - Dade		233,375			
2152B	Ali-Baba Triangle Safe Neighborhood Improvements - Dade				2,119,769	
2152C	Emergency Preparedness Buildings & Equipment-Vernon/Wausau				200,000	
2152D	Municipal Bldg. Const - Jacob				89,000	
2152E	Cottondale Community Center & Parking Lot - Jackson				307,625	
2152F	Community Resource/Service Centers-Dade		400,000			
2152H	City of Parker Land/Water Financial Assistance				100,000	
2152H	Town of Medley - Land Purchase for Water Management				50,000	
21521	Consolidated Communications System/Alachua		600,000			
2152L	Multi-Use Training & Educational Facility - Century		-		250,000	
2153A	Housing Cooperative Pilot - Dade				400,000	
2153B	Low Income Demonstration Housing Project - Palatka				50,000	

ITEM NO.	ITEM	GENERAL RECURRING	REVENUE NON-RECURRING	LOTTERY	INFRA- STRUCTURE	TRUST
2155A	Transfer to Neighborhood Housing Services				500 000	
2155B	Transfer from Neighborhood Housing Services				500,000	500 000
2157A	City of Gulf Breeze Reimbursement - Sea Wall Repairs				42,000	500,000
2157B	Holmes County Infrastructure Improvements				80,000	
2158	St. Johns River Water Mgt District/				00,000	497,681
	E. Ctrl FL Marine Resources Council					4977001
2158	S. Florida Water Mgt District/GFWFC Muck					575,000
	Removal on E. Lake Tohopekaliga					3137000
2165D	Planning for Homeless Shelter		50,000			
2165Y	Outreach Adolescent Drug		750,000			
	Rehabilitation Center-Lee County					
2165AQ	Miami Mental Health Center-Computer System		30,000			
2165AY	Allapattah Community Child Care		30,000			
2165AZ	Allapattah Wynwood Child Care Facility		30,000			
2165BD	Juvenile Assessment Center		175,000			
2165BF	Day Care Renovation-Hialeah Hospital		100,000			
2165BQ	Gilchrist County Public Health Unit				50,000	
2165BR	Lafayette County Public Health Unit				50,000	
2165BS	Martin County Public Health Unit				300,000	
2165BW	Orange County Public Health Unit		200,000			
2165BZ	Marion County Public Health Unit				500,000	
2165CC	Southeast College of Osteopathic				650,000	
	Medicine Birthing Center					
2165CD	Southwest Florida Health Center		300,000			
2165CF	Expansion of Health Care Facilities		100,000			
	-Jacksonville					
2165CG	Tri-County Birthing Center-Madison		100,000			
2165CJ	Hernando County Public Health Unit		• -		500,000	
2165CL	Leon County Satellite Public Health Unit				1,500,000	
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ITEM NO.	ITEM	GENERAI RECURRING	REVENUE NON-RECURRING	LOTTERY	INFRA- STRUCTURE	TRUST
2167A	Geographic Information System-Palm Beach County				450,000	
2167B	Restore Corners-Marion County				450,000	
2167C	Charlotte Harbor Environmental Center				150,000	
2167D	Restore Corners-Volusia County				300,000	
2169B	Habitat Restoration, Reefs, Hatcheries - Port Orange					50,000
2172B	Rails to Trails-Pinellas County				550,000	
2172C	Old Homestead Town Hall Restoration (Dade)				249,000	
2172C	Friday Morning Musicale Building Renovations				20,000	
2172C	Restoration of Hurt Building				236,000	
2172C	Restoration of Opa-locka Train Station				200,000	
2172C	Restoration of Old Zephyrhills Railroad Depot				230,000	
2172C	Restoration of Historic Villages in Overtown				100,000	
2172C	Restoration of Dunedin Historical Museum Addition				50,000	
2172C	Chensegut Manor House Restoration				100,000	
2172C	Old Altha School Restoration				200,000	
2172C	B.F. Lee Administration Building Preservation-Edward Waters College				500,000	
2172C	Black School Renovation				125,000	
2172C	Town of Eatonville Historic Survey and Planning				17,800	
2172C	Lafayette County Courthouse Renovation/Restoration				250,000	
2172C	East Hall Renovations				100,000	
2172C	Spring Hall Fountain				25,000	

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ITEM NO	O. ITEM	GENERAI RECURRING		t Omman y	INFRA-	
			NON-RECURRING	LOTTERY	STRUCTURE	TRUST
2172C	Old Stanton Literary Center				1 000 000	
2172C	Walton County Courthouse				1,000,000	
	-				250,000	
2172H	Gilchrist County Library Acquisition				45,000	
21721	Lafayette County Library Construction				50,000	
2172J	City of Palatka-Library/Repairs				66,000	
2172K	Vernon Library Construction				207,250	
2172M	Leon County Library Construction				200,000	
2172N	Renovation of Manuel Artime Center					
2172N	Black Heritage Museum				125,000	
					50,000	
2172N	Broward Art Guild				100,000	
2172N	Central Florida Society for Afro- American Heritage				50,000	
2172N	Slough Museum Arts and Science				300,000	
2172N	Miami Shores Theatre Improvements				100,000	
2172N	Majorca Theatre				-	
					20,000	
	TOTAL	17,807,213	13,917,149	30,878,310	28,307,484	37,109,035

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#### FINANCIAL OUTLOOK STATEMENT FY 1988-89 and 1989-90 GENERAL REVENUE AND WORKING CAPITAL FUNDS (MILLIONS OF DOLLARS)

	GENERAL REVENUE FUND	WORKING CAPITAL FUND		RECURRING	
FUNDS AVAILABLE 1988-89 BALANCE FORWARD FROM 87-88	234.8 9,266.6 20.7 2.4 20.4 3.0 (36.2) 1.3	0.0 0.0 0.0 0.0 0.0	9,266.6 20.7 2.4 20.4 3.0 0.0	: 9,277.6 0.0 0.0 0.0 0.0 0.0 0.0 0.0	(11.0) 20.7 2.4 20.4 3.0 0.0 0.0
WORKING CAPITAL FUND INTEREST	0.0	8.7	8.7	: 0.0 : : 9.277.6	
				:	
OPERATIONS AID TO LOCAL GOVERNMENT FIXED CAPITAL OUTLAY BASE STUDENT ALLOCATION GUARANTEE	4,962.4 4,527.5 23.1 0.0	0.0		: 4.880.1 : 4,523.6 : 0.0 : 0.0	
TOTAL 88-89 EFF. APPROPRIATIONS	9,513.0	15.0	9,528.0	9,403.7	124.3
RESERVES AVAILABLE	0.0	138.5	138.5	(126.1)	264.6
OBLIGATIONS AND ENCUMBRANCES NONE UNENCUMBERED RESERVES	0.0			0.0 ======= : (126.1)	
MEASURES AFFECTING REVENUE (B) MIDYEAR REVERSIONS FIXED CAPITAL OUTLAY REVERSIONS UNUSED APPROPRIATIONS BROWARD CTY TAX ROLL JUDGEMENT CANCELLATION OF WARRANTS REPAYMENT OF LOANS WORKING CAPITAL FUND INTEREST	0.0 9,917.1 258.3 20.5 2.4 51.3 0.8 2.3 3.1 0.0 	0.0 0.0 0.0 0.0	9,917.1 258.3 20.5 2.4 56.3 0.8 2.3 7.6 12.7	: 0.0 : 0.0 : 0.0 : 0.0 : 0.0	(48.3) (6.9) 20.5 2.4 56.3 0.8 2.3 7.6 12.7
EFFECTIVE APPROPRIATIONS 1989-90 OPERATIONS VETOES AID TO LOCAL GOVERNMENT VETOES FIXED CAPITAL OUTLAY VETOES FCO-AID TO LOCAL GOVERNMENT (C) VETOES FAILED CONTINGENCY APPROPRIATION (# 204) SPECIAL ACTS (D) TOTAL 88-89 EFF. APPROPRIATIONS	5,426.1 (19.8) 4,819.5 (5.6) 0.3 (0.1) 21.9 (6.2) (2.6) 20.1	7.8 0.0 0.0 0.0 10.0 0.0 0.0 0.0 0.0 17.8	5,433.9 (19.8) 4,819.5 (5.6) 0.3 (0.1) 31.9 (6.2) (2.6) 20.1	5,393.5 (12.8) 4,808.4 (0.1) 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	11.1 (5.5) 0.3 (0.1) 31.9 (6.2)
RESERVES AVAILABLE	2.2	142.9	145.1	40.4	104.7
OBLIGATIONS AND ENCUMBRANCES NONE	0.0	0.0	0.0	: : 0.0 : ======	*======
UNENCUMBERED RESERVES	2.2	142.9	145.1	•	

#### FINANCIAL OUTLOOK STATEMENT, CONTINUED FV 1990-91 GENERAL REVENUE AND WORKING CAPITAL FUNDS (MILLIONS OF DOLLARS)

	GENERAL REVENUE FUND	WORKING CAPITAL FUND	TOTAL ALL FUNDS	: RECURRING : FUNDS	NON- RECURRING FUNDS
FUNDS AVAILABLE 1990-91					
BALANCE FORWARD FROM 89-90	2.2	142.9	145.1	: 0.0	· · · ·
ESTIMATED REVENUES	10,756.2	0.0	10,756.2		145.1
MEASURES AFFECTING REVENUE (B)	267.9	0.0	267.9	: 10,810.2	(54.0)
MIDVEAR REVERSIONS	207.9	0.0	207.9	: 273.6	(5.7)
FIXED CAPITAL OUTLAY REVERSIONS	2.4	0.0	2.4	: 0.0	22.1
UNUSED APPROPRIATIONS	53.4	0.0	53.4	: 0.0	2.4
CANCELLATION OF WARRANTS	2.1	0.0		: 0.0	53,4
WORKING CAPITAL FUND INTEREST	0.0		2.1	: 0.0	2.1
WORKING CAFILAC FUND INTEREST		12.2	12.2	: 0.0	12,2
TOTAL 90-91 FUNDS AVAILABLE	11,106.3	155.1	11,261.4	11.083.8	177.6
APPROPRIATIONS BASE 1989-90				• • •	
OPERATIONS	5,380.7	0.0	5,380.7	5.380.7	0.0
AID TO LOCAL GOVERNMENT	4.808.3	0.0	4.808.3	4.808.3	0.0
SPECIAL ACTS (D)	3.8	0.0	3.8	: 3.8	0.0
OTHER	(2.6)	0.0	(2.6)	: (2.6)	0.0
TOTAL 89-90 APPROPRIATIONS BASE	10,190.2	0.0	10,190,2	10,190.2	0.0
RESERVES AVAILABLE	916.1			:	•
	910.1	155.1	1,071.2	: 893.6 :	177.6
OBLIGATIONS AND ENCUMBRANCES				: :	1
NONE	0.0	0.0	0.0	. 0.0	0.0
			******	: 3222222	
UNENCUMBERED RESERVES	916.1	155.1	1,071.2	: 893.6	177.6
					. •

- (A) This financial outlook statement is based on current law as it is currently administered. The state is involved in a number of lawsuits which could have an effect on these revenue estimates or have appropriations consequences. From time to time the Attorney General issues an update on the status of such litigation.
- (B) The following bills have passed with revenue consequences (\$ millions)-

			1989-9	0		1	
<b>Bi</b> 11				Non-			Non-
Number	Subject	Cash	Recurring	recurring	Cash	Recurring	recurring
Number H 336 H 990 H 1196 H 1391 S 20 S 228 S 267 S 478 S 658 S 763 S 1141 S 1252 S 1279 S 1500 S 1525	Revises insurance premium tax Solid waste management revision Nursing loan program Youth Conservation Corp Construction Licensing Board Alcoholic Vendors Program Alternate Parimutuel Activity DOR tax administration bill Oil & gas lease security Classified Drivers' Licenses Increased parimutuel performanc Court filing fees Continuing care contracts Beverage Licenses Additional Auditors Revises distribution to SIF	69.1 0.0 0.2- 0.1 0.1 0.0 5.7 0.1- 0.0 0.4 4.3 0.7- 0.4 23.4 150.0	50.3 0.2 0.1 0.2- 0.0 0.1 0.5 2.4 0.1- 8.2 0.4 4.3 0.7- 0.2 39.7 150.0	18.8 0.1- 0.0 0.1 0.0 0.5- 3.3 0.0 8.2- 0.0 0.0 0.0 0.0 0.2 16.3- 0.0	55.0 0.2 0.1 0.2- 0.0 0.1 0.5 2.4 0.1- 2.7 0.4 4.4 0.7- 0.2 42.5 150.0	55.0 0.2 0.1 0.2- 0.0 0.1 0.5 2.4 0.1- 8.4 0.1- 8.4 0.4 4.4 0.7- 0.2 42.5 150.0 0.7	0.0 0.0 0.0 0.0 0.0 0.0 0.0 5.7- 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.
S 1534 S 5A S 10B	Rental car surcharge Drivers' License revocation Tax on Transient Rentals	0.5 0.0 5.2	0.7 0.2 8.9	0.2- 0.2- 3.7-	0.7 0.2 9.5	0.2 9.5	0.2
3 100		258.3	265.2	6.9-	267.9	273.6	5.7-

(C) Item 2172Q of the appropriations act authorizes the advance of \$10,000,000 from the Working Capital Fund as a loan to the Orlando International Airport.

(D) The following special appropriations acts passed-

8i11		Recurring	Nonrecurring
Number	Subject	Recording	
H 336 H 599 H 821	Revises insurance premium tax Uniform accountability in special districts Licensure of foreign physicians	1,356,490 214,000	1,000,000
H 892 H 1088	Timely payment of state invoices Citrus canker reimburement	151,642 sum sufficien	15,000,000 t
H 1111 H 1120 H 1195 H 1226 H 1502 H 1781 S 225 S 267 S 1092 S 1141	Hate crime information Mechanics' lein law study commission Solicitation of funds act NCAA rule violations Private college standards Human rights advocacy commission Plumbing regulation DOR tax administration bill School-related employee of the year Increased number of judges	201,544 250,000 200,000 64,000 45,108 19,250 1,017,484	50,000 200,000
S 1298 S 1325 S 1441	Florida commission on ageing Juvenile justice system review Handicapped accessibility	224,136 42,506 3,786,160	53,000  16,303,000

#### GENERAL APPROPRIATIONS ACT FOR 1989-90 CONTINGENCY ITEMS

ITEM	POS.	APPROPRIATION	FUND	CONTINGENCY	LEGISLATIVE ACTION
5D		2,349,313	G	Passage of legislation increasing court fees	CS/SB 1141 passed
187V-187AE	43	1,400,000	Т	CS/SB 1279 or similar legislation	CS/SB 1279 passed
187 <b>AA</b>		2,750,000	Т	CS/SB 1279 or similar legislation	CS/SB 1279 passed
204		2,600,000	G	Legislation creating a Tourism Commission	HB 1350 died/committee
231		3,066,625	G	CS/HB 1737 or similar legislation	CS/HB 1737 passed
282, 284 & 285	8	406,883	G	Passage of legislation increasing court fees	CS/SB 1141 passed
393B	-	10,000	T	CS/HB 1365 or similar legislation	CS/HB 1365 died/committee
401		500,000	T	HB 1537 or similar legislation	CS/CS/SB 1417 passed
413A		19,000	T	CS/HB 704 or similar legislation	SB 1092 passed
520A		125,000	- T	HB 1121 or similar legislation	CS/SB 683 passed
561C		500,000	T	CS/HB 913 or similar legislation	CS/CS/SB 128
587		100,000	G	CS/HB 418 or similar legislation	CS/SB 281 passed
668D		100,000	T	CS/SB 9	CS/SB 9 passed
668G		500,000	G	CS/SB 484	CS/SB 484 passed
900		1,000,000	G	HB 859 or similar legislation	-
1011C		4,000,000	T	HB 744 or similar legislation	CS/SB 1325 passed
1039A	20	1,007,545	T	CS/CS/SB 639 or similar legislation	CS/SB 220 passed
1054A	20	82,632	G	HB 734 or similar legislation	CS/CS/HB 1229 passed
1073 <b>A</b>	5	200,000	Ť	CS/SB 658 or similar legislation	HB 734 passed
1097-1100	15	492,587	T	SB 815 or similar legislation	CS/SB 658 passed
1100 <b>A</b>	10	459,027	T	CS/CS/HB 855	CS/SB 845 passed
1149		882,615	G	Passage of legislation increasing court fees	CS/CS/HB 855 passed
1155		162,000	G	· · ·	CS/SB 1141 passed
1155	20			Legislation authorizing new judgeships	CS/SB 1141 passed
1163	20	542,081	G	Legislation authorizing new judgeships	CS/SB 1141 passed
1164		32,460	G	Legislation authorizing new judgeships	CS/SB 1141 passed
1164	34	141,735	G	Legislation authorizing new judgeships	CS/SB 1141 passed
1168	34	1,078,650	G	Legislation authorizing new judgeships	CS/SB 1141 passed
	10	15,230	G	Legislation authorizing new judgeships	CS/SB 1141 passed
1173	12	365,115	G	Legislation authorizing new judgeships	CS/SB 1141 passed
1174		2,197	G	Legislation authorizing new judgeships	CS/SB 1141 passed
1175	•	74,494	G	Legislation authorizing new judgeships	CS/SB 1141 passed
1545	8	459,027	T	HB 855 or similar legislation	CS/CS/HB 855 passed
1571, 1573 & 1574		278,868	T	CS/CS/SB 9 or similar legislation	CS/CS/SB 9 passed
1593-1596, 1598, 1600A-1600D, 1601A & 1602	16	3,645,039	T	CS/CS/SB 9 or similar legislation	CS/CS/SB 9 passed
1634		326,924	T	CS/CS/SB 9 or similar legislation	CS/CS/SB 9 passed
1640, 1642 & 1643	1	73,602	T	CS/CS/SB 9 or similar legislation	CS/CS/SB 9 passed
1654-1656	50	4,902,600	T	HB 988 or similar legislation	CS/SB 215 passed
1708-1712	2	45,035	G	HB 1124 or similar legislation	CS/SB 267 passed
		126,320	T		• • • • • •
1808A		270,353	T	CS/CS/SB 1474 or similar legislation	CS/CS/SB 1474 passed
1819, 1821 & 1822	9	313,091	T	HB 1369 or similar legislation	CS/CS/HB 1369 died/calendar
Section 2.1					
1899 <b>)</b>		350,000	T	CS/CS/HB 1810 or similar legislation	CS/CS/HB 1810 passed
19792		30,000	G	Legislation increasing appellate filing fees at least \$250	
		30,000		and an and a short and a training the a the state of the	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

98	350,000	T	CS/CS/HB 1810 or similar legislation	CS/CS/HB 1810 passed
92	30,000	G	Legislation increasing appellate filing fees at least \$250	CS/CS/SB 9 passed

#### GENERAL APPROPRIATIONS ACT FOR 1989-90 CONTINGENCY ITEMS

ITEM	POS.	APPROPRIATION	FUND	CONTINGENCY	LEGISLATIVE ACTION
Section 2.2					
2028		1,900,000	T	CS/SB 1469 or similar legislation	CS/SB 1469 passed
Section 2.6					
2127-2131 2150		5,000,000	T T	Legislation authorizing bonding of toll revenues HB 1679 or similar legislation	SB 3B died CS/HB 1679 passed
Section 2.7				- -	
215 <b>2</b> B		233,375	G T	CS/HB 1737 or similar legislation	CS/HB 1737 passed
2156 & 2157		2,119,769 2,000,000	T	CS/SB 732 or similar legislation	CS/SB 732 passed
2163		2,000,000	T	CS/SB 484 or similar legislation	CS/SB 484 passed
2172R		5,000,000	T	CS/HB 387 & 1255 or similar legislation	CS/HB 387 & 1255 passed
21720		15,000,000	T	Requirements provided for in SB 1501	SB 1501 passed

G = General Revenue Fund

T = Trust Fund

#### GENERAL APPROPRIATIONS ACT FOR 1989-90 CONTINGENCY ITEMS DEPENDENT ON ACTION OTHER THAN LEGISLATION

ITEM	POS.	APPROPRIATION	FUND	CONTINGENCY
Section 1				
5 <b>a</b>		7,824,168	G	Outcome of court case challenging CH 88-238
114		4,200,000	T	Confirmation of federal requirements
240A		500,000	G	Designation of Union County as hazardous waste facility
345		230,727	G	Deposit of donations into Scholarship Trust Fund
		137,629	T	
425A		150,000	G	Approval of contract by Postsecondary Ed Planning Commission
429 <b>a</b>		17,578	G	Approval of contract by Postsecondary Ed Planning Commission
429B		59,425	G	Approval of contract by Postsecondary Ed Planning Commission
4331		63,618	G	Approval of contract by Postsecondary Ed Planning Commission
526 <b>A</b>		400,000	G	Matching grants
590		450,000	G	Maintenance of other public funding levels
593C		40,000	Т	Receipt of \$60,000 non-state matching funds
615 <b>A</b>	3	300,000	G	Development of FAIRS master plan
636		2,000,000	T	Adequate matching funds from private sources
641		10,000,000	G	Continuation of local funding at current level
818	7			Receipt of waviers from HCFA
823 <b>a</b>		1,000,000	T	Reversion of funds from 88-89 to the trust fund
1006B		841,117	G	Approval of physician reimbursement plan
		1,015,653	T	
1007	8			Receipts of waviers from HCFA
1157		3,448,000	G	Matching contributions by counties
1515 & 1516		2,585,965	T	3 year installment payment agreement
1748		17,067,116	G	Counties not charging city residents for library services
		5,085,065	T	
1771-1774	30	710,748	G	St. Augustine Preservation Bd. develop rules & regulations
		193,536	T	
Section 2.3				
2108B		3,400,000	T	Reversion of 88-89 funds & receipt of federal funds
Section 2.7				
2152G		60,000	T	Equivalent local match of \$60,000
2152H		200,000	T	Reversion of \$200,000 from 88-89
2165A & 2165B		2,300,000	T	Designation of Union County as hazardous waste facility
2165G		300,000	G	Providing of 100 meals per day to Cure AIDS Now @ \$1.50/meal
2165J		250,000	G	Receipt of federal or local matching dollars

G = General Revenue Fund

T = Trust Fund

#### Special Appropriations Acts 1989 Regular Session and Special Sessions A and B 1989-90 Appropriations

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					1989-90	
				Ge	eneral Revenue	
Chapter	Bill Nu		Description	Recurring	Non- Recurring	Trust
Law						
				\$	S S	
	Senate Bi	115				
89-270	CS/CS/SB	9 1				
89-270	03/03/30	8 248	Saltwater Fishing License			1,166,012
89- 397	SB	16	Relief BillWanda Ray			60,000
89-107	CS/CS/SB	20	Responsible Alcoholic Bev. Vendors			944,000
89-354	CS/CS/SB	128	Health Care Services Employment Pools			209,960
89-139	CS/SB	225	State Plumbing Code Adoption	45,108		
89-275	SB	255	State Trauma Plan/Emergency Medical Serv	•		550,830
89-356	CS/SB	267	Taxation: Bluebelt Commission		200,000	
89-224	SB	452	Perfecting Security Interests/Farm Equip			83,34
89-358	SB	478	Oil and Gas Production Leases on State Lands	i		47,500
89-175	CS/CS/SB	481				
00 170	00/00/00	8 314	Coastal and Marine Resources			2,874,980
89-124	CS/SB	784	Regulation of Physical Therapists			91,023
89-287		787	Investment of State Funds			600,000
89-233	CS/SB	791	Bureau of Explosives and Fire Equip-Fees			22,750
89-360	CS/SB	845	Insurance Regulation			271,893
89-289	CS/SB	896	Workers' Comp			2,853,403
89-398	SB	1034	Relief BillHarkovitch			300,000
89-159	SB	1092	DOE Employee of the Year	19,250		
89-290	CS/SB	1141	State Court Judges	1,017,484		
89-162	CS/SB	1213	Professional Regulation Fees			65,000
89-238	CS/SB	1295	Motor Vehicle Insurance			248,95
89-294	CS/CS/SB	1298	Florida Commission on Aging	224,136		146,36
89-295	CS/SB	1325	Juvenile Justice System Task Force		53,000	
89-97	CS/SB	1441				
		& 1460	Accessibility of Handicapped to Buildings	42,506		
89-364	CS/SB	1534	1 Wheels on the RoadLaw Enforce TF			11,387,46
			2 Wheels on the RoadChild. & Adoles. TF			7,404,47
<b>89-</b> 527	SB	8-B	Accute Care Hosp Services/Calhoun County			250,00
89-530	SB	11-B	Health Care Coverage Study			975,00
	House Bi	1)e	· · · · · · · · · · · · · · · · · · ·			
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89-167	CS/					
	CS/CS/HB	336	Insurance Premium Tax	1,356,490		
89-259	CS/HB	395	Cigarettes/No Sales to Minors Signs			100,000
89-261	CS/HB	504	Child Safety Study			50,000
89-169	CS/HB	599	Special District Accountability Act	214,000		
89-170	HB	645	Regulation of Nursing			46,959
89-266	С\$/нв	821	Medical Practice		1,000,000	63,927

#### Special Appropriations Acts 1989 Regular Session and Special Sessions A and B 1989-90 Appropriations

						1989-90						
Chapter Law					General Revenue							
	Bill Number		Description		Recurring	Non- Recurring	Trust					
				s		5	S					
89-200 Vetoed	CS/H8 CS/	892	Prompt Payment	-	151,642							
101000	CS/CS/HB	950	Certificate of NeedRural Hosp.				250,000					
89-325	CS/HB	993	Lobby Registration				98,810					
89-202	CS/HB	1064	Extension of Study Comm on Mobile Homes				100,000					
89-91	CS/HB	1088	Citrus Canker			15,000,000	21,229,880					
89-132	CS/HB	1111	Crime Information		(a)							
Vetoed	CS/HB	1119	Airport Development				20,000					
89-370	CS/HB	1120	Mechanic's Lien Law			50,000						
89-205	CS/CS/HB	1195,										
	10	81,1139										
		& 1219	Charitable Solicitation of Funds		201,544							
89-207	CS/HB	1226	Scholarship grants		250,000							
89-373	нв	1391	Youth Conservation Corps				200,000					
89-210	CS/HB	1396	Continuing Ed for Insurance Salespersons				191,000					
89-344	CS/											
	CS/CS/HB	1502	Licensure of Nonpublic Postsec. Instit.		200,000							
89-350	CS/HB	1590	AIDS Education				170,518					
89-215	НВ	1781	Statewide Human Rights Advocacy Committee		64,000							
			Sub-Total		\$3,786,160	\$16,303,000	\$53,074,053					
			Less Vetnes		0	0	270,000					
			TOTAL		\$3,786,160	\$16,303,000	\$52,804,05					

(a) An amount sufficient to fund the act is appropriated.

#### Measures Affecting Revenues and Tax Administration Estimated Revenue Increases/(Decreases) (Millions of Dollars)

					1989-90							1990-9	1	
						Gen	eral	Reven	ue				General	Revenue
Chapter Law Bi	Bill Numb	Bill Number		- Description	1st	lst Year		rring	Non- Recurring		Trust	Local		Non-
					\$		\$		\$		\$	\$	s	\$
89-282	CS/SB	658	1	Drivers' Licenses/Reclassification & Fees	-		•	8.2	-	8.2)	•		•	
			2	Motor Vehicle Tags/Trailer Weights							(0.1)			
89-285	CS/SB	689		Hazardous Waste Siting							0.1			
89-230	SB	706		Alc. Beverage Lic./Golf and Tennis Clubs							*			
89-286	SB	734		Ad Valorem Admin./Tax Deeds < \$500								*		
89-122	CS/SB	736		Ad Valorem /Prepayment by Installment								*		
89-153	CS/SB	759		Electronic Funds TransferSee SB 267(6)										
89-231	SB	763		Jai Alai – Additional Maținees		0.4		0.4			*		0.4	
89-233	CS/SB	791		Fee increases-Explosives & Fire Equipment	:						3.2			
89-360	CS/SB	845		Insurance Regulation							*			
89-154	CS/SB	851		Florida General Corporation Act				**	(	(**)			**	
89-234	CS/SB	1048		Jai AlaiIncreased Withholding/Surtax						*				
89-84	CS/S8	1106		Change of Venue Transfer Fee								*		
89-290	CS/SB	1141		Court Filing Fee Increases		4.3		4.3			0.3		4.4	
Vetoed	CS/SB	1164		Ad Val TaxUse vs. Ownership								(0.1	)	
89-362	CS/SB	1178	1	Trans Rent Facil Exemp Repeal/See SB 10B						·				
?				Dade Tourist Dev. Tax								**		
89-235	SB	1203	-	Dog TrackEscambia County		(*)		(*)			*		• (*)	
89-162	CS/SB	1213		DPR Fees		` ÷		` <b>÷</b>			**			
89-292	CS/SB	1224	1	Utility RegulationCogeneration Use Tax		(*)		(*)			(*)	(*)	(*)	
00 202	007.00			Utility RegulationFees		`́		· · · · ·			**	`		
89-363	CS/SB	1252	-	Ins Prem TaxExempt Cont. Care Facil		(0.7)		(0.7)	1				(0.7	·)
89-293	CS/SB	1279		DBR Fees		0.4		0.2		0.2	6.6		-	
89-294	CS/CS/SB	1298		Nursing/Mental Health Service Fees							(0.1)			
89-381	CS/CS/SB	1388	1	Com. Col. Half-mill Prop Tax: See HB 48								·		
09- 201	C3/C3/30	1500		Community Colleges Capital Improv. Fees						~ +	6.0			
Vetoed	CS/SB	1413		Cholesterol Screening License							**			
89-300	CS/SB	1413		SpaceportVarious Tax Exemptions				(**)		**				)
	C3/38 SB	1500		DOR auditors		23.4		39.7	1	16.3)			• •	
89-253	58 58	1500		SIF Revenues and Distribution		50.0		150.0	(		(150.0			
89-255					•	50.0		150.0			(150.0	•		•
89 - <b>428</b>	SB	1526		Broward County/Boat Speeding Penalty							11.4			
89-364	CS/SB	1534		Auto Registration Fee\$30		~								
				2 Rental Car Surcharge50 cents per day		0.5		0.7		(0.2)			•••	
				B Rental Car Lic Tags6 months								,		
89 - 525	SB	5-A		Revocation of Driver's License				0.2		(0.2)	-		0.	2
89-527	SB	8-8		State Trauma Plan: Same as CS/SB 347										
89 - 529	SB	10-B		Aviation FuelSpecial Provision Extend							· · · · ·			-
				2 Air Carriers TPP Purchases		**		**		(**)				•
				3 Transient RentalsElim Facilities Exemption	t	5.2		8.9		(3.7)				
89-532	SB	13-B		Saltwater Fishing Lic./Pier Exemption							(0.0			
89- 533	SB	16-B		Stolen Property: Clarification of HB 964										

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#### Measures Affecting Revenues and Tax Administration Estimated Revenue Increases/(Decreases) (Millions of Dollars)

					1989-90				1990-9	1
Chapter Law				Gei			General	Revenue		
	8111 Nur		Description	1st Year Recurring		Non- Recurring	Trust	Local		Non-
	Senate Bil			\$	\$	\$	\$	\$	\$	\$
89-270	CS/CS/SB	9,1								
		8 248	1 Saltwater Fishing Licenses				8.1			
			2 Freshwater Fishing and Hunting Fees				2.9			
89-107	CS/CS/SB	20	Responsible Alcoholic Bev. Vendors	0.1	0.1		0.9		0.1	
89-108	SB	32	Animal Control/Local Penalty Surcharge					*		
89-252	SB	38	Discretionary Doc Stamp Extension							
89-217	SB	81	Tourist Dev. Tax/Sports Facilities					**		
89-134 89-354	CS/SB CS/CS/SB	94 128	Drivers Courses-Licenses/Fees				0.1			
89-111	CS/CS/SB	128	Health Care Services Employment Pools	*	*	~~~	*		*	
89-102	CS/SB	190	Public Fairs/Safety Standards	*	*		0.1		*	
89-218	CS/SB	190	RICO Forfeiture Funds Distrib				**	**		
89-30	C3738 S8	214	Out of State Pharmacies Regis. Fees		*		*		*	
89-137	CS/SB	215	Prof. Engineer License Fees Land Surveyors License Fees	*	*		**		*	
89-70	CS/SB	216	Psychologists License Fees		*		**		*	
89-219	CS/SB	228	Conversion of Jai Alai to Dog Racing							
89-112	CS/CS/SB	265	Drivers' Licenses/Age Requirements	•	0.5	(0.5)	)		0.5	
89-356	CS/SB	267	1 Taxation: Estate Taxes	4.0	1.0	3.0				
			2 Taxation: Intangibles Tax Business Situs			3.0		**	1.0	
			3 Taxation: Gross Receipts Speedup/Penalt				37.5			
			4 Taxation: Aviation Fuel/Monthly Reports	•		•	37.5			
			5 Taxation: Motor Fuel Shrinkage Allow	(*)	(*)		(0.3)		(*)	
			6 Taxation: Electronic Funds Transfer	0.5	1.5	(1.0)			• •	
			7 Taxation: Corporate- Interstate Truckers		1.5				1.5	
			8 Taxation: Ad Valorem Administration							
			9 Taxation: Tourist Dev. Tax/High Impact	<u></u>				**		
			10 Taxation: Admissions Tax Exemption		(1.3)					
			11 Taxation: Sales Tax/Commercial Mot. Veh.	(0.3)			(*)	(*)		
			12 Taxation: Bluebelt Study Commission				`́	`	• • • •	
89-146	SB	328	Afro-Caribbean Scholarships	<u> </u>			(*)			
89-278	SB	344	Elementary Grades Enhancement Revision	(**)		(**)				(**)
89-104	CS/SB	347	Health Facilities Cert. of Need Fees				(0.8)	)		
89-224	SB	452	Perfecting Security Interests					(**)		
89-115	CS/SB	467	Architectural Contracting/Licensing	(*)	(*)		(*)		(*)	
89-358	SB	478	Oil and Gas Production Leases	(0.1)	) (0.1)	)	0.1		(0.1	)
89-175	CS/CS/SB	481								
		& 314	1 Coastal Protection TF/Raise Cap				4.6			
			2 Apalach. Oyster License/Surcharge				0.2			
			3 Freshwater Fish Lic Exemp for Disab				(*)			
			4 Non-res Hunt & Frushwater Fishing Lic.				*			
89-228	SB	647	5 Panther License Plate							
03-110	20	647	1 Harness Racing Season	*	*		*		*	
89-359	CS/SB	654	2 Breeders' Crown Meet				(*)			
33 333	C3/38	034	Corp. Filing Fees/Science & Art Museums				1.0		·	

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#### Measures Affecting Revenues and Tax Administration Estimated Revenue Increases/(Decreases) (Millions of Dollars)

						989-90					1990-9	
				Ge	ene	ral Rever	ue					Revenue
Chapter Law	Bill Numb	er	Description	1st Year	r 8	lecurring	Non- Recurrin	a .	Trust	Local	Recurring	Non- Recurring
				 S			\$	 s		 S	s	\$
	House Bills			•	•	•	•	·		•	•	
	65 (NB	153	Combat Auto Theft		-		-	-		*		
89-34	CS/HB CS/HB	153	Pest Control Inspections/Fees	(*)	)	(*)	-	-	0.1		(*)	
89-180 89-183	CS/CS/HB	258	Child Support Deposits		-	`	-	-	(*)	(**)		
·	CS/CS/HB	269	Pari-mutuel Wagering/Add'l Takeout	1	*			*				
89-242 89-167	CS/	205	Fait marden mager marked t takeest									
89-107	CS/CS/HB	336	Insurance Premium Tax	69.	1	50.3	18.	8	(0.2)		55.0	
89-186	CS/CS/HB	339	Neurological Injury Compensation Plan		-			-	(0.7)			
89-365	HB	423	Homestead Exemption Application		-		-	-				
89-188	CS/HB	430	Petroleum Liability Insurance Program	-	-		-	-	(0.1)			
89-244	CS/HB	435	Discret. Cap/Outlay Millage		-		-	-		**		
89-191	CS/CS/HB	497										
00 .0.	00/00/10	8.88	Sale of Firearms		-		-		5.0			
89-305	CS/CS/HB	548	Title Insurance Escrow Fees	-					0.3			
89-168	CS/HB	553	Specialty License Plates	-					**			
89-245	НВ	580	Commercial Feed/Inspection Fees		*	*			*		٠	
89-169	CS/HB	599	Special Dist Accountability Act (90-91)		-			-				
89-307	CS/HB	610	Forfeitures/Deposit of Funds	(*	-	(*)			*		• • • •	
89-309	CS/HB	622	Certification of Behavior Analysts	-					**			
89-53	HB	635	Transfer of Title Deadline	(*				•)				
89-171	CS/CS/HB	710	Pollutants Tax	-				•	(2.7)			•
89-468	HB	747	Gill Net Licenses/Pasco County		-				*			
89-197	CS/HB	757	Ag Commodities/Citrus Fruit Assessments		-				**			-
Vetoed	CS/CS/HB	823	Developmental Research Schools (90-91)		-							
89-12	нв	922	Citrus:Inspection Fees	-	-				0.1		,	
Vetoed	CS/								(0.4)			
	CS/CS/HB	950	Rural Hospitals/ Certificate of Need						0.2			
Vetoed	CS/CS/HB	964	Second Hand Dealers License			0.2		. 1)	1.9		0.3	,
89-324	C\$/HB	990	Waste Tire Fees/New Car Tires	0.	, 1 	0.2			0.1			
89-325	CS/HB	993	Lobbyist Registration Fee						(++)			
89-328	HB	1054	1 Homestead Deferral/Purchase by SBA							.(*)	)	
			2 Totally & Perm. Disabled/Index Income						6.1	··		
89-91	CS/HB	1088	Citrus Canker						*	-		
89-60	HB	1114	Public DefendersInvestigators		*					_	-	•
89-371	НВ	1145	Breeders' Crown/Tax Credit		*	0.		.1)	0.1	_	- 0.	1
89-332	CS/HB	1196	Nursing Scholarships/Add's Lic. Fee			0.		'		•	• -	•
89-207	CS/HB	1226	Scholarship Grants/Matching						5.0	-		
89-333	CS/CS/HB	1229	Odometer Fraud Welfare Reform/ Public Assistance						**	<b>_</b>		
89-334	CS/HB	1245							46.8			
89-208	CS/CS/HB	1317	1 Lottery: Educational Enhancement TF						(46.8			
	<b></b>		2 Lottery: Lottery Administrative TF						1.0	•	1) -	
89-250	CS/HB	1330	Saltwater Products			-			*	• • •		
89-338	CS/CS/HB	1362	Election Revision		*		•			-	-	*
89-249	CS/CS/HB	1388	Coastal Building Zone Training Fees	(0		) (0.	2)		0.2	-	- (0.	2) -
89-373	HB	1391	Youth Conservation Corps	(0	• •	, (3.						

# Measures Affecting Revenues and Tax Administration Estimated Revenue Increases/(Decreases) (Millions of Dollars)

					19	89-90				1990-9	1
					ienera	al Rever	108			General	Revenue
Chapter Law	Bill Num	ber	Description	lst Yea	r Red	curring	Non- Recurring	Trust	Local	Recurring	Non- Recurring
89-374	СЅ/нв	1427	Professional Regulation/Fees	\$	\$		\$	\$	\$	\$	\$
89-375	CS/HB	1460	sterenet Regulation/regs	-	-			0.4			
		& 1273	Developments of Regional Impact Revision	-	-						
89-344	CS/			-	-		~-	**			
· ·	CS/CS/HB	1502	License Fees-Nonpublic Postsec. Instit.		*	-					
89-5	CS/HB	1521	. Construction Industry Licensing Board	0.		*				*	
89-350	CS/HB	1590	AIDS Education Fees		-		0.1	1.2			
89-376	CS/HB	1730	1 Trans Disadvantaged-50 cent Tag Fee		-		~~	**			
			2 Urban League Tag Exemption		-			5.1			
			3 Trans Disadvantaged-Tag Exemption	-	_			(*)			
Vetoed	CS/HB	1737	Neighborhood Imp. Dist. Assessments		-			(*)			
89-353	HB	1828	Water and Sewer Systems	-	-				**		
89-531	HB	9-A	Corrections	-	-			3.2			
89-535	HB	4-8	Repeal Comm. College Half-mill Prop Tax	-	-		·	0.7			
89-536	HB	21-B	Impact Fees/Credit	-	-				(**)		
			Sub-Total	\$258.	3	\$265.2	(\$6.9)	 (\$30.6)	\$3.9	\$273.6	(\$5.7)
			Less Vetoed Bills					(0.2)	(0.1	)	
* Insig	nificant <	\$50 000	TOTAL	\$258.	3	\$265.2	(\$6.9)	 (\$30.4)	\$4.0	\$273.6	(\$5.7)

* Insignificant <\$50,000
** Indeterminate</pre>

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ADMINISTERED FUNDS

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5A LUMP SUM BOARD OF REGENTS - DISTRICT COST DISTRUMINIAL FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 4,854,077 (VETOED) EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION OFFICE OF THE COMMISSIONER 337 EXPENSES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,444 338 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - EDUCATIONAL IMPROVEMENT GRANTS AND AIDS - EDUCATIONAL IMPROVEMENT GRANTS AND AIDS - EDUCATIONAL IMPROVEMENT INCOM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000 339 OPERATING CAPITAL OUTLAY FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 10,271 339A SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA STATE UNIVERSITY PROFESSOR EXCHANGE FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 40,000 342 SPECIAL CATEGORIES GRANTS AND AIDS - EDUCATION/BUSINESS COOPERATION FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 700,000 344A SPECIAL CATEGORIES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,000,000 347 SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONST FUND . 1,000,000 347 SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONAL EDUCATION FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,000,000 351 SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONAL EDUCATION FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 500,000 351 SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONAL EDUCATION INTRACES INTERNATIONAL ENHANCEMENT TRUST FUND . 500,000 352 SPECIAL CATEGORIES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000	. 5	LUMP SUM Salary increases from Educational Enhancement Trust Fund .	6,433,236	
EDUCATION OFFICE OF THE COMMISSIONER 337 EXPENSES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,444 338 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - EDUCATIONAL IMPROVEMENT GRANTS FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000 339 OPERATING CAPITAL OUTLAY FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 10,271 339A SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA STATE UNIVERSITY PROFESSOR EXCHANGE FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 40,000 342 SPECIAL CATEGORIES GRANTS AND AIDS - EDUCATION/BUSINESS COOPERATION FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 700,000 344A SPECIAL CATEGORIES ENDOMMENT FOR CUBAN-AMERICAN STUDIES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,000,000 344A SPECIAL CATEGORIES ENDOMENT FOR CUBAN-AMERICAN STUDIES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,000,000 344A SPECIAL CATEGORIES ENDOMENT FOR CUBAN-AMERICAN STUDIES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,000,000 344A SPECIAL CATEGORIES MATH/SCIENCE COMPUTER EDUCATIONAL ENHANCEMENT TRUST FUND . 1,000,000 351A SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONAL EDUCATION LINKAGES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 500,000 352 SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONAL EDUCATION LINKAGES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 500,000 352 SPECIAL CATEGORIES GRANTS AND AIDS - HEMISPHERIC FOLICY STUDIES CENTER FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000	58	BOARD OF REGENTS - DISTRICT COST	4,854,077	(VETOED)
<ul> <li>337 EXPENSES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,444</li> <li>338 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - EDUCATIONAL IMPROVEMENT GRANTS AND AIDS - EDUCATIONAL IMPROVEMENT GRANTS AND AIDS - EDUCATIONAL IMPROVEMENT GRANTS AND AIDS - EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000</li> <li>339 OPERATING CAPITAL OUTLAY FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 10,271</li> <li>339A SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA STATE UNIVERSITY PROFESSOR EXCHANCE FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 40,000</li> <li>342 SPECIAL CATEGORIES GRANTS AND AIDS - EDUCATION/BUSINESS COOPERATION FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 700,000</li> <li>344A SPECIAL CATEGORIES ENDOMMENT FOR CUBAN-AMERICAN STUDIES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,000,000</li> <li>347 SPECIAL CATEGORIES MATH/SCIENCE COMPUTER EDUCATIONAL ENHANCEMENT TRUST FUND . 1,000,000</li> <li>351A SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONAL EDUCATION LINKAGES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 350,000</li> <li>351A SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONAL EDUCATION LINKAGES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 500,000</li> <li>352 SPECIAL CATEGORIES GRANTS AND AIDS - HEMISPHERIC POLICY STUDIES CENTER FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000</li> </ul>				
FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       2,444         338 AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - EDUCATIONAL IMPROVEMENT GRANTS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       100,000         339 OPERATING CAPITAL OUTLAY FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       10,271         339A SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA STATE UNIVERSITY PROFESSOR EXCHANGE FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       40,000         342       SPECIAL CATEGORIES GRANTS AND AIDS - EDUCATION/BUSINESS COOPERATION FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       700,000         344A       SPECIAL CATEGORIES ENDOWMENT FOR CUBAN-AMERICAN STUDIES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       1,000,000         344A       SPECIAL CATEGORIES ENDOWMENT FOR CUBAN-AMERICAN STUDIES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       1,000,000         344A       SPECIAL CATEGORIES ENDOWMENT FOR CUBAN-AMERICAN STUDIES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       1,000,000         344A       SPECIAL CATEGORIES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       350,000         351A       SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONAL EDUCATION LINKAGES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       500,000         352       SPECIAL CATEGORIES GRANTS AND AIDS - HEMISPHERIC POLICY STUDIES CENTER FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       100,000	OFFICE	OF THE COMMISSIONER		
GRANTS AND AIDS - EDUCATIONAL IMPROVEMENT GRANTS FROM EDUCATIONAL ENHANCEMENT TRUST FUND       100,000         339       OPERATING CAPITAL OUTLAY FROM EDUCATIONAL ENHANCEMENT TRUST FUND       10,271         339A       SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA STATE UNIVERSITY PROFESSOR EXCHANGE FROM EDUCATIONAL ENHANCEMENT TRUST FUND       40,000         342       SPECIAL CATEGORIES GRANTS AND AIDS - EDUCATION/BUSINESS COOPERATION FROM EDUCATIONAL ENHANCEMENT TRUST FUND       700,000         344A       SPECIAL CATEGORIES ENDOWMENT FOR CUENA-AMERICAN STUDIES FROM EDUCATIONAL ENHANCEMENT TRUST FUND       1,000,000         347       SPECIAL CATEGORIES MATH/SCIENCE COMPUTER EDUCATION-COMPREHENSIVE PLAN FROM EDUCATIONAL ENHANCEMENT TRUST FUND       350,000         351A       SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONAL EDUCATION LINEAGES FROM EDUCATIONAL ENHANCEMENT TRUST FUND       500,000         352       SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONAL EDUCATION LINEAGES FROM EDUCATIONAL ENHANCEMENT TRUST FUND       500,000         352       SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONAL EDUCATION LINEAGES FROM EDUCATIONAL ENHANCEMENT TRUST FUND       500,000	337	EXPENSES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	2,444	
FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       100,000         339       OPERATING CAPITAL OUTLAY FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       10,271         339A       SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA STATE UNIVERSITY PROFESSOR EXCHANGE FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       40,000         342       SPECIAL CATEGORIES GRANTS AND AIDS - EDUCATION/BUSINESS COOPERATION FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       700,000         344A       SPECIAL CATEGORIES ENDOWMENT FOR CUBAN-AMERICAN STUDIES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       1,000,000         347       SPECIAL CATEGORIES MATH/SCIENCE COMPUTER EDUCATION-AMERICAN STUDIES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       1,000,000         351A       SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONAL EDUCATION LINKAGES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       500,000         352       SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONAL EDUCATION LINKAGES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       500,000         352       SPECIAL CATEGORIES GRANTS AND AIDS - HEMISPHERIC POLICY STUDIES CENTER FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       100,000	338	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - EDUCATIONAL IMPROVEMENT		
FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       10,271         339A SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA STATE UNIVERSITY PROFESSOR EXCHANGE FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       40,000         342       SPECIAL CATEGORIES GRANTS AND AIDS - EDUCATION/BUSINESS COOPERATION FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       700,000         344A       SPECIAL CATEGORIES ENDOWMENT FOR CUBAN-AMERICAN STUDIES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       1,000,000         347       SPECIAL CATEGORIES MATH/SCIENCE COMPUTER EDUCATION-COMPREHENSIVE PLAN FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       350,000         351A       SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONAL EDUCATION LINKAGES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       500,000         352       SPECIAL CATEGORIES GRANTS AND AIDS - HEMISPHERIC POLICY STUDIES CENTER FROM EDUCATIONAL ENHANCEMENT TRUST FUND .       100,000		GRANTS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	100,000	
GRANTS AND AIDS - FLORIDA STATE UNIVERSITY PROFESSOR EXCHANGE FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 40,000 342 SPECIAL CATEGORIES GRANTS AND AIDS - EDUCATION/BUSINESS COOPERATION FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 700,000 344A SPECIAL CATEGORIES ENDOWMENT FOR CUBAN-AMERICAN STUDIES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,000,000 347 SPECIAL CATEGORIES MATH/SCIENCE COMPUTER EDUCATION-COMPREHENSIVE PLAN FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 350,000 351A SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONAL EDUCATION LINKAGES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 500,000 352 SPECIAL CATEGORIES GRANTS AND AIDS - HEMISPHERIC POLICY STUDIES CENTER FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000	339		10,271	
GRANTS AND AIDS - EDUCATION/BUSINESS         COOPERATION         FROM EDUCATIONAL ENHANCEMENT TRUST FUND         344A         SPECIAL CATEGORIES         ENDOWMENT FOR CUBAN-AMERICAN STUDIES         FROM EDUCATIONAL ENHANCEMENT TRUST FUND         347         SPECIAL CATEGORIES         MATH/SCIENCE COMPUTER         EDUCATION-COMPREHENSIVE PLAN         FROM EDUCATIONAL ENHANCEMENT TRUST FUND         351A         SPECIAL CATEGORIES         GRANTS AND AIDS - INTERNATIONAL EDUCATION         LINKAGES         FROM EDUCATIONAL ENHANCEMENT TRUST FUND         351A         SPECIAL CATEGORIES         GRANTS AND AIDS - INTERNATIONAL EDUCATION         LINKAGES         FROM EDUCATIONAL ENHANCEMENT TRUST FUND         352       SPECIAL CATEGORIES         GRANTS AND AIDS - HEMISPHERIC POLICY         STUDIES CENTER         FROM EDUCATIONAL ENHANCEMENT TRUST FUND         100,000	339 <b>A</b>	GRANTS AND AIDS - FLORIDA STATE UNIVERSITY PROFESSOR EXCHANGE	40,000	
<ul> <li>344A SPECIAL CATEGORIES ENDOWMENT FOR CUBAN-AMERICAN STUDIES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,000,000</li> <li>347 SPECIAL CATEGORIES MATH/SCIENCE COMPUTER EDUCATION-COMPREHENSIVE PLAN FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 350,000</li> <li>351A SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONAL EDUCATION LINKAGES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 500,000</li> <li>352 SPECIAL CATEGORIES GRANTS AND AIDS - HEMISPHERIC POLICY STUDIES CENTER FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000</li> </ul>	342	GRANTS AND AIDS - EDUCATION/BUSINESS	700,000	
MATH/SCIENCE COMPUTER EDUCATION-COMPREHENSIVE PLAN FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 350,000 351A SPECIAL CATEGORIES GRANTS AND AIDS - INTERNATIONAL EDUCATION LINKAGES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 500,000 352 SPECIAL CATEGORIES GRANTS AND AIDS - HEMISPHERIC POLICY STUDIES CENTER FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000	344A	SPECIAL CATEGORIES		
GRANTS AND AIDS - INTERNATIONAL EDUCATION         LINKAGES         FROM EDUCATIONAL ENHANCEMENT TRUST FUND .         352         SPECIAL CATEGORIES         GRANTS AND AIDS - HEMISPHERIC POLICY         STUDIES CENTER         FROM EDUCATIONAL ENHANCEMENT TRUST FUND .         100,000		MATH/SCIENCE COMPUTER	350,000	
352 SPECIAL CATEGORIES GRANTS AND AIDS - HEMISPHERIC POLICY STUDIES CENTER FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000	351A	GRANTS AND AIDS - INTERNATIONAL EDUCATION LINKAGES		
GRANTS AND AIDS - HEMISPHERIC POLICY STUDIES CENTER FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000			500,000	
FROM EDUCATIONAL EMPERCEMENT THOUS COND IN A STATE	352	GRANTS AND AIDS - HEMISPHERIC POLICY STUDIES CENTER	100,000	
	OFFICE			

362 SPECIAL CATEGORIES

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SPECIF APPROP	IC RIATION		Lottery	
	TRANSFER TO PUBLIC EDUCATION CAPITAL OUTLAY TRUST FUND FROM EDUCATIONAL ENHANCEMENT TRUST FUND	•	49,945,359	
362A	SPECIAL CATEGORIES TRANSFER TO STATE INFRASTRUCTURE FUND FROM EDUCATIONAL ENHANCEMENT TRUST FUND	•	150,000,000	
	OF DEPUTY COMMISSIONER AND DIVISION OF STRATION			
365	EXPENSES . From Educational Enhancement Trust Fund	•	21,743	
367	OPERATING CAPITAL OUTLAY FROM EDUCATIONAL ENHANCEMENT TRUST FUND	•	104,888	
368	SPECIAL CATEGORIES GRANTS AND AIDS - AUXILIARY LEARNING AIDS FOR POSTSECONDARY HANDICAPPED STUDENTS FROM EDUCATIONAL ENHANCEMENT TRUST FUND	•	100,000	
370	SPECIAL CATEGORIES GRANTS AND AIDS - COLLEGE REACH OUT PROGRAM FROM EDUCATIONAL ENHANCEMENT TRUST FUND		388-000	
375				(VETOED)
377	SPECIAL CATEGORIES GRANTS AND AIDS - NEW WORLD SCHOOL OF THE ARTS			(VEIGED)
378A	FROM EDUCATIONAL ENHANCEMENT TRUST FUND SPECIAL CATEGORIES GRANTS AND AIDS - RESTRUCTURING FOR INCREASED STUDENT LEARNING AND SCHOOL PRODUCTIVITY			
380	FROM EDUCATIONAL ENHANCEMENT TRUST FUND SPECIAL CATEGORIES GRANTS AND AIDS - SCHOOL PRINCIPALS	•	750,000	
	INSERVICE TRAINING FROM EDUCATIONAL ENHANCEMENT TRUST FUND	•	394,060	
381	SPECIAL CATEGORIES COMMUNITY COLLEGE MANAGEMENT INFORMATION SYSTEM FROM EDUCATIONAL ENHANCEMENT TRUST FUND		40,000	
382A	SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA ENDOWMENT FUND FOR HIGHER EDUCATION FROM EDUCATIONAL ENHANCEMENT TRUST FUND	•	100,000	(VETOED)

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SPECIF APPROP	TC RIATION	Lottery	
392	FINANCIAL ASSISTANCE PAYMENTS PRIVATE STUDENT ASSISTANT GRANTS FROM EDUCATIONAL ENHANCEMENT TRUST FUND	. 976,200	
393	FINANCIAL ASSISTANCE PAYMENTS PUBLIC STUDENT ASSISTANT GRANTS FROM EDUCATIONAL ENHANCEMENT TRUST FUND	. 4,000,000	
393A	FINANCIAL ASSISTANCE PAYMENTS NICARAGUAN/HAITIAN SCHOLARSHIPS FROM EDUCATIONAL ENHANCEMENT TRUST FUND	. 10,000	
HUMAN	RESOURCE DEVELOPMENT, DIVISION OF		
406	OTHER PERSONAL SERVICES FROM EDUCATIONAL ENHANCEMENT TRUST FUND	. 25,500	
407	EXPENSES FROM EDUCATIONAL ENHANCEMENT TRUST FUND	. 122,265	
409	OPERATING CAPITAL OUTLAY FROM EDUCATIONAL ENHANCEMENT TRUST FUND	. 230,598	
410	SPECIAL CATEGORIES GRANTS AND AIDS - TEACHER EDUCATION CENTERS FROM EDUCATIONAL ENHANCEMENT TRUST FUND	. 2,572,281	
<b>410</b> A	SPECIAL CATEGORIES GRANTS AND AIDS - TEACHER STIPEND/SUMMER MATH AND SCIENCE STUDY FROM EDUCATIONAL ENHANCEMENT TRUST FUND	. 750,000	
411	SPECIAL CATEGORIES GRANTS AND AIDS - SUMMER INSERVICE INSTITUTES FROM EDUCATIONAL ENHANCEMENT TRUST FUND		
413A	SPECIAL CATEGORIES SCHOOL RELATED PERSONNEL OF THE YEAR FROM EDUCATIONAL ENHANCEMENT TRUST FUND		(VETOED)
PRIVA	FE COLLEGES AND UNIVERSITIES		
437	SPECIAL CATEGORIES TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY FROM EDUCATIONAL ENHANCEMENT TRUST FUND	. 615,800	
PUBLIC	C SCHOOLS, DIVISION OF		
467A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - INTERAGENCY STUDENT SERVICES AND CITIES IN SCHOOLS FROM EDUCATIONAL ENHANCEMENT TRUST FUND	. 500,000	

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SPECIF		
APPROP	RIATION	
469	AID TO LOCAL GOVERNMENTS	
405	GRANTS AND AIDS - ELEMENTARY SCHOOL	
	FOREIGN LANGUAGE	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,754,396	
469A	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - ADDITIONAL ELEMENTARY	
	ART AND MUSIC TEACHERS FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,500,000	(VETOED)
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,500,000	(121022)
471	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - FLORIDA EDUCATIONAL	
	FINANCE PROGRAM	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 377,666,371	
4/2	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - INSTRUCTIONAL MATERIALS	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 10,000,000	
473	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - LIBRARY MEDIA MATERIALS	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 10,785,614	
474	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - GRADES K - 3 IMPROVEMENT	
	PROGRAM	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 13,069,151	
480	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SAFE SCHOOLS	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 362,237	
482	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - SCHOOL VOLUNTEER PROGRAM FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000	
493	AID TO LOCAL GOVERNMENTS	
403	GRANTS AND AIDS - STATE COMPENSATORY	
	EDUCATION SUPPLEMENT	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 639,822	
484		
	GRANTS AND AIDS - STUDENT DEVELOPMENT SERVICES	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 621,562	
485	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - STUDENT TRANSPORTATION	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 18,000,000	
486	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - TEACHERS AS ADVISORS	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 646,132	

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SECTION	11		
Specif: Appropi	IC RIATION	Lottery	
487	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - WRITING SKILLS ENHANCEMENT FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	590,562	
490	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - INSTRUCTIONAL STRATEGIES ENHANCEMENT FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	13,000,000	(VETOED 3,787,222)
495A	SPECIAL CATEGORIES GRANTS AND AIDS - CONDITION OF CHILDREN STUDY FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	200,000	(VETOED)
498	SPECIAL CATEGORIES GRANTS AND AIDS - CURRICULUM DEVELOPMENT AND RENEWAL FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	335,000	
499	SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		
499 <b>a</b>	SPECIAL CATEGORIES GRANTS AND ALDS - DADE ACADEMY OF THE TEACHING ARTS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		(VETOED)
	SPECIAL CATEGORIES GRANTS AND AIDS - DROPOUT PREVENTION FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		(VETOED 3,900,000)
502	SPECIAL CATEGORIES GRANTS AND AIDS - PRE-SCHOOL PROJECTS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	49,187,748	
503	SPECIAL CATEGORIES GRANTS AND AIDS - IN SCHOOL CHILD CARE FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	1,500,000	
504A	SPECIAL CATEGORIES INTERNATIONAL SCIENCE FAIR FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	100,000	
506	SPECIAL CATEGORIES GOVERNOR'S SUMMER COLLEGES PROGRAM FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	250,000	
506A	SPECIAL CATEGORIES GRANTS AND AIDS - HIGH PERFORMANCE INCENTIVES PROGRAM FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	10,000,000	

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LOTTERY

## SECTION 1 SPECIFIC APPROPRIATION

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APPROP	RIATION		
509	SPECIAL CATEGORIES GRAMTS AND AIDS - MIDDLE CHILDHOOD FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	31,327,205	
513	SPECIAL CATEGORIES MODEL SCHOOLS CONSORTIUM FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	2,000,000	
516	SPECIAL CATEGORIES GRANTS AND AIDS - MERIT SCHOOLS PROGRAM FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	10,000,000	
517	SPECIAL CATEGORIES GRANTS AND AIDS - MIDDLE SCHOOL ADVISEMENT FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	1,976,000	
518 <b>a</b>	SPECIAL CATEGORIES GRANTS AND AIDS - PANHANDLE AREA EDUCATIONAL COOPERATIVE		
518B	FROM EDUCATIONAL ENHANCEMENT TRUST FUND . SPECIAL CATEGORIES GRANTS AND AIDS - PASCO COUNTY COMMUNITY	250,000	
53A3	PARTNERSHIP PROGRAM FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	20,000	(VETOED)
5204	SPECIAL CATEGORIES SCHOOL BOARD TRAINING FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	125,000	
521	SPECIAL CATEGORIES GRANTS AND AIDS - SCHOOL BUS REPLACEMENT FOR PUBLIC SCHOOLS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	20,000,000	
523A	SPECIAL CATEGORIES GRANTS AND AIDS - SUMMER SCIENCE TEACHER TRAINING		
525	GRANTS AND AIDS - REGIONAL CENTERS OF	500,000	
	EXCELLENCE FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	425,000	
526X	SPECIAL CATEGORIES SUMMER INNER-CITY YOUTH & DROPOUT PREVENTION FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	50,000	(VETOED)
VOCATIO DIVISIO	DNAL, ADULT, AND COMMUNITY EDUCATION, DN OF		
533	OTHER DERSONAL SERVICES		

533 OTHER PERSONAL SERVICES FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 313,000

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SECTIO	N 1	
SPECIF APPROP	IC RIATION	Lottery
534	EXPENSES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	32,500
535 <b>A</b>	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - COMPUTER INTEGRATED MANUFACTURING FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	300,000
536	AID TO LOCAL GOVERNMENTS CENTERS OF AGRICULTURE ENHANCEMENT FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	275,420
537	AID TO LOCAL GOVERNMENTS CENTERS OF AUTOMOTIVE ENHANCEMENT FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	60,000
538	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - COMMUNITY SCHOOLS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	1,300,000
539A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ADULT LITERACY CENTERS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	300,000
541	AID TO LOCAL GOVERNMENTS SOUTHERN REGIONAL EDUCATION CONSORTIUM PILOT SITE	
543	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	662,000
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	6,500
544A	SPECIAL CATEGORIES GOLD SEAL DIPLOMA SCHOLARSHIP FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	100,000
545	SPECIAL CATEGORIES GRANTS AND AIDS - INDUSTRY SERVICES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	405,702
546	SPECIAL CATEGORIES GRANTS AND AIDS - VOCATIONAL BUSINESS EXCHANGE PROGRAM	150 000
546A	FROM EDUCATIONAL ENHANCEMENT TRUST FUND . SPECIAL CATEGORIES VOLUNTEER LITERACY CORPS	150,000
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	20,000
	NITY COLLEGES, DIVISION OF	
549	EXPENSES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	30,000

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Specif Approp	PIC RIATION	LOTTERY	
551	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - COMMUNITY COLLEGES PROGRAM FUND FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	33,669,298	
552	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - INSTRUCTIONAL EQUIPMENT FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	4,891,689	(VETOED 50,000
554	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SUNSHINE STATE SKILLS PROGRAM FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	3,985,702	(VETOED 54,500
557A	SPECIAL CATEGORIES GRANTS AND AIDS - LOUIS WOLFSON MEDIA HISTORY CENTER FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	35,000	(VETOED)
557B	SPECIAL CATEGORIES GRANTS AND AIDS - MIAMI BOOK FAIR FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		(11022)
558	SPECIAL CATEGORIES GRANTS AND AIDS - COMMUNITY COLLEGE ENDOWMENT MATCHING FUND FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	2,750,000	
558A	SPECIAL CATEGORIES GRANTS AND AIDS - BIENNALE MIAMI FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	100,000	(VETOED)
558B	SPECIAL CATEGORIES GRANTS AND AIDS - DEFERRED MAINTENANCE FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	2,500,000	
559	SPECIAL CATEGORIES GRANTS AND AIDS - LITERACY CENTERS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	400,000	
559A	SPECIAL CATEGORIES GRANTS AND AIDS - LIBRARY AUTOMATION FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	3,000,000	
560	SPECIAL CATEGORIES GRANTS AND AIDS - LEARNING RESOURCE CENTER MATERIALS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	6,000,000	
561	SPECIAL CATEGORIES GRANTS AND AIDS - PROGRAM REVIEWS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	4,515,958	
561 <b>A</b>	SPECIAL CATEGORIES TECHNOLOGY TRANSFER CENTERS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	650,000	

SECTION	N 1		
Specif: Appropi	IC RIATION	lottery	
561B	SPECIAL CATEGORIES MINORITY STUDENT RECRUIT AND RETENTION FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	290,084	(VETOED)
561C	SPECIAL CATEGORIES GRANTS AND AIDS - NURSING EDUCATION CHALLENGE GRANT FUND FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	500,000	
561D	SPECIAL CATEGORIES SMALL AND MINORITY BUSINESS ENTREPRENEURIAL CENTER FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	100,000	
564	SPECIAL CATEGORIES GRANTS AND AIDS - QUALITY ENHANCEMENTS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		
FLORID	A SCHOOL FOR THE DEAF AND THE BLIND		
568	OPERATING CAPITAL OUTLAY FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	13,450	
UNIVER	SITIES, DIVISION OF		
EDUCAT	IONAL AND GENERAL ACTIVITIES		
588	SALARIES AND BENEFITS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	1,892,380	
589	OTHER PERSONAL SERVICES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	125,693	
590	EXPENSES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	446,380	
591	OPERATING CAPITAL OUTLAY FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	2,733,485	
593A	LUMP SUM FLORIDA MENTAL HEALTH INSTITUTE FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	125,000	
593C	LUMP SUM BUSINESS/EDUCATION PARTNERSHIP PILOT PROGRAM - FLORIDA ATLANTIC UNIVERSITY FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	40,000	(VETOED)
596	LUMP SUM INSTRUCTION AND RESEARCH FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	18,391,422	
596A	LUMP SUM COMPETITIVE GRANT PROGRAM FOR ENHANCING UNDERGRADUATE EDUCATION FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	2,700,000	

EDUCATION	ENHANCEMEN	T TRUST	FUND	(LOTTERY)
FY 1989-	-90 GENERAL	APPROPI	RIATIC	NS ACT

SECTIC	N 1		
SPECIE APPROF	TIC RIATION	Lottery	
596B	LUMP SUM Collins center FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	150,000	
596C	LUMP SUM STATE UNIVERSITY SYSTEM HIGH-TECH RESEARCH ENHANCEMENT FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	2,900,000	
598	SPECIAL CATEGORIES CUBAN EXILE HISTORY AND ARCHIVES PROJECT - FLORIDA INTERNATIONAL UNIVERSITY FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	30,000	
601	SPECIAL CATEGORIES INSTITUTE OF GOVERNMENT FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	300,000	
601A	SPECIAL CATEGORIES LABORATORY SCHOOLS TRANSPORTATION FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	200,000	(VETOED)
601B	SPECIAL CATEGORIES NON-RECURRING LIBRARY INFORMATION RESOURCES, BOOKS AND BACK FILES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	11,944,543	
603B	SPECIAL CATEGORIES PATENT DEPOSITORY LIBRARY FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	122,149	(VETOED)
607	SPECIAL CATEGORIES SCIENTIFIC AND TECHNICAL INSTRUCTIONAL EQUIPMENT FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	6,934,045	
608	SPECIAL CATEGORIES STUDENT FINANCIAL AID FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	9,000,000	
608 <b>a</b>	SPECIAL CATEGORIES LABORATORY SCHOOLS EQUIPMENT FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	1,600,000	(VETOED)
608B	SPECIAL CATEGORIES UNIVERSITY COMPUTERIZATION PLANNING FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	50,000	(VETOED)
608C	SPECIAL CATEGORIES WARM MINERAL SPRINGS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	300,000	
610 <b>A</b>	SPECIAL CATEGORIES UNIVERSITY OF WEST FLORIDA COMMUNICATION ARTS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	100,000	(VETOED)

SECTION	11		
SPECIFI APPROPF	C	LOTTERY	
611	DATA PROCESSING SERVICES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	233,074	•
INSTITU	ITE OF FOOD AND AGRICULTURAL SCIENCES		
612	SALARIES AND BENEFITS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	235,346	
613	OTHER PERSONAL SERVICES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	7,308	
614	EXPENSES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	156,623	
615	OPERATING CAPITAL OUTLAY FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	1,524,572	
61 <b>5</b> A	LUMP SUM FLORIDA AGRICULTURAL INFORMATION RETRIEVAL SYSTEM FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	300,000	
616	SPECIAL CATEGORIES SCIENTIFIC AND TECHNICAL INSTRUCTIONAL EQUIPMENT FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		
617	SPECIAL CATEGORIES INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES SITE INVESTIGATION AND CLEANUP FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	870,000	
UNIVER	SITY OF SOUTH FLORIDA MEDICAL CENTER		
622	EXPENSES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	53,950	
623	OPERATING CAPITAL OUTLAY FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	473,069	
623A	LUMP SUM MEDICAL LIBRARY ENHANCEMENT FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	255,213	
623B	LUMP SUM PROFESSIONAL AND GRADUATE EDUCATION FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	138,399	
623C	SPECIAL CATEGORIES CANCER EXPERIMENTATION FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	250,000	(VETOED)
628	SPECIAL CATEGORIES SCIENTIFIC AND TECHNICAL INSTRUCTIONAL EQUIPMENT FROM EDUCATIONAL ENHANCEMENT TRUST FUND	265,403	

SECTIO	N 1	
SPECIF APPROP	IC RIATION	Lottery
BOARD	OF REGENTS GENERAL OFFICE	
631	SALARIES AND BENEFITS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	209, 395
632	OTHER PERSONAL SERVICES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	20,000
633	EXPENSES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	288,727
634	OPERATING CAPITAL OUTLAY FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	376,305
636	SPECIAL CATEGORIES CHALLENGE GRANTS - EMINENT SCHOLARS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	14,000,000
637	SPECIAL CATEGORIES CHALLENGE GRANTS - MAJOR GIFTS PROM EDUCATIONAL ENHANCEMENT TRUST FUND .	10,000,000
639	SPECIAL CATEGORIES GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	100-000
644	SPECIAL CATEGORIES HIGH TECH RESEARCH AND DEVELOPMENT FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	
645A	SPECIAL CATEGORIES EQUIPMENT MATCHING GRANTS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	
652A	SPECIAL CATEGORIES AIDS RESEARCH ENDOWMENT - UNIVERSITY OF MIAMI	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	500,000
NIVER	SITY OF FLORIDA HEALTH CENTER - EDUCATIONAL NERAL	
654	SALARIES AND BENEFITS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	840,435
655	OTHER PERSONAL SERVICES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	112,222
656	EXPENSES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	162,564

FROM EDUCATIONAL ENHANCEMENT TRUST FUND162,564657OPERATING CAPITAL OUTLAY<br/>FROM EDUCATIONAL ENHANCEMENT TRUST FUND1,191,025

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SECTIO	N 1		
SPECIF APPROP	IC RIATION	Lottery	
658	SPECIAL CATEGORIES		
	LIBRARY RESOURCES FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	125,000	
659	SPECIAL CATEGORIES SCIENTIFIC AND TECHNICAL INSTRUCTIONAL		
	EQUIPMENT FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	574.413	
		5747425	
	TOTAL OF SECTION 1		
I	ROM TRUST FUNDS	1002,696,701	
	TOTAL ALL FUNDS	1002,696,701	
EDUCAT	ION, DEPARTMENT OF, AND COMMISSIONER OF		
EDUCAT	ION		
OFFICE	OF EDUCATIONAL FACILITIES		
20 <b>42</b> A	FIXED CAPITAL OUTLAY		
	COMMUNITY COLLEGE PROJECTS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	1,900,000	(VETOED)
20428	FIXED CAPITAL OUTLAY		
4042B	STATE UNIVERSITY SYSTEM PROJECTS		
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	6,970,000	(VETOED 3,700,000)
2042C	FIXED CAPITAL OUTLAY		
	PUBLIC BROADCASTING PROJECTS FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	1,942,000	(VETOED)
20425	FIXED CAPITAL OUTLAY		
20420	PUBLIC SCHOOL PROJECTS		·
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	5,689,000	(VETOED 3,439,000)
2042E	FIXED CAPITAL OUTLAY		
	STATE UNIVERSITY SYSTEM FACILITY Enhancement challenge grant program		
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .	7,636,050	(VETOED 237,500)
	TOTAL OF SECTION 2.2		
F	ROM TRUST FUNDS	24,137,050	
	TOTAL ALL FUNDS	24,137,050	

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SECTION 2 - FIXED CAPITAL OUTLAY	
SPECIFIC Appropriation	LOTTERY
TOTAL THIS GENERAL APPROPRIATION ACT	
FROM TRUST FUNDS	1026,833,751
TOTAL ALL FUNDS	1026,833,751

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STATE INFRASTRUCTURE FUND FY 1989-90 GENERAL APPROPRIATIONS ACT COMMUNITY AFFAIRS, DEPARTMENT OF RESOURCE PLANNING AND MANAGEMENT, DIVISION OF SPECIAL CATEGORIES 233 GRANTS AND AIDS - REGIONAL POLICY PLANNING 445,000 FROM STATE INFRASTRUCTURE FUND . . . . . SPECIAL CATEGORIES 234 TRANSFER TO GROWTH MANAGEMENT TRUST FUND FROM STATE INFRASTRUCTURE FUND . . . . . 6,301,021 236 SPECIAL CATEGORIES GRANTS AND AIDS - LOCAL PLAN REVIEW 1,055,000 FROM STATE INFRASTRUCTURE FUND . . . . . EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION OFFICE OF EDUCATIONAL FACILITIES 362 SPECIAL CATEGORIES TRANSFER TO PUBLIC EDUCATION CAPITAL OUTLAY TRUST FUND FROM STATE INFRASTRUCTURE FUND . . . . . 150,000,000 ENVIRONMENTAL REGULATION, DEPARTMENT OF 668A AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LAKE MICCOSUKEE RESTORATION AND IMPROVEMENTS 500,000 (vetoed) FROM STATE INFRASTRUCTURE FUND . . . . . 668B AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - KISSIMMEE RIVER PROJECT 8,000,000 FROM STATE INFRASTRUCTURE FUND . . . . . 668C AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - DOGWOOD ACRES LAKE RESTORATION - HOLMES COUNTY FROM STATE INFRASTRUCTURE FUND . . . . . 40,000 (vetoed) 668E AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - CEDAR KEY MARINA DEVELOPMENT 750,000 FROM STATE INFRASTRUCTURE FUND . . . . . 668F AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - HORSESHOE BEACH BOAT BASIN 50,000 (vetoed) FROM STATE INFRASTRUCTURE FUND . . . . . . 673B SPECIAL CATEGORIES LAKE JACKSON RESTORATION AND IMPROVEMENTS 300.000 FROM STATE INFRASTRUCTURE FUND . . . . . 678A SPECIAL CATEGORIES GRANTS AND AIDS - TRANSFER TO ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR LAKE APOPKA RESTORATION 5,000,000

FROM STATE INFRASTRUCTURE FUND . . . . .

SECTION 1

SPECIFIC APPROPRIATION

GENERAL SERVICES, DEPARTMENT OF

MOTOR POOL, DIVISION OF

SECTIO	N 2 - FIXED CAPITAL OUTLAY		
SPECIF	TIC		
APPROP	RIATION		
	LTURE AND CONSUMER SERVICES, DEPARTMENT OF,		
	MMISSIONER OF AGRICULTURE		
	OF THE COMMISSIONER AND DIVISION OF STRATION		
1883A	FIXED CAPITAL OUTLAY PLANNING/CONSTRUCTION/RELOCATION, FLORIDA AGRICULTURE MUSEUM ADMINISTRATION BUILDING AND GROUNDS, TALLAHASSEE FROM STATE INFRASTRUCTURE FUND	250,000	(vetced)
			•
	ING, DIVISION OF		
1888	FIXED CAPITAL OUTLAY TRANSFER TO MARKET IMPROVEMENTS WORKING		
	CAPITAL TRUST FUND FROM STATE INFRASTRUCTURE FUND	3,750,000	
FRUIT	AND VEGETABLE INSPECTION, DIVISION OF		
1888A	FIXED CAPITAL OUTLAY RENOVATIONS/REPAIRS/ADDITIONS/PAVING - FLORIDA CITRUS BUILDING - WINTER HAVEN FROM STATE INFRASTRUCTURE FUND	1,000,000	(vetoed)
PLANT	INDUSTRY, DIVISION OF		
1891	FIXED CAPITAL OUTLAY CHEMICAL STORAGE WAREHOUSE, WINTER HAVEN FROM STATE INFRASTRUCTURE FUND	26,475	
CORREC	CTIONS, DEPARTMENT OF		
OFFICE	E OF THE ASSISTANT SECRETARY FOR PROGRAMS		
1899A	FIXED CAPITAL OUTLAY PLANNING/SITE ACQUISITION/ARCHITECTURE AND ENGINEERING/SERIOUS HABITUAL OFFENDER/DRUG-INVOLVED BEDS FROM STATE INFRASTRUCTURE FUND	350,000	
ASSIS	TANT SECRETARY FOR HEALTH SERVICES		
1901	FIXED CAPITAL OUTLAY CORRECTION OF RECEPTION AND MEDICAL CENTER FIRE AND SAFETY DEFICIENCIES		
	FIRE AND SAFEII DEFICIENCIES		
	FROM STATE INFRASTRUCTURE FUND	1,000,000	

1903A FIXED CAPITAL OUTLAY

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	STATE	INFRASTRU	JCTURE	FUND	
FY	1989-90	GENERAL	APPROP	RIATIONS	ACT

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SECTIO	N 2.1		
SPECIF	IC		
APPROP	RIATION		
	PLANNING/EXPANSION OF UNION CORRECTIONAL INSTITUTION		
	FROM STATE INFRASTRUCTURE FUND	750,000	
1907A	FIXED CAPITAL OUTLAY PLANNING/PRIVITIZATION/SINGLE CELL FROM STATE INFRASTRUCTURE FUND	265,000	
1908A	FIXED CAPITAL OUTLAY NEW CORRECTIONAL FACILITIES - WORK CAMPS STATEWIDE		
	FROM STATE INFRASTRUCTURE FUND	3,045,000	
1909	FIXED CAPITAL OUTLAY NEW INSTITUTIONS - PROTOTYPE SINGLE CELL FROM STATE INFRASTRUCTURE FUND	24 500 000	
		24,300,000	
1911A	FIXED CAPITAL OUTLAY NEW QUICK CONSTRUCTION INSTITUTIONS WITH DORMITORY AND SINGLE CELL HOUSING FROM STATE INFRASTRUCTURE FUND	34.800.000	
		34,000,000	
EDUCAT	ION, DEPARTMENT OF, AND COMMISSIONER OF ION		
	OF DEPUTY COMMISSIONER AND DIVISION OF STRATION		
1911B	FIXED CAPITAL OUTLAY EXECUTIVE BUILDING RENOVATION FOR CHILD CARE CENTER FROM STATE INFRASTRUCTURE FUND	192,903	
GAME A	ND FRESH WATER FISH COMMISSION, FLORIDA		
	OF THE EXECUTIVE DIRECTOR AND DIVISION OF STRATIVE SERVICES		
1912C	FIXED CAPITAL OUTLAY NEW REGIONAL OFFICE, WEST PALM BEACH FROM STATE INFRASTRUCTURE FUND	2,000,000	(vetoed)
GENERA	L SERVICES, DEPARTMENT OF		
FACILI	TIES MANAGEMENT, DIVISION OF		
1920	FIXED CAPITAL OUTLAY BUILDING ENVELOPE MAINTENANCE AND REPAIR STATEWIDE FROM STATE INFRASTRUCTURE FUND	167.281	
1922	FIXED CAPITAL OUTLAY MECHANICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE		
	STATEWIDE FROM STATE INFRASTRUCTURE FUND	6,125	

	STATE	INFRASTRU	JCTURE	FUND	
FY	1989-90	GENERAL	APPROP	PRIATIONS	ACT

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SPECIFIC APPROPRIATION

1924	FIXED CAPITAL OUTLAY ROOF REPAIRS/REPLACEMENT STATEWIDE FROM STATE INFRASTRUCTURE FUND	4,918	
1926A	FIXED CAPITAL OUTLAY HEATING, VENTILATION AND AIR CONDITIONING ENHANCEMENTS - OLD CAPITOL FROM STATE INFRASTRUCTURE FUND	122,012	
1929	FIXED CAPITAL OUTLAY PARKING STRUCTURE - CAPITOL CENTER - LEON COUNTY FROM STATE INFRASTRUCTURE FUND	177,338	
1929A	FIXED CAPITAL OUTLAY PARKING FACILITY - LEON FROM STATE INFRASTRUCTURE FUND	1,300,000	(vetoed)
1929B	FIXED CAPITAL OUTLAY LAKELAND PARKING GARAGE FROM STATE INFRASTRUCTURE FUND	1,200,000	(vetoed)
HEALTH	AND REHABILITATIVE SERVICES, DEPARTMENT OF		
OFFICE	OF THE DEPUTY SECRETARY FOR ADMINISTRATION		
1935	FIXED CAPITAL OUTLAY REPAIR AND MAINTENANCE, CENTRALLY MANAGED STATEWIDE		
	FROM STATE INFRASTRUCTURE FUND	4,012,300	(vetoed
1938	FIXED CAPITAL OUTLAY ASBESTOS REMOVAL, STATEWIDE FROM STATE INFRASTRUCTURE FUND	1,040,400	25,000)
1940	FIXED CAPITAL OUTLAY HANDICAPPED CODE COMPLIANCE PROJECTS STATEWIDE		
	FROM STATE INFRASTRUCTURE FUND	180,900	
1941	FIXED CAPITAL OUTLAY LIFE SAFETY CODE COMPLIANCE PROJECTS STATEWIDE		
	FROM STATE INFRASTRUCTURE FUND	3,500,000	
1942	FIXED CAPITAL OUTLAY DRAINAGE SYSTEMS MAINTENANCE AND REPAIR STATEWIDE	500.000	
	FROM STATE INFRASTRUCTURE FUND	500,000	
1943	FIXED CAPITAL OUTLAY PAVED SURFACE MAINTENANCE AND REPAIR STATEWIDE		
,	FROM STATE INFRASTRUCTURE FUND	450,000	

# SECTION 2.1 SPECIFIC APPROPRIATION

1944	FIXED CAPITAL OUTLAY INSTITUTIONAL/CAMPUS UTILITY SYSTEMS MAINTENANCE AND REPAIR, STATEWIDE FROM STATE INFRASTRUCTURE FUND	1,964,100
1946	FIXED CAPITAL OUTLAY ROOF REPAIRS/REPLACEMENT STATEWIDE FROM STATE INFRASTRUCTURE FUND	2,000,000
DEPUTY	SECRETARY FOR OPERATIONS	
DISTRI	CT ADMINISTRATION	
1951 <b>a</b>	FIXED CAPITAL OUTLAY SERVICE CENTER - DISTRICT 6 FROM STATE INFRASTRUCTURE FUND	250,000
ALCOHO	L, DRUG ABUSE AND MENTAL HEALTH SERVICES	
1952A	FIXED CAPITAL OUTLAY UNION COUNTY SECURE JUVENILE RESIDENTIAL TREATMENT FACILITY - 25 BEDS - PLANNING FROM STATE INFRASTRUCTURE FUND	130,000
MENTAL	HEALTH - INSTITUTIONS	
1955	FIXED CAPITAL OUTLAY REPLACE STEAM AND POWER PLANT - FLORIDA STATE HOSPITAL FROM STATE INFRASTRUCTURE FUND	50,000
1956	FIXED CAPITAL OUTLAY RENOVATE BUILDINGS 72 AND 1 - G. PIERCE WOOD MEMORIAL HOSPITAL FROM STATE INFRASTRUCTURE FUND	1,020,000
1956A	FIXED CAPITAL OUTLAY SOUTH FLORIDA STATE HOSPITAL - MAJOR RENOVATIONS AND REPAIRS FROM STATE INFRASTRUCTURE FUND	1,740,000
CHILDR	EN, YOUTH AND FAMILY SERVICES	
1956B	FIXED CAPITAL OUTLAY NEW COURTROOM - DETENTION CENTER - DUVAL FROM STATE INFRASTRUCTURE FUND	100,000
1960	FIXED CAPITAL OUTLAY REPLACE JUVENILE DETENTION CENTER - LEON FROM STATE INFRASTRUCTURE FUND	2,244,600
1960 <b>A</b>	FIXED CAPITAL OUTLAY CHARLES BRITT HALFWAY HOUSE CONSTRUCTION IN DISTRICT 5 FROM STATE INFRASTRUCTURE FUND	1,255,800

	STATE	INFRASTRU	JCTURE	FUND	
FY	1989-90	GENERAL	APPROP	PRIATIONS	ACT_

### SECTION 2.1 SPECIFIC APPROPRIATION

19608	FIXED CAPITAL OUTLAY PALM BEACH - REPLACE HALFWAY HOUSE FROM STATE INFRASTRUCTURE FUND	1,086,000
1961	FIXED CAPITAL OUTLAY DINING/KITCHEN RENOVATION - ECKERD YOUTH DEVELOPMENT CENTER FROM STATE INFRASTRUCTURE FUND	150,000
	FROM STATE INFRASTRUCTURE FUND	230,000
1961A	FIXED CAPITAL OUTLAY SERIOUS HABITUAL OFFENDER DRUG INVOLVED (SHODI) FACILITY FROM STATE INFRASTRUCTURE FUND	1,000,000
1963	FIXED CAPITAL OUTLAY	
	ADDITIONAL CLASSROOMS/DAYROOMS - STATEWIDE FROM STATE INFRASTRUCTURE FUND	200,000
1964	FIXED CAPITAL OUTLAY	
	REPLACE - JUVENILE DETENTION CENTER - PINELLAS	
	FROM STATE INFRASTRUCTURE FUND	250,000
DEVELO	PMENTAL SERVICES - INSTITUTIONS	
1964A	FIXED CAPITAL OUTLAY MEDICAL FACILITY - SUNLAND TRAINING CENTER - GAINESVILLE FROM STATE INFRASTRUCTURE FUND	150,000
CHILDR	EN'S MEDICAL SERVICES	
1969	FIXED CAPITAL OUTLAY CHILDREN'S MEDICAL SERVICES CLINIC -	
	PENSACOLA FROM STATE INFRASTRUCTURE FUND	100,000
1970	FIXED CAPITAL OUTLAY	
1970	FURNISHINGS AND EQUIPMENT - CHILDREN'S	
	MEDICAL SERVICES - ALACHUA FROM STATE INFRASTRUCTURE FUND	255,100
JUDICI	TAL BRANCH	
DISTRI	ICT COURTS OF APPEAL	
1979	FIXED CAPITAL OUTLAY COMPLETION OF THE THIRD DISTRICT COURT OF APPEAL BUILDING	
	FROM STATE INFRASTRUCTURE FUND	938,090

SECTION 2.1 SPECIFIC

APPROPRIATION

LAW ENFORCEMENT, DEPARTMENT OF CRIME LABORATORIES AND STAFF SERVICES, DIVISION OF 1979A FIXED CAPITAL OUTLAY TAMPA REGIONAL LAW ENFORCEMENT OPERATING FACILITY FROM STATE INFRASTRUCTURE FUND . . . . . 175,000 MILITARY AFFAIRS, DEPARTMENT OF GENERAL ACTIVITIES FIXED CAPITAL OUTLAY 1980 UNDERGROUND TANK REPLACEMENTS, AGENCYWIDE FROM STATE INFRASTRUCTURE FUND . . . . . 117,600 1980A FIXED CAPITAL OUTLAY EXTERIOR REPAIRS, PAINTING, AND WATERPROOFING AGENCYWIDE FROM STATE INFRASTRUCTURE FUND . . . . . 162,500 (vetoed) 1981 FIXED CAPITAL OUTLAY DEPARTMENT OF MILITARY AFFAIRS OPERATIONS BUILDING AND ARMORY - SAINT AUGUSTINE FROM STATE INFRASTRUCTURE FUND . . . . . 2,557,207 1981A FIXED CAPITAL OUTLAY ROOF INSPECTION/REPAIRS - AGENCYWIDE FROM STATE INFRASTRUCTURE FUND . . . . . 215,000 (vetoed) 1982A FIXED CAPITAL OUTLAY PLANNING - ARMED FORCES RESERVE CENTER -MIRAMAR FROM STATE INFRASTRUCTURE FUND . . . . . 104,675 1983 FIXED CAPITAL OUTLAY PLANNING - ARMORY EXPANSION/REHABILITATION - JACKSONVILLE (CEDAR HILLS) FROM STATE INFRASTRUCTURE FUND . . . . . . 125,823 1984 FIXED CAPITAL OUTLAY PLANNING - NATIONAL GUARD ARMORY -PENSACOLA (ELLYSON) FROM STATE INFRASTRUCTURE FUND . . . . . 136,197 1984A FIXED CAPITAL OUTLAY PLANNING - ARMORY EXPANSION/REHABILITATION

		INFRASTRU			
FY	1989-90	GENERAL	APPROR	RIATIONS	ACT

SECTION	. 2.1		
SPECIFI APPROPR			
1985A	FIXED CAPITAL OUTLAY MILITARY VEHICLE/PRIVATELY OWNED VEHICLE PARKING - JACKSONVILLE (CRAIG FIELD) FROM STATE INFRASTRUCTURE FUND	26,750	(vetoed)
1985B	FIXED CAPITAL OUTLAY MILITARY VEHICLE/PRIVATELY OWNED VEHICLE PARKING - DELAND FROM STATE INFRASTRUCTURE FUND	26,750	(vetoed)
1985C	FIXED CAPITAL OUTLAY MILITARY VEHICLE/PRIVATELY OWNED VEHICLE PARKING - FORT MYERS FROM STATE INFRASTRUCTURE FUND	26,750	(vetoed)
1985D	FIXED CAPITAL OUTLAY STATE MILITARY ACADEMY - CAMP BLANDING TRAINING SITE FROM STATE INFRASTRUCTURE FUND	202,800	
1985E	FIXED CAPITAL OUTLAY MILITARY VEHICLE/PRIVATELY OWNED VEHICLE PARKING - LAKE CITY FROM STATE INFRASTRUCTURE FUND	26,750	(vetoed)
1986	FIXED CAPITAL OUTLAY KITCHEN EXPANSION/LIFE SAFETY CODE - LEESBURG FROM STATE INFRASTRUCTURE FUND	159,350	
1987	FIXED CAPITAL OUTLAY STATE VEHICLE MAINTENANCE FACILITY - CAMP BLANDING TRAINING SITE FROM STATE INFRASTRUCTURE FUND	459,075	
1988A	FIXED CAPITAL OUTLAY SIGNAL TRAINING SITES - CAMP BLANDING TRAINING SITE FROM STATE INFRASTRUCTURE FUND	116,640	(vetoed)
NATURA	L RESOURCES, DEPARTMENT OF		
MARINE	RESOURCES, DIVISION OF		
1989A	FIXED CAPITAL OUTLAY FLORIDA MARINE RESEARCH INSTITUTE RENOVATIONS/REPAIRS FROM STATE INFRASTRUCTURE FUND	100,000	
STATE,	DEPARTMENT OF, AND SECRETARY OF STATE		
HISTOR	ICAL RESOURCES, DIVISION OF		
1990	FIXED CAPITAL OUTLAY NEW FOOD SERVICE FACILITY FROM STATE INFRASTRUCTURE FUND	167,475	

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	FY 1989-90 GENERAL APPROPRIATIONS ACT	
SECTIO	DN 2.1	
SPECII APPROI	FIC PRIATION	
1991	FIXED CAPITAL OUTLAY ROOF REPAIRS/ASBESTOS SURVEY - THE GROVE FROM STATE INFRASTRUCTURE FUND	39,340
HISTO	RIC PRESERVATION BOARDS	
HISTO	RIC PENSACOLA PRESERVATION BOARD	
1992	FIXED CAPITAL OUTLAY RENOVATION/REPAIR - HISPANIC BUILDING FROM STATE INFRASTRUCTURE FUND	56,000
1993	FIXED CAPITAL OUTLAY RENOVATION/REPAIR - MCCULLOUGH BUILDING FROM STATE INFRASTRUCTURE FUND	100,000
1994	FIXED CAPITAL OUTLAY RENOVATE/REPAIR T. T. WENTWORTH STATE MUSEUM FROM STATE INFRASTRUCTURE FUND	100,000
HISTOP	RIC ST AUGUSTINE PRESERVATION BOARD	
1995	FIXED CAPITAL OUTLAY SAFETY AND ELECTRICAL UPGRADE - ARRIVAS HOUSE	
	FROM STATE INFRASTRUCTURE FUND	12,110
1996	FIXED CAPITAL OUTLAY WATERPROOF EXTERIOR WALLS - FLORIDA HERITAGE HOUSE	
	FROM STATE INFRASTRUCTURE FUND	6,535
1997	FIXED CAPITAL OUTLAY ENGINEERING STUDY OF BALCONIES - GOVERNMENT HOUSE	
	FROM STATE INFRASTRUCTURE FUND	6,055
1998	FIXED CAPITAL OUTLAY ENGINEERING STUDY - HEATING, VENTILATION AND AIR CONDITIONING SYSTEM - GOVERNMENT HOUSE	
	FROM STATE INFRASTRUCTURE FUND	6,055
1999	FIXED CAPITAL OUTLAY CLIMATE CONTROL - GOVERNMENT HOUSE FROM STATE INFRASTRUCTURE FUND	4,875
IISTOR	NIC TALLAHASSEE PRESERVATION BOARD	
2001	FIXED CAPITAL OUTLAY	
	REPAIRS - BROKAW MCDOUGALL HOUSE FROM STATE INFRASTRUCTURE FUND	18,700

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SPECIFIC APPROPRIATION

RINGLING MUSEUM OF ART, BOARD OF TRUSTEES OF THE JOHN AND MABLE FIXED CAPITAL OUTLAY 2003 EMERGENCY REPAIRS 1,000,000 FROM STATE INFRASTRUCTURE FUND . . . . . FIXED CAPITAL OUTLAY 2004 ROOF RENOVATION/REPLACEMENT - CIRCUS GALLERY/ASOLO THEATRE 24,025 FROM STATE INFRASTRUCTURE FUND . . . . . FIXED CAPITAL OUTLAY 2005 LIGHT FIXTURE REPLACEMENT - CIRCUS GALLERY/MAINTENANCE BUILDING 6,032 FROM STATE INFRASTRUCTURE FUND . . . . . 2006 FIXED CAPITAL OUTLAY FLOOR REPLACEMENT - ASOLO THEATRE 21,671 FROM STATE INFRASTRUCTURE FUND . . . . . STATE THEATER PROGRAM FIXED CAPITAL OUTLAY 2007 RENOVATE COCONUT GROVE PLAYHOUSE 420,000 FROM STATE INFRASTRUCTURE FUND . . . . . TOTAL OF SECTION 2.1 FROM STATE INFRASTRUCTURE FUND . . . . . . 106,451,161 

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SPECIFIC APPROPRIATION

MARKETING, DIVISION OF

2020A	FIXED CAPITAL OUTLAY GRANTS AND AIDS - LAND ACQUISTION/CONSTRUCTION/REPAIRS - WASHINGTON COUNTY STATE FARMERS' MARKET FROM STATE INFRASTRUCTURE FUND	200,000	(vetoed)
20208	FIXED CAPITAL OUTLAY GRANTS AND AIDS - CONSTRUCTION/PAVING - HENDRY COUNTY AGRICULTURE CENTER FROM STATE INFRASTRUCTURE FUND	150,000	(vetoed)
2020C	FIXED CAPITAL OUTLAY GRANTS AND AIDS - RENOVATION/CONSTRUCTION - SOUTHEASTERN LIVESTOCK PAVILION - MARION COUNTY FROM STATE INFRASTRUCTURE FUND	250,000	
2020D	FIXED CAPITAL OUTLAY GRANTS AND AIDS - BAKER COUNTY FAIR ASSOCIATION FROM STATE INFRASTRUCTURE FUND		(1105003)
2020E	FIXED CAPITAL OUTLAY GRANTS AND AIDS - ADDITIONS/RENOVATIONS/NEW CONSTRUCTION - POLK COUNTY LIVESTOCK PAVILION FROM STATE INFRASTRUCTURE FUND	600,000	(vetoed)
2020F	FIXED CAPITAL OUTLAY GRANTS AND AIDS - RENOVATE LIVESTOCK PAVILION - LAFAYETTE FROM STATE INFRASTRUCTURE FUND	100,000	(vetoed)
2020G	FIXED CAPITAL OUTLAY GRANTS AND AIDS - AGRICULTURE MULTI-PURPOSE CENTER - NASSAU FROM STATE INFRASTRUCTURE FUND	50,000	(vetced)
20 <b>20H</b>	FIXED CAPITAL OUTLAY GRANTS AND AIDS - PLANNING/CONSTRUCTION AGRICULTURE BUILDING COLLIER FROM STATE INFRASTRUCTURE FUND	150,000	(vetoed)
20201	FIXED CAPITAL OUTLAY GRANTS AND AIDS - RENOVATE/EXPAND LUSK PAVILION - WAKULLA FROM STATE INFRASTRUCTURE FUND	200,000	(vetoed)
2020J	FIXED CAPITAL OUTLAY GRANTS AND AIDS - RENOVATE FAIR BUILDING - WALTON FROM STATE INFRASTRUCTURE FUND	100,000	(vetoed)

	STATE	INFRASTRU	JCTURE	FUND	
FY	1989-90	GENERAL	APPROP	RIATIONS	ACT

SPECIFIC APPROPRIATION

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	CE, DEPARTMENT OF	
OFFICE	OF THE SECRETARY AND ADMINISTRATIVE IS	
2028	FIXED CAPITAL OUTLAY SPACEPORT	
	FROM STATE INFRASTRUCTURE FUND	1,900,000
COMMUNI	ITY AFFAIRS, DEPARTMENT OF	
HOUSING	G FINANCE AGENCY	
2030	FIXED CAPITAL OUTLAY TRANSFER TO STATE APARTMENT INCENTIVE LOAN	
	TRUST FUND	
	FROM STATE INFRASTRUCTURE FUND	9,750,000
2032	FIXED CAPITAL OUTLAY TRANSFER TO HOMEOWNERSHIP ASSISTANCE TRUST	
	FUND	1 000 000
	FROM STATE INFRASTRUCTURE FUND	1,000,000
CORRECT	TIONS, DEPARTMENT OF	
ASSIST	ANT SECRETARY FOR HEALTH SERVICES	
2033A	FIXED CAPITAL OUTLAY	
	NEW AND EXPANDED MEDICAL FACILITIES FROM STATE INFRASTRUCTURE FUND	3,600,000
OFFICE	OF THE ASSISTANT SECRETARY FOR OPERATIONS	
MAJOR :	INSTITUTIONS	
2034A	FIXED CAPITAL OUTLAY	
	CORRECTION OF FIRE SAFETY DEFICIENCIES, STATEWIDE	
	FROM STATE INFRASTRUCTURE FUND	900,000
2034B	FIXED CAPITAL OUTLAY	
	MAJOR REPAIRS, RENOVATIONS AND IMPROVEMENTS TO MAJOR INSTITUTIONS	
	FROM STATE INFRASTRUCTURE FUND	4,397,275
2035	FIXED CAPITAL OUTLAY ADDITIONAL CAPACITY, EXISTING FACILITIES	
	FROM STATE INFRASTRUCTURE FUND	4,811,000
2036	FIXED CAPITAL OUTLAY	
	ADDITION OF RECEPTION UNITS, NEW OR EXISTING INSTITUTIONS	
	FROM STATE INFRASTRUCTURE FUND	2,200,000

SECTION 2.2

SPECIFIC APPROPRIATION

2037	FIXED CAPITAL OUTLAY PLANNING FOR NEW INSTITUTIONS FROM STATE INFRASTRUCTURE FUND	500,000
2038	FIXED CAPITAL OUTLAY NEW CORRECTIONAL FACILITIES - WORK CAMPS STATEWIDE	
	FROM STATE INFRASTRUCTURE FUND	10,150,000
2039	FIXED CAPITAL OUTLAY COMPLETION OF QUICK CONSTRUCTION FACILITIES FROM STATE INFRASTRUCTURE FUND	1 260 070
20208	FIXED CAPITAL OUTLAY	1,200,079
2039 <b>R</b>	ACQUISITION OF CORRECTIONAL FACILITY MARTIN COUNTY	
	FROM STATE INFRASTRUCTURE FUND	3,300,000
2042	FIXED CAPITAL OUTLAY NEW QUICK CONSTRUCTION INSTITUTIONS WITH DORMITORY HOUSING	
	FROM STATE INFRASTRUCTURE FUND	34,000,000
NATURA	L RESOURCES, DEPARTMENT OF	
STATE	LANDS, DIVISION OF	
2055	FIXED CAPITAL OUTLAY DEBT SERVICE	
	FROM STATE INFRASTRUCTURE FUND	13,956,949
2055A	FIXED CAPITAL OUTLAY ACQUISITION OF MARJORIE STONEMAN HOME - DADE	
	FROM STATE INFRASTRUCTURE FUND	75,000
MARINE	RESOURCES, DIVISION OF	
2056	FIXED CAPITAL OUTLAY ACQUISITION/RENOVATION SHARK INSTITUTE/SEA WORLD	
		739,000
BEACHE	S AND SHORES, DIVISION OF	
2057B	FIXED CAPITAL OUTLAY INLET SAND TRANSFER PROJECTS, STATEWIDE	
	FROM STATE INFRASTRUCTURE FUND	1,000,000
2057D	FIXED CAPITAL OUTLAY BEACH RESTORATION - CORAL COVE, PALM BEACH FROM STATE INFRASTRUCTURE FUND	352,500

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# SECTION 2.2

SPECIFIC APPROPRIATION

2057E	FIXED CAPITAL OUTLAY BEACH RESTORATION - JUPITER/CARLIN, PALM BEACH FROM STATE INFRASTRUCTURE FUND	872,437	
2057F	FIXED CAPITAL OUTLAY BEACH RESTORATION - SAND KEY PHASE II, INDIAN ROCKS FROM STATE INFRASTRUCTURE FUND	1,466,046	
2057G	FIXED CAPITAL OUTLAY BEACH RENOURISHMENT - BAL HARBOUR, DADE FROM STATE INFRASTRUCTURE FUND	1,725,250	
2057H	FIXED CAPITAL OUTLAY BEACH RENOURISHMENT - HOLLYWOOD/HALLENDALE, BROWARD FROM STATE INFRASTRUCTURE FUND	4,800,000	
20571	FIXED CAPITAL OUTLAY BEACH RENOURISHMENT - JACKSONVILLE, DUVAL COUNTY FROM STATE INFRASTRUCTURE FUND	600,000	
2058A	FIXED CAPITAL OUTLAY JACKSONVILLE BEACH - DUNE WALKOVERS FROM STATE INFRASTRUCTURE FUND		
2058B	FIXED CAPITAL OUTLAY NASSAU COUNTY - DUNE WALKOVERS FROM STATE INFRASTRUCTURE FUND	50,000	
2058C	FIXED CAPITAL OUTLAY FERNANDINA BEACH - DUNE WALKOVERS FROM STATE INFRASTRUCTURE FUND	50,000	
	FIXED CAPITAL OUTLAY COLLIER COUNTY BEACH ENVIRONMENTAL STUDY FROM STATE INFRASTRUCTURE FUND	225,000	
2058E	FIXED CAPITAL OUTLAY REDINGTON BEACH AND REDINGTON SHORES - DUNE WALKOVERS FROM STATE INFRASTRUCTURE FUND	375,000	(vetoed)
RECREA	TION AND PARKS, DIVISION OF		
2065C	FIXED CAPITAL OUTLAY HAWTHORNE/GAINESVILLE RAILROAD TO TRAILS FROM STATE INFRASTRUCTURE FUND	200,000	

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SECTION 2.2

SPECIFIC APPROPRIATION

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GENERAL SERVICES, DEPARTMENT OF

FACILITIES MANAGEMENT, DIVISION OF

2108C	FIXED CAPITAL OUTLAY INFRASTRUCTURE CONSTRUCTION - SATELLITE CENTER - LEON COUNTY FROM STATE INFRASTRUCTURE FUND	2,000,000	(vetoed)
2110	FIXED CAPITAL OUTLAY RECORDS STORAGE FACILITY - DEPARTMENT OF STATE LEON COUNTY FROM STATE INFRASTRUCTURE FUND	250,777	
2111	FIXED CAPITAL OUTLAY REGIONAL SERVICE CENTER - LARGO FROM STATE INFRASTRUCTURE FUND	1,386,016	
2112	FIXED CAPITAL OUTLAY REGIONAL SERVICE CENTER LEE COUNTY FROM STATE INFRASTRUCTURE FUND	1,140,047	
2113	FIXED CAPITAL OUTLAY WEST PALM BEACH REGIONAL SERVICE CENTER FROM STATE INFRASTRUCTURE FUND	3,497,734	
2113A	FIXED CAPITAL OUTLAY FLETCHER BUILDING GROUND FLOOR RENOVATION FROM STATE INFRASTRUCTURE FUND	2,862,303	(vetoed)
2114 <b>A</b>	FIXED CAPITAL OUTLAY DEBT SERVICE 87-88 BONDS FROM STATE INFRASTRUCTURE FUND	7,456,477	
2114B	FIXED CAPITAL OUTLAY DEBT SERVICE 89-90 BONDS FROM STATE INFRASTRUCTURE FUND	9,213,200	

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SECTION 2.4

SPECIFIC APPROPRIATION

TOTAL OF SECTION 2.4

FROM STATE INFRASTRUCTUR	FUND	• •	• •	••	•	27,806,551
TOTAL ALL FUNDS			• •	••	•	27,806,551

#### COMMERCE, DEPARTMENT OF

ECONOMIC DEVELOPMENT, DIVISION OF

2152A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - ECONOMIC DEVELOPMENT PROJECTS FROM STATE INFRASTRUCTURE FUND 4,075,000 (	vetoed
COMMUNITY AFFAIRS, DEPARTMENT OF	375,000)
RESOURCE PLANNING AND MANAGEMENT, DIVISION OF	
2152B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - SPECIAL CATEGORIES - ALI-BABA TRIANGLE SAFE NEIGHBORHOOD IMPROVEMENTS - DADE FROM STATE INFRASTRUCTURE FUND 2,119,769	(vetoed)
EMERGENCY MANAGEMENT, DIVISION OF	
2152C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS EMERGENCY PREPAREDNESS BUILDINGS AND EQUIPMENT - VERNON/ WAUSAU FROM STATE INFRASTRUCTURE FUND	(vetoed)
2152D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS MUNICIPAL BUILDING CONSTRUCTION - JACOB FROM STATE INFRASTRUCTURE FUND	(vetoed)

SECTION 2.7

SPECIFIC APPROPRIATION

2152E	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS COTTONDALE COMMUNITY CENTER AND PARKING LOT - JACKSON				
HOUSTN	FROM STATE INFRASTRUCTURE FUND	30/,625	(vetoed)		
RUUSING RAD COMPONITI DEVELOPMENT, DIVISION OF					
2152G	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - SPECIAL CATEGORIES - MERCY DRIVE COMMUNITY CENTER BUILDING - ORLANDO				
	FROM STATE INFRASTRUCTURE FUND	60,000			
2152H	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - WATER PROJECTS				
	FROM STATE INFRASTRUCTURE FUND	725,000	(vetoed		
2152L	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		150,000)		
	AREA MULTI-USE TRAINING AND EDUCATIONAL FACILITY - CENTURY				
	FROM STATE INFRASTRUCTURE FUND	250,000	(vetoed)		
2153A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - HOUSING COOPERATIVE PILOT				
	FROM STATE INFRASTRUCTURE FUND	400,000	(vetoed)		
2153B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - LOW INCOME DEMONSTRATION				
	PROJECT - PALATKA				
	FROM STATE INFRASTRUCTURE FUND	50,000	(vetoed)		
2154	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS TRANSFER TO HOUSING PREDEVELOPMENT TRUST				
	FUND FROM STATE INFRASTRUCTURE FUND	500,000			
2155A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS SPECIAL CATEGORIES - GRANTS AND AIDS -				
	TRANSFER TO NEIGHBORHOOD HOUSING SERVICES TRUST FUND				
	FROM STATE INFRASTRUCTURE FUND	500,000	(vetoed)		

SECTION 2.7

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SPECIFIC APPROPRIATION

2157 GRANTS AND AIDS TO LOCAL GOVERNMENTS NONPROFIT ORGANIZATIONS TRANSFER TO GRANTS AND DONATIONS TRUS FUND FOR ELDERLY HOUSING REHABILITAT PROGRAM FROM STATE INFRASTRUCTURE FUND	T ION					
2157A GRANTS AND AIDS TO LOCAL GOVERNMENTS NONPROFIT ORGANIZATIONS CITY OF GULF BREEZE REIMBURSEMENT - SEAWALL REPAIRS FROM STATE INFRASTRUCTURE FUND		(vetoed)				
2157B GRANTS AND AIDS TO LOCAL GOVERNMENTS NONPROFIT ORGANIZATIONS HOLMES COUNTY INFRASTRUCTURE IMPROVEM FROM STATE INFRASTRUCTURE FUND	ENTS	(vetoed)				
2157C GRANTS AND AIDS TO LOCAL GOVERNMENTS NONPROFIT ORGANIZATIONS RECREATIONAL COMMUNITY CENTER BUILDIN	AND	(				
JACKSON FROM STATE INFRASTRUCTURE FUND	100,000					
2157D GRANTS AND AIDS TO LOCAL GOVERNMENTS NONPROFIT ORGANIZATIONS GRANTS AND AIDS - SPECIAL CATEGORIES RENOVATE AND RESTORE JAMES E. SCOTT COMMUNITY ASSOCIATION - MIAMI FROM STATE INFRASTRUCTURE FUND	-					
CORRECTIONS, DEPARTMENT OF						
OFFICE OF THE ASSISTANT SECRETARY FOR PROGRA	MS					
2157E GRANTS AND AIDS TO LOCAL GOVERNMENTS NONPROFIT ORGANIZATIONS SUBSTANCE ABUSE FACILITY FROM STATE INFRASTRUCTURE FUND						
ENVIRONMENTAL REGULATION, DEPARTMENT OF						
2159 GRANTS AND AIDS TO LOCAL GOVERNMENTS NONPROFIT ORGANIZATIONS GRANTS AND AIDS - WASTEWATER TREATMEN FACILITIES CONSTRUCTION FROM STATE INFRASTRUCTURE FUND	r.					
2162 GRANTS AND AIDS TO LOCAL GOVERNMENTS NONPROFIT ORGANIZATIONS GRANTS AND AIDS - TRANSFER TO SURFACE WATER IMPROVEMENT AND MANAGEMENT TRU FUND	8					
FROM STATE INFRASTRUCTURE FUND	15,000,000					

SECTION 2.7

SPECIFIC APPROPRIATION

2163	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - STORMWATER PROJECTS FROM STATE INFRASTRUCTURE FUND	8,650,000	
HEALTH	AND REHABILITATIVE SERVICES, DEPARTMENT OF		
DEPUTY	SECRETARY FOR OPERATIONS		
HEALTH	SERVICES		
2165BQ	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GILCHRIST COUNTY PUBLIC HEALTH UNIT FROM STATE INFRASTRUCTURE FUND	50,000	(vetoed)
2165BR	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS LAFAYETTE COUNTY PUBLIC HEALTH UNIT FROM STATE INFRASTRUCTURE FUND	50,000	(vetoed)
2165BS	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS MARTIN COUNTY PUBLIC HEALTH UNIT FROM STATE INFRASTRUCTURE FUND	300,000	(vetoed)
2165BT	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS PASCO COUNTY PUBLIC HEALTH UNIT FROM STATE INFRASTRUCTURE FUND	275,000	
2165BU	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS POLK COUNTY PUBLIC HEALTH UNIT FROM STATE INFRASTRUCTURE FUND	6,000,000	
2165BX	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS OKEECHOBEE COUNTY PUBLIC HEALTH UNIT FROM STATE INFRASTRUCTURE FUND	2.200,000	
215 <b>5BZ</b>	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS MARION COUNTY PUBLIC HEALTH UNIT FROM STATE INFRASTRUCTURE FUND	500,000	(vetoed)
2165CA	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS BROWARD COUNTY PUBLIC HEALTH UNIT FROM STATE INFRASTRUCTURE FUND	300,000	
2165CB	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS PALM BEACH COUNTY PUBLIC HEALTH UNIT FROM STATE INFRASTRUCTURE FUND		

	STATE	INFRASTRU	JCTURE	FUND	
FY	1989-90	GENERAL	APPROI	PRIATIONS	ACT

SECTION 2.7

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SPECIFIC	
APPROPRIATION	

2165CC GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS SOUTHEAST COLLEGE OF OSTEOPATHIC MEDICINE		
BIRTHING CENTER		
FROM STATE INFRASTRUCTURE FUND	650,000	(vetoed)
2165CI GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
DIXIE COUNTY PUBLIC HEALTH UNIT FROM STATE INFRASTRUCTURE FUND	390,000	
2165CJ GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
HERNANDO COUNTY PUBLIC HEALTH UNIT FROM STATE INFRASTRUCTURE FUND	500,000	(vetoed)
2165CK GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
BAY COUNTY PUBLIC HEALTH UNIT		
FROM STATE INFRASTRUCTURE FUND	70,000	
2165CL GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
LEON COUNTY SATELLITE PUBLIC HEALTH UNIT	1 500 000	(mataod)
FROM STATE INFRASTRUCTURE FUND	1,500,000	(verced)
2165CM GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
TAMPA GENERAL MATERNAL AND CHILD HEALTH		
PROGRAM FROM STATE INFRASTRUCTURE FUND	1,000,000	
NATURAL RESOURCES, DEPARTMENT OF		
STATE LANDS, DIVISION OF		
2167A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
GRANTS AND AIDS - GEOGRAPHIC INFORMATION		
SYSTEM/PALM BEACH COUNTY FROM STATE INFRASTRUCTURE FUND	450.000	(vetoed)
FROM STATE IMPRASTRUCTURE FUND	120,000	
21673 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
GRANTS AND AIDS - RESTORATION OF CORNERS -		
MARION COUNTY	450.000	(vetoed)
FROM STATE INFRASTRUCTURE FUND		(
2167C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS		
CHARLOTTE HARBOR ENVIRONMENTAL CENTER -		
CITY OF PUNTA GORDA FROM STATE INFRASTRUCTURE FUND	150.000	(vetoed)
FROM SINIS INFONDINGTIONS FOND		

STATE INFRASTRUCTURE FUND FY 1989-90 GENERAL APPROPRIATIONS ACT

SECTION 2.7 SPECIFIC APPROPRIATION 2167D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - RESTOR/CORNERS/VOLUSIA FROM STATE INFRASTRUCTURE FUND . . . . . 300,000 (vetoed) RESOURCE MANAGEMENT, DIVISION OF 2169D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - CARRABELLE PORT AUTHORITY FROM STATE INFRASTRUCTURE FUND . . . . . 15,000 RECREATION AND PARKS, DIVISION OF 2172A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - SPECIAL CATEGORIES -LOCAL RECREATIONAL DEVELOPMENT PROJECTS FROM STATE INFRASTRUCTURE FUND . . . . . 2,478,000 2172B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - SPECIAL CATEGORIES -RAILS TO TRAILS/ PINELLAS COUNTY/49TH STREET TO 38TH AVENUE FROM STATE INFRASTRUCTURE FUND . . . . . . 550,000 (vetoed) STATE, DEPARTMENT OF, AND SECRETARY OF STATE HISTORICAL RESOURCES, DIVISION OF 2172C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - SPECIAL CATEGORIES -ACQUISITION, RESTORATION OF HISTORIC PROPERTIES FROM STATE INFRASTRUCTURE FUND . . . . . 10,266,788 (vetoed LIBRARY AND INFORMATION SERVICES, DIVISION OF 3,652,800) 2172E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - OLDSMAR LIBRARY CONSTRUCTION FROM STATE INFRASTRUCTURE FUND . . . . . . 100,000 2172F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - CITY OF SOUTH BAY LIBRARY CONSTRUCTION FROM STATE INFRASTRUCTURE FUND . . . . . 100,000

STATE	INFRASTRUCTURE FUND	
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# SECTION 2.7

SPECIFIC APPROPRIATION

2172G	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - COLUMBIA COUNTY LIBRARY CONSTRUCTION FROM STATE INFRASTRUCTURE FUND	200,000	
2172H	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - GILCHRIST COUNTY LIBRARY ACQUISITION FROM STATE INFRASTRUCTURE FUND	45,000	(vetoed)
21721	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - LAFAYETTE COUNTY LIBRARY CONSTRUCTION FROM STATE INFRASTRUCTURE FUND	50,000	(vetoed)
217 <b>2</b> J	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - CITY OF PALATKA - LIBRARY/REPAIRS FROM STATE INFRASTRUCTURE FUND	66,000	(vetced)
2172K	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - VERNON - LIBRARY CONSTRUCTION FROM STATE INFRASTRUCTURE FUND	207,250	(vetoed)
2172L	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - JACKSON COUNTY LIBRARY CONSTRUCTION FROM STATE INFRASTRUCTURE FUND	200,000	
2172M	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - LEON COUNTY LIBRARY CONSTRUCTION FROM STATE INFRASTRUCTURE FUND	200,000	(vetoed)
CULTUR	AL AFFAIRS, DIVISION OF		
2172N	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - SPECIAL CATEGORIES - CULTURAL FACILITIES DEVELOPMENT PROGRAM FROM STATE INFRASTRUCTURE FUND	11,308,500	(vetoed 745,000)

STATE INFRASTRUCTURE FUND FY 1989-90 GENERAL APPROPRIATIONS ACT

SECTION 2.7

SPECIFIC APPROPRIATION

TOTAL OF SECTION 2.7

FROM STATE INFRASTRUCTURE FUND	90,319,932
TOTAL ALL FUNDS	90,319,932
TOTAL THIS GENERAL APPROPRIATION ACT	
FROM STATE INFRASTRUCTURE FUND	508,092,801

#### FINANCIAL OUTLOOK STATEMENT STATE INFRASTRUCTURE FUND and EDUCATIONAL ENHANCEMENT (LOTTERY) TRUST FUND FY 1988-89 and 1989-90 (\$ MILLIONS)

	STATE INFRASTRUCTURE FUND		URE FUND	EDUCATIONAL ENHANCEMENT (LOTTERY) TRUST FUND		
	TOTAL	RECURRING	NON- RECURRING		RECURRING	
FUNDS AVAILABLE 1988-89 BALANCE FORWARD FROM 1987-88 ESTIMATED REVENUES MIDYEAR REVERSIONS			7.2 0.0 0.2 1.2 0.0 0.0 .0 8.6			
FIXED CAPITAL OUTLAY REVERSIONS CDC SETTLEMENT INTEREST EARNINGS	1.2 0.0 0.0	0.0 0.0 0.0	1.2 : 0.0 : 0.0 :	0.2 0.6 10.5	0.0 0.0 10.5	0.2 0.6 0.0
TOTAL 88-89 FUNDS AVAILABLE	508.6	500.0	8.6	700.5	599.3	101.2
EFFECTIVE APPROPRIATIONS 88-89 OPERATIONS AID TO LOCAL GOVERNMENT FIXED CAPITAL OUTLAY OTHER			321.5 24.7 139.9 0.0  486.1			
TOTAL 88-89 EFF. APPROPRIATIONS	486.1	0.0	486.1	327.7	301.8	25.9
AVAILABLE RESERVES	*****	******	(477.5)		297.5	75.3
FUNDS AVAILABLE 1989-90 BALANCE FORWARD FROM 1988-89 ESTIMATED REVENUES DISTRIBUTION CHANGE PER H1317 MIDYEAR REVERSIONS FIXED CAPITAL OUTLAY REVERSIONS UNUSED APPROPRIATIONS TRANSFER OF RETAINED EARNINGS INTEREST EARNINGS	22.5 500.0 0.0 1.5 1.5 0.0 0.0	0.0 500.0 0.0 0.0 0.0 0.0 0.0	22.5 0.0 0.5 1.2 1.5 0.0 0.0	372.8 549.7 46.8 0.5 12.5 41.9 10.5	0.0 549.7 46.8 0.0 0.0 0.0 0.0 10.5	372.8 0.0 0.5 0.2 12.5 41.9 0.0
TOTAL 89-90 FUNDS AVAILABLE	525.7	500.0	25.7	1,034.9	607.0	427.9
EFFECTIVE APPROPRIATIONS 89-90 OPERATIONS VETOES AID TO LOCAL GOVERNMENT VETOES FIXED CAPITAL OUTLAY VETOES FCO/AID TO LOCAL GOVERNMENT VETOES BASE STUDENT ALLOCATION GUARANTEE TOTAL 88-89 EFF. APPROPRIATIONS	163.2 (0.7) 9.3 (0.6) 245.3 (12.7) 90.3 (14.3) 0.0	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	163.2 (0.7) 9.3 (0.6) 245.3 (12.7) 90.3 (14.3) 0.0  479.8	506.9 (16.1) 495.8 (3.6) 24.1 (11.2) 0.0 0.0 20.0 	179.2 (4.0) 419.7 (1.5) 0.0 0.0 0.0 0.0 0.0 593.4	327.7 (12.1) 76.1 (2.1) 24.1 (11.2) 0.0 20.0  422.5
AVAILABLE RESERVES	45.9	******	(454.1)	*****		******
FUNDS AVAILABLE 1990-91 BALANCE FORWARD FROM 1989-90 ESTIMATED REVENUES (A) DISTRIBUTION CHANGE PER H1317 MIDYEAR REVERSIONS FIXED CAPITAL OUTLAY REVERSIONS UNUSED APPROPRIATIONS ADJUSTMENT PER S1525 (A) INTEREST EARNINGS	45.9 500.0 0.0 1.5 (150.0 0.0	0.0	0.0	19.0 571.9 48.0 0.5 0.2 2.2 0.0 4.1	0.0 571.9 48.0 0.0 0.0 0.0 0.0 4.1	19.0 0.0 0.5 0.2 2.2 0.0 0.0
TOTAL 90-91 FUNDS AVAILABLE	399.1	350.0	49.1	645.9	624.0	21.9
APPROPRIATIONS BASE FROM 89-90 OPERATIONS AID TO LOCAL GOVERNMENT OTHER	0.0 0.0 0.0	0.0 0.0 0.0	0.0 0.0 0.0	175.2 418.2 0.0	175.2 418.2 0.0	0.0 0.0 0.0
TOTAL 89-90 APPROPRIATIONS BASE	0.0	0.0	0.0	593.4	593.4	0.0
AVAILABLE RESERVES	399.1	350.0		52.5	30.6	21.9

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(A) Senate Bill 1525(1989) states that \$150 million from capital outlay sources of other nonrecurring funds available shall be deposited annually into the Infrastructure Fund. A negative adjustment equal to this amount is presented so that the total funds available in the Infrastructure Fund reflects only the dedicated revenue sources.

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## **BUSINESS REGULATION***

the Department of Business Regulation. Last year was a major 550.162, F.S., to establish a new procedure to expedite the year for pari-mutuel legislation, therefore the 1989 Legislature had only to deal with technical corrections and very specific portions of law.

Pari-mutuel legislation this year authorized greyhound racing and jai alai permitholders to elect to increase the takeout on exotic wagers by up to 2 percent, and mandated that the Department of Business Regulation submit studies to the Legislature on the effect of this legislation. Other pari-mutuel bills which passed create an insurance plan for backside employees at thoroughbred racetracks, authorize additional performances for Pensacola Greyhound and Florida Jai Alai, and allow the conversion of a jai alai permit to one for greyhound dogracing. In addition, Pompano Park was granted a yearlong harness racing season and a potential increased tax credit for hosting the Breeders' Crown Meet.

Alcoholic beverage and tobacco legislation included a change in the method of transfer of some liquor licenses, tightening of the law regarding issuance of beverage licenses to persons with drug-related convictions, outlawing the practice of "dwarf-tossing" at licensed beverage establishments, the creation of the Responsible Vendors Act to encourage beverage licensees to adhere to beverage laws and a change in licensing of common carriers such as airplanes, buses and cruise ships for alcohol service. In addition, retail businesses engaged in the sale of cigarettes and tobacco products will be required to post signs stating that sale of such products to minors is illegal.

Legislation related to the Division of Hotels and Restaurants was minimal: an act to require public lodging facilities to post signs next to telephones if surcharges are made for use of the phones, and a law to further outline the rights of lodging facilities and quests in checkout procedures.

The Division of Florida Land Sales, Condominiums, and Mobile Homes was given responsibility by the 1988 Legislature to regulate sales of yachts and ships. This year, legislation further outlining the responsibilities and duties of the Division in this area was passed. In addition, the Division was given greater enforcement powers in the area of community association management.

Legislation also passed which provides for the regulation of time-share resale brokers by the Florida Real Estate Commission, which is part of the Department of Professional Regulation.

#### **Pari-mutuels**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 269 (CHAPTER 89-242) addresses greyhound racing. This act expands the definition of "capital im- to operate 54 additional matinee performances each year, and provements" provided in Section 550.16, F.S., to include the extends by 4 weeks the period during which that facility may amount paid out by a greyhound track constructing new facili-

The year 1989 was relatively quiet for legislation affecting ties in order to relocate a permit. The act also amends Section processing of complaints filed by greyhound dog owners claiming that a track has not made timely payment of the dog owner's share of the purse money.

This act addresses other areas of greyhound racing as well. It will allow a dogracing permitholder to withhold up to an additional 2 percent from pari-mutuel pools of exotic wagers. This additional withholding will be subject to a 17.5 percent surtax, with the remaining money to be divided 50 percent to augment purses and 50 percent to the track. This additional allowable withholding will expire July 1, 1990. This act also authorizes greyhound tracks to use some capital improvement withholdings for purses. The Division of Pari-mutuel Wagering is required to prepare a comprehensive report to be submitted to the Legislature by March 1, 1990, which is to include recommendations concerning the effects of the additional takeout.

HOUSE BILL 1145 (CHAPTER 89-371) amends Section 550. 2636, F.S., to increase the total potential tax credit the harness track hosting the Breeders' Crown Meet may receive. There is presently only one harness racing permitholder in Florida, and it is located at Pompano Park. The possible tax credit to the host track is increased from \$300,000 to \$650,000. When the additional credit is earned, it is to be paid by an increase of 0.5 percent in the withholding on all wagers. The first \$30,000 of this is to be paid to the state, and the money remaining after payment of the additional credits is to be divided evenly between the track and additional purses.

COMMITTEE SUBSTITUTE FOR SENATE BILL 228 (CHAP-TER 89-219) creates Section 550.076, F.S., which will allow the holder of a jai alai permit to convert that permit to one for greyhound dogracing if certain conditions are met. The required conditions are that the average handle per regular performance has not exceeded \$110,000 for any fiscal year of the state during the 10 years prior to application, and that the jai alai fronton at which the permit operates is located at least 55 miles from any dog track. If an applicant meets these conditions, the Division of Pari-mutuel Wagering shall issue a license for greyhound dogracing, such racing to be conducted in place of jai alai for the same annual number of days and performances.

SENATE BILL 647 (CHAPTER 89-228) creates Section 550.525, F.S. This new section allows the harness track at Pompano Park to conduct its annual allocation of racing performances throughout the year. This act also amends Section 550.10, F.S., to allow the Division of Pari-mutuel Wagering to issue temporary occupational licenses valid for up to 30 days.

SENATE BILL 763 (89-231) authorizes Florida Jai Alai, Inc., operate.

^{*}Prepared by Senate Regulated Industries Committee

COMMITTEE SUBSTITUTE FOR SENATE BILL 1048 (CHAP- Resturants, as well as the county boards of health and the De-TER 89-234) creates Section 550.65, F.S., to establish an insurance program for backside workers at thoroughbred racetracks. Each thoroughbred permitholder is required to withhold 1.5 percent of the total thoroughbred purse pool, which ance plan, such corporation and plan subject to approval by the Florida Pari-mutuel Commission. This act also amends Section 550.262, F.S., to require the Division of Pari-mutuel Wagering to adopt rules to ensure the proper distribution of certain moneys withheld by horserace permitholders, and to require the deposit of such moneys into an interest-bearing account in some situations.

In addition, this act amends Section 551.09, F.S., which addresses jai alai. Jai alai permitholders may withhold up to an additional 2 percent from pari-mutuel pools of exotic wagers. This additional withholding is allowable for one year, until July 1, 1990. It is subject to a 17.5 percent surtax. The Division is required to prepare a comprehensive report on the jai alai industry to be submitted to the Legislature by March 1, 1990, which is to include recommendations regarding the effects of this additional takeout.

SENATE BILL 1203 (CHAPTER 89-235) authorizes an additional 52 evening performances and 25 matinee performances each year for the permit held by Pensacola Greyhound Track, Inc. This act also expands the definition of "preceding racing season" for purposes of computing tax on handle, so that the amount of tax exemption for this permitholder will be determined by the amount of its total handle for the first 105 days of performances. The track must operate all authorized performances in order to qualify.

#### **Alcoholic Beverages and Tobacco**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 395 (CHAP-TER 89-259) creates Section 895.061, F.S., to require retail dealers or owners of places which sell cigarettes or tobacco products to post a clear and conspicuous sign in the place of business stating that the sale of cigarettes and tobacco products to persons under the age of 18 is against Florida law, and further stating that proof of age is required for purchase. The Division of Alcoholic Beverages and Tobacco will make signs available to retailers and charge \$1 per sign for the service. Failure to comply can result in a second-degree misdemeanor charge. The effective date is October 1, 1989.

HOUSE BILL 671 (CHAPTER 89-309) corrects two problems with the Beverage Law, Chapter 561, F.S. Language relating to gualifications required for issuance of a beverage license is tightened to more specifically outline what drug violations would stop a license from being issued. The result of this law will be that no person who has been convicted within the last 5 years of any criminal violation of Chapter 893, F.S., or the controlled substance act of any other state or the federal government, may receive a beverage license.

In addition, the act allows for a technical correction in the manner in which initial inspections of premises applying for beverage licenses are conducted. The Division of Hotels and on board. The fees paid by the carrier lines do not change.

partment of Health and Rehabilative Services, will be able to conduct such inspections. The effective date is October 1, 1989.

HOUSE BILL 780 (CHAPTER 89-248) simply provides for isis to be paid to a nonprofit corporation to administer an insur- suance of beverage licenses for specialty centers to be allowed for such a center owned by any government through revision of Section 561.20, F.S. The change from current law expands the license requirements from municipally owned facilities to governmentally owned facilities. Other specific license requirements such as: space, type of entertainment, stores, restaurants and location adjacent to a navigable water body still apply.

> COMMITTEE SUBSTITUTE FOR HOUSE BILL 1191 (CHAP-TER 89-204) creates Section 561.665, F.S., to require the Division of Alcoholic Beverages and Tobacco to promulgate rules to prohibit beverage licensees from allowing any contest or promotion or other form of recreational activity involving exploitation which endangers the health, safety and welfare of any person with dwarfism. The rules must take effect no later than October 1, 1989. Any violation of such rules may result in the suspension or revocation of the beverage license and a civil penalty of up to \$1,000.

> COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 20 (CHAPTER 89–107) creates the Florida Responsible Vendors Act. The Responsible Vendors Act requires the Department of Business Regulation to establish an education program for restaurants and bars to train management and service personnel in handling underage patrons, possible drug activity at the establishment and habitual drunks. Each licensed beverage vendor in the state will pay an additional \$35-per-year surtax on the beverage license to pay for the program, but actual participation in the Responsible Vendors Program will be voluntary by choice of the licens-

> The surcharge will be effective upon becoming a law and the remainder of the act will take effect January 1, 1990.

> SENATE BILL 706 (CHAPTER 89-230) revises definitions in Section 561.20, F.S., of chartered clubs for the purpose of issuing alcoholic beverage licenses. In the past, only chartered or incorporated clubs of a certain size could qualify for club beverage licenses. This law changes ownership requirements to include any corporation, partnership or individual operating a club and reduces the acreage requirements for a beach or cabana club down from 2 acres to "in excess of one acre."

> COMMITTEE SUBSTITUTE FOR SENATE BILL 1109 (CHAP-TER 89-361) relates to several parts of the Beverage Law. First, the law removes the prohibition in Section 565.02, F.S., of sales of alcoholic beverages on licensed steamships and buses while such conveyances are in port, but maintains the prohibition against such sales on licensed airplanes while such planes are in airports.

> In addition, the law provides for the central location of all beverage licenses issued to a steamship line, a busline or an airline. This removes the past requirement that each separate conveyance had to have a paper copy of the beverage license

Also, the law allows for the sale and service of alcoholic beverages on certain charter or excursion cruises for a period of up to one hour prior to departure from port in any marina or port.

The law also allows for the correction of a situation experienced by some small counties in qualifying for special liquor licenses. The change effected in Section 561.20, F.S., will allow for the issuance of beverage licenses to hotels of no fewer than 80 guest rooms for counties of less than 50,000 residents and of no fewer than 100 rooms for counties with populations of 50,000 or more.

Port authorities licensed to sell or serve alcoholic beverages are now entitled to do so at any terminal within the boundaries of said port. For each sales or service location within the port, the authority will be required to pay the equivalent of an annual beverage license fee.

Pursuant to revised Section 561.32, F.S., any person or beverage licensee facing revocation or suspension proceedings shall be prohibited from transferring a beverage license to a relative.

tail vendor of alcoholic beverages shall belong to more than one cooperative or pool buying group at any time. This act will take effect on October 1, 1989.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1279 (CHAP-TER 89–293) provides for a new source of revenue for the Division of Alcoholic Beverages and Tobacco, a trust-funded enforcement and collection division of the Department of Business Regulation.

Sections of Chapter 210, F.S., are revised to bar the Division from levying a printing cost surcharge on cigarette stamps or from furnishing stamps to other than gualified wholesale dealers and to permit, in certain instances, unpaid cigarette taxes to be paid by restitution.

An exemption to the inspection and examination provisions of Subsection 119.07(1), F.S., is provided for the results of public drawings to select alcoholic beverage licenses, but the amendment to Section 561.19, F.S., also makes the exception subject to the Open Government Sunset Review Act (Section 119.14, F.S.) and empowers the Auditor General to review the results of the drawings to ensure integrity. The filing fee for participation in the drawing is increased to \$100. Procedures are established for the transfer of the notice of selection for a license. Under revised Subsection 561.32(4), F.S., persons who win quota liquor licenses will no longer be prohibited from selling such licenses during the first 3 years of ownership, but such a transfer will require a fee to be paid to the Department equal to 15 times the annual license fee for a fully operational license in the county of issue.

# **Hotel and Restaurant**

HOUSE BILL 1549 (CHAPTER 89-349) requires public lodging establishments which impose a surcharge for telephone calls made by guests to post a 3- by 5-inch sign in a plainly visible location by each telephone from which a call subject tober 1, 1989.

to surcharge may originate. The sign must note whether the surcharge will be made on attempted and completed telephone calls. The Division of Hotels and Restaurants may suspend or revoke a license and impose a civil penalty for failure to comply. This act will take effect on October 1, 1989.

SENATE BILL 855 (CHAPTER 89-82) amends Section 509.141, F.S., to provide for removal of a public lodging establishment quest if the quest fails to check out by a specified and agreed-to checkout time. If a guest intends to extend his visit beyond the agreed upon checkout time, he must further contact the management and make arrangements, if agreeable, to remain as a guest.

SENATE BILL 854 (CHAPTER 89-23) repeals Section 509.216, F.S., which requires certain public lodging establishments and time-share units to be equipped with specified showerhead devices.

## Land Sales, Condominiums, and Mobile Homes

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1035 (CHAP-Finally, amended Section 561.14, F.S., provides that no re- TER 89-368) amends Chapter 475, F.S., the real estate licensing act, to provide for the regulation of time-share resale brokers by the Florida Real Estate Commission. This act expands the definition of "broker," requires time-share resale brokers to be licensed and requires full and fair disclosure of all material aspects of the agreement and the time-share plan. The Commission is given authority to promulgate rules pursuant to Chapter 120, F.S., to implement, enforce and interpret the disclosure requirements. The act takes effect October 1, 1989.

COMMITTEE SUBSTITUTE FOR SENATE BILL 961 (Chapter 89-155) amends the definition of "community association management" in Part VII of Chapter 468, F.S., and changes the certification requirement for community association managers to a requirement for licensure. This act authorizes the Department of Business Regulation to establish specialized categories of certification for licensed managers, and gives the Division of Florida Land Sales, Condominiums, and Mobile Homes greater enforcement authority including the power to make investigations, to bring an action in circuit court and to impose civil penalties not to exceed \$5,000 per violation. The law is effective October 1, 1989.

SENATE BILL 989 (CHAPTER 89-128) provides the needed jurisdictional framework for the Yacht and Ship Brokers Act of 1988, which was passed very late in the 1988 Session. The act designates the Division of Florida Land Sales, Condominiums, and Mobile Homes as the regulatory agency for yacht and ship brokers. It further allows for the Department of Revenue to release pertinent sales tax information to the Division for investigative purposes. The law clarifies which financial institutions may hold escrow deposits for yacht brokers and provides for yacht brokers to maintain a current bond or letter of credit to protect the buying public. This act will take effect Oc-

## **COMMERCE***

Laws enacted by the 1989 Legislature in the area of comstate lottery, mortgage brokerage and unemployment compensation.

More specifically, measures enacted relating to financial institutions covered: permitting international development banks to be organized either under Chapter 617, F.S., as a non-profit organization as is presently allowed or, pursuant to Chapter 607, F.S., as a for-profit corporation; revisions to the current money laundering provisions of Section 655.50, F.S., by creating the Florida Control of Money Laundering in Financial Institutions Act; and providing for limited civil immunity to a financial institution and certain others who provide false employment information about employees regarding a known or suspected violation of state or federal law or regulation. Additionally, legislation which amended numerous sections within Chapters 655, 658, 663 and 665, F.S., pertaining to banking institutions included: increased minimum capital requirements for new banks and trust companies; increased administrative fines that may be imposed by the Department of Banking and Finance for violations of the Banking Code; and authorization for statewide branching with the approval of the Department.

In mortgage brokerage, various sections of Chapter 494, F.S., were amended, primarily to create the term "certified registrant," a certified mortgage brokerage business for purposes of regulation by the Department.

In the area of corporate regulation, a major revision of Chapter 607, F.S., based on the Revised Model Business Corporation Act was enacted. Many of the changes were technical in nature, designed to increase efficiency in handling the affairs of a corporation or intended to clarify existing provisions to make the code easier to interpret. This law will take effect July 1, 1990. Additional legislation enacted in the area of corporate regulation will permit a corporate director to consider several factors in the discharge of his duties intended to provide Florida corporations with a tool to protect shareholders from abusive takeover tactics.

A comprehensive statute relating to secondhand sales, secondhand dealers and secondary metals recyclers was enacted during Special Session "B". This legislation requires secondhand dealers and secondary metals recyclers to maintain comprehensive records of purchases of secondhand property and secondary metals for specified time periods. Registration with the Department of Revenue is required for secondhand dealers and secondary metals recyclers.

In the area of unemployment compensation, the short-time compensation program, scheduled to expire December 31, 1989, was reenacted indefinitely. This program was designed to provide short-term compensation for employees who are required temporarily to scale back their number of hours.

Legislation containing recommendations of the Department merce concerned financial institutions, corporate regulation, of the Lottery to reduce expenses and to increase their operating efficiency was enacted, including a change in the definition of the basis for calculating the amount of funds to be returned to the public in the form of prizes and to be transferred to the Educational Enhancement Trust Fund.

> Other commercial areas addressed by the 1989 Legislature include: redefining the term "business opportunity" for the purposes of the Sale of Business Opportunity Act; permitting parties to certain contracts to agree that the laws of Florida will govern the contract; requiring certain credit agreements to be in writing before an action can be maintained by a debtor; increasing the service fees that may be charged for dishonored checks; and changing the location of filing for perfecting an interest in farm equipment used as collateral.

# **Aftermarket Crash Parts**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1414 (CHAP-TER 89-241) creates the Aftermarket Crash Parts Act and concerns the type of nonmechanical sheet metal or plastic parts to be used by an auto body shop for repair or replacement on a motor vehicle as proposed by a required insurance estimate. This law requires disclosure by insurers as well as repair facilities to consumers of any intended use of nonmechanical parts, defined as aftermarket crash parts, that are nonoriginal manufacturer equipment. This disclosure statement must make clear to the vehicle owner that such nonoriginal manufacturer equipment is warranted by the actual manufacturer rather than the original vehicle manufacturer.

Any insurer in violation of this act is subject to the provisions of the Unfair Insurance Trade Practices Act, Chapter 626, F.S., and any repair facility in violation of this act is subject to the provisions of the Florida Deceptive and Unfair Trade Practices Act, Chapter 501, F.S.

# **Business Opportunities**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 558 (CHAP-TER 89-193) amends Section 559.801, F.S., to redefine the term "business opportunity" for the purposes of the Sale of Business Opportunities Act to include the sale or lease of any products, equipment, supplies or services sold to a purchaser to start a business for which the purchaser is required to pay the seller an initial required fee which exceeds \$500. Section 559.805, F.S., is amended to require, rather than permit, persons receiving advertising of a business opportunity to record the advertisement identification number so that the advertising media may verify the authenticity of the registration. These changes are effective October 1, 1989.

^{*}Prepared by Senate Commerce Committee

# Contracts

COMMITTEE SUBSTITUTE FOR SENATE BILL 109 (CHAP-TER 89-135) relates to contracts involving the equivalent of \$250,000, excepting those for employment, personal purposes, involving certain sections of the Uniform Commercial Code (UCC), or which relate to deposits in or extensions of credit by financial institutions located in Florida. In addition, the act excludes contracts in which the concerned parties do allow the state to adjudicate a future contractual dispute.

Taking into consideration the above-mentioned exceptions, the law permits parties to any such contract to agree that the laws of Florida will govern the contract. If parties have chosen Florida law, they may additionally agree to submit to the jurisdiction of Florida courts which will enforce such a choice of forum to the limits permitted by the U.S. Constitution. The application of the act is limited to contracts "arising out of a transaction involving" at least \$250,000.

#### Corporations

COMMITTEE SUBSTITUTE FOR SENATE BILL 851 (CHAP-TER 89-154) revises the Florida General Corporation Act, Chapter 607, F.S. [The revision is based on the Revised Model Business Corporation Act which was adopted by the American Bar Association in 1984. Some substantive changes are made, but the majority of the changes are either technical in nature to increase efficiency in handling the affairs of a corporation or intended to clarify existing provisions to make the notes as consideration for shares. [Currently, the Corporation code easier to use and interpret.] This new code will become law July 1, 1990. Among the primary revisions made by this act are the following:

Section 1 adjusts the short title provision to provide a better indication that this act is applicable to business corporations rather than nonbusiness types of corporations.

Section 3 deletes the requirement of notarization for filings. This section of the act also requires typewritten documents for filing with the Department of State.

Section 4 provides the Department the opportunity to require forms for an application for certificate of status, a foreign corporation's application for certificate of authority, a foreign corporation's application for certificate of withdrawal and an annual report. The Department may request that other forms be used, but it may only require the four listed above.

Section 5 revises the fee requirements as recommended by the Department to reflect the charges necessary to cover the costs of processing the specific documents or requests.

Section 6 brings the filing requirements together in one place in the code.

Section 7 creates a provision for correcting documents already filed.

Section 8 specifies the filing duties of the Department.

Section 9 provides for administrative remedies in addition to the review process in circuit court already provided for appeal from the Department's refusal to file a document.

Section 11 provides a procedure for obtaining a certificate from the Department declaring that a corporation is either in existence or authorized to transact business in Florida.

Section 12 makes it a criminal offense to sign a false document. [This is also available in Section 817.155, F.S.] Additionally, a person who has detrimentally relied on a false document where the person signing knew it was false has been provided with a civil remedy offering direct relief.

Section 14 adds certain definitions to reflect usage of terms not have enough presence in the state (minimum contacts) to under modern law. Some definitions have been deleted as they have become obsolete.

Section 15 expands the notice provisions to include other circumstances requiring notice in addition to notice for shareholders' and directors' meetings.

Section 19 limits any action concerning liability for preincorporation transactions to those persons who did not have actual knowledge that there was no incorporation.

Sections 22 and 25 create provisions for emergency bylaws as well as emergency powers.

Section 31 expands the provision for resignation of a registered agent.

Section 35 eliminates the concept of treasury shares and instead treats such shares simply as authorized but unissued shares.

Section 38 eliminates the concepts of par value, stated capital and capital surplus. Those corporations desiring to continue the use of par value may provide for this in the articles of incorporation.

Section 38 additionally provides for the use of promissory Code is unclear on this point, and if there has been a desire to prohibit the use of promissory notes as consideration for shares, it has been left unstated and corporations have found alternatives to accept this form of consideration. Provision has been made to permit the issuance of shares in exchange for a promise to render services in the future. This may presently be accomplished indirectly.]

Section 40 makes a clear distinction between a share dividend and cash or property dividends. The purpose of these changes is to clarify and simplify the requirements and purpose of these different forms of dividends.

Section 41 provides some clarification concerning stock options or rights for directors, officers and employees.

Section 43 provides for the use of shares without certificates. Provision has already been made for the issuance, registration and transfer of uncertificated shares under the Uniform Commercial Code.

Section 44 revises the restrictions on transfer of shares to provide that restraints may be included in the articles, bylaws or shareholder agreements.

Section 46 expands current Florida law concerning preemptive rights by providing a broad list of rules that are applicable where the articles of incorporation are silent. These rules are intended as guidelines.

Section 47 revises current law concerning a corporation's acquisition of its own shares by providing for all forms of repurchase, including nonredeemable shares, rather than just

the redemption or purchase of redeemable shares. The elimination of the concept of treasury shares is also included in this section, and such shares are simply treated as authorized but Such requirements must be included in the articles of incorpounissued shares. An exception is made concerning the elimination of treasury shares for those shares in existence on June 30, 1990, in order that such shares held by corporations listed on the New York Stock Exchange may continue to be proper purpose to inspect a list of those shareholders and the considered outstanding for listing purposes. Additionally, present law is clarified to provide that shares reacquired maintain any class designation but become undesignated as to series.

Section 48 provides for regulation of all distributions. A distribution may include a purchase or redemption of shares and other seemingly indirect transfers. Additionally, this section establishes dates necessary to determine whether a director may have liability subject to subsequent claims by creditors and other claimants. This section also provides that shareholders may be considered to be in parity with general creditors with respect to indebtedness issued to such shareholders where the distribution made in the form of a debt instrument was made legitimately and pursuant to this section.

Section 49 adds a provision to the current law stating that failure to hold an annual meeting in the time required by the corporation's bylaws or this act does not invalidate any corporate action or cause a forfeiture or dissolution of the corporation.

Section 51 provides for court-ordered shareholders' meetings and includes an enumeration of court powers.

Section 53 creates a provision stating that the purpose or purposes of an annual meeting need not be included in the notice of such meeting unless required by this act or the articles of incorporation.

Section 55 eliminates the provision requiring the record date be set a minimum of 10 days prior to the meeting. The maximum time for the record date is changed from 60 to 70 days before the meeting.

Section 56 eliminates the provision under current law for damages to shareholders where an officer of the corporation fails to produce a list of shareholders. A shareholder may, however, apply to a court to force compliance and postpone the meeting. This section makes clear that its scope is limited to a request by a shareholder of the list of shareholders for the meeting and that such a request cannot be the basis for invalidation of action taken during the meeting.

Section 57 changes current law by permitting a corporation acting in a fiduciary capacity to vote its own shares. This section also eliminates the current provision relating to the voting rights of shareholders whose shares are pledged.

Section 59 creates a procedure that permits a corporation to recognize the beneficial owner of shares as the shareholder. The recognition may be limited.

Section 61 creates a new voting provision requiring that abstentions not be counted rather than counted as negative votes to more accurately reflect shareholders' positions.

Section 62 creates a provision concerning quorum and voting requirements for class voting through voting groups.

Section 63 revises current law to provide for lesser as well as greater guorum or voting requirements for shareholders. ration.

Section 64 adds a provision for plurality voting for directors.

Section 65 modifies a shareholder's right by requiring a number of shares owned in any voting trust. Disclosure requirements concerning identity of members of the voting trust and their respective shares participating in the voting trust have been included in this section to eliminate the possibility of creating secret combinations of shareholders through voting trusts for the purpose of acquiring control of a corporation.

Section 67 adds a provision permitting a court to dismiss a derivative proceeding where the good faith of the group bringing the suit cannot be shown. In addition, this code revision requires a shareholder to make a demand on the board of directors before bringing a derivative action. For the purpose of bringing such an action, the shareholder must be able to establish that the demand was refused or ignored.

Section 71 creates a provision for election of directors by voting groups.

Section 73 changes the provision for staggered terms for directors by providing that directors may be divided into three classes rather than four. [This brings the Florida provision in line with the New York Stock Exchange rule that permits listing for stock of those corporations whose board is divided into three or less classes.]

Sections 74 and 76 create procedures for resignation of directors and the replacement of the resigned director either by the remaining directors or the shareholders.

Section 82 provides that the articles of incorporation may authorize a guorum of the board of directors to consist of onethird of the directors.

Section 83 removes the limits imposed on committees of the board of directors concerning the power to designate candidates for the office of director.

Section 84 adds a provision, effective June 27, 1989, to the existing duties of a director to permit a director, in the discharge of his duties, to consider social, economic, legal or other effects of any action on employees, suppliers, customers, the communities and society, and the economy of the state and the nation in making corporate decisions.

Section 88 adds a 2-year limitation for proceedings against directors for liability for unlawful distributions.

Section 89 simplifies the requirements for certain officers by providing that a corporation must have those officers required by the bylaws rather than specifying a president, secretary and treasurer as does the current law.

Section 91 adds a provision for resignation of officers.

Section 98 creates a provision allowing directors to make minor amendments without shareholder action where these amendments do not affect substantive rights of the shareholders.

Section 99 adds a provision permitting the board of directors to condition adoption of amendments to the articles of incorporation by the shareholders on any basis.

provide for a greater guorum or voting requirement and to provide that such an amendment in a bylaw may not be amended or repealed by the board of directors. Such an amendment mail rather than formal service for certain circumstances such must be by a vote meeting that greater requirement.

Section 109 no longer recognizes consolidations as they are generally thought to be obsolete. The new provisions have been drafted to provide for mergers and share exchanges. Under these new provisions, the effective date may be set for any time after the filing of the articles of merger. Additionally, it is no longer required that changes in the articles of incorporation of the surviving corporation be set forth in the plan of merger.

Section 112 provides for a short-form merger without a shareholder vote where the "acquiring" corporation owns at least 80 percent of the outstanding shares of the corporation to be acquired. Current law permits this for a corporation owning at least 90 percent. This form of merger is permitted for a subsidiary merging into a parent corporation, a parent merging into a subsidiary or a subsidiary merging into another subsidiary.

Section 116 creates a provision permitting the sale, lease or exchange of all or substantially all of a corporation's assets without shareholder approval if the transaction is in the usual and regular course of business.

Sections 119 and 120 represent some changes regarding those corporate actions giving rise to dissenters' rights for shareholders. Efforts have been made to increase some of the existing rights given to dissenting shareholders.

Section 121 expands the provision for dissolution of a corporation by incorporators or directors by providing that dissolution may be permitted without shareholder action before commencement of business or before issuance of shares.

Sections 123, 128, and 134 change existing law with regard to dissolution of a corporation by providing that the articles of dissolution may be filed at the beginning of the "winding-up" process rather than at the end.

Section 124 changes current law concerning revocation of dissolution by permitting filing of articles of revocation of dissolution after filing of articles of dissolution. Additionally, the revision permits an authorization of dissolution to provide that revocation may be effected by action of the board alone.

Section 125 changes existing law by providing that directors, officers and agents of voluntarily dissolved corporations will not incur personal liability based on their status with a dissolved corporation as distinguished from a nondissolved corporation.

Section 126 revises current law with respect to claims of creditors against a dissolved corporation. A procedure has been adopted to permit shareholders to benefit from a 3-year statute of limitations where the prescribed notice is given to known creditors.

Section 127 provides for administrative dissolution when the stated period of duration of a corporation expires.

Section 128 provides for additional requirements in an administrative dissolution by requiring that the grounds for dissolution be set forth in both the original notice and the dissolu-

Section 107 permits shareholders to amend the bylaws to tion certificate where it has only been required in the original notice in the past. A change in procedure has been made to permit commencement of administrative dissolution to be by as failure to file an annual report or maintain a registered agent or office.

Section 130 creates a provision to allow a corporation to appeal a denial of reinstatement.

Section 131 changes the provision for grounds for judicial dissolution from the current law to limit the state's powers to grounds that relate to compliance with and nonabuse of the fundamental aspects of corporate existence.

Section 136 adds a provision requiring a foreign corporation to obtain a certificate of authority prior to doing business in Florida.

Section 143 revises the procedure for changing a registered agent or office of a foreign corporation by requiring filing of a statement of change with the Department of State.

Section 147 imposes a 30-day limit on a foreign corporation operating without a registered agent or office where there has previously been no time limit.

Section 150 requires that a corporation keep certain records of corporate action and only maintain (as opposed to storing over time) accounting records.

Section 151 provides that a corporation may impose reasonable costs for copying on a requesting shareholder with respect to the exercise of inspection rights. This section provides an absolute right for all shareholders to inspect and copy those records deemed basic to a person's status as a shareholder.

Section 154 requires a corporation to prepare a statement of cash-flows in addition to a balance sheet and income statement.

Section 155 requires a corporation issuing or authorizing the issuance of shares for future services to report this in writing to shareholders including the number of shares and the consideration for those shares.

Section 156 modifies the requirements for providing the Department of State with an annual report by requiring that the information be current on the date the report is executed rather than December 31 preceding the filing.

HOUSE BILL 1440 (CHAPTER 89-106) amends Section 607.111, F.S., by adding a provision permitting a corporation director, in the discharge of his duties, to consider the following factors, if deemed relevant by the director: the long-term prospects and interest of the corporation and its shareholders; the social, economic, legal, or other effects of any action on the employees, suppliers, or customers of the corporation or its subsidiaries; the communities and society in which the corporation or its subsidiaries operate; and the economy of the state and the nation.

This act also creates Section 607.058, F.S., to permit a corporation to include restrictions or conditions in stock rights and options limiting or precluding the exercise, transfer, receipt or holding of rights. The restrictions or conditions may provide for invalidation or voiding of such rights or options.

tool to protect shareholders from abusive takeover tactics.]

# **Credit Agreements**

or may not maintain an action on a credit agreement unless the agreement: is in writing; expresses consideration; sets forth the relevant terms and conditions; and is signed by the creditor and the debtor.

Certain activities between creditors and debtors are specified within the law which require a written agreement before a claim can be made that a new credit agreement has been created. Finally, the act provides that a credit agreement may not be implied from the relationship, fiduciary or otherwise, of the creditor and debtor. These provisions are effective October 1, 1989.

# **Department of Commerce Foreign Offices**

SENATE BILL 429 (CHAPTER 89-150) reestablishes the provisions of Subsection 288.012(2), F.S. Section 288.012, F.S., exempts the Department from certain requirements relating to establishing, operating and managing the Department's foreign offices. This legislation also clarifies the nature of the foreign offices' exemption by updating certain antiquated cross-references within Subsection 288.012(2), F.S. Finally, Section 288.012, F.S., is repealed on October 1, 1999, and a review by the legislature is mandated prior to the date of repeal.

# **Dishonored Checks/Service Fees**

HOUSE BILL 483 (CHAPTER 89-303) generally increases the service fee that may be charged by the payee to the maker/drawer of a dishonored check (or similar type instrument) from \$10 to \$15. Additionally, the form of the written demand which is required to be delivered to the maker of a dishonored instrument when seeking recovery is amended to increase the amount of the service.

New language is added to Section 68.065, F.S., to permit a subsequent person receiving a check, draft or order from the original payee or a successor endorsee to utilize the same rights that the original payee has against the drafter of the dishonored instrument. However, the subsequent person must provide the drafter of the dishonored instrument with notice in substantially similar form as required by the original payee. The subsequent person is immune from civil liability arising from providing such notice. Furthermore, the maker of the dishonored instrument has the same defenses against the subsequent person as against the original payee. Finally, the remedies available pursuant to these provisions are limited to only one party in interest.

the service fee which the holder of a dishonored check may ment tax of up to 1 percent to pay the debt service on bonds charge the maker or drawer. The fee is increased from \$10 to issued to finance the construction, reconstruction or renova-\$15. Further, the act amends the provision relating to the writ-tion of a professional sports franchise facility. The adoption of ten notice of potential criminal liability to reflect the \$5 in- this tax is exempted from the ordinance and referendum recrease in the service fee. Subsequent persons receiving a quirements of Subsections 125.0104(4) and (6), F.S. A majori-

[The purpose of this is to provide Florida corporations with a check, draft or order from the original payee or successor endorsee are provided the same rights as in the civil proceedings described above.

Section 125.0105, F.S., is amended to increase the amount HOUSE BILL 878 (CHAPTER 89-130) provides that a debt- of the service fee which the governing body of a county may charge for the collection of a dishonored check, draft or other order. The fee is increased from \$10 to \$15 and the maximum fee of \$25 is removed.

Section 166.251, F.S., is amended to increase the amount of the service fee which the governing body of a municipality may charge for the collection of a dishonored check, draft or other order. The fee is again increased from \$10 to \$15 with the maximum fee of \$25 being removed.

The act also provides for a person who is injured by a violation of Sections 812.012-812.037, F.S., to have a cause of action for a minimum of \$200 or three times the actual damages sustained. In any such action, the person claiming injury is required to make a written demand for \$200 or the treble damage amount to the person liable for damages. The person making the demand must give a written release from further civil liability to the person liable for the damages if the latter complies with the demand. Lastly, the act provides that such damages may be recovered from the parents or legal guardian of any unemancipated minor who lives with his parents or his legal guardian and who is liable for damages.

# **Disposition of Dead Bodies**

SENATE BILL 156 (CHAPTER 89-8) amends the repeal dates for Chapters 470 and 497, F.S., relating to funeral directing, embalming, and direct disposition of bodies as well as regulation of cemeteries, to provide for repeal or expiration on October 1, 1993. These chapters had been scheduled for repeal on October 1, 1990. The provisions of these chapters are subject to review pursuant to Sunset review (Section 11.61, F.S.,) in advance of the repeal date.

# **Economic Development**

SENATE BILL 81 (CHAPTER 89-217) continues the existing provisions of Subsection 288.075(2), F.S., which provide for a 24-month exemption from the Public Records Act and Public Meetings Law for documents of business entities provided to or developed by the Department. [Typically, these documents include sales or service forecasts, product and marketing research, credit reports, project and prospect files, correspondence, industrial recruitment prospect files, project reports and data entry logs and manuals. This confidentiality is necessary to encourage business entities to cooperate with the Department in planning business growth and expansion in Florida.]

This act also amends Subsection 125.0104(3), F.S., 1988 Section 832.07, F.S., is amended to increase the amount of Supplement, to allow a county to impose a tourist developpose the additional tax.

Section 288.1162, F.S., 1988 Supplement, is amended to provide that a county which imposes a tax under the authority for-profit corporation. In either case the IDB would be subject of Paragraph 125.0104(3)(1), F.S., is exempted from the provi- to the limitations of stock ownership contained within Section sions of Sections 288.1162 through 288.1167, F.S., which re- 663.313, F.S. Language is also added to clarify that an IDB late to state funding through direct aid to local government can promote development in a foreign country by providing professional sports franchise facilities. This act has an effec- funding to a foreign country or by financing import-export tive date of October 1, 1989.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1679 (CHAP-290, F.S. Chapter 288, F.S., relates to commercial development and capital improvements while Chapter 290, F.S., concerns urban redevelopment.

The act amends the requirements for the administration of the economic development transportation fund found within Section 288.063, F.S. Provisions are included to insure that grant recipients comply with contractural requirements and that funds are used as intended. Procedures for the distribution of funds are also amended and additional criteria are provided for consideration in selecting projects for funding. More specifically, the number of full-time permanent jobs to be created by any related transportation construction project must now be included in the applicable construction contract and the Division of Economic Development of the Department of Commerce must institute procedures to insure that small and minority businesses have equal access to funding concerning such transportation construction projects. The Division must also insure that any local government receiving funds under the provisions of Section 288.063, F.S., have a financial audit performed by an independent certified public accountant.

The legislation changes the submittal date for the Black Business Investment Board's report to March 31 of each year. In addition, the act authorizes the Board to utilize funds in the Black Contractors Bond Trust Fund to invest in a private entity to handle all or part of a black contractor's bonding program and/or credit program.

The act also permits a local government to request an amendment to its enterprise zone boundaries. [Zones are deteriorated areas in which specific development incentives are available.] In addition, language is deleted to permit a local government to change such enterprise zone boundaries more than once. Requests approved by the Department of Community Affairs shall take effect January 1, 1990. Furthermore, the Auditor General's evaluation of the program is delayed from 1990 to 1993.

Finally, Section 290.036, F.S., is amended to permit community development corporations to receive administrative grants for up to seven consecutive years. In addition, the Joint Committee on Community Development Corporations is reauthorized for an additional year.

# **Financial Institutions**

COMMITTEE SUBSTITUTE FOR SENATE BILL 113 (CHAP-TER 89–110) amends Section 663.301, F.S., which contains definitions relating to International Development Banks (IDBs).

ty vote of the governing board of the county is required to im- The definition of an IDB is changed to allow it to be organized either under Chapter 617, F.S., as a nonprofit corporation as is presently allowed, or pursuant to Chapter 607, F.S., as a transactions.

The act also creates and defines the term "regional develop-TER 89-352) generally amends portions of Chapters 288 and ment bank." A regional development bank is defined as a forprofit banking institution which:

 is listed in the International Monetary Fund's Directory of Regional Economic Organizations and Intergovernmental Commodity and Development Organizations;

is afforded special privileges under the laws of the jurisdiction in which it is organized;

3) has the purpose of extending credit for international development purposes; and

has greater than 50 percent of its voting shares owned by government financial institutions from five or more foreign countries and financing affiliates of the International Bank for Reconstruction and Development or satisfies other ownership requirements as the Department of Banking and Finance may establish by rule. However, in making such rules the Department must take into account the objective of insuring multinational control of IDBs.

The act generally differentiates between the requirements for the newly created for-profit IDB and the presently existing not-for-profit IDB. Primary differences between the two types of institutions relate to paid-in capital amounts, reserve requirements, stock ownership and lending limits.

Finally, the act amends subsections (4) and (7) of Section 34 of Chapter 88-201, Laws of Florida, relating to the International Banking and Trade Study Commission. The legislation extends the life of the Commission from June 30, 1990, to June 30, 1991, and requires that subsequent reports be submitted to the Governor, the President of the Senate and the Speaker of the House of Representatives. This act becomes effective on October 1, 1989.

COMMITTEE SUBSTITUTE FOR SENATE BILL 683 (CHAP-TER 89-229) amends numerous sections within Chapters 655, 658, 663 and 665, F.S., pertaining to banking institutions.

The act deletes the requirement that representatives of the Department of Banking and Finance, who exercise certain investigatory powers such as the issuance of subpoenas and the taking of testimony, be authorized to do so in writing.

The act expands the authority of the Department to conduct closed hearings for the removal of the officers, directors, committee members or employees of a financial institution to include the removal of other persons "participating in the conduct of the affairs of the financial institution." A restriction upon the removal powers of the Department is loosened whereby it may no longer rely solely upon finding substantial loss or damage to the institution or serious injury to the depositors, members or shareholders. The act also enables the Department to issue cease and desist orders and to demand corrective action against those who are "participating in the conduct of the affairs of the financial institution."

Additionally, an emergency removal order becomes permanent, rather than for a period of up to 3 years as provided in current law, if the person is convicted or pleads guilty or pleads nolo contendere.

The maximum administrative fine that may be imposed by the department is raised from a maximum of \$1,000 to a maximum of \$1,000-per-day. Administrative fines may also be imagreements with the Department. All such funds collected will be deposited into the Department's trust fund.

access to records. Mutual associations are required to maintain certain records for inspection. The act declares the books and records of financial institutions to be confidential and limits access thereto to specified persons and under specified circumstances. Violation of these provisions constitutes a third-degree felony.

Minimum capital requirements for new banks are generally raised to \$4 million in counties contained in a metropolitan area or \$2 million in other counties. Trust companies may not operate with less than \$2 million. Currently, such banks and trust companies must have at least \$1 million in capital. In addition, the proposed capitalization must include paid-in capital which is not less than 50 percent of its capital accounts, paid-in surplus at least equal to 20 percent of their paid-in capital, and an undivided profits fund which is at least equal cent of its stated capital. to 5 percent of their paid-in capital.

The legislation requires a new state bank or trust company applicant to apply for federal approval and to file articles of incorporation with the Department within 3 months, rather than 6 months, of obtaining Departmental approval. In addition, the act requires a new bank or trust company applicant to complete their stock offering within 6 months after commencement of their corporate existence and also requires confirmation of compliance concerning any departmental conditions placed on the organization before its initial opening in imminent danger of being in an impaired condition. The Dedate

Department. Presently, branching is only allowed on a countywide basis. Clarification is also made mandating that a bank incorporated pursuant to Chapter 658, F.S., must have a main office located in the state. The act eliminates the requirement of publishing branch applications within the Florida Administrative Weekly. In addition, the act allows subsidiaries which are located in this state and are of the same bank-holding company, to accept deposits as agents for each other. Affiliates which are located within the state are also allowed to ac- of October 1, 1989. cept deposits as agents for each other.

and trust companies in provisions relating to approval of acguisitions of control. In addition, authority for acquiring an approved but unopened bank or trust company is eliminated. Finally, the legislation allows for formation of a bank-holding transactions known to involve currency of a value in excess company without the Department considering it a change of control under certain circumstances.

The act generally prohibits banks and trust companies from declaring dividends until they make provision for reasonably anticipated future losses and other assets. A bank is also prohibited from declaring a dividend if its income from the current year combined with the retained net income from the preceding 2 years is a loss or would cause its capital accounts to fall below specified minimum levels.

Pursuant to the act the Department is permitted to issue an emergency order authorizing a supervisory merger or acquisiposed for willful violations of the Florida Statutes or written tion of any bank or trust company which has capital accounts of less than 1 percent of its total assets, after adjustment for apparent losses. The stockholders of a failing bank or trust The act revises and clarifies the provisions relating to public company that is acquired by another bank or trust company, pursuant to departmental approval, cannot vote against the transaction. However, such stockholders are provided the same rights, except for voting against the transaction, as a dissenting stockholder would have.

Lending restrictions upon a bank or trust company with respect to the calculation of total liabilities of a borrower are clarified by including loans endorsed or guaranteed by that person. Additionally, all loan documentation must be in English or must contain an English translation of foreign language provisions.

A new state association will be required to have stated capital equal to at least 50 percent of its total capital, a paid-in surplus in an amount that is not less than 20 percent of its stated capital, and an undivided profits fund of at least 5 per-

The act authorizes savings associations to issue stock in exchange for assets other than cash if independently appraised by the Department and limits the authority of the Department to extend the delay in opening an association to 1 year from the date of the association's corporate existence.

Pursuant to the act's provisions, the Department is provided with supervisory powers over state and federal associations. An association is subject to such supervisory authority if the association is found to be in an impaired condition or is partment is generally allowed to convert or reorganize such Statewide branching is authorized with the approval of the an impaired institution. In addition, the Department is allowed to appoint a receiver or liquidator at the discretion of the Department under specified circumstances. The procedure, effect of appointment, power and duties of the receiver and liguidator, as well as expenses and compensation of the receiver and liquidator are established.

Finally, the act requires financial institutions to report annually the nature of their investments in Northern Ireland to the Board of Administration. The legislation has an effective date

COMMITTEE SUBSTITUTE FOR HOUSE BILL 895 (CHAP-The act deletes reference to approved but unopened banks TER 89–319) revises the current money laundering provisions of Section 655.50, F.S., by creating the Florida Control of Money Laundering in Financial Institutions Act.

The act requires all financial institutions to keep a record of of \$10,000 or that involve the proceeds of a specified unlawful activity. Additionally, the act allows financial institutions to re-

port transactions under \$10.000, without liability to the instituthat the transaction involves proceeds of a specified unlawful activity.

The Department of Banking and Finance and financial institutions must retain copies of Currency Transaction Reports (CTRs) for 5 years. If such reports are the subject of a criminal investigation, then the reports are required to be held for 10 years. Exemptions from the reporting requirements are also required to be held for 5 or 10 years in the case of a criminal investigation.

The act increases the criminal penalty for a willful violation of the reporting requirement from a second-degree misdemeanor to a first-degree misdemeanor. Additionally, the penalty is increased from a third-degree to a second-degree felony for a pattern of illegal activity exceeding \$100,000 in any 12-month period. The act also allows for the imposition of greater fines in lieu of those authorized by Section 775.083, F.S. The fines proposed are comparable to federal fines levied for violation of federal currency transaction requirements. Furthermore, a person who willfully violates this section is also liable for a civil penalty of not more than either the value of the property involved or \$10,000.

Finally, the legislation creates a Currency Transaction Report Advisory Council to study the administration and funding of programs established by Section 655.50, F.S. The Council's primary purpose will be to make recommendations concerning the establishment of a stable and equitable funding source for the administration of the CTR program. These provisions become effective October 1, 1989.

HOUSE BILL 672 (CHAPTER 89–36) provides civil immunity to a financial institution and certain others who provide false employment information about employees regarding a known or suspected violation of state or federal law or regulation. However, if the person providing the false information does so knowing that the information is false or provides it with reckless disregard for the truth, then the civil immunity is removed. [Thus, the act creates a defense to a libel or slander action brought by the employee against the financial institution employer and certain others.]

# **Guide Dogs/Funds Solicitation**

SENATE BILL 13 (CHAPTER 89-6) amends Section 413.069, F.S., to exempt Southeastern Guide Dogs, Incorporated, from the provisions of Sections 413.061-413.068, F.S., permitting the solicitation of funds for the blind without obtaining and displaying a permit from the Division of Blind Services in the Florida Department of Education.

# Lottery

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1317 (CHAPTER 89-208) contains recommendations of the Department of the Lottery for changes to current law to reduce expenses and to increase their operating efficiency. Various areas are addressed in the act.

The definition of "major procurement" is revised to exclude tion, officers or employees for damages, if there is suspicion contracts for goods and services relating to marketing and promotion under \$25,000; thus, requirements such as providing performance bonds and passing full financial and security investigations do not apply except where the Department believes such requirements are needed for financial security. However, the requirements for major procurement contracts exceeding \$25,000 remain in effect.

> The act permits retention of a working capital reserve fund of \$25 million. Moreover, the act also includes a change in the definition of the basis for calculating the amount of funds to be returned to the public in the form of prizes and to be transferred to the Educational Enhancement Trust Fund. In addition, the legislation authorizes the State Board of Administration (SBA) to invest lottery proceeds earmarked for deferred prize payments. The State Treasury previously handled such investments.

> Other areas in the act pertain to requiring affidavits for purposes of investigations or proceedings, allowing a non-CPA to witness the drawings, clarifying the use of "Florida Lottery," permitting the sale of lottery tickets by retailers located along the Florida Turnpike and providing a criminal penalty for impersonating lottery special agents or lottery investigators.

# Mortgage Brokerage

COMMITTEE SUBSTITUTE FOR SENATE BILL 1285 (CHAP-TER 89-237) makes a number of substantive changes to Chapter 494, F.S. The act deletes the word "make(s)," and thus the concept of a mortgage broker making mortgage loans from the definition of mortgage broker. [A mortgage broker would presumably be required to obtain a mortgage brokerage business registration before being able to make a mortgage loan.] Furthermore, the act creates the term "Certified Registrant," which is a certified mortgage brokerage business.

The legislation amends Section 494.03, F.S., to expand the exemptions from the Mortgage Brokerage Act. In addition, employees of certified registrants are exempted from the licensing requirements of Section 494.037, F.S., when acting within the scope of employment. However, the age restrictions of being at least 18 years of age are maintained. Finally, certified registrants are exempted from the provisions requiring the designation of a principal mortgage broker or an associate broker in a branch office.

The act creates Section 494.036, F.S., which sets forth the criteria regarding certified registrants. A certified registrant must document a bona fide minimum net worth of \$250,000 which shall be calculated in accordance with the rules promulgated by the Department of Banking and Finance. The minimum net worth of \$250,000 must be continually maintained by the certified registrant.

The act also requires a \$25,000 minimum net worth requirement for a mortgage brokerage business seeking an initial registration from the Department and provides that a mortgage broker may not receive a mortgage brokerage fee directly from a borrower unless it is pursuant to a separate written agreement between the licensed person and the borrower. Such mortgage brokerage fee may only be paid to an employing mortgage brokerage registrant or a self-employed broker. a fixed location, is engaged in the business of gathering or obinto a written mortgage brokerage agreement, such agreement must provide the borrower with a good faith estimate of the settlement cost expected to be paid by the borrower. Finally, the type of disclosures required by departmental rule and by the federal Real Estate Settlement Procedures Act (12 USC 2601 et seq., 1982) will be deemed to comply with Subsection 494.08(5), F.S.

## **Reenacted Councils**

HOUSE BILL 1417 (CHAPTER 89-2) revives and readopts the Florida Fiscal Accounting Management Information System Council (FFAMIS Council) pursuant to the Sundown Act such minutes be available to interested parties; and (2) mandating that at least one meeting be held per year. This legislation provides an effective date of October 1, 1989.

#### Secondhand Dealers/Secondary Metals Recyclers

SENATE BILL 16-B (CHAPTER 89-533) repeals provisions relating to pawnbrokers and precious metals dealers. The act creates a comprehensive statute relating to secondhand sales, secondhand dealers and secondary metal recyclers.

Secondhand goods generally means personal property which is previously owned or used. However, the definition is limited to an extensive list of items which are included within Paragraph 538.03(1)(g), F.S. Secondhand dealers include pawnbrokers, jewelers, precious metal dealers, certain garage sale operators, secondhand stores and consignment shops. Charitable organizations, nonprofit organizations, religious organizations and certain legal actions and job-related functions are excluded from the definition.

The act requires secondhand dealers to maintain records of all purchases of secondhand property and such dealers must also deliver these records to local law enforcement within 24 hours of acquisition.

The law provides that the premises and required records of each secondhand dealer are subject to inspection during regular business hours by an appropriate local law enforcement agency. Failure to allow the appropriate local law enforcement officer to inspect the records or failure to maintain records is a misdemeanor of the first degree.

The act also prohibits a secondhand dealer from knowingly making a transaction with a person under the influence of drugs or alcohol, a person under 18 years old, or a person using a name other than his own. The permissible hours of operation of secondhand stores are from 8:01 a.m. to 9:59 p.m. In addition, a secondhand dealer would be prohibited from conducting any transaction from a drive-through window or similar device. Finally, the Department of Revenue may suspend or revoke a registration for violation of this chapter, as well as for failure to pay applicable sales tax.

Part II of the act concerns secondary metals recyclers. A secondary metals recycler is defined as a person who, from In addition, where a mortgage broker or a registrant enters taining "used" ferrous or nonferrous metals or has the facilities for performing the manufacturing process by which these metals are converted into raw materials. Definitions for ferrous and nonferrous metals are provided within the act.

> A secondary metals recycler is required to maintain a legible record of all of his purchase transactions for 5 years. However, a transaction record is unnecessary when the recycler is purchasing from the following: charitable, nonprofit and civic organizations; a law enforcement officer acting in an official capacity; a trustee in bankruptcy; a court sale; or other vendor that generates regulated materials in the ordinary course of business.

In addition, the property and records of the recycler are sub-(Section 11.611, F.S.). The other substantive changes include: ject to inspection by a law enforcement officer during custom-(1) requiring that the minutes of meetings be taken and that ary business hours and recourse procedures are provided for recovery of stolen property from both secondary metals recyclers and from secondhand dealers.

Secondary metals recyclers and secondhand dealers are required to register with the Department of Revenue and both are subject to a civil fine up to \$10,000 for knowingly or intentionally violating any of the registration requirements. In addition to the fine, reasons for revocation of registration are provided.

Finally, the act prohibits the secondary metals recycler from purchasing a regulated metal from any location other than the registered place of business and also from making purchases between the hours of 9:00 p.m. to 6:00 a.m. An effective date of October 2, 1989, is provided.

## Sports Advisory Council/Direct-Support Organization

HOUSE BILL 579 (CHAPTER 89-263) permits the Department of Commerce to authorize a direct-support organization to assist the Sports Advisory Council in the promotion and development of professional sports and related industries. The direct-support organization will be governed by a board of directors consisting of seven members (Florida residents) appointed by the Governor. The act specifies that the directsupport organization is not granted any taxing power.

#### **Unemployment Compensation**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1514 (CHAP-TER 89-346) extends indefinitely the short-time compensation program which was created in 1984 and scheduled to expire December 31, 1989. [This program, codified at Subsection 443.111(6), F.S., is designed to provide short-term compensation for employees who are required to scale back their number of hours temporarily. It is used to offset some or all of the loss in income experienced by such employees. It may also be used to supplement the income of those employees scheduled to be laid off permanently who remain employed on a part-time basis for a given period to provide income while searching for alternative employment.]

Security. For participation, the program requires employers to ber 1, 1989. submit a plan to the Division stating, among other things, the identity of the workers involved, a reduction in weekly hours for the workers of between 10 and 40 percent, and that the program benefits will not serve as a subsidy for the pay of seasonal or truly part-time employees. Employers seeking to participate in this program are potentially liable for an additional 1 percent contribution for unemployment compensation for a potential maximum of 6.4 percent (the current maximum employer contribution for unemployment compensation without taking into account the short-time compensation program is 5.4 percent). These changes are effective October 1, 1989.

## **Uniform Commercial Code**

of filing, to perfect an interest in farm equipment used as collateral, from the appropriate clerk of the circuit court to the ofdue to the "all other cases" clause of Paragraph 679.401(1)(c), ber 1, 1989, to the Governor and Legislature.

The program is administered by the Division of Unemploy- F.S. The act also provides for an appropriation of \$83,341 from ment Compensation, Department of Labor and Employment the Corporations Trust Fund and for an effective date of Octo-

### Mechanics' Lien Law

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1120 (CHAP-TER 89-370) creates a 13-member Mechanics' Lien Law Study Commission to participate in an exhaustive review of the state's mechanics' lien laws.

Members of the Commission will not receive compensation but will receive per diem and travel expenses in accordance with Section 112.061, F.S. For the purpose of paying per diem and travel expenses of Commission members and authorized staff, \$50,000 has been appropriated.

The Commission is charged with the responsibility of reviewing the Mechanics' Lien Law and making recommenda-SENATE BILL 452 (CHAPTER 89-224) changes the location tions concerning, but not limited to: how to educate the public about the lien law, how to encourage or require notice of commencement be recorded, the effectiveness of notice requirefice of the Department of State. The act accomplishes this by ments, the scope of lender responsibility under the mechandeleting reference to the term "farm equipment" from Para- ics' lien law, and the scope of exemptions under the mechangraph 679.401(1)(a), F.S. This in turn results in farm equip- ics' lien law. Recommendations of the Commission must be ment financing statements being filed with the Department submitted in the form of a written report on or before Decem-

# **CONSERVATION AND NATURAL RESOURCES***

Florida's natural resources and environmental groups suc- Fishing and Hunting Regulations ceeded in the 1989 Regular Session in passing legislation through the Legislature that in recent years never cleared a committee. Examples of these measures were changes to various fees for hunting and fishing licenses and, most significantly, the passage of a new recreational saltwater fishing license. The new saltwater fishing license will provide funding for improved marine research, marine law enforcement, habitat enhancement, and other benefits for the marine fishery. Other significant legislation included measures to protect coastal resources by increasing the size of the Coastal Protection Trust Fund from \$25 to \$50 million to provide emergency financial resources to clean up coastal areas if a pollutant is discharged; prohibition of leases or permits for petroleum and gas exploration or production within Florida waters in an area south of Fort Myers on the west coast and south of Hobe Sound on the east coast; authorization for the Governor to enter into a Southern Atlantic and Gulf States Coastal Compact to coordinate marine and coastal environmental protection programs; expansion of environmental education programs and responsibilities among the Department of Education, Governor's Office, Department of Natural Resources and a newly created Advisory Council on Environmental Education within the Legislative Branch; creation of the Florida Community Trust Fund within the Department of Community Affairs to assist local governments in compiling and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans and in otherwise conserving natural resources and resolving land use conflicts; clarification of the boundaries of several aquatic preserves and provision for delegation to a local government responsibilities for supervision and enforcement of a management plan for aquatic preserves; improvements to the state's land acquisition and management processes, including authorization to use eminent domain authority to acquire properties on the priority list of the acquisition selection council; providing that violations of certain hazardous waste laws can be subject to the provisions in Florida's Racketeer Influenced and Corrupt Organization Act (RICO); establishing regulations for the release of 10 or more balloons inflated with a gas lighter than air to protect marine animals and wildlife; authorizing local governments to create stormwater utilities and adopt fees to fund programs to improve stormwater management; creation of an expedited permitting mechanism for a statewide hazardous waste facility and provide for combining all permits and approvals for the statewide facility in one certification proceeding; clarifying certain provisions in the Florida Petroleum Liability Insurance Program; establishing certain requirements for onsite sewage disposal systems in areas zoned or used for industrial or manufacturing purposes; and establishing requirements for the operation of jet skis.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILLS 9, 1 and 248 (CHAPTER 89-270) amends Section 370.01, F.S., 1988 Supplement, by adding a definition of "marine fish," meaning any saltwater species of finfish of the classes Agnatha, Chondrichthyes, and Osteichthyes, and marine invertebrates in the classes Gastropoda, Bivalvia, and Crustacea, or the phylum Echinodermata, but not including nonliving shells.

The act provides that no person may take, attempt to take, or possess any marine fish for noncommercial purposes nor may any person who is the owner, operator, or custodian of a fee-charging vessel operate such vessel or structure for such purpose, unless he has paid the fee for, and possesses, a license issued by the Department of Natural Resources (DNR). The law provides for a 1-year license for residents and nonresidents, a 10-day license for residents, and a 7-day license for nonresidents, valid from the date of issuance. The license must be in the personal possession of the person taking, attempting to take, or possessing marine fish, and must be exhibited to any authorized law enforcement officer. In the case of persons licensed to operate fee-charging vessels or structures, the license must be kept aboard the vessel or on the structure at all times.

License fees are as follows:

- 1) for a nonresident of the state, \$30 for an annual license and \$15 for a 7-day license;
- 2) for a resident of the state. \$12 for an annual license and \$10 for a 10-day license:
- 3) for the license of an operator of a vessel licensed to carry more than 10 customers wherein a fee is paid either directly or indirectly for the purpose of taking or attempting to take marine fish, \$800 per year. The license must be aboard the vessel at all times; and
- 4) for the license of an operator of a vessel licensed to carry no more than 10 customers, or for any person licensed to operate any vessel carrying 6 or less customers, wherein a fee is paid either directly or indirectly for the purpose of taking or attempting to take marine fish, \$400 per year; for any person licensed to operate any vessel carrying 6 or less customers but who operates
- a vessel carrying no more than 2 customers, wherein a fee is paid, for such purposes, the fee is \$200 per year. The license must be aboard the vessel at all times.

The following are exempt from licensing requirements:

- any person under 16 years of age; 1)
- any Florida resident fishing in saltwater from land or a 2) structure fixed to the land;
- 3) any person fishing from a vessel the operator of which is licensed pursuant to this act;

^{*}Prepared by Senate Natural Resources and Conservation Committee

- 4) cense issued in the name of an individual;
- 5) any person 65 years of age or older;
- any resident who is a member of the Armed Forces of and freshwater fishing license provisions: the United States, who is not stationed in this state. when fishing while home on leave for 30 days or less. upon submission of orders; and
- 7) any person who has been accepted by the Department of Health and Rehabilitative Services for developmental services.

Residents of the state certified as being totally and permanently disabled shall be issued a free license by the tax collector.

Saltwater fishing licenses are to be issued by tax collectors in accordance with procedures used in issuing other licenses and stamps. The legislation provides procedures for the transfer of remaining license fees through DNR to the Treasurer for deposit, and requirements to ensure accurate accounting of the total quantity and audit numbers of licenses consigned by DNR to the various county tax collectors.

The law requires those harvesting snook or crawfish from state waters to purchase a stamp for a fee of \$2 for each species. Revenues from stamp sales shall be used exclusively to support programs designed to benefit the snook and crawfish populations.

The act directs DNR to establish, by rule, a marine information system in conjunction with the licensing program, to gather marine fisheries data.

All license fees collected shall be deposited as follows:

- not more than 2.5 percent of the total fees collected 1) shall be deposited into the Marine Fisheries Commission Trust Fund and used to carry out the Commission's responsibilities and provide funds for the state's marine research institutions;
- not less than 2.5 percent of the total fees collected shall 2) be deposited in the Save Our State Environmental Education Trust Fund, created in the Department of Natural Resources, to be used for aquatic education purposes;
- the remainder of such fees shall be deposited into the 3) Marine Resources Conservation Trust Fund, created within DNR, and used for the following functions:
  - not more than 5 percent of the total fees collected, a) for administration of the licensing program and for information and education;
  - b) not more than 30 percent of the total fees collected, for law enforcement:
  - not less than 30 percent of the total fees collected. C) for fishery enhancement, including, but not limited to fishery statistics development, artificial reefs, and fish hatcheries; and
  - d) not less than 30 percent of the total fees collected, for marine research.

Provisions are made for the Legislature to continue to annually appropriate general revenue funds to DNR for the functions listed above at the same levels as for Fiscal Year 1988-89, and clarifies that amounts appropriated to DNR for such does not permit an existing fishing operation to change to a

any person who holds a valid saltwater products li-programs from the Marine Resources Conservation Trust Fund shall be in addition to general revenue funding.

The following increases and changes are made in hunting

- the fee for a resident freshwater fishing license is in-1) creased from \$7 to \$12;
- 2) the fee for a nonresident freshwater fishing license for 7 consecutive days is \$15. [The previous license was for 10 days with a fee of \$10];
- the fee for a nonresident freshwater fishing license is 3) increased from \$25 to \$30;
- 4) the fee for a resident combination freshwater fishing and hunting license is increased from \$17 to \$22;
- 5) the fee for a resident hunting license is \$11;
- 6) the fee for a nonresident hunting license is increased from \$50 to \$150;
- 7) the provision allowing identical annual hunting license fees for residents of contiguous states is deleted;
- 8) the fee for a nonresident hunting license for 10 consecutive days is \$25;
- for residents of contiguous states the fee for a hunting 9) license for 10 consecutive days is \$121 unless a reciprocal agreement is made between the resident's state and Florida:
- 10) the fee for a resident sportsman's license is increased from \$40 to \$66; and
- 11) the fee for a management area stamp is increased from \$10 to \$25.

The act takes effect January 1, 1990, except that appropriations provisions for DNR will come into effect on July 1, 1989, and the freshwater fishing and hunting license provisions will come into effect on October 1, 1989, or upon becoming law, whichever occurs later.

This law was amended by SENATE BILL 13-B (CHAPTER 89-532), discussed elsewhere in this article.

SENATE BILL 212 (CHAPTER 89-273) amends Section 370.102, F.S., to specify that state preemption of the power to regulate saltwater fishing does not prohibit a local government from prohibiting saltwater fishing from real property owned by the local government, for reasons of protecting the public health, safety, or welfare.

Subsection 125.01(4), F.S., 1988 Supplement, is also amended to clarify that the prohibition of a county's power to regulate the taking or possession of saltwater fish does not prohibit a county from prohibiting the act of saltwater fishing from real property owned by the county, for reasons of protecting the public health, safety, or welfare.

No recreational or commercial fishing operation shall be declared a public or private nuisance solely because of a change in ownership or a change in the character of the property in or around the locality of the operation. No local governing authority shall adopt any ordinance that declares any fishing operation to be a nuisance solely because it is a fishing operation, or any zoning ordinance that unreasonably forces the closure of any fishing operation. However, local government shall not be prevented from regulating fishing operations. This law larger operation with regard to emitting more noise or odor, effective date of October 1, 1989.

cedures Act, SENATE BILL 353 (CHAPTER 89-147) exempts from the definition of a rule any agency action having the effect of altering the established annual harvest limits for saltwater fishing if the procedure for altering such harvest limits is set out by rule of the Marine Fisheries Commission, provided such action is adequately noticed by publication or broadcast in the electronic media. [Because the Marine Fisheries Commission expects to close some commercial fisheries upon attainment of specified annual guotas, this legislation will permit the Commission to alter quotas as needed without lengthy rulemaking pursuant to Chapter 120, F.S.]

COMMITTEE SUBSTITUTE FOR SENATE BILL 585 (CHAP-TER 89–98) removes from the Florida Statutes provisions relating to marine fisheries which have been made ineffective through rulemaking by the Marine Fisheries Commission (MFC). [Chapter 83-134, Laws of Florida, created the MFC. The seven-member Commission has its members appointed by the Governor and confirmed by the Senate. The Commission is an adjunct body to the Department of Natural Resources.

The law creating the MFC declared the policy of the state to be management and preservation of its renewable marine fishery resources, based upon the best available information, emphasizing protection and enhancement of the marine and estuarine environment in such a manner as to provide for optimum sustained benefits and use to all the people of this state for present and future generations. Chapter 83-134, Laws of Florida, provided for a 3-year schedule to repeal specified general laws in Chapter 370, F.S., upon the adoption of appropriate rules.

ed a number of statewide rules governing marine fisheries management. In most instances, the stated intent of these rules, in addition to specifying measures to manage a particular marine species, is to repeal all or parts of similar provisions in Chapter 370, F.S. However, those portions of the Florida Statutes intended to be superseded by MFC's rules have yet to be repealed. This law removes these ineffective passages, which relate to redfish, bonefish, striped bass, king mackerel, stone crabs, grouper, queen conch, spearfishing, gill nets, snatch hooks, pompano, snook, Spanish mackerel, oysters, crawfish, sponges and shrimp.]

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1330 (CHAP-TER 89-250) requires all nets used by a nonresident to take finfish, except for cast nets and bait seines which are 100 feet or less in length and which have a mesh that is 3/8-inch or less in size, to be licensed under a saltwater products license. The law also clarifies that a noncommercial net registration May 1 of each year. In 1989, however, the issuance period may only be issued to Florida residents.

The threshold income requirements needed to gualify for a where such change violates local ordinances or regulations or restricted species endorsement on a saltwater products licreates a nuisance. Such fishing operations are not exempt cense are increased. Provisions requiring that 10 percent of from having to obtain appropriate permits for docks and other an applicant's earned income or \$2,500, whichever is less, be such facilities as otherwise required by law. This act has an attributable to the sale of saltwater products are changed to 25 percent or \$5,000, whichever is less. In addition, the re-For purposes of Chapter 120, F.S., the Administrative Pro- quirement that the income requirement be "earned" is deleted, and "income" is defined to mean "that income which is attributable to work, employment, pensions, entrepreneurship, retirement benefits, and social security benefits."

> The act also requires that any vessel from which commercial quantities of saltwater products are harvested must have a commercial vessel registration, and expands the definition of "commercial vessel" to include "any vessel pursuant to Section 370.06, F.S., from which commercial quantities of saltwater products are harvested."

Saltwater products license fees are increased as follows: . .

Current annual fee		New annual fee
Individual		
Resident	\$ 25	\$ 50
Nonresident	\$100	\$200
Alien	\$150	\$300
Issued to Boat		
Resident	\$ 50	\$100
Nonresident	\$200	\$400
Alien	\$300	\$600

The 1988-89 fee structure for saltwater products licenses shall apply to those 1989-90 saltwater products license applications submitted with fees and postmarked or received prior to July 1, 1989.

The commercial quantity threshold for species having no [Since its creation, the MFC has developed and had adopt- bag limit is changed from 250 to 100 pounds-per-personper-day.

Prior to this act, the revenues from the saltwater products licensing program have been equally distributed among the Marine Fisheries Commission, the DNR Division of Marine Resources, for research and statistics development, and the Division's marketing and extension services programs. The act provides that no more than 15 percent nor less than the amount received by the Commission in fiscal year 1987-88 to be distributed to the Marine Fisheries Commission; no more than 15 percent shall go to law enforcement; no more than 25 percent shall go to marketing and extension services; and the remainder, but no less than 45 percent shall go to the Division of Marine Resources, for use in marine research and statistics development, including quota management.

The law clarifies that the period of issuance of clam licenses in Brevard and Indian River counties is 61 days, beginning shall extend through July 31, 1989. Provision is made for a late fee of \$500 to be imposed on persons who fail to apply for \$500 may be imposed. Such action may be appealed to the clam licenses within the specified period of issuance. Except circuit court. An effective date of October 1, 1989, is provided. as otherwise provided, October 1, 1989, is the effective date of this act.

partment of Natural Resources to enforce actions against violators of rules and regulations regarding saltwater products dealers, licenses and reports. The Department is authorized to revoke, suspend, or deny the renewal of saltwater products licenses for violations of saltwater products regulations and reporting provisions. Penalties are provided for violations of saltwater fishing license by allowing owners or operators of these regulations.

products trip records is readopted. This act becomes effective October 1, 1989.

SENATE BILL 241 (CHAPTER 89-274) amends the "Senator Joe Carlucci Hunter Safety Act." This act provides that on or after June 1, 1991, persons born on or after June 1, 1975, are prohibited from hunting without having successfully completed a hunter safety course and without having a certification card. The Game and Fresh Water Fish Commission is directed to implement a statewide 12- to 16-hour hunter safety course to be offered in every county. An exemption is provided for a person hunting in his county of residence on his homestead or the homestead of his spouse or minor child and for any minor child hunting on the homestead of his or her parent. A hunter certification card from a wildlife agency of another state, or any Canadian province, obtained by successfully completing a hunter safety course approved by the Commission can barrel in order to maintain the Fund at \$50 million after paybe substituted for the Commission's certification card.

Persons required to complete a hunter safety course must carry the certification card when hunting wildlife with a firearm. In order to get a Florida hunting license, a valid hunter certification card must be presented to the issuing county tax collector. A hunting license will then serve as proof of completion of the hunter safety course.

HOUSE BILL 385 (CHAPTER 89-187) authorizes the Game and Fresh Water Fish Commission to enter into agreements to secure the private publication of public information materials containing advertisements. The Commission returns the lands and lands for beach access, and for environmental eduright to approve all elements of the advertisments and the publisher may bear the cost of production or may provide adright to place advertisements in the materials. This legislation takes effect on October 1, 1989.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 975 (CHAP-TER 89-59) decriminalizes the offenses of hunting, trapping, or fishing in fresh water without having purchased the appropriate license or stamp. Any person cited for taking game or freshwater fish without a license or stamp shall be charged with a noncriminal infraction and fined \$35 in addition to the amount of the license or stamp involved in the infraction, without the necessity of appearing in court. The act provides an opportunity for a hearing before the county court, if desired. deposited in the Internal Improvement Trust Fund, be deposit-If the infraction is proven in court, a civil penalty not exceeding ed instead in the Florida Area of Critical State Concern Resto-

SENATE BILL 13-B (CHAPTER 89-532) amends COMMIT-TEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SEN-HOUSE BILL 1643 (CHAPTER 89-213) authorizes the De- ATE BILLS 9, 1 and 248 (CHAPTER 89-270) to clarify the penalty provisions for persons who fail to have appropriate hunting, fishing, and trapping licenses and stamps. Any person who fails to pay the civil penalty specified or who fails to appear before the court is guilty of a misdemeanor of the second degree. Additionally, this law amended requirements for a structures fixed to the land wherein a fee is paid either directly An exemption from the public records requirements of or indirectly for the purpose of taking marine fish to purchase Chapter 119, F.S., providing for the confidentiality of saltwater a license for \$500 per year and then any person fishing from such structure would not need a saltwater fishing license. This law becomes effective October 1, 1989.

## **Coastal Protection**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILLS 481 and 314 (CHAPTER 89-175) amends Section 206.9935, F.S., to impose a tax on certain petroleum products and other specified pollutants. Revenues are deposited in the Coastal Protection Trust Fund and used to clean up coastal areas after a pollutant has been discharged. The legislation increases to \$50 million the balance required in the Coastal Protection Trust Fund before the tax is suspended; if the balance in the Fund falls to \$40 million or less, the tax is reimposed. In the event of a catastrophic discharge, the Governor and Cabinet may relevy the tax at 10-cents-perment of costs related to the discharge. If the Fund is unable to pay any proven claims against it at the end of the fiscal year, the tax will be reimposed at 5-cents-per-barrel until claims are paid and the Fund balance reaches \$20 million, when the tax again becomes 2-cents-per-barrel.

When the balance in the Coastal Protection Trust Fund is greater than \$30 million, the interest revenues of the Fund shall be used to pay the Department of Natural Resources' administrative costs in enforcing the "Pollutant Spill Prevention and Control Act," for the acquisition of coastal recreational cation.

After July 1, 1989, leases or permits for petroleum and gas ditional compensation to the Commission in exchange for the exploration or production are prohibited from being granted, sold, or executed, as well as construction of structures for such activities, on lands south of 26 degrees north latitude off the west coast of Florida and south of 27 degrees north latitude off the east coast of Florida, within Florida waters.

The Coastal Resources Interagency Management Committee is established to advise and assist in coastal zone protection and management.

Section 380.0558, F.S., is amended to require that damages recovered by or on behalf of the state for injury to coral reefs or natural resources of the state, which would otherwise be

ration Trust Fund. Section 253.04, F.S., is amended to autho- \$1,437,490 from the Florida Coastal Protection Trust Fund to rize the Department of Natural Resources to develop by rule a schedule for the assessment of civil penalties for the damage of coral reefs in state waters. The highest penalty shall not exceed \$1,000 per square meter of reef area damaged. Additional penalties, not to exceed \$250,000 per occurrence, may be assessed for aggravating circumstances.

Section 161.053, F.S., 1988 Supplement, is amended to extend DNR's deadline for reestablishing coastal construction control lines (CCCLs) not updated since June 30, 1980, until December 31, 1991, and Section 403.413, F.S., 1988 Supplement, is amended to include canals as specified water bodies into which litter may be not be dumped. Also, ports and marinas must provide receptacles of sufficient size and capacity to accommodate the litter generated by vessels using their facilities.

The Governor is authorized enter into a Southern Atlantic and Gulf States' Coastal Compact, on behalf of the state, with one or more of the following states: Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Texas. The Compact would serve to coordinate marine and coastal environmental protection programs. The text of the proposed compact is specified.

The law specifically provides for the appointment of Florida's members to the Southern Atlantic and Gulf States' Coastal Protection Commission. Such members include: the Secretary of the Department of Environmental Regulation, or his designee; a legislator appointed by the Governor; and a citizen appointed by the Governor. Members are appointed for 3-year terms, and members appointed by the Governor serve at his pleasure.

State agencies are to cooperate with and assist the Southern Atlantic and Gulf States' Coastal Protection Commission in implementing and conducting the programs pursuant to the Compact. Upon the request of the Commission, state agencies must provide the Commission with information, personnel and equipment.

The Governor must, as soon as practicable, appoint an advisory committee to assist Florida's members of the Commission.

The Spill Response Task Force is created to investigate and evaluate Florida's ability to respond to oil and hazardous material spills in coastal waters, determine the elements of a coordinated response plan, and prepare a report to the Legislature and Governor by February 1, 1990.

The Department of Natural Resources may authorize the construction of pilot projects using alternative coastal shoreline erosion control methods. The act provides criteria for the Department to consider in granting a permit, requires removal of structures and installations at the Department's request, and provides for a 3-year monitoring period by the Department.

This legislation creates a system of environmental education with substantial components in the Legislature, the Executive Office of the Governor, and the Departments of Education and Natural Resources. It creates the Save Our State Environmental Education Trust Fund and appropriates of a deepwater port to 5 years, and specifically prohibits the

start it up.

The Department of Education will have an Office of Environmental Education that will be responsible for inculcating environmental education into the curriculum in grades K-12, community colleges, and universities. The Governor's Office will administer an environmental education grant program to reach people who are not served by the state's system of public education. The Department of Natural Resources will fund other projects and program activities. The Legislature will house the Advisory Council on Environmental Education, which will advise the Governor and DNR on priorities for funding grants and projects and will coordinate other agencies' programs through an interagency coordinating committee. Except for DNR, each agency is authorized to hire staff to administer the programs assigned to it.

Section 253.03, F.S., is amended to authorize the Board of Trustees of the Internal Improvement Trust Fund to give away spoil site material under certain conditions in order to rejuvenate existing spoil sites for continued use.

The law creates an Apalachicola Bay oyster harvesting license at an annual fee of \$100 for residents and \$500 for nonresidents, requires attendance at an educational seminar as a prerequisite to receiving a license, and provides for license fees to be deposited in the Apalachicola Bay Conservation Trust Fund, created in the Department of Natural Resources. These funds will be used for relaying and transplanting live oysters, shell planting to construct or rehabilitate oyster bars, education, research relating to oyster production and the freshwater needs of the bay.

The act imposes a 50-cent surcharge, to be paid by the wholesale dealer, on each bag of oysters taken from Apalachicola Bay. The surcharge shall be collected by the Department of Revenue and deposited into the Apalachicola Bay Conservation Trust Fund. The Department of Natural Resources will use the moneys for the purposes set out above. Funds from the surcharge may also be used to reacquire perpetual shellfish grants and leaseholds in the bay.

The Department of Natural Resources is authorized to monitor the cultivation of perpetual shellfish grants and leaseholds, and requires the leaseholder to give the Department notice before beginning cultivation. The act allows ovster aquaculture leases in Franklin County and imposes restrictions on the size of leases and on aquaculture and harvesting methods used on leases. Dredging is prohibited for all shellfish harvesting in all areas of the bay as of July 1, 1989, except for existing leases or grants, and provides requirements to be included in special activity licenses for shellfish dredging in Apalachicola Bav. •

The Northwest Florida Water Management District, pursuant to its Surface Water Improvement Management (SWIM) activities, is directed, in cooperation with DNR, to conduct an assessment of the freshwater needs of Apalachicola Bay. Reguirements of the study are provided.

The law limits permits for dredging river channels not a part

year permit for dredging river channels.

The Florida Communities Trust, a nonregulatory agency within the Department of Community Affairs (DCA), is created of \$150, and for a nonresident 10-consecutive-day hunting lito assist local governments in bringing into compliance and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans and in otherwise conserving natural resources and resolving land use conflicts. The Trust may, through loans or grants, give financial and technical assistance to local governments, state agencies, nonprofit organizations, water management districts and regional planning councils to accomplish this purpose. Projects the Trust may undertake, coordinate, or fund include redevelopment projects, resource enhancement projects, public access projects, urban waterfront restoration projects and site reservation. Whenever possible, the Trust will help local governments which need assistance to prepare FOR HOUSE BILL 1388 (CHAPTER 89-249) amends Section project proposals.

The powers of the Trust are vested in a governing body which is composed of the Secretary of DCA, the Executive Director of the Department of Natural Resources, and three public members whom the Governor will appoint. An important function of the Trust will be to promote the use of innovative but sound land acquisition methods, such as the purchase of conservation easements, the transfer of development rights, and leaseback arrangements. The Trust also will assist local governments in using alternative financing methods for funding projects and activities the act authorizes.

The Trust will administer moneys in the Florida Communities Trust Fund created by the act. Funds will be derived from revenues generated through land transactions, money authorized by the Legislature, and revenues from sales of environmental and personalized prestige license plates.

Provision is made for application and rental fees for shellfish leases and aquaculture leases to be deposited into the Marine Biological Research Trust Fund and be used for shellfishrelated aquaculture activities, including research, lease compliance inspections, mapping and siting. Provisions requiring all taxes and licenses collected from shellfish leases to be deposited in the State Treasury General Revenue Fund and directing the Division of Marine Resources to maintain detailed accounts of such funds are repealed.

or fraction of an acre per year beginning January 1, 1990. Every 5 years thereafter, the rate per acre will be adjusted based on the 5-year average change in the Consumer Price Index. Provisions in Chapter 253, F.S., relating to the supplement of basic rental fees by royalties and the factors to be considered in establishing rental charges on royalties are deleted and a time schedule for the payment of rental fees is provided. Provisions in Chapter 253, F.S., requiring a leaseholder to provide the Trustees with security to ensure cleanup of vacated leases are deleted. Instead, a surcharge of \$5 per acre, or fraction of an acre, per annum shall be levied upon each lease and deposited in the Marine Biological Research Trust Fund in a segregated account. Funds from the surcharge are to be

Department of Environmental Regulation from issuing a 25- used for cleanup and rehabilitation of abandoned or vacated lease sites.

The act provides for a nonresident hunting license for a fee cense for a \$25 fee. However, for residents of states contiguous to Florida, the fee for a 10-consecutive-day license shall be \$121, unless a reciprocal agreement is in effect.

The Game and Fresh Water Fish Commission is authorized to designate by rule 2 days each year as free fishing days. On such days, no fishing license is needed to fish, but all other applicable rules remain in effect.

A commercial hunting preserve license is created, which exempts patrons of preserves from normal license requirements, if purchased by the preserve owner or operator for a fee of \$500.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE 161.56, F.S., to delete the requirement that the Department of Community Affairs must pay to participating local code enforcement agencies \$100 for each employee attending the Department's coastal building code construction training and education program. Registration fees may be charged for program participants to defray the cost of the program if general revenue funds are not provided for this purpose.

Section 161.58 F.S., provides that as a general rule vehicular traffic is prohibited on dunes and coastal beaches. Exceptions are made for beach and dune maintenance and certain fishing activities. Also exceptions are made for local governments which have jurisdiction over a coastal beach and who have authorized vehicular traffic on such a beach by a threefifths vote of its governing body before a certain date. Also, any local government with jurisdiction over a coastal beach may allow vehicular traffic if, by October 1, 1989, they determine, in accordance with certain Department of Natural Resources rules, that less than 50 percent of the peak user demand for off-beach parking is available. This act provides that these requirements do not apply to counties that have adopted, prior to January 1, 1988, unified countywide beach regulations pursuant to a county home rule charter.

## **Aquatic Preserves**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1077 (CHAP-Rental fees for shellfish leases are increased to \$15 per acre TER 89-25) provides an exemption from the general prohibition on the use of seines or nets for landing nets, cast nets, and bully nets, when fishing in Biscayne Bay Aquatic Preserve.

> Provisions which required a showing of extreme hardship on the part of an applicant or an overwhelming public benefit before submerged lands within Boca Ciega Aquatic Preserve can be further sold, transferred or leased are repealed. The act provides that the sale, transfer, or lease of such lands must be in the public interest.

> The boundaries of several existing aquatic preserves, including the Indian River-Vero Beach to Fort Pierce Aquatic Preserve, Jensen Beach to Jupiter Inlet Aquatic Preserve, Rookery Bay Aquatic Preserve, Gasparilla Sound-Charlotte

Harbor Aquatic Preserve, and Lemon Bay Aquatic Preserve State Lands Acquisition and Management are clarified.

The Board of Trustees of the Internal Improvement Trust Fund is authorized to delegate to a local government, by agreement, the administration and enforcement of an approved resource inventory and management plan for an aquatic preserve, if the Trustees determine the delegation to be in the public interest. The law establishes criteria which must be included in a local government's management program before a delegation can occur, and provides for enforcement by local governments of delegated management plans, for public notice requirements, and for annual review of all delegations. Except as otherwise provided, this act takes effect and their resources. on October 1, 1989.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 530 (CHAP-TER 89-192) creates the Oklawaha River Aquatic Preserve consisting of state-owned sovereignty submerged lands in Marion County, effective October 1, 1989.

# Vessels and Personal Watercraft

SENATE BILL 142 (CHAPTER 89-136) defines the term "personal watercraft." Safety regulations are provided for the operation of personal watercraft, which require the use of equipped lanyard switches and life jackets. The use of personal watercraft is prohibited between the hours from onehalf hour after sunset to one-half hour before sunrise. Personal watercraft must be operated in a reasonable manner so as not to constitute reckless operation of a vessel. The use of personal watercraft is limited to persons 14 years of age or older and rentals of personal watercraft are restricted to those 16 years of age or older. An exemption is provided for professional exhibitions. Law enforcement vessels are exempt from navigation rules in certain instances. Courts are required to certify disposition of uniform boating citations to the Department of Natural Resources. This legislation has an effective date of October 1, 1989.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 775 (CHAP-TER 89-314) provides that the Department of Natural Resources shall adopt rules regulating the operation and speed of boating traffic and designating a manatee sanctuary for Thompson Creek, Strickland Creek, Dodson Creek, and Tokoma River in Volusia County. Rules must be adopted no later than December 31, 1989.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 556 (CHAP-TER 89-262) authorizes the Florida Board of Pilotage Commissioners to enter into a reciprocal pilotage agreement with the St. Marys, Georgia, corporate authority for the Board of Pilotage Commissioners. The Florida Board is authorized to promulgate rules to implement the legislation. The law provides that Chapter 310, F.S., relating to boat piloting, and any sections added to that Chapter in the future, will be repealed on October 1, 1996, and reviewed by the Legislature prior to that date, pursuant to the Sunset act (Section 11.61, F.S.).

COMMITTEE SUBSTITUTE FOR SENATE BILL 302 (CHAP-TER 89-276). [Among other things, it implements most of the recommendations of the State Lands Appraisal Review Committee which was appointed by the Governor and Cabinet on September 13, 1988.]

Agencies designated to manage certain lands may include in their management plans transfers of leasehold or fee simple interests to appropriate conservation organizations designated by the Land Management Advisory Committee for uses consistent with the purposes of the organizations and the protection, preservation, and proper management of the lands

The Board of Trustees of the Internal Improvement Trust Fund may use appraisals obtained by the federal government under certain circumstances.

The act increases from \$5,000 to \$10,000 the value of land below which evidence of marketability may be waived.

Provisions which contain specific details regarding the gualifications and selection of appraisers, and the criteria, information, and methods used in the preparation of appraisal reports are deleted. Instead, all appraisals used for the acquisition of certain lands must be prepared by a member of an approved appraisal organization or by a state-certified appraiser as defined in Section 475.501, F.S. The Division of State Lands must adopt rules for selecting individuals to perform certain lands appraisals.

The Board of Trustees of the Internal Improvement Trust Fund must adopt, by rule, the minimum criteria, techniques, and methods to be used in the preparation of appraisal reports. Such rules should, to the extent practicable, incorporate generally accepted appraisal standards.

The Division of State Lands may disclose appraisal information to local governments or nonprofit organizations under certain circumstances. The confidentiality of such information must be maintained by the local government or the nonprofit organization. Also, the Division may use the appraisals obtained by a local government or a nonprofit organization under certain conditions.

Appraisers retained or used by the Department of Natural Resources must consider the number of dwelling units approved for development in a development order pursuant to Section 380.06, F.S., that has been affirmed by the Florida Supreme Court, regardless of the jurisdictional line of any state or regional agency.

All offers and counteroffers for land acquisitions will remain confidential and exempt from the provisions of Subsection 119.07(1), F.S. This exemption would be subject to review under the Open Government Sunset Review Act (Section 119.14, F.S.).

The Board of Trustees of the Internal Improvement Trust Fund must adopt, by rule, the method for determining the value of parcels sought to be acquired by state agencies.

The Board of Trustees may, by a unanimous vote of all its members, direct the Department of Natural Resources to exercise eminent domain powers to acquire any of the properties on the priority list of the acquisition selection committee changed in the absence of a recorded deed and executed by and approved by the Board of Trustees. The circumstances under which the Board of Trustees may undertake such a vote are specified.

Sections 375.03 and 380.08, F.S., are amended to provide for the filing of financial disclosure with the Department of Natural Resources rather than the Department of State. Except as otherwise provided, the effective date of this act is January 1, 1990.

SENATE BILL 330 (CHAPTER 89-174) amends Section 253.034, F.S., to exempt the sale of filled, formerly submerged land that does not exceed 5 acres in area from review by the Land Management Advisory Committee. This section was further amended to clarify that leases to private parties are also TER 89-246) provides for the immediate conveyance and exempt from such review.

Section 253.04, F.S., was amended to allow the Board of Trustees of the Internal Improvement Trust Fund to impose a fine of up to \$10,000 for each offense of failing to comply with an order of the Board to remove or alter any structure which is not in compliance with applicable rules or with conditions of authorization to locate such a structure on state-owned lands. The Board of Trustees may also recover the cost of removal or alteration of a structure on state-owned land under certain circumstances.

The act clarifies that fines or damages imposed pursuant to Section 253.04, F.S., are enforceable liens upon a violator's real and personal property. Such fines and damages are to be deposited into the Internal Improvement Trust Fund.

Section 253.111, F.S., is amended to repeal the requirement that a county must certify that it intends to devote to a public purpose any surplus lands acquired from the Board of Trustees. The requirement that all surplus lands conveyed to a county for public purposes shall revert if a county ever fails to continue the public purpose use is repealed.

The act provides that a county has 45 days in which to provide a resolution to the Board of Trustees seeking acquisition of state-owned lands for a public purpose. Upon timely notification, the Board must convey the land to the county at appraised value, subject to such other terms and conditions as the Board determines.

Section 253.115, F.S., is amended to provide that the conveyance of an upland parcel of land not exceeding 5 acres is exempt from public notice requirements. Also, this section is amended to exempt from public notice requirements sovereighty land leases for existing structures built prior to March 27, 1982, as well as sovereignty land leases for existing structures built on or after March 27, 1982, if all required federal, state or local permits have been obtained.

Section 260.015, F.S., is amended to permit the Department of Natural Resources to use, in the acquisition of abandoned railroad rights-of-way, the appraisal procedure used by the Department of Transportation to acquire such rightsof-wav.

that whenever real property is listed on the real property assessment rolls of the respective counties in the name of the State of Florida or any of its agencies, the listing shall not be rious pollution is also prohibited. Such actions will be punish-

the State of Florida or the state agency in whose name the property is listed. If, in preparing the assessment rolls the several property appraisers within the state become aware of the existence of a recorded deed not executed by the state and purporting to convey real property listed on the assessment rolls as state-owned, the property appraiser shall immediately forward a copy of the recorded deed to the state agency in whose name the property is listed.

Section 253.025, F.S., is amended to allow the Board of Trustees to use appraisals obtained by the federal government for certain land acquisitions.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 709 (CHAPtransfer of a specifically described portion of "the Graves Tract" to the City of North Miami without monetary consideration, in mitigation of losses suffered by the city upon dissolution of the Inter-American Center Authority.

The law provides that any portions of "the Graves Tract" acguired by the City of North Miami subsequent to the effective date of the law shall not be subject to a public purpose use restriction. The act also provides for the reservation of certain portions of "the Graves Tract" for the rights-of-way for transportation purposes.

Provisions of Section 253.033, F.S., requiring that a portion of "the Graves Tract" be sold as soon as feasible are deleted. Also deleted are provisions requiring that the purchase price of such lands not be less than appraised value, and that proceeds from the sale be used to purchase designated lands within the tract owned by the City of North Miami. An optional alternative for an exchange of the above properties has also been deleted from the Florida Statutes.

HOUSE BILL 1157 (CHAPTER 89-331) authorizes the Department of Natural Resources to acquire the Mullet Creek Islands, which are located in Brevard County along the Indian River, by exercising of the power of eminent domain. The Department is also authorized to exercise eminent domain over North Key Largo Hammock encompassing privately owned property located within the North Key Largo Conservation and Recreation Lands (CARL) acquisition area in Monroe County. The exercise of eminent domain in Key Largo is permitted after the landowners are offered compensation from the Department and an opportunity to sell the land to a land acquisition agent. A time limit is provided in which a petition for eminent domain must be filed. The landowner must be compensated for any lands taken by eminent domain.

## **Environmental Regulation**

COMMITTEE SUBSTITUTE FOR SENATE BILL 284 (CHAP-TER 89-143) amends the definition of "pollution" in Chapter 403, F.S., to include any man-induced or manmade impairment of the air or waters of the state that are potentially injuri-Sections 193.085 and 253.03, F.S., are amended to provide ous to human health and welfare, to plant and animal life, or property, unless authorized by applicable law.

The willful violation of provisions prohibiting harmful or inju-

able as a felony of the third degree, by a fine of no more than \$50,000 and/or by imprisonment of no more than 5 years for lease of 10 or more balloons if that person is a citizen of the each offense.

Any person who willingly performs unpermitted activities in Chapter 403, F.S., is guilty of a misdemeanor of the first degree. The "willingly" standard will also be applicable to actions which violate provisions relating to the knowing misrepresentation of false statement of facts to the Department.

A violation of provisions which harms or injures human health, animal, plant or aquatic life or property, resulting from reckless indifference or gross careless disregard is guilty of a misdemeanor of the second degree. Such violations are FAC, in view of new requirements in Chapter 373, F.S. Water punishable by a fine not exceeding \$5,000 and/or by less than management districts must establish requirements for the 60 days imprisonment.

The act makes biohazardous waste generators, transporters, and facility owners or operators subject to the existing and (7) of Section 403.727, F.S.

In addition, the standard to prove a violation of provisions relating to biohazardous and hazardous wastes, is broadened to include actions exhibiting reckless indifference or gross careless disregard for human health. The transportation of all biohazardous and hazardous wastes listed under Section 403.703, F.S., to an unpermitted facility required to have a permit pursuant to Section 403.707 or Section 403.722, F.S., is prohibited.

The act adds that a person who with the requisite intent disposes, treats, or stores biohazardous waste in a place other than a facility with an updated and valid permit for those purposes is violating the statute. A violation occurs if a person knowingly violates material conditions in permits, rules and standards relating to biohazardous and hazardous wastes in a way which has a substantial likelihood of endangering human health, animal or plant life, or property. Such persons are guilty of a felony of the third degree. In addition, a generator of biohazardous waste who has contracted for the transportation of the waste with a registered transporter, shall not be jointly and severally liable for any actions of the transporters.

action pursuant to Chapter 403, F.S.

"Racketeering activities" involving a violation of certain haz-Organization Act. These provisions become effective October from the Internal Improvement Trust Fund. 1, 1989.

any person to intentionally release, organize the release, or intentionally caused to be released within a 24-hour period 10 or more balloons inflated with a gas that is lighter than air. Exceptions are made for certain balloons released for scientific or meteorological purposes, hot air balloons that are recovered after launching, balloons released indoors, or certain biodegradable or photodegradable balloons.

A violation of those provisions constitutes a noncriminal infraction, punishable by a fine of \$250.

Any person may petition the circuit court to enjoin the recounty in which the balloons are to be released.

COMMITTEE SUBSTITUTE FOR SENATE BILL 484 (CHAP-TER 89-279) reauthorizes governing and basin boards until October 1, 1990, with prior review by the Legislature.

Several sections within Chapter 373, F.S., are amended to clarify that activities relating to the regulation of surface water management systems specifically include stormwater management systems. The Department of Environmental Regulation (DER) is required to amend or replace Rule 17-25.090, monitoring and maintenance of stormwater management systems by November 1, 1990.

Water management districts are required to establish dishazardous waste provisions in Subsections (1), (3)(b), (5), (6) trict stormwater management goals and to assist local governments in the development and future revision of local government comprehensive plan elements related to water resource issues.

> The Department of Transportation shall inventory and map its primary stormwater management systems by 1991 for systems affecting SWIM priority water bodies, and submit an annual report to DER.

> The legislation authorizes local governments to create stormwater utilities and adopt stormwater fees to fund the utility's programs.

> Dredge and fill permitting in stormwater management systems shall not be required if the system is located landward of its connection to waters of the state. Waters within the system shall not be waters of the state, unless maintained for recreational use; if accessible to the public DER may require reasonable assurances that the system's water quality will not adversely affect public health.

The existing Sewage Treatment Loan Fund is renamed the Wastewater Treatment and Stormwater Management Revolving Loan Fund and expanded to include funding for local government stormwater management systems and authorizes The act provides a 5-year Statute of Limitation period from the Board of Trustees to spend the revenues received from the date of discovery of a violation in which to commence an the lease or sale of state lands in the Everglades Agricultural Area to assist in the cleanup and protection of Lake Okeechobee and the Everalades through grants to the South Florida ardous waste provisions, which are chargeable by indictment. Water Management District, However, legal costs for the deof information from the Attorney General, are made subject to fense of state lands must be satisfied before any funding is the provisions in the Florida Racketeer Influenced and Corrupt provided to the South Florida Water Management District

The State University System will, in conjunction with the SENATE BILL 348 (CHAPTER 89-113) makes it unlawful for community colleges, interested private colleges, DER, the water management districts, and local governments, develop training and assistance programs for persons designing, building, inspecting, operating and maintaining stormwater management systems.

The act clarifies the responsibilities of water management districts and DER under the Surface Water Improvement and Management program (SWIM), provides for DER to allocate SWIM funds, and includes the Departments of Agriculture and Consumer Services and Community Affairs and local governments among the entities cooperating in the SWIM planning and review program. The DER is authorized to review and approve SWIM plans and consider the plans in making its budget request. SWIM trust funds are exempted from administrative charges and limitations are placed on the amount of SWIM moneys a district may receive in any one fiscal year.

The authority for water management districts to enter into interagency agreements with the Department of Natural Resources relative to mine reclamation activities is provided. Such agreements must provide for water management district review and comment and include criteria consistent with existing statutory requirements.

COMMITTEE SUBSTITUTE FOR SENATE BILL 689 (CHAP-TER 89–285) allows local governments to use the proceeds derived from the gross receipts tax on certain hazardous waste facilities on any other cost incurred by the local government as a result of the operation of the facility, if all other allowed costs have been paid.

Also, the Department of Environmental Regulation is permitted to combine the hazardous waste reporting requirements pursuant to Subsections 403.7225(9) and 403.7226(2), F.S. The combined report will now be submitted annually to the Governor and the Legislature.

Section 37 of Chapter 83–310, Laws of Florida, is amended to delete the requirement that the Department of Environmental Regulation develop criteria for the siting of a multipurpose hazardous waste facility. Also, the requirement that the Environmental Regulation Commission designate a multipurpose hazardous waste facility site is deleted. The Department of Environmental Regulation instead of the Environmental Regulation Commission is required to select a contractor to build and operate a multipurpose hazardous waste facility.

The Legislature recognizes the designation by the Environmental Regulation Commission of the state-owned lands in Union County as the site for a multipurpose hazardous waste facility. The Board of Trustees of the Internal Improvement Trust Fund must enter into a lease with the contractor that has been selected and issued a permit by the Department or a certification by the Governor and Cabinet. The designation and lease of the site are subject to review pursuant to the Statewide Multipurpose Hazardous Waste Facility Siting Act. Sections 403.78–403.7893, F.S. Any proceeding challenging the siting decision of the Environmental Regulation Commission is abated; but petitioners in any such proceeding may challenge the Commission under the Statewide Multipurpose Hazardous Waste Siting Act. The site designation and contractor selection procedures would not preclude the siting and permitting of a publicly or privately owned multipurpose hazardous waste facility elsewhere in the state in lieu of or in addition to the multipurpose hazardous waste facility to be constructed in Union County.

This law also enacts the Statewide Multipurpose Hazardous Waste Facility Siting Act. The stated intent of this act is to establish a centralized and coordinated permitting process for the location, construction, operation and maintenance of statewide multipurpose hazardous waste facilities, which necessarily involve several broad interests of the public ad-

dressed through the subject matter jurisdiction of several agencies. The provisions of Chapter 120, F.S., apply to the provisions of this act and the proceedings pursuant to the act.

The act provides the Department of Environmental Regulation with certain duties and responsibilities pursuant to this act. The act further provides the procedures for an application for certification and prescribes certain fees. Within 7 days after receipt of an application, the Department must request the Division of Administrative Hearings to designate a hearing officer to conduct the hearings pursuant to this act. Certain specified agencies are to submit a report to the Department of matters within their jurisdiction within 90 days after their receipt of the application. The law specifies the contents of such reports.

The Department is required to give notice of the application and any proceedings. The form of such notice is specified. At the request of any affected local government, the Department must conduct at least one public meeting regarding the certification application.

Within 45 days after receipt of the hearing officer's recommended order, the Governor and Cabinet, sitting as the siting board, must issue a final order regarding the application. The board is authorized to incorporate such terms and conditions in the certification as it deems appropriate to comply with applicable departmental standards or other applicable statutory requirements. Certification shall constitute the sole license of the state and any agency as to the approval of the location, construction, operation, and maintenance of the project, except that permits for operation or closure of the hazardous waste treatment, storage, or disposal facility must be renewed every 5 years. Any certification may be revoked or suspended, or additional conditions imposed under certain circumstances.

Violations of this act constitute violations of Chapter 403, F.S., and shall be enforceable pursuant to Chapter 403, F.S. The act further prohibits the disposal of hazardous waste through an injection well.

SENATE BILL 1278 (CHAPTER 89–88) clarifies that land reclamation standards contained in Section 378.802, F.S., will be applied only to new surface areas disturbed after January 1, 1989, in existing mines used to produce solid resources other than phosphate, limestone, heavy minerals and fuller's earth.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 430 (CHAP-TER 89–188) revises the legislative intent regarding pollution of surface and ground waters to include all state waters, not just inland waters.

The terms "bulk product handling terminal," "hazardous substances," "marine fueling facility," and "person responsible for conducting site rehabilitation" are defined. The term "facility" is amended to mean any underground stationary tank which contain hazardous substances or pollutants having a storage capacity of greater than 110 gallons or any above ground stationary tank which contains pollutants that are liquid at ambient temperature and pressure and which has a storage capacity greater than 550 gallons. This definition includes certain marine fueling facilities but does not include agricultural storage tanks of less than 550 gallons.

The Department of Environmental Regulation is allowed to establish standards for certain underground and aboveground facilities that store hazardous substances and pollutants. Rules prescribing requirements for certain underground storage facilities may not take effect before January 1, 1991.

The Department may contract with other governmental agencies or private consultants to perform compliance verification activities. The contracts may provide for working capital advances to local governments to expedite the implementation of the compliance verification program. Certain counties are not eligible for such advance funding. The Department may not contract for verification activities with a private consultant who was employed by the Department during the preceding calendar year. Statutory language regarding an obsolete postcard notification program is deleted.

The owner or operator of a new facility must pay a registration fee to the Department of \$50 per tank. An owner or operator who upgrades a facility by replacing existing tanks must pay a replacement registration fee of \$25 per tank. No registration fee is required for certain tanks. Any existing unregistered facility that fails to register by October 1, 1989, will have to pay all the registration fees that should have been paid since July 1, 1986, and were avoided through noncompliance.

The Department is allowed to use funds from the Inland Protection Trust Fund for certain activities related to the removal and replacement of tanks and certain services performed by a certified public accountant.

An application for reimbursement of certain cleanup expenses must be examined by a certified public accountant in accordance with generally accepted accounting principles. The accountant's report must be submitted with the reimbursement application. Reimbursement payments may only be made if there are sufficient unencumbered funds available in the Inland Protection Trust Fund. Payments are made in the order in which the Department receives the completed applications. Any moneys obligated for reimbursement prior to July 1, 1989, will remain obligated until July 1, 1990. After July 1, 1990, such moneys will revert to the unobligated balance of the Inland Protection Trust Fund.

The name of the Florida Petroleum Liability Insurance Program is changed to the Florida Liability Insurance and Restoration Program. The provisions regarding the scope and type of coverage under this program are substantially revised:

- the restoration program will be retroactive to January 1, 1989, for qualified sites that apply for the program before September 1, 1989;
- a site upon which a discharge was discovered prior to January 1, 1989, is not eligible for participation in the third-party insurance program until the site is restored, the Department determines no cleanup is necessary, or the Department's insurance carrier agrees to assume the risk for future incidents at the site;
- 3) the program must provide up to \$1 million of third-party liability insurance per incident with an aggregate of \$1 million for owners or operators who have 100 or fewer

petroleum storage tanks, and an aggregate of \$2 million for owners or operators who have more than 100 petroleum storage tanks;

- the Department may provide certain storage tank owners or operators with reduced third-party liability insurance;
- for the first two premium years, the deductible must be \$500 per incident. The Department must adopt a deductible schedule for the remainder of the program. Such deductible may not exceed \$100,000 per year;
- policies must be in compliance with certain federal financial responsibility requirements. The act requires the Department to approve third-party liability insurers under the program and provides criteria to be used by the Department in approving such insurers;
- 7) a site is eligible for restoration if the owner or operator is a participant in the third-party liability insurance program or meets certain self-insurance requirements. Eligible owners or operators are those who have stationary storage tanks of 500 gallons or less capacity, or who store any petroleum products and are required to demonstrate financial responsibility under the Federal Financial Responsibility Requirements in 40 CFR 280, and who meet requirements of the Department relating to stationary tanks;
- 8) if a site had a discharge reported prior to January 1, 1989, under the Early Detection Initiative Program or reimbursement program, it is not eligible for third-party coverage because of that discharge. However, that site is still eligible for restoration of any incident occurring after January 1, 1989, provided the facility is in compliance with the Department's stationary tank rule:
- a site which had a discharge after January 1, 1989, which is eligible for third-party liability coverage because of restoration, Department determination, or agreement from the insurer, is also eligible for restoration of any new discharge;
- 10) funding for restoration of an eligible site will be provided without participation in the third-party liability insurance program until the site is restored or until the Department determines that the site does not require restoration. The cost of restoration will be paid through the Inland Protection Trust Fund. In order for an eligible owner or operator to participate in the restoration program, the owner or operator must drain and remove from service the suspected petroleum storage system and complete certain remedial action. The dollar amounts of restoration provided by the program are specified;
- 11) the Department must supply potable water to certain affected persons; however, if the Department does not do so in a specified time, the owner or operator may provide such water and the cost of such will be reimbursed by the Department;
- 12) the term "incident" is redefined and the term "petroleum products" is defined;

- of cancellation for the insurance or restoration program ameter, and the length of the culvert are not changed. and seeks reinstatement for that facility must pay a \$200 reinstatement inspection fee:
- 14) certain specified sites are eligible for participation in the restoration program or the liability insurance proaram:
- 15) certain third-party claims and incidents occurring prior to January 1, 1989, are not eligible for participation in the liability insurance or restoration program; and
- 16) the Department's contracted insurance provider may collect the premiums for the insurance coverage.

Local governments are allowed to include in their contracts with the Department a provision for an advance of working capital in order to expedite the cleanup program or to contract for cleanup.

Counties are authorized to adopt certain ordinances relating to underground storage tanks which are the same or more stringent if the original ordinance was legally adopted or in force prior to September 1, 1984. Counties may adopt ordinances regulating underground storage tanks which are the same as any state law or rule regulating such tanks upon approval by the Department of a completed application.

# General Natural Resources and Environmental Issues

COMMITTEE SUBSTITUTE FOR HOUSE BILL 990 (CHAP-TER 89-324) amends Subsection 403.161(1), F.S., 1988 Supplement, to clarify that it is a violation of Chapter 403, F.S., and prohibited for any person to cause pollution or violate any other provisions of the section.

The Department of Environmental Regulation is authorized to require, as a condition of granting a permit under any of the provisions of Chapters 373, 376 or 403, F.S., that a professional engineer, professional land surveyor, professional landscape architect, or professional geologist certify that the activity proposed to be permitted has been designed in accordance with proper design principles.

The Department is also authorized to require a certification by a professional engineer, professional land surveyor, professional landscape architect, or professional geologist that the permitted activity has been completed in substantial compliance with the plans and specifications approved by the Department.

The cost of any such certification by a specified professional shall be borne by the permit applicant.

Sections 403.852, 403.853 and 403.862, F.S., relating to drinking water, are amended to conform Florida law to federal Environmental Protection Act (EPA) requirements.

The act provides that waste tire fees will be imposed on motor vehicle tires sold as a component part of a motor vehicle. The waste tire fee must also be stated separately on the sales invoice to the purchaser.

No dredge and fill permit from the Department of Environmental Regulation will be required for the repair or replacement of existing functional pipes or culverts which discharge mit from DHRS. A "grandfather" clause is provided for systems

13) any owner or operator of a facility who receives a notice or convey stormwater as long as the invert elevation, the di-

The act provides that the Department of Environmental Regulation may adopt procedural rules for short-form permit applications for the following:

- projects which affect less than 10 acres of jurisdictional area and are within the landward extent of waters of the state that are directly impacted by dredging or filling;
- docking facilities which contain fewer than 10 wet slips 2) and which do not provide commercial or marine supplies or services:
- new seawalls or similar structures which do not exceed 3) 500 lineal feet of shoreline:
- installation of subaqueous transmission and distribu-4) tion lines; and
- other similar projects that are limited in scope as speci-5) fied by rule.

In addition, the law deletes the authority of the Board of Trustees of the Internal Improvement Trust Fund to recover certain funds from the permittee relating to dredging and the material removal during such dredging.

Section 403.914, F.S., is amended to provide that jurisdictional declaratory statements are binding for 5 years instead of 24 months.

The Department of Health and Rehabilitative Services (DHRS) existing administrative fine authority is extended to include violations of Sections 381.272 and 381.273, F.S., relating to onsite sewage disposal systems, installations, conditions, and fines, and Part III of Chapter 489, F.S., which requlates septic tank contractors.

Subsection (9) of Section 381.272, F.S., is amended to clarify that no construction permit may be issued for an onsite sewage disposal system in an area zoned or used for industrial or manufacturing purposes where a publicly owned or investor-owned sewage treatment system is available, or where a likelihood exists that the system may receive toxic, hazardous or industrial wastes. In areas which are either zoned, rezoned, platted, or subdivided for industrial, manufacturing, or equivalent purposes after the effective date of the act, the Department of Health and Rehabilitative Services cannot authorize onsite sewage disposal system construction.

Owners or tenants of a building located in an area zoned for industrial or manufacturing use which is served by an onsite sewage disposal system are required to obtain written approval from DHRS in order to review the nature of the use of the onsite sewage disposal system by any new tenants, and to determine the likelihood that the system may receive toxic, hazardous or industrial waste. The Department shall not grant approval when the proposed use of the system is to dispose of such wastes.

Each person who operates a business or facility in an area zoned for industrial manufacturing use, or who operates a business which has the potential to generate toxic, hazardous, or industrial waste water and who uses an onsite sewage disposal system is required to obtain an annual operating perinstalled prior to the effective date of the act, but upon change pired term. The Council is required to meet at least once a of ownership or tenancy, the new owner or tenant is required to obtain an annual operating permit.

The Department is required to periodically review and evaluate the continued use of onsite sewage disposal systems in industrial and manufacturing areas and allows DHRS to require the collection and analysis of samples from within and around the systems. If DHRS finds evidence of disposal of toxic or hazardous chemicals or industrial wastes, it is required to initiate enforcement action.

The State Hazardous Materials Emergency Response Commission is directed to establish, by December 31, 1989, uniform reporting forms for all reporting requirements by local emergency planning committees and, by October 1, 1989, establish a mission statement defining the authorities and responsibilities of the committees.

The Board of Trustees of the Internal Improvement Trust Fund is authorized to expend up to 100 percent of the lease revenues from the Everglades Agricultural Area for the cleanup and protection of Lake Okeechobee through grants to the South Florida Water Management District.

SENATE BILL 472 (CHAPTER 89-116) amends the statutory provisions regarding several advisory bodies which were scheduled for review and repeal under the Sundown Act (Section 11.611, F.S.).

Section 177.507, F.S., is repealed relating to the Florida Public Land Survey Advisory Board. This Board has performed the duties for which it was created. [As a result, this Board has not met since 1985.]

All of Part II of Chapter 258, F.S., relating to wilderness arinteragency advisory committee for wilderness areas. [Wilderness areas, as such, are no longer being designated; however, land is currently being purchased and managed by the state pursuant to other land acquisition programs. These programs fulfill the same or similar public uses and purposes as those specified in the wilderness areas programs.]

Subsections 370.16(24) through (28), F.S., relating to Oyster Rehabilitation Commissions, and Subsections 370.16(30). (31) and (33), F.S., relating to oyster conservation districts, revenue from the sale of dead shells, and ovster commissions. respectively, are also repealed. Subsection 370.16(34), F.S., is amended to allow the Division of Marine Resources in the Department of Natural Resources to cooperate with the U.S. Fish and Wildlife Service to accept certain federal funds in order to carry out its oyster resource and development responsibilities. Subsections 370.17(5) and (7), F.S., relating to sponge conservation districts, are also repealed.

The Waterfowl Advisory Council as created by Section 372.5714, F.S., is allowed to continue in full force and effect notwithstanding the scheduled repeal under the Sundown Act (Section 11.611, F.S.). However, this section is amended to conform to the requirements of the Sundown Act. The name was changed from a committee to a council since this entity does not fall within the statutory definition of a committee. Members are appointed to serve 4-year staggered terms and a vacancy would be filled for the remainder of the unex-

year either in person or by a telephone conference call and the Council must maintain minutes of each meeting. This Council is repealed on October 1, 1999.

Section 259.035, F.S., relating to the Land Acquisition Advisory Council, is not repealed on October 1, 1989, as scheduled under the Sundown Act. This section is amended to conform to the requirements of the Sundown Act. The name is changed from a committee to a council since this entity does not fall within the statutory definition of a committee. Council members are entitled to receive reimbursement for travel and per diem expenses. The Council is repealed on October 1, 1999.

Subsection 375.021(2), F.S., relating to outdoor recreation, is not repealed on October 1, 1989, as scheduled under the Sundown Act. However, this section is substantially amended to abolish the Outdoor Recreation Advisory Committee. The Department of Natural Resources is required to develop a comprehensive outdoor recreation plan in cooperation with several specified agencies. The purpose of the plan is to document recreational supply and demand, describe current recreational opportunities, and propose means for meeting the identified needs. The affected agencies must meet periodically at the request of the Department of Natural Resources.

This act also reinserts the requirement that certain land acquisition projects in excess of \$250,000 are subject to the selection procedures of Section 259.035, F.S. This provision was contained in the language that was stricken abolishing the Outdoor Recreation Advisory Committee.

SENATE BILL 558 (CHAPTER 89-117) allows certain exeas, is repealed. This includes the provisions relating to the emptions to the public records law to continue to exist effective October 1, 1989. Most of these exemptions pertain to records maintained by the Department of Natural Resources, while others affect records held by the Executive Office of the Governor, the Energy Data Center, and the Florida Institute of Phosphate Research. The specific provisions of the act include the following:

- Paragraph 253.025(7)(c), F.S., relating to the confidenti-1) ality of CARL appraisal reports, was amended to provide for a specific exemption from Subsection 119.07(1), F.S. However, the Division of State Lands of the Department of Natural Resources may disclose appraisal information to local governments or nonprofit organizations under certain circumstances. In addition, the Division may use appraisals obtained by the local government or nonprofit organization, provided the appraiser is selected from the Division's list and the appraisal is reviewed by the Division. Appraisers used by the Department to determine the value of property for state acquisition must consider the number of dwelling units approved for development in a development order pursuant to Section 380.06, F.S., that has been affirmed by the Florida Supreme Court, or any appropriate federal court, regardless of the location of the jurisdictional line of any state or regional agency;
- 2) Paragraph 253.025(8)(d), F.S., relating to the confidentiality of written offers and counteroffers for CARL proj-

ects, was amended to provide for a specific exemption from Subsection 119.07(1), F.S.;

- 3) Subsection 258.015(3), F.S., relating to the confidentiality of donors acting to benefit the Division of Parks and Recreation of the Department of Natural Resources, was amended to provide that the identity of such donors is exempt from s. 119.07(1), F.S.;
- 4) Subsections 327.30(2) and (3), F.S., relating to certain vessel accident reports, was amended to provide that certain incidences resulting in death, personal injury, vessel disappearance, and property damage of at least \$500 must be reported to the Division of Law Enforcement of the Department of Natural Resources. However, when an investigating officer has made a written report of the accident, no report need be filed by the vessel operator. The requirement that such reports be for the confidential use of the Division or certain other governmental agencies was deleted;
- 5) Subsection 373.139(3), F.S., relating to land appraisal reports used by the water management districts, was amended to provide that appraisal reports, offers and counteroffers are confidential and exempt from Subsection 119.07(1), F.S.;
- Paragraph 377.22(2)(h), F.S., relating to certain oil and 6) gas drilling records, was amended to provide that such records are exempt from Subsection 119.07(1), F.S., for a period of one year after the completion of a well;
- 7) Subsection 377.2408(3), F.S., relating to information regarding certain geophysical operations in search of oil, gas, or minerals, was amended to provide that information relating to the location of the operation and other information relating to leasing plans, exploration budgets, and other information that could provide an economic advantage to competitors are exempt from Subsection 119.07(1), F.S., for 10 years;
- 8) Subsection 377.2409(1), F.S., relating to certain reports of noninterpreted information derived from geophysical operations, was amended to provide that such reports are exempt from Subsection 119.07(1), F.S., for 10 vears:
- Section 377.2421, F.S., relating to certain exploration 9) and production activity on federal lands, was amended to provide that certain geologic data regarding certain federal lands which is maintained by the Department of Natural Resources, are subject to the same confidentiality requirements as that required by the federal agency and are exempt from Subsection 119.07(1), F.S.;
- 10) Subsection 377.2424(3), F.S., relating to certain geoof Natural Resources with local governments is amended to provide that the Department may share such information on request or on its own initiative. Such infor-119.07(1), F.S.;
- 11) Section 377.606, F.S., relating to certain information obtained by the Energy Data Center, was amended to

however, the disclosure of information which would likely cause substantial harm to the competitive position of the person providing such information is exempt from the requirements of Subsection 119.07(1), F.S.;

- 12) Subsection 377.701(4), F.S., relating to information submitted to the Governor's Office regarding the consumption of and demand for petroleum, was amended to provide that certain information which, if disclosed, would likely cause substantial harm to the competitive position of the person submitting such information is exempt from Subsection 119.07(1), F.S.
- 13) Paragraph 378.101(3)(b), F.S., relating to certain information in the possession of the Florida Institute of Phosphate Research, is exempt from Subsection 119.07(1), F.S.:
- 14) Subsection 378.208(6), F.S., relating to financial statements furnished to the Department of Natural Resources by phosphate mine operators, is amended to provide that such information is exempt from Subsection 119.07(1), F.S. However, this exemption does not apply to financial statements that are public records in the custody of another governmental agency; and
- 15) Paragraph 378.406(1)(a), F.S., relating to information concerning prospecting, rock grades, or secret processes or methods of operation acquired by the Department of Natural Resources is exempt from Subsection 119.07(1), F.S., under certain conditions.

HOUSE BILL 1413 (CHAPTER 89-177) reauthorizes the Cross Florida Canal Navigation District and the Canal Authority of the State of Florida, which had been scheduled for repeal October 1, 1989, pursuant to the Sundown Act, and schedules these bodies for repeal October 1, 1999, with prior review by the Legislature.

Repealed are provisions directing the Department of Natural Resources to create special taxing districts whenever a waterways development project has been authorized. [These provisions have never been fully implemented and are considered obsolete.]

SENATE BILL 478 (CHAPTER 89-358) provides that the Board of Trustees of the Internal Improvement Trust Fund shall, if a bond is not required, require an irrevocable letter of credit or other proof of financial responsibility from a lessee of state lands for oil and gas exploration. [Prior law only allowed the use of bonds for financial security. Such financial assurances are used to secure payments for any possible environmental damage due to mining or drilling operations of the lessee.1

Antiquated provisions setting minimum drilling depths and physical permit information shared by the Department limiting the terms of state leases for oil and gas explorations are repealed.

This law provides that applicants for a drilling, production, or injection well permit may provide surety by paying an annumation, however, is otherwise exempt from Subsection al fee to the Petroleum Exploration and Production Bond Trust Fund (PEPBTF), which is created in DNR. The first-year fee for such permits is \$4,000 per permitted well. For each subseguent year, the fee is \$1,500 per permitted well. The maximum provide that such information is open to the public; fee per year is \$30,000. Fees are to be reviewed biennially by

DNR and adjusted for the cost of inflation. The DNR will, by ferentiating between artificial and natural waters and the qualrule, develop a suitable index for such revisions. The PEPBTF is to serve as a repository for funds which will enable the Department to respond quickly to incidents of environmental contamination resulting from petroleum exploration and production activities. The Department may also use moneys from the Trust Fund to conduct routine inspections of exploratory or production wells, pressure maintenance wells, disposal wells, and related gathering lines. To be deposited into the Trust Fund are all fees charged permittees under Paragraph 377.2425(1)(b), and Subsections 377.24(1) and 377.2408(1), F.S., all penalties, judgments, recoveries, reimbursements, and other fees and charges related to the recovery of costs. The Department is directed to recover moneys used from the Trust Fund. A permittee shall be allowed no further surety under the PEPBTF if unresolved violations of DNR rules exist or required corrective action has not been taken. The Governor and Cabinet, however, may make an exception. The act provides for a temporary transfer of funds from the Coastal Protection Trust Fund to the PEPBTF, not to exceed \$10 million. This is only in the event of an emergency where the balance in the PEPBTF is not adequate to cover the costs of cleanup. The Coastal Protection Trust Fund is to be reimbursed immediately from deposits into the PEPBTF.

COMMITTEE SUBSTITUTE FOR SENATE BILL 500 (CHAP-TER 89-151) confirms the regulatory and rulemaking authority of the Department of Natural Resources to direct the control and eradication of aquatic weeds and plants under the Florida Aquatic Weed Control Act and the Florida Nonindigenous Aquatic Plant Control Act. It requires that a permit be obtained by public and private entities for the control or eradication of aquatic weeds and plants. The law provides that the Department must develop review standards for permit applications to include the use of chemical and biological criteria and dif-

ity of various littoral vegetation.

HOUSE BILL 1391 (CHAPTER 89-373) provides that the Director of the Office of Civilian Conservation within the Department of Natural Resources would be appointed by the Executive Director of the Department of Natural Resources. Under this act, members of the Florida Youth Conservation Corps would not be considered state employees. The Youth Conservation Corps Trust Fund is also created in the Department of Natural Resources. All grants, contributions, reimbursements, and any other authorized monetary collections that would otherwise be deposited into the General Revenue Fund would now be deposited in the Youth Conservation Corps Trust Fund. The Department of Natural Resources must adopt rules regarding the expenditure of funds in this trust fund. The act appropriates to the Department of Natural Resources \$200,000 from the Youth Conservation Corps Trust Fund for fiscal year 1989-90 to carry out these provisions.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1479 (CHAP-TER 89-342) amends Section 380.0552, F.S., to require the state land planning agency to recommend to the Administration Commission the removal of the Florida Keys' designation as an area of critical state concern after July 15, 1990, if the agency determines that all local land development regulations and local comprehensive plans and the administration of such regulations and plans are adequate to protect the area. Such plans and regulations must be determined to continue to carry out the intent of the Legislature in so designating the area and to be in compliance with the principles for guiding development set out in Subsection 380.0552(7), F.S.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 759 (CHAP-TER 89-37) enables the Clean Florida Commission to establish an "adopt-a-highway" program to permit local entities to support specific highway cleanup and beautification projects, effective October 1, 1989.

## **CONSTITUTIONAL AMENDMENTS***

Three joint resolutions proposing to amend the Florida Constitution were adopted at the 1989 Regular Session. All are to appear on the November 1990 General Election ballot for ratification or rejection by the electors of the state.

COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLU-TION 43 proposes Section 8 of Article I of the Constitution be amended to require a 3-day waiting period, excluding weekends and legal holidays, between the purchase and delivery at retail of any handgun. The terms "purchase" and "handgun" are defined for purposes of the amendment and holders of state concealed weapon permits are exempted from its provisions.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESO-LUTIONS 139 and 40 proposes to create Section 18 of Article VII of the Constitution to relieve counties and municipalities of the obligation to comply with general laws affecting their ex-

penditures, ability to raise revenues or receipt of state tax revenues unless certain conditions are met. In each case, the general law must be enacted by two-thirds of the membership of each chamber of the Legislature. Moreover, spending laws must fulfill an important state interest, the Legislature must appropriate adequate moneys or authorize a local funding source, the law must apply to all persons similarly situated or be for the purpose of compliance with federal law or federal entitlement eligibility. Exemptions to these provisions are accorded certain classes of laws.

Section 3 of Article III of the organic law would be revised by SENATE JOINT RESOLUTION 380 to mandate that the 1991 Regular Session of the Florida Legislature convene on the first Tuesday after the first Monday in March in 1991 and in subsequent years on the first Tuesday after the first Monday in February.

^{*}Prepared by Legislative Library

#### **CORRECTIONS***

1989 Legislature passed major legislation dealing with all as- tutions. pects of corrections, probation and parole.

## **Control Release Authority**

HOUSE BILL 9-A (CHAPTER 89-526) contains many provisions that were considered as separate measures in the 1989 Regular Session. Specifically, the act creates a new entity within the Parole Commission called the Control Release Authority which is charged with the function of maintaining the prison population below lawful capacity through early release. [Under current law the Department of Corrections is responsible for the early release mechanism, and prior to the early release process, the Governor must review and authorize such release.] This legislation shifts the releasing responsibility from the Department of Corrections to the Parole Commission. The Control Release Authority will not be in effect until December 1990.

Section 944.28, F.S., is amended to provide that gain-time awarded to state inmates who are released into a supervision program may risk the forfeiture of gain-time upon violation of probation or community control supervision.

Newly created Section 945.31, F.S., authorizes the court to order the Department of Corrections to collect and dispense restitution and other payments from persons remanded to its custody or supervision. The Court-Ordered Trust Fund is created by Section 945.32, F.S., to be used for this purpose.

This legislation also addresses the issue of private operation of state prisons. The Department of Corrections is mandated to develop a request for a proposal to construct or construct and operate a single-cell prototype institution or other correctional facility. Bidder and private vendor gualifications are prescribed, requirements relating to liability insurance are provided, quality assurance and standards of operation are required and the vendor is directed to provide a substantial savings to the state. [The General Appropriations Act authorizes the expenditure of \$265,000 to undertake this process.]

Several sections of Chapter 946, F.S., which relate to correctional work programs are also included in this legislation. The legislation prioritizes the assignments of inmates to correctional and public work programs, and refines and reprioritizes the mission of the correctional work programs. [Under current law, cost savings is the first mission of correctional work programs.] This legislation establishes that the primary mission of the correctional work programs shall be to reinforce relevant education, training and post-release job placement. Legislative intent is also provided which states that work programs should utilize inmates of all custody levels with particular emphasis on reducing idleness among close custody inmates. The legislation also provides for the needs of the private nonprofit corporation that provides the work program TER 89-100), titled the Law Enforcement Protection Act, es-

Both the Regular and Special Sessions "A" and "B" of the when assigning and transferring inmates to correctional insti-

The pre- and post-release orientation program, under current law, is mandated to be 40 hours in length under certain circumstances. This legislation specifies that both pre- and post-release orientation shall not be fewer than 40 hours and shall be completed prior to release.

Amendments to Chapter 947, F.S., relating to clemency and requests to subpoena certain witnesses are included in the legislation. Specifically, the Parole Commission is returned the power and duty to report to the Board of Executive Clemency. Also, the Parole Commission is allowed, under this legislation, to decline a request to subpoena a witness if the Commission finds that the testimony of the witness would be cumulative, irrelevant or nonprobative.

Section 110.205, F.S., is amended to provide that officers and employees of the Correctional Education School Authority are exempt from career service. The Board of Correctional Education is deemed to be the public employer for all employees of the Correctional Education School Authority in accordance with amendments to Subsection 447.203(2), F.S.

An amendment to Section 948.01, F.S., specifies that supervision for felony defendants placed on probation or community control by the court shall be provided by officers who are in compliance with the minimum standards pursuant to Section 943.13, F.S.

Also included in this legislation is the redirection of the Crime Prevention and Law Enforcement Study Commission. The Study Commission is directed to make recommendations concerning the entity authorized to identify certain inmates for terms and conditions for release and supervision and to maintain the inmate population within lawful capacity. The recommendations are to be included in the Commission's final report pursuant to current law.

The act also creates a Special Correctional District Task Force. The members on the Task Force shall be appointed by August 1, 1989, and consist of 12 members. The Joint Legislative Management Committee shall provide the staff for the Task Force. The purpose of the Task Force is to make recommendations to the Legislature which shall include a funding mechanism necessary to construct, maintain and operate district facilities, designate the type of offenders who shall be placed in the district facilities, the processing and classification scheme necessary for district inmates, the organizational structure needed and the specification of certain programming requirements. A written report is due to the Legislature by February 1, 1990. Provisions of the act take effect October 1, 1989, or September 1, 1990.

#### Law Enforcement Protection Act

COMMITTEE SUBSTITUTE FOR HOUSE BILL 25 (CHAP-

^{*}Prepared by Senate Corrections, Probation and Parole Committee

tablishes in new Section 775.0823. F.S., a series of mandatory and which contained a number of provisions relating to corminimum sentences for crimes of violence committed against law enforcement officers, correctional officers, state attorneys or assistant state attorneys. In addition to these minimum penalties the act also places restrictions upon the ability of these convicted defendants to earn credits given other prisoners when the state correctional system reaches its maximum lawful capacity. [Prohibitions on the granting of probation or suspended sentences effectively mean that such offenders will have to serve a more substantial portion of their courtimposed sentences than other prisoners.]

This act takes effect on January 1, 1990, and applies to offenses committed on or after that date.

#### Serious Targeted Offender Program (STOP)

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1810 (CHAPTER 89-378) takes an intense approach to the problems presented by the rapid increase in serious drug-related youth crime. This legislation creates Chapter 953, F.S., to provide for a Serious Targeted Offender Program (STOP) within the Department of Corrections which will marshal substance abuse treatment resources for these offenders. Both needs assessment and treatment approaches will be conducted by outside professionals. Program design and implementation, although delayed until 1990, will be directed through the State University System, in particular through the Florida Mental Institute at the University of South Florida and the Center for the Study of Youth Policy at Florida Atlantic University. A network of designated treatment facilities no larger than 270 beds each will be developed which will be the focal point for residential treatment. [An appropriation of \$350,000 was provided in the General Appropriations Act for initial planning and site acquisition for STOP facilities.] The tive portion of a split sentence when an offender's probation, Department of Corrections is given the authority to promulgate rules for the implementation of this new law.

#### **Corrections Master Plan**

SENATE BILL 12-B (CHAPTER 89-531) substantially revised a measure which passed during the 1989 Regular Session of the Legislature but was later vetoed by the Governor date of October 1, 1989.

rectional programs.

This Special Session "B" enactment duplicates material contained in the original legislation but provides for an accurate title. Specifically, the act provides for the reorganization of the Correctional Medical Authority and exempts from public disclosure certain medical peer review records of the Department of Corrections or of the Corrections Medical Authority. [This affords the same restricted access to these records as would be accorded similar records assembled at any private hospital in the state.] Also, included in this provision of the law is the mandate that the Correctional Medical Authority submit a plan for the private sector management of inmate health care.

Section 944.023, F.S., is amended to authorize the development of a corrections master plan by the Department of Corrections to chart the policy direction the state should take in its adult prison system in future years. Provisions are made for the plan to be updated annually and submitted to the Governor and the Legislature at the same time the Department submits its legislature budget request.

Technical amendments to the Interstate Agreement on Detainers, Chapter 941, F.S., are also included in this act. These nomenclature changes provide consistency with similar agreements in other states.

Several sections in this legislation eliminate inconsistencies that have occurred when the Department of Corrections must decide whether an inmate is to be placed under provisional release supervision or conditional release supervision.

Several provisions within this act enable the Department of Corrections to forfeit gain-time awarded during the incarceracommunity control or provisional release is revoked.

The Parole and Probation Commission is continued and renamed the Parole Commission pursuant to Chapters 20 and 947, F.S. Under the provisions of this act, the scheduled repeal of the Parole Commission is delayed until October 1, 1991. Except as otherwise provided, this act has an effective

### COURTS AND CIVIL LAW*

The subjects pertaining to COURTS AND CIVIL LAW encompass many areas of the law. During the 1989 Regular Session the legislature adopted broad revisions of the Florida Guardianship Law, conformed the child support statutes to federal mandates, addressed the needs of the judiciary by creating new judgeships and implemented the recently adopted constitutional amendment to provide for civil traffic hearing officers. Other subjects within this general topic include: creditors rights, immunity from civil liability, statutes of limitations, alternative dispute resolution, probate and trust administration, condominium law, mechanics liens, venue, and real property law.

#### **Guardianship Reform**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1305 (CHAPTER 89–96) is a comprehensive rewrite of the Florida Guardianship Law, Chapter 744, F.S. This legislation incorporates the recommendations of the Guardianship Study Commission established by the Legislature last year which was chaired by Florida Supreme Court Justice Rosemary Barkett. Generally, the act is intended to ensure that "incapacitated persons" are treated with dignity and respect, provided with all necessary medical or rehabilitative treatment, ensured of fair and competent financial management, guaranteed fundamental rights and due process, and allowed to continue to exercise all those rights of which they are capable.

The term "incompetent" is replaced with "incapacitated". This semantic change is intended to restore a measure of dignity and respect to persons who, through no fault of their own, permanently or temporarily lose control of their mental capacities.

Judges are directed to consider alternatives to guardianship or to utilize the least restrictive form of guardianship so that the surrender of personal rights is limited to only those that the individual incapacitated person can no longer exercise. Termed "limited guardianship", and replacing the current very narrow limited guardian concept, this will allow differentiation between the various liberties and privileges that may be removed or retained by a person depending upon that person's individual abilities and condition. Thus, the court could depart, where warranted, from the current law which is "allor-nothing" (i.e., an incompetent person loses all rights) in utilizing this new limited guardianship concept, guaranteeing that a person can maintain as many rights as he is able to exercise.

In addition, certain fundamental rights are guaranteed to all and are specifically enumerated in the measure. Some examples of which are the right:

 to be treated with dignity and respect, to be protected against abuse and to remain as independent as possible;

- to continual review of the need for the restriction of rights;
- to receive prudent financial management and to be informed regarding financial matters;
- 4) to receive necessary services and rehabilitation;
- 5) to be free from discrimination due to incapacity;
- 6) to obtain counsel and access to the courts; and
- 7) to communicate with others and to receive visitors.

clude: creditors rights, immunity from civil liability, statutes of limitations, alternative dispute resolution, probate and trust administration, condominium law, mechanics liens, venue, and real property law. An alleged incapacitated person is also entitled to be examined by a committee composed of professionals, including a licensed psychiatrist, who are trained to diagnose and evaluate the conditions causing the person's alleged incapacity.

> The enactment provides for enhanced educational requirements, screening and court monitoring of guardians. Guardians would be required to demonstrate financial responsibility; complete an 8-hour course on the legal and ethical obligations of guardianship; submit to a credit and/or criminal history check as recommended by the court; and be screened for conflicts of interest with the ward. The court would require the filing of a "guardianship plan," which sets out a strategy for the care and treatment of the ward, facilitates his rehabilitation, and monitors more closely, through the clerk of the court, the activities of guardians.

> Finally, the law enhances due process requirements so that alleged incapacitated persons will be present at all hearings, with certain exceptions, and represented by counsel appointed by the court. Also, restoration of legal rights is made less difficult for those who have regained their mental capacities. The act is effective October 1, 1989.

#### Family Law

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 258 (CHAPTER 89-183) brings the state child support program into compliance with federal requirements by amending Section 61.30, F.S., to make the child support guidelines operate as a rebuttable presumption of the appropriate amount of support, and by revising Section 742.12, F.S., to require scientific paternity testing upon request of a party in a contested paternity action. In addition to the required amendments, the act makes several changes to the current law designed to increase collections, including methods to enforce the provision of court-ordered insurance for children (Section 61.13, F.S.) and revising the reporting reguirements for insurance companies when policies are cancelled (Sections 409.2561 and 624.424, F.S.); by providing that bonuses may be subject to an income deduction order (Section 61.1301, F.S.); and by allowing authorized agents of the Department of Health and Rehabilitative Services (DHRS) to serve initial process (Section 409.257, F.S.). The time within which the depository must disburse funds to the support recipient is increased from 2 to 4 days (Section 61.181, F.S.).

^{*}Prepared by House Judiciary Committee

otherwise provided in the law.

HOUSE BILL 1373 (CHAPTER 89-61) deletes all references in the Florida Statutes to "illegitimate" children (Sections 61.052, 440.02 and 768.18, F.S.) and instead refers to children born out of wedlock.

#### **Judicial Certification**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1141 (CHAP-TER 89-290) is the implementation of the Florida Supreme Court's judicial certification request. The act creates 4 judges of the district courts of appeal (revised Section 35.06, F.S.), 17 circuit court judges (revised Section 26.031, F.S.), and 6 county court judges (revised Section 34.022, F.S.). Additionally, the act revises Sections 25.241 and 35.22, F.S., to increase appellate filing fees from \$100 to \$250, and amends Section 34.041, F.S., to impose an additional \$5 county court filing fee. The 27 newly created judgeships will be implemented as of January 1990. The positions will be appointed through the judicial nominating commission process.

#### **Civil Traffic Infraction Hearing Officer**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1356 (CHAP-TER 89-337) authorizes the Florida Supreme Court to establish a pilot program to determine the feasibility of using a civil traffic infraction hearing officer (nonjudge) system on a statewide basis as a first step towards implementation of the constitutional amendment adopted by the voters of Florida in 1988 pursuant to House Joint Resolution 1608. The pilot program could be instituted at the option of any county having 20,000 or more hearings, and would be paid for with county funds.

This legislation would allow the chief judge of the circuit court of the county in which the pilot program is established to appoint full or part-time nonjudge lawyers (called magistrates) who are empowered to adjudicate civil traffic cases in the same manner as a county judge except that a magistrate may not find a defendant in contempt of court, hear a case involving an accident resulting in injury or property damage, hear criminal cases, or hear civil infractions issued in conjunction with a criminal offense. The Supreme Court is to conduct a feasibility study and report to the Legislature by February 1, 1991.

#### **Food Donor Immunity**

Section 768.136, F.S., provides general immunity to donors and gleaners who donate food products to charitable institutions for distribution to the needy. A donor or gleaner is immune from criminal penalties or damages arising from the food's condition unless the damages were caused by the gross negligence, recklessness or intentional misconduct of the donor or gleaner. The statute, however, fails to define the term "donor". HOUSE BILL 291 (CHAPTER 89-35) corrects this omission by defining the term "donor" to include a broad

These provisions are to take effect October 1, 1989, unless ute to include representatives and volunteers of bona fide charitable or nonprofit organizations.

#### **General Assignments for the Benefit of Creditors**

When a debtor becomes unable to pay his debts as they fall due, it may become necessary to liquidate the debtor's assets to satisfy the claims of creditors. As an alternative to bankruptcy, Chapter 727, F.S., provides a procedure by which a debtor may assign to a designated person (assignee) control of all assets which could normally be reached by creditors. As assurance of the faithful discharge of his duties, the law requires the assignee to file a bond in an amount not less than double the "liquidation value" of the assets assigned. HOUSE BILL 643 (CHAPTER 89-54) amends the definition of "liquidation value" found in Section 727.103, F.S., to clarify that such value is the cash obtainable upon a forced sale of the assets after the payment of any valid liens that encumber the assets. The measure also amends Section 727.104, F.S., to increase the number of days within which the assignee's bond must be filed with the clerk of the court from 10 to 30 days.

#### **Statute of Limitations**

Section 95.051, F.S., provides a list of circumstances under which a statute of limitations is tolled. The section did not, however, specifically provide for the tolling of a statute of limitations during the pendency of federal bankruptcy proceedings. Under federal law, there is an automatic stay of any legal action during the pendency of federal bankruptcy proceedings; however, federal law does provide an opportunity for a claimant to institute legal action if the automatic stay expires prior to the running of the statute of limitations, or 30 days after notice of the termination or expiration of the federal bankruptcy stay. COMMITTEE SUBSTITUTE FOR SENATE BILL 477 (CHAPTER 89-26) adds language to Section 95.051, F.S., to clarify that a claimant may institute legal action within 30 days of the lifting of a federal bankruptcy stay.

#### **Alternative Dispute Resolution**

SENATE BILL 237 (CHAPTER 89-31) deletes the provisions in Section 44.101, F.S., that provide for conciliation services or proceedings. It amends Section 44.302, F.S., to allow a court to refer to mediation all issues relating to custody, visitation or child support with the exception of those cases where there is a history of domestic violence. The act provides that arbitrators are to be compensated, but not in excess of \$200 per day. Additionally, the enactment entitles an arbitrator who serves voluntarily to be reimbursed for all actual expenses necessitated by such service.

The law amends Section 44.304, F.S., to explicitly provide that the provisions regarding voluntary binding arbitration shall not apply to any dispute involving child custody, visitation or child support, or to any dispute which involves the rights of a third party to the arbitration.

Finally, the measure creates Sections 44.307 and 44.308. range of persons, businesses, organizations, and institutions F.S. Section 44.307, F.S., grants judicial immunity to certain in the food service industry. The act further amends the stat- arbitrators and mediators. Section 44.308, F.S., allows the tration services by appropriating moneys from county revenues or by levying a service charge of no more than \$2 on any county court civil proceeding. The provisions take effect January 1, 1990.

## **Decedent's Estates**

733.212, F.S., to require the personal representative of a decedent's estate to make a diligent search to determine the names and addresses of creditors of the decedent who are reasonably ascertainable and to serve on those creditors a copy of the notice of administration within 3 months after the first publication of the notice. Creditors are then given 3 months from the first publication of the notice or 30 days for the service of the notice, whichever is later, in which to file claims pursuant to revised Section 733.702, F.S.

The act further amends Section 733.212, F.S., to require the personal representative to serve a copy of the notice on the surviving spouse and all beneficiaries known to the personal representative. The personal representative is permitted to serve a copy of the notice on any devisees or heirs under a known prior will.

If the personal representative in good faith fails to give the required notice, the personal representative is not liable to any person for the failure. Liability, if any, for the failure in such a case is on the estate.

Additionally, the measure revises Section 733.710, F.S., to reduce, from 3 years to 2 years, the free-standing statute of limitations that bars claims against the estate.

### **Guardian for Drug Dependent Newborns**

If an expectant mother is dependent on or uses addictive drugs during pregnancy, it is highly probable that the fetus will be born dependent on drugs as well. Last year the Department of Health and Rehabilitative Services (DHRS) received approximately 2,500 reported cases of drug dependent newborns. COMMITTEE SUBSTITUTE FOR HOUSE BILL 1509 (CHAPTER 89-345), provides for the appointment of a form **Disabled Persons** of limited guardianship to oversee the care and medical treatment of drug dependent newborns. The person appointed is known as a "guardian advocate" for purposes of providing protective services for abused or neglected children (Sections 415.502-415.514, F.S.). The intent of the act is to provide DHRS and the courts with an alternative to full guardianship. The law is also intended to reduce the number of instances in which a drug dependent newborn is removed from its mother with the hope that keeping the child will provide the mother with an incentive to rehabilitate. The effective date of the act is October 1, 1989.

## Trust Administration

a spouse to receive the benefits of a trust that was established by the other spouse is not affected by a divorce. HOUSE BILL 1486 (CHAPTER 89–39) changes this by revising upon screening.

board of county commissioners to support mediation and arbi-Section 737.106, F.S., to provide that, unless the trust instrument or the judgment for dissolution of marriage provides otherwise, the rights of a spouse under a revocable trust that was established by the other spouse prior to the dissolution terminate upon dissolution of the marriage. The act also amends Section 737.402, F.S., effective October 1, 1989, to raise the threshold level of trust assets from \$25,000 to \$50,000 under HOUSE BILL 1408 (CHAPTER 89-340) amends Section which in his sole discretion, the trustee may terminate the trust.

## Condominiums

COMMITTEE SUBSTITUTE FOR SENATE BILL 1183 (CHAP-TER 89-161) revises Section 718.113, F.S., to provide that any condominium owner may display one portable, removable United States flag in a respectful way regardless of any declaration rules or requirements dealing with flags or decorations.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1243 (CHAP-TER 89-164) provides clarification with regard to the construction of a 1988 law which prohibits the further escalation of rents on condominium and cooperative leases after October 1, 1988. This act amends Sections 718.4015 and 719.4015, F.S., to specifically state that the Legislature did not intend to revive any leases that had been previously held unenforceable.

## **Real Property Interests**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1173 (CHAP-TER 89-41) reenacts Subsection 679.104(10), F.S., which provides for the exclusion of real estate interests from the Uniform Commercial Code-Secured Transactions provisions and revises Section 701.02, F.S., to require that any assignment of mortgage made after October 1, 1989, be in a document which indicates the assignment in its title to be effectual against creditors or subsequent purchasers if that subsequent purchase is made for a valuable consideration and without notice.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 838 (CHAP-TER 89-317) amends Section 413.08, F.S., to provide that capuchin monkeys may accompany paraplegics or quadriplegics in public places in the same manner that guide dogs may accompany the deaf or blind. Similarly, trainers of capuchin monkeys will have the same right of access to public places. The trainers must be paid employees of a training organization to receive access benefits. The act has an effective date of October 1, 1989.

SENATE BILL 316 (CHAPTER 89-71) expands the immunity from civil liability for physicians provided in the Good Samaritan Act, Section 768.13, F.S., to include all services provided Unless otherwise provided in a trust document, the right of gratuitously at nonprofit medical facilities other than a licensed hospital or ambulatory surgical center, rather than only for failure to provide or arrange further medical treatment

# Transfer Fee for Change of Venue

COMMITTEE SUBSTITUTE FOR SENATE BILL 1106 (CHAP-TER 89-84) revises Section 47.091, F.S., to provide that the party moving for a change of venue shall pay the transfer fee unless the party who initially filed the action filed in the improper venue. In that case, the initially filing party is required to pay the transfer fee. The act amends Section 47.191, F.S., to further provide a transfer of venue shall not be effective until the transfer fee is paid.

## **Corporations Not For Profit**

SENATE BILL 645 (CHAPTER 89-78) amends Section 617.09, F.S., to clarify that the Department of Legal Affairs may institute legal proceedings where an officer or director of a non-profit corporation has participated in a sale or transaction that is affected by a conflict of interest or from which he sion would be required to hold at least three regular meetings derived an improper personal benefit. The act also provides during the year to consider the prescribed issues and to hold that the Department may recover on behalf of the corporation at least three public hearings.

or its unknown beneficiaries any profits improperly received by the corporation or its officers or directors. The law takes effect October 1, 1989.

## **Mobile Home Study Commission**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1064 (CHAP-TER 89-202) extends until June 30, 1990, the operation of the eight-member Study Commission on Mobile Homes created by Section 18 of Chapter 88-147, Laws of Florida, to study the issue of alternative dispute resolution with regard to mobile home rental disputes. The report of findings and recommendations would be submitted to the Governor, President of the Senate, Minority Leader of the Senate, Speaker of the House, and the Minority Leader of the House, no later than March 1, 1990. If the Commission recommends statutory changes, proposed legislation shall be included in the report. The Commis-

#### **EDUCATION, K-12***

The 1989 Legislature passed bills on numerous aspects of parenting teens, school personnel, educational administration and finance, vocational education, and drug abuse prevention.

## **Prekindergarten Early Intervention Program**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILLS 1593, 507 and 310 (CHAPTER 89-101) moves the Prekindergarten Early Intervention Program to Section 230.2305, F.S., to make changes to ensure a guality program. At least 75 percent of the children served by the optional program will be economically disadvantaged (130 percent of the federal poverty level) 4-year-olds. The remaining 25 percent may be (a) economically disadvantaged 3-year-old children, (b) 3- and 4-year-old children who are abused, drug addicted, in foster homes, or at-risk for mild handicapping conditions, and after (a) and (b) are served, (c) nondisadvantaged 3- and 4-year-old children for whom a sliding scale fee is paid. Other changes to the Program include increased training requirements for teachers and principals, maximum adultchild staffing levels, integral parent involvement activities, developmentally appropriate curriculum, cooperative arrangements with DHRS and the private sector, and associated day care provisions.

## **Early Childhood Services**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1818 (CHAP-TER 89-379) creates Section 230.2303, F.S., to establish the Florida First Start Program. The Program is to serve handicapped and at-risk children from birth to 3 years old and their parents through family involvement and parent education services.

The act also creates Section 411.222, F.S., establishing a State Coordinating Council for Early Childhood Services for the purpose of advising the Governor, Commissioner of Education, Secretary of Health and Rehabilitative Services, President of the Senate and Speaker of the House of Representatives on early childhood programs and the coordination of services to infants and young children.

The law repeals a subsection of Section 228.0615, F.S., and all of Section 402.30, F.S., which created two different councils on early childhood education and child care.

## **Elementary and Early Childhood Education**

FOR HOUSE BILL 535 (CHAPTER 89-304) ensures homeless ance Education (DARE) Program to be implemented in the children a free public education, and makes improvements in public elementary schools in the state to prevent drug and althe School-Aged Child Care Incentives Program and the cohol use among school-aged children. The implementation Community Education Program.

The act amends Sections 228.041, 228.121 and 232.01, education and youth, including early childhood, pregnant and F.S., to provide that homeless children have access to a free public education.

Section 228.0617, F.S., relating to the School-Aged Child Care Incentives Program is revised. The focus of the program is changed from establishing a few pilot programs to providing money to school districts for (1) planning a program, (2) implementing a program in the first year, or (3) serving at-risk children. Section 228.071, F.S., is amended to permit the employment of part-time community education coordinators and encourage community education programs to provide school-age child care and interagency planning and sharing of resources.

## School Breakfast

COMMITTEE SUBSTITUTE FOR SENATE BILL 350 (CHAP-TER 89-221) amends Section 228.195, F.S., to provide a 3year phase-in period for the implementation of breakfast programs in all elementary schools.

## **Teenage Pregnancy and Parenting**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1818 (CHAP-TER 89-379) amends Sections 230.2316, 232.01, 232.246, 232.304, 233.011, 233.067, 234.01 and 236.083, F.S., to expand and enhance programs for pregnant or parenting teenagers and require instruction in the consequences of teenage pregnancy and benefits of sexual abstinence. The Department of Education is directed to revise curriculum frameworks to include building self-esteem and enhancing decisionmaking skills. Instruction in the consequences of teenage pregnancy and parenting and the benefits of sexual abstinence is made a part of life management skills courses and comprehensive health education and substance abuse programs. In addition, an entitlement is extended to pregnant and parenting teenagers to participate in a teenage parent program under the Dropout Prevention Act, ancillary support services-such as child care and transportation--are included as required elements of teenage parent programs, school districts are required to inventory community services and programs needed to implement their dropout prevention plans, and transportation is to be provided to pregnant or parenting teenagers and their children regardless of the distance from school.

## **Drug Abuse Resistance Education Act**

COMMITTEE SUBSTITUTE FOR SENATE BILL 374 (CHAP-COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE TER 89-172) authorizes the copyrighted Drug Abuse Resistof this program will require an interagency effort between the

^{*}Prepared by House Committee on Education and House Committee on Children and Youth

Florida Department of Law Enforcement (FDLE), Department Fiorida Literacy Corps of Education (DOE), local law enforcement agencies and school districts. The act creates a DARE board of directors which consists of nine residents of the state. The board is required to submit an evaluation and fiscal analysis of the DARE Program to the Legislature after a full year of program operation, to evaluate and approve applications for funding, and to prepare in conjunction with the FDLE and the DOE administrative guidelines for the DARE Program.

It further includes a provision of eligibility for local law enforcement agencies to receive funding for DARE Program Task Force on School Discipline training of officers and DARE Program materials. Eligibility is based upon assurance by the agency that the DARE Program will be implemented in its entirety. Applicants (law enforcement agencies) must have approval by the local school district and by the DARE board of directors to receive funding. The approved application is then submitted to the FDLE which allocates funding to the law enforcement agency.

#### **Youth Enhancement Services**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1417 (CHAPTER 89-298) creates Section 230.69, F.S., to permit school districts to establish Youth Enhancement Services (YES) centers to provide after-school activities for school-aged students who might otherwise be unsupervised after school. The DOE must approve proposals for all YES centers.

A nonprofit corporation with a seven-member board of directors consisting of parents, community volunteers, and representatives of the local district schools would be established by people interested in a YES center. The YES board would raise at least one-fourth of the capital outlay costs for a center building from private donations, with the remaining threefourths provided by a matching state grant. The YES center would offer a variety of after-school activities. The board of directors has the responsibility for operation and management of the center, before and after school hours, and provides salaries for the administrative, tutorial and recreational staff of the center. Any necessary fees for the operation of the center would be based on a sliding scale according to family income and number of children in the program.

The YES center building would be located on the grounds of an elementary or middle school and would be available for school use during the day. The school district is responsible for all utilities and insurance coverage.

#### **High School Community Service Act**

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 247 AND 604 (CHAPTER 89-182) creates the High School Community Service Act. The Act directs the Commissioner of Education to select up to 4 school districts with enrollments of more than 25,000 students each to pilot a community service program for high school students. The Act enables high school students in participating school districts to earn academic credit for community service work during the summer of 1990.

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 247 AND 604 (CHAPTER 89-182) creates Section 228.0716, F.S., to establish the Florida Literacy Corps. The Florida Literacy Corps offers postsecondary students the opportunity to earn up to 5 hours of academic credit for tutoring adult illiterates. Incentive funds are made available to universities and community colleges to establish courses. Eligibility requirements are included as is an annual reporting requirement.

SENATE BILL 825 (CHAPTER 89-288) creates the Task Force on School Discipline to review and issue recommendations concerning public school disciplinary policies and programs. The Task Force is to consist of 15 members, with the Governor, Commissioner of Education, President of the Senate and Speaker of the House each making appointments.

#### Task Force on Child Abuse and Neglect Reports

SENATE BILL 825 (CHAPTER 89-288) establishes the 13member Task Force on Child Abuse and Neglect Reports to study the procedures for investigating, classifying and reviewing reports of child abuse and neglect.

#### Short-Term Residential Treatment Program

SENATE BILL 825 (CHAPTER 89-288) requires the Department of Health and Rehabilitative Services (DHRS) to review and evaluate the effectiveness of the Short-Term Residential Treatment Program.

#### **Educational Improvement Projects**

SENATE BILL 344 (CHAPTER 89-278) amends Section 229.59, F.S., to expand the Educational Improvement Projects program by adding additional areas for which grants may be awarded, remove the minimum and maximum limits on grant amounts, authorize research and provide for the dissemination of promising projects. Section 244.07, F.S., establishing the Florida Education Council is repealed.

#### **District School Site Restructuring Incentives**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1518 (CHAP-TER 89-347) creates the District School Site Restructuring Incentives Program Trust Fund to fund district-level school innovations. The program will be administered by the Department of Education (DOE) and the Trust Fund administered by the Commissioner of Education. Grants to school districts will be proportional to the number of students in that school district.

#### **School Personnel**

SENATE BILL 344 (CHAPTER 89-278) revises Sections 231.262 and 231.29, F.S., to allow the Professional Practices Services Section to investigate and the Education Practices Commission to take action on a complaint against a person

whose teaching certificate has expired if the acts which are School Board Member Staff Development the basis of the complaint occurred while the person held a valid teaching certificate. School districts are required to report in writing complaints against instructional personnel to the Professional Practices Services Section within 30 days. and the requirement for Professional Practices Services to investigate instructional personnel in the case of two consecutive unsatisfactory annual evaluations is modified. The Department of Education (DOE) is granted access to Department of Health and Rehabilitative Services (DHRS) records concerning reports of child abuse and neglect by teachers and applicants for teacher certification.

F.S., pertaining to preservice and inservice requirements for teachers. The alternative certification program for secondary teachers is changed from a program administered by school districts to one administered by 6 regional centers at colleges and universities. Experienced teachers new to the state may complete the beginning teacher program in 90 days rather than one year by demonstrating teaching competency through a performance evaluation. Funds for inservice training may be used to pay tuition or fees for college courses taken by teachers for credit under certain circumstances.

## **Fingerprinting Noninstructional Personnel**

SENATE BILL 292 (CHAPTER 89-144) amends Section 231.02, F.S., to require background screening of all noncertified personnel hired by school boards and laboratory schools for positions that involve direct contact with children. This background screening may be done through fingerprint matching by the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI) or through name matching by the Florida Crimes Information Telecommunications Network and National Crime Information Center. The act takes effect January 1, 1990.

## **Background Checks on Deaf and Blind School Personnel**

HOUSE BILL 4-B (CHAPTER 89-535) passed during Special Session B, requires fingerprinting of all current employees and personnel hired by the Florida School for the Deaf and the Blind. All persons will be required to undergo personnel screening and security background investigations as a condition of employment and continued employment. Background checking will be done by the Florida Department of Law En-(FBI).

## School-Related Employee of the Year

SENATE BILL 1092 (CHAPTER 89-159) directs the Department of Education (DOE) to provide by rule for a School-Related Employee of the Year Program. School districts are authorized to nominate a teacher's aide, custodial worker, cafeteria employee, bus driver or other school-related employee to be recognized for his or her contributions.

HOUSE BILL 1211 (CHAPTER 89-206) amends Sections 230.22, F.S., to encourage the Department of Education (DOE) and the Florida School Boards Association to jointly develop a state plan for school board members' participation in staff development, training seminars and related activities at the district, state and national levels.

## Transportation

SENATE BILL 344 (CHAPTER 89-278) amends Chapter 235, F.S., to clarify the use of school buses, passenger cars The act also amends Sections 231.17, 231.172 and 236.081, and public transit systems for transporting students to and from school, between school centers and to school-related activities. Liability and intent as to student health and safety while the student is being transported are also clarified.

## **Educational Facilities**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 543 (CHAPTER 89-226) amends various sections of Chapter 235, F.S., relating to educational facilities, including modifying definitions, authorizing the Office of Educational Facilities to conduct postoccupancy evaluations, and increasing the limitation on the cost of constructing or modifying educational facilities. These provisions take effect October 1, 1989. Section 236.25, F.S., is amended to delete the provisions prohibiting the supplanting of current expenditures from operating revenues by certain funds for capital outlay purposes.

## **Education Finance**

SENATE BILL 344 (CHAPTER 89-278) revises numerous sections of Chapter 236, F.S., to conform a number of statutes to current practice and resolve ambiguities pertaining to educational funding

Various other provisions of the act amends other sections of Chapter 236, F.S., to clarify provisions relating to the credit of interest or profits on funds invested by a school board, to clarify the purposes for which proceeds from the discretionary capital outlay millage may be used, and to revise the requirements of school districts relating to the investment of bond proceeds, interest and sinking funds collected for the retirement of bonds.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE forcement (FDLE) and the Federal Bureau of Investigation FOR SENATE BILL 1417 (CHAPTER 89-298) amends Section 236.081, F.S., to conform the statutory procedure for allocating full-time equivalent students among the school districts and establishing program enrollment ceilings. It also authorizes the use of up to 10 percent of unallocated FEFP dollars to fund weighted full-time equivalents (FTE) students exceeding the enrollment ceiling for students in alternative education, exceptional student education, and K-12 vocational education programs, with students in exceptional education programs having first priority for the funds.

## **Challenger Astronauts Memorial Scholarship Trust Fund**

SENATE BILL 344 (CHAPTER 89-278) creates the Teacher/ Quest Scholarship Program as part of the Florida Private Sector Partnership Act (Section 229.602, F.S.) to allow teachers to spend time during the summer discovering new applications for their subjects. In addition, the annual Challenger Astronauts Memorial Scholarship is increased from \$1,000 to \$4,000 and to allow money from the trust fund to be used for graduate scholarships in space science, space commerce, space policy research, and the Teacher/Quest Program.

## Math. Science and Computer Education

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1417 (CHAPTER 89-298) creates the K-12 Mathematics, Science, and Computer Education Quality Improvement Act, designed to upgrade the quality of instruction in these subjects at every level of schooling. A K-12 Mathematics, Science, and Computer Education Quality Improvement Advisory Council is created to assist in the improvement of math, science and computer education and its powers and duties are specified. The Department of Education (DOE) is required to evaluate math and science textbooks and to report its findings to the Legislature. The Teacher/Quest Scholarship Program is created to allow teachers to work in private sector business and industry during the summer months to enhance their knowledge and improve their teaching skills in the areas of math, science and computer education. The Program, which will provide salary stipends to participating teachers, will be funded by the Challenger Astronauts Memorial Scholarship Trust Fund. Section 240.408, F.S., is amended to allow the use of Challenger funds.

Section 229.602, F.S., is amended to establish the Mathematics and Science Partnership Program as a private sector and education partnership.

Section 233.0575, F.S., is created to authorize elementary school teachers with a particularly strong math and science background to be employed by school districts as mathematics/science mentor teachers with responsibilities to include: working with curriculum experts in providing inservice training for all teachers; contributing expertise in implementing a comprehensive math/science plan; and advising other teachers in methods of instruction. District school boards and developmental research schools are allowed to participate in pilot tional school, home school, GED study course or other educaprojects using an elementary mathematics/science mentor teacher.

Section 233.09, F.S., is amended to require each state instructional materials council to evaluate instructional materials for consistency with the Comprehensive Plan for Mathematics, Science, and Computer Education. A Sunset review (Section 11.61, F.S.), of the mathematics/science mentor teacher program by June 30, 1995, is stipulated.

### **Hospital and Homebound**

FOR SENATE BILL 1417 (CHAPTER 89-298) amends Section 236.081, F.S., to authorize school districts to set up class-

rooms in hospitals for students who are too ill to attend regular classes. [These students have previously been taught one at a time.]

#### **Extended Day Program**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1417 (CHAPTER 89-298) amends Section 236.081, F.S., to exempt dropout prevention courses from the contiguous period requirement of the extended schoolday supplement and restate extended day class time requirements in statute as minutes-per-day instead of minutes-perperiod. [Both changes increase school district flexibility in scheduling classes without lowering standards.]

#### **Dropout Prevention**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 75 (CHAPTER 89-302) amends Section 230.2316, F.S., to authorize educational alternative programs with instruction time equivalent to two periods-per-day, rather than three periods as presently required, for students in grades nine through twelve, and also for students in grades six through eight if enrolled for at least three periods in a compensatory education program. The act also provides for the funding of planning grants for open enrollment mini-schools of choice, schools typically small in size, built around a particular theme and often organized as a school-within-a-school. It directs the Department of Education (DOE) to develop minimum evaluation criteria under the Dropout Prevention Act, and requires school districts receiving dropout prevention funds to establish objective outcomes for those criteria.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 265, (CHAPTER 89-112) amends Section 322.05, F.S., to increase from 16 to 18 the age at which a person may be issued a driver's license. The act creates Section 322.0601, F.S., to allow the Department of Highway Safety and Motor Vehicles to issue a driver's license to a person at the age of 16 if he has received a high school diploma, equivalency diploma special diploma, or certificate of completion or is enrolled in school and satisfying attendance requirements. Persons may also qualify for a license at 16 years of age if enrolled in and satisfying attendance requirements of a vocational activity approved by the district school board. Waivers are available in cases of personal or family hardship. The act requires the State Board of Education to establish attendance requirements specifically and solely for the purpose of implementing this law. Section 322.16, F.S., is amended to condition receipt and retention of a restricted driver's license for persons 15 years of age upon compliance with compulsory school attendance requirements.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1417 (CHAPTER 89-298) reenacts sub-COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE section (5) of Section 230.2316, F.S., to continue school district authority to modify courses under the Dropout Prevention Act. COMMITTEE SUBSTITUTE FOR SENATE BILL 344

(CHAPTER 89-278) contains language effecting an identical change.

FOR SENATE BILL 1417 (CHAPTER 89–298) also amends ing the disciplinary action to be taken if a student is found in Section 231.532, F.S., to add an additional criterion-standard diploma graduation rate improvement--to the list of special categories for which the Department of Education gram award to participating school districts.

## Parental Involvement in Dropout Prevention

SENATE BILL 711 (CHAPTER 89-120) requires each public school which is designated a Chapter I school for federal funding to establish an outreach program to secure parental involvement in efforts to prevent students from dropping out of school. The DOE is required to submit a report to the Legislature that provides a statewide analysis of implementation. This act requires home visits on Saturdays and during the evening hours to accommodate parents who cannot take time to participate in the program during school hours because of the requirements of their jobs. A school district can contract with local community organizations staffed with people familiar with the program area.

## **Exceptional Education**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1417 (CHAPTER 89-298) amends Section 236.081, F.S., to extend double-weighted funding to parttime exceptional program students mainstreamed into a basic or vocational program on a part-time basis. Only students who require special aids are eligible. Currently, only students in a full-time exceptional program generate extra funding and only for the time mainstreamed into a basic program. Section 232.145, F.S., relating to exceptional student report requirements is amended. Instead of reporting the names of students to the Department of Health and Rehabilitative Services (DHRS), school districts now will report only the number of exceptional students. Language in Section 228.041, F.S., is updated to reflect changes in terms used to identify conditions of exceptionality.

## **Instructional Materials**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 446 (CHAP-TER 89-189) amends various sections of Chapter 233, F.S., pertaining to (1) evaluation of instructional materials; (2) contracts with publishers and manufacturers; and (3) recycling of TER 89-189) amends various sections of Chapter 228, F.S., obsolete and unusable materials.

# Educational Administration and Finance

SENATE BILL 1293 (CHAPTER 89-166) amends Section 230.23, F.S., to repeal the language in current law that prevents school districts from prohibiting the use of corporal punishment. Thus a school district may now choose to ban the use of corporal punishment, a decision formerly made by each principal on a school-by-school basis.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 75 (CHAPTER 89-302) revises Section COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE 230.23, F.S., to require school districts to adopt rules specifypossession of an electronic telephone pager on school property or at school functions.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE (DOE) may base a District Quality Instruction Incentives Pro- FOR SENATE BILL 1388 (CHAPTER 89-381) creates Section 228.0727, F S., and modifies Section 236.081, F.S., 1988 Supplement, and Section 240.359, F.S., to create the Zollie M. Maynard, Sr., Education for Handicapped Adults Act. It provides for the creation of educational programs for handicapped adults, and provides financial assistance, beginning July 1, 1990, to local education agencies that provide educational programs for handicapped adults at double the special adult education cost factor.

## **Vocational Education**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 75, (CHAPTER 89-302) revises Section 228.041, F.S., to revise the definition of vocational education to include instruction in transferable skills such as career planning, and instruction integrating basic academic and vocational skills. The act also recognizes and rewards vocational student excellence by permitting school districts to place a gold seal endorsement on the high school diploma of each vocational job preparatory student meeting all graduation reguirements, completing a job preparatory program of at least three credits, and achieving an overall grade point average of 3.0 on a 4.0 scale and 3.5 in vocational subjects.

Sections 240.4021 and 240.4022, F.S., are created, respectively, to make financial incentives available to excellent vocational students beginning with the 1991-92 academic year in the form of a Vocational Gold Seal Endorsement Scholarship of up to \$2,000 per year awarded to students receiving a gold seal endorsement diploma, and a Vocational Achievement Grant Program for students not receiving a gold seal endorsement diploma, but demonstrating excellence based on their total student record. Financial need may be considered in nominating and selecting grant recipients. This law also creates Section 240.4023, F.S., to provide for joint funding of the scholarship and grant programs from funds deposited into a trust fund established by the Legislature specifically for this purpose.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 446 (CHAPrelating to Regional Coordinating Councils for Vocational Education and Adult General Education. Specific changes are made concerning the membership, goals and evaluation requirements of the Councils. Sections 17 through 21 amends various sections of Chapters 229 and 443, F.S., which create and state the responsibilities of the Florida Education and Training Placement Information Program. This information is to be used to determine the completion and placement rates of vocational education programs.

## **Progress in Middle Childhood Education (PRIME)**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 75 (CHAPTER 89-302) amends Section 230.2319, F.S., to effect several technical changes in the information required of school districts in their PRIME implementation plans. School districts are required to address strategies to implement interdisciplinary teams, common teacher planning time, small group guidance activities and interdisciplinary instruction in such plans.

The act amends Section 236.0811, F.S., to update the due date for a master plan for inservice educational training, and to require the Department of Education (DOE) to adopt rules to implement the program.

Section 240.53, F.S., relating to postdoctoral programs to train faculty to provide middle childhood education training is revised. The Middle School Certification Task Force is created to investigate certification issues and provide a report.

Section 231.165, F.S., is created to allow district school boards to establish positions for prevention counselors to provide services to students-at-risk of drug or alcohol dependency, delinquency, dropping out, suicide or other problems. Section 231.02, F.S., is amended to provide that such prevention counselors need not be certified teachers.

## Interagency Student Services

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 75 (CHAPTER 89-302) revises Section 232.303, F.S., to allow public-private partnerships such as Cities in Schools to provide services for children through the for support services requested by school districts and com-Interagency Student Services Program.

## **Teachers as Advisers**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 75 (CHAPTER 89-302) revises Section 230.2314, F.S., to make technical changes in the Teachers as Advisers Program. Teachers are required to spend more time with their advisees, and all instructional and administrative school personnel are to be involved in the program.

### **International Baccalaureate Program**

COMMITTEE SUBSTITUTE FOR SENATE BILLS 271 AND 41 (CHAPTER 89-140) amends Section 236.081, F.S., to award school districts an extra 0.3 or 0.24 FTE student membership for each of its students who earn an International Baccalaureate (IB) diploma or for each IB subject exam passed, respectively. The act also reduces from 0.3 FTE to 0.24 FTE the additional FTE awarded for each advanced placement exam passed.

## **Capital Outlay Funding**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 435 (CHAP-TER 89-244) revises Sections 235.435 and 236.25, F.S., to increase from 1.5 to 2.0 the amount of discretionary capital outlay millage a school board is authorized to levy and make a conforming change in the requirements for qualifying for funding from the Special Facility Construction Account.

SENATE BILL 344 (CHAPTER 89-278) also amends parts of Chapter 235, F.S., pertaining to educational facilities to clarify language, update funding limits and provide authorization munity colleges.

#### EDUCATION, POSTSECONDARY*

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 986 (CHAPTER 89–367), COMMITTEE SUB-STITUTE FOR HOUSE BILL 1226 (CHAPTER 89–207), and COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1388 (CHAPTER 89–381) became the major vehicles for the substantive postsecondary legislation that passed during the 1989 Regular Session. Summaries of the provisions of these acts and other related measures are discussed in the following sections under the appropriate subheadings.

#### State University System Governance and Administration

The COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTI-TUTE FOR SENATE BILL 1388 (CHAPTER 89–381) establishes a branch campus of Florida Atlantic University in Broward County. The Board of Regents and the Postsecondary Education Planning Commission will continue to evaluate the need for undergraduate courses in Broward County as part of each board's master planning process. A section in the Board of Regents' 5–Year Master Plan is to include recommendations concerning the need for establishing a separate 4–year public university in Broward County. The Legislature will review the relevant section in the Board's Master Plan before January 1, 1993, and make recommendations for implementation no later than July 1, 1993.

By creating Section 240.52, F.S., the measure also authorizes the State University System to contract for the restoration or purchase of art objects in university museum or gallery collections without seeking competitive bids. Universities may sell art objects in university museum or gallery collections directly, rather than through the Department of General Services, and may establish policies and rules related to the acquisition, sale or exchange of art objects.

#### **State University System Tuition and Fees**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1388 (CHAPTER 89-381) amends Section 240.1201, F.S., to extend classification of residency for tuition purposes to two categories: (1) United States citizens living in the lsthmus of Panama who have completed 12 consecutive months of college while at the Panama Canal branch of Florida State University, and their spouses and dependent children; (2) non-Florida residents attending Florida state universities through the Southern Regional Education Board's Academic Common Market. COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 986 (CHAPTER 89-367) also adds to the definition of residents for tuition purposes full-time employees of state agencies or political subdivisions of the state when the student fees are paid by the state agency or political subdivision for job-related law enforcement or corrections training.

The legislation also authorizes the Board of Regents through revision of Section 240.227, F.S., to conduct foreign student exchange programs and to establish matriculation and tuition fee policies for such programs. A student within a state university will pay tuition and fees at that state university, not the overseas institution, while participating in an exchange program overseas.

#### **State University System Admissions Requirements**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1388 (CHAPTER 89–381) postpones the effective date of the foreign language requirement for admission to state universities until August 1, 1991 through revision of Section 240.233, F.S.

#### State University System Faculty and Staff

HOUSE BILL 729 (CHAPTER 89–195) authorizes the Board of Regents to implement a program to recognize and reward university employees who develop innovations which result in cost savings or which generate revenue. Savings or revenues realized may be used for employee incentive bonuses, for program improvements or for other purposes approved by the university president and the Board of Regents. Limits are placed on the amount of the bonus which can be awarded to an individual.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 986 (CHAPTER 89–367) revises Section 121.091, F.S., to authorize the State University System to reemploy a retired faculty member as an adjunct faculty member or as a participant in a phased retirement program within the State University System. The measure permits biennial extension of interchange agreements relating to State University System faculty members on approval of the Department of Administration. This act also expands the categories of State University System employees in the program to eradicate salary discrimination based on sex or race mandated pursuant to Section 240.247, F.S.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1226 (CHAP-TER 89-207) authorizes the medical faculty at the University of Florida and University of South Florida medical centers to participate in the State University System Optional Retirement Program.

#### State University System Liability Insurance

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 986 (CHAPTER 89–367) revises Section 240.213, F.S., to authorize the Board of Regents to provide general and professional liability insurance for not-for-profit corporations that are affiliated with a state university and for directors, officers and employees of such corporations.

^{*}Prepared by House Higher Education Committee

240.214, F.S., to authorize the Board of Regents to provide general and professional liability insurance for University Hospital of Jacksonville and Faculty Clinic, Inc., through the Board of Regents self-insurance program.

#### **Research and Development Parks**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1388 (CHAPTER 89-381) amends Section 159.27, F.S., to identify facilities and activities which may be located in a research and development park. The president of each affiliated higher education institution or his designee must be present and vote during certain actions of the research and development park authority.

#### **New Donors and Major Gifts Programs**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1388 (CHAPTER 89-381) authorizes New College to participate in the New Donors and Major Gifts programs by amending Sections 240.259 and 240.2605, respectively. These provisions also appear in COMMITTEE SUBSTI-TUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 986 (CHAPTER (89-367).

#### **Community Colleges**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1388 (CHAPTER 89-381) revises Section 240.235, F.S., to authorize each community college to charge a fee per credit hour for capital improvements. Part of the fee--up to 15 cents per credit hour--may be used for child care centers. The act provides pursuant to revised Section 240.36, F.S., that undisbursed community college academic improvement trust funds remain in the trust fund. The measure also amends Section 240.363, F.S., to authorize the establishment of a statewide direct support organization for the Community College System. The legislation permits community colleges to offer supplemental vocational courses at private industry's request through a quick approval process by the regional coordinating council pursuant to new Section 228.077, F.S. In addition, under new Section 240.3575, F.S., community colleges are allowed to establish economic development centers which will be funded competitively.

#### **Vocational Education**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1388 (CHAPTER 89-381) amends Section 236.081, F.S., to authorize school districts to report vocational full-time equivalent student enrollment figures only in the final Florida Education Finance Program (FEFP) calculation. The legislation updates terminology in the regional coordinating council laws (Sections 228.074-228.076, F.S.) and requires a state plan for vocational education that coordinates state and regional plans. The measure revises Section 230.645, F.S., to authorize a single-fee range for postsecondary adult vocational and vocational supplemental courses provided by school districts and community colleges; and COMMITTEE and funding by the Legislature.

HOUSE BILL 1663 (CHAPTER 89-214) creates Section SUBSTITUTE FOR HOUSE BILL 1226 (CHAPTER 89-207) amends this same section to provide that school districts may assess a fee for consumable supplies for postsecondary students.

> Changes are made in the vocational education management information system (Section 229.551, F.S.). The school districts' and community colleges' vocational placement standards will be computed based upon 70 percent of those students defined as placed, using the computerized Florida Education and Training Placement Information Program. School districts and colleges also will have to report a completion rate for their vocational programs. [They will not be penalized financially for low completion, but the reports will encourage them to identify those who complete vocational programs more accurately.]

#### **College Preparatory Instruction**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1388 (CHAPTER 89-381) permits community colleges and certain universities to continue to offer college preparatory instruction pursuant to revised Sections 228.072 and 240.117, F.S.

#### **Review of Instructional Centers**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1388 (CHAPTER 89-381) amends Section 240.147, F.S., to authorize the Postsecondary Education Planning Commission to review the establishment of instructional centers approved by the Board of Regents or State Board of Community Colleges. The legislation also requires that the Board of Regents submit to the State Board of Education for approval plans for all new campuses and instructional centers pursuant to revised Section 240.209, F.S.

#### **Undergraduate Enhancement Challenge Grants**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1388 (CHAPTER 89-381) authorizes community colleges and universities to submit proposals to their respective boards for an undergraduate enhancement challenge grant. Programs funded must be designed to increase the quality and amount of academic and career advisement and to improve undergraduate instruction.

#### **Adult Education**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1388 (CHAPTER 89-381) creates Section 240.358, F.S., to authorize school districts and community colleges to offer adult literacy instruction without regional coordinating council approval if approved by the Commissioner of Education as part of a local adult literacy plan.

The act also creates Section 228.0727, F.S., to establish a new program which enables handicapped adult students to earn double the funding weight for adult basic education under certain conditions pursuant to revised Section 236.081, F.S. The conditions include an approved plan, coordination

## Nonpublic, Postsecondary Institutions

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1502 (CHAPTER 89-344) addresses significant problems relating to nonpublic postsecondary education in the state, specifically within the area of vocational education. The legislation requires that any vocational program offered by an independent postsecondary institution be licensed by the State Board of Independent Postsecondary Vocational, Technical, Trade and Business Schools. Schools of barbering, cosmetology and truck driving (CHAPTERS 476, 477 and 488, F.S., respectively) are brought under the jurisdiction of the Board, where they will be subject to stricter regulation. [This should prevent continuation of the sort of financial aid abuses that have made headlines in Florida and throughout the nation.] The eligibility for exemption from licensure by the State Board of Independent Colleges and Universities (SBICU) is tightened through revision of Section 246.085, F.S. In addition, the measure amends Section 246.111, F.S., to give SBICU, which has the authority to grant exemptions from licensure, the authority to revoke exemption from licensure for violations of fair consumer practices, thus eliminating the current blanket exemption. Except FOR HOUSE BILL 986 (CHAPTER 89-367) renames the Chalas otherwise provided, this act shall take effect October 1, 1989.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1388 (CHAPTER 89-381) revises Section 240.539, F.S., to exempt records and written material produced by private colleges and universities as a result of research funded by the Florida High Technology and Industry FOR HOUSE BILL 986 (CHAPTER 89-367) separates the Council from the Public Records Law.

## **Financial Aid, Scholarships**

COMMITTEE SUBSTITUTE FOR SENATE BILL 328 (CHAP-TER 89–146) creates the African and Afro-Caribbean Scholarship Trust Fund to provide scholarships for postsecondary students from sub-Saharan African or Afro-Caribbean countries. Administered by the Department of Education, the fund will provide renewable \$5,000 scholarships for vocational programs in Florida to help students address infrastructure needs in their home countries. Institutions may waive out-ofstate tuition fees for scholarship recipients.

New scholarship programs were also created by COMMIT-TEE SUBSTITUTE FOR HOUSE BILL 1226 (CHAPTER 89-207). The Mary McLeod Bethune Scholarship Grant Fund is established by Section 240.4125, F.S., using state and private Financial Aid, Loans resources. The Department of Education must award tuition scholarships yearly to a Nicaraguan and to a Haitian to attend a state university.

The act also addresses the Florida Undergraduate Scholars' Fund in Section 240.402, F.S. Recipients of the Florida Undergraduate Scholars' Fund must meet the general eligibility requirements of Section 240.404, F.S. High school students shortage areas are changed by the State Board of Education must apply for the grant during their last year in high school. (Section 240.4062, F.S.). Eligibility is extended to dependents of Florida residents in military or public service assignments out-of-state who grad- FOR HOUSE BILL 986 (CHAPTER 89-367) requires the De-

to students who attend a home education program during grades 9-12 and earn 1250 or higher SAT scores. The date when the Department of Education begins receiving applications for initial, renewal and reinstatement awards is specified. The Department may make awards on a pro rata basis if funds are insufficient to give each eligible recipient a full award. The ranking and distribution of awards for initial, renewal, reinstatement and late applicants are provided with a deadline for accepting late applications. Students who are eligible for awards but did not accept them, or whose awards were not funded, have 3 years in which to reapply.

The measure also contains provisions relating to the Florida Graduate Scholars Fund (Section 240.4025, F.S.). The date when the Department begins receiving initial and renewal applications for the Florida Graduate Scholars Fund is specified. Deadlines for receipt of applications and ranking procedures for applications are provided. The present language on the Department's acceptance of applications and students' notice to the Department of their acceptance of the award is deleted.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE lenger scholarship program in Section 240.408, F.S., the Challenger Astronauts Memorial Undergraduate Scholarship Program.

## **Financial Aid, Student Assistance Grants**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE state student assistance grant into three categories: the Florida Public Student Assistance Grant (Section 240.409, F.S.); the Florida Private Student Assistance Grant (Section 240.4095, F.S.); and the Florida Postsecondary Student Assistance Grant (Section 240.4097, F.S.). It establishes the Florida Postsecondary Grants Trust Fund to provide matching endowment grants for private, nonprofit institutions. It increases the terms of eligibility for receipt of financial aid and sets the voucher amount at between \$1,150 and \$2,000. Eligible recipients may receive aid for as many as 9 semesters or 14 quarters pursuant to revised Section 240.605, F.S., unless the recipient is enrolled in a 5-year program (Subsection 240.404(3), F.S.), in which case he is eligible for 10 semesters or 15 quarters.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1226 (CHAP-TER 89-207) defines the intent of the Critical Teacher Shortage Student Loan Forgiveness Program (Section 231.621, F.S.). Critical teacher shortage subject areas are clarified, and continued eligibility in the program is allowed if critical teacher

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE uate from an out-of-state high school after May 1, 1989, and partment of Education to maintain records on the student loan 240.429(4), F.S.).

## **Financial Aid, Work Experience Programs**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1226 (CHAP-TER 89-207) revises Section 240.60, F.S., to permit community colleges and public universities to use 25 percent of their College Career Work Experience Program funds for campus employment, and 10 percent of their expenditures from this program for administration.

This enactment also amends Section 240.604, F.S., to permit community colleges and universities to use up to 10 percent of the funds allocated for the Public School Work Experience Program for training and supervising students. Summer employment is permitted without enrollment in a community college or university.

## **Financial Aid, General**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1226 (CHAP-TER 89-207) contains a number of noncontroversial, substantive, administrative changes which are needed to: (1) eliminate administrative problems associated with the implementation of several financial aid programs; and (2) clarify and standardize eligibility criteria.

The general requirements for participation in financial aid programs found in Section 240.404, F.S., are consolidated and standardized, including changing the residency requirement from 2 years to 1 year for conformity with Section 240.1201, F.S., which pertains to residency for tuition purposes. Compliance with the Selective Service System requirements to provide a statement attesting to the accuracy of the completed financial aid application and attesting to the understanding of the penalty for falsifying the application is required.

Renewal eligibility requirements are revised and existing conditions for renewals are deleted. Eligibility for renewal will be determined at the end of the second semester or third guarter. Recipients must have obtained a cumulative 2.0 grade point average and earned the equivalent of 12 credits. Provisions will be made for students who fail to meet the standard for reasons beyond their control. Academic progress reguirements are revised, a probationary period is allowed and an appeal process is provided. Eligible recipients may receive aid for as many as 9 semesters or 14 guarters, unless the recipient is enrolled in a 5-year program, in which case he is eligible for 10 semesters or 15 guarters.

## Prepaid Postsecondary Education Expense Program

COMMITTEE SUBSTITUTE FOR HOUSE BILL 808 (CHAP-TER 89-316) makes a series of technical, administrative and substantive changes in the Florida Prepaid Postsecondary Education Expense Program (Section 240.551, F.S.). Individuals who are not Florida residents can be beneficiaries of prepaid tuition contracts if they are the children of noncustodial parents residing in Florida. Contract beneficiaries who receive a scholarship, who die or are disabled, or who downgrade from a university to a community college plan prior to exercis-

default rate of all postsecondary institutions (Subsection ing contract benefits are eligible to receive refunds equal to the contract purchase price plus 5 percent compounded interest or current state tuition rates, whichever is less. The legislation authorizes the Florida Prepaid Postsecondary Expense Board to establish a direct support organization and endorse an insurance carrier to provide group coverage for beneficiaries. In the event that the state terminates this program, contract beneficiaries who are within 5 years of exercising their contract benefits may do so.

## **Campus Safety/Crime Reporting**

COMMITTEE SUBSTITUTE FOR SENATE BILL 281 (CHAP-TER 89-142) directs all state universities and private institutions to prepare an annual report on campus crime statistics to be submitted to the Commissioner of Education. These institutions must also publish, publicize and distribute on request a 3-year crime report, updated annually. Universities and private institutions must conduct an annual assessment of physical plant safety. They must prepare an annual report of findings and recommendations for safety improvements to be submitted to the Commissioner of Education and the Legislature.

#### **Principal Certification**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1226 (CHAP-TER 89-207) amends Section 231.0861, F.S., to direct the State Board of Education to adopt rules for certification of superintendents, assistant superintendents and area superintendents as principals. The act also stipulates that individuals and entities who knowingly violate specific National Collegiate Athletic Association (NCAA) regulations may be held liable for damages that may result. The court may set the level of such damages in an amount equal to three academic scholarships.

### **New World School of the Arts**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1226 (CHAP-TER 89-207) revises Section 240.535, F.S., to permit the New World School of the Arts to have a statewide service area. The composition of the school's executive board is specified. A direct support organization governed by a board of trustees is created.

### **College Reach-Out**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1226 (CHAP-TER 89-207 establishes the College Reach-Out Program to strengthen the educational motivation and preparation of low-income or educationally disadvantaged students in grades 6 through 12. University and community college presidents may submit to their respective boards a grant proposal for participation in the College Reach-Out Program. Ongoing contact with students is required until they enroll in college. Competitive funding is provided. A report on how participants have benefited from the program is required.

# State Retirement System

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1226 (CHAP-TER 89–207) extends participation in the Senior Management

Service class of the state retirement system pursuant to Section 121.055, F.S., to certain positions.

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#### **ETHICS AND ELECTIONS***

elections-related bills which made both major and minor revisions to the Florida Election Code. These laws related to appointment of poll inspectors and clerks; campaign financing; municipal annexation referendums; qualifying for the office of county court judge; voter registration; voter solicitation; and election security, among other things.

Three ethics-related bills were passed by this Legislature. These measures addressed the following issues: antinepotism investigations and penalties; lobbying by former legislators, statewide elected officials and former state government employees; disclosure of the value of gifts made to elected public officers by the contributor; and executive agency lobbying.

The 1989 "B" Session of the Legislature passed a bill which changed effective dates for portions of two acts which were passed during the 1989 Regular Session.

#### **Elections Legislation**

HOUSE BILL 226 (CHAPTER 89-46) revises Subsection 102.012(2), F.S., to provide that gualified electors of any precinct in a county may be appointed as poll inspectors or clerks for their own, or any other, precinct in the county. This act takes effect January 1, 1990.

COMMITTEE SUBSTITUTE FOR SENATE BILLS 351, 118, 339, 364, 512, 513, 629, 998 and 1256 (CHAPTER 89-256) makes a variety of housekeeping revisions to Chapter 106, F.S., related to campaign financing, including redefining political committee. Additionally, this act requires more detailed information on independent expenditure reports; requires disclosure of loans accepted by an elected official in the 12 months preceding election to office; prohibits the solicitation or acceptance of campaign contributions during a session of the Legislature by a candidate for legislative or statewide office; abolishes leadership funds; and prohibits elected officials from being employed by, or acting as a consultant for Ethics Legislation compensation to, a political committee or committee of continuous existence. These provisions take effect January 1, 1990.

HOUSE BILL 540 (CHAPTER 89-52) provides that when conducting a municipal annexation referendum by mail ballot, the provisions of Sections 101.6101-101.6107, F.S., of the Florida Election Code control over any conflicting general municipal annexation procedures found in Section 171.0413, F.S. This act takes effect January 1, 1990.

COMMITTEE SUBSTITUTE FOR SENATE BILL 609 (CHAP-TER 89-152) amends various sections of Chapter 105, F.S., to require that candidates for the office of county court judge term of office before a state agency other than a judicial tribuqualify with the county supervisor of elections. Additionally, ju- nal. Additional provisions in the legislation transfer gift disclodicial candidates for retention will not have to file campaign sure requirements from Section 111.011, F.S., to Section reports if they have neither received contributions nor made 112.3148, F.S.; apply gift disclosure requirements to district any expenditures. However, such candidates will file a sworn elected officials; and require a person who makes a contribu-

The 1989 Regular Session of the Legislature passed six statement at the time of gualifying that they do not anticipate receiving any contributions or making any expenditures in connection with their candidacy for retention in office, and if the situation changes a campaign report will be required. This act is effective January 1, 1990.

> COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1362 (CHAPTER 89-338) makes general revisions primarily to Chapters 97 through 105, F.S. Major provisions of this act allow supervisors of elections to keep their offices open on legal holidays; provide for qualification for federal office during the second week in May; add a 1 percent election assessment fee to a candidate's qualifying fee to be used by the Florida Election Commission; provide for advance mailing of absentee ballots to overseas electors; clarify voter solicitation restrictions in order to meet constitutional requirements; and penalize county canvassing board members for late filing of county election results. These provisions are effective January 1, 1990.

> The last elections bill that was passed in the session was COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1529 (CHAPTER 89-348). This act, which amends various provisions of Chapters 97, 101 and 102, F.S., is called the "Voter Protection Act." [The purpose of this law is to promote and maintain correctness, impartiality, and efficiency in voting.] The Bureau of Voting Systems Certification within the Division of Elections of the Department of State is created for providing technical support to supervisors of elections and is responsible for voting system standards and certification. The Department of State must adopt rules to establish minimum standards for hardware and software of voting systems; to achieve maximum correctness, impartiality, and efficiency in voting procedures; and to establish minimum security standards for voting systems. The law takes effect on January 1, 1990.

One of the major ethics bills which passed was COMMIT-TEE SUSTITUTE FOR SENATE BILLS 132, 140 and 150 (CHAPTER 89-380). This act prohibits, by amending Section 112.3141, F.S., members of the Legislature or statewide elected officials from personally representing others for compensation before the body or agency of which the individual was an officer or member for 2 years following vacation of office. The same prohibition is placed on certain state agency employees. A member of the Legislature is also prohibited from personally representing another for compensation during his

^{*}Prepared by Senate Ethics and Elections Committee

tion to or for an elected public officer to provide the officer Elections/Ethics Legislation with a statement of the value of the gift.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 993 (CHAP-TER 89-325) creates Section 112.3215, F.S., to require persons who lobby executive branch agencies on matters of policy or on matters of procurement where a contract is \$3,000 or greater in value to register as a lobbyist with the Commission on Ethics. Registered lobbyists are required to file semiannual expenditure reports. The Executive Branch Lobby Registration Trust Fund is established to fund the program. The act takes effect October 1, 1989.

HOUSE BILL 22-B (CHAPTER 89-537) provides that the effective date for the definition of political committee, which was revised during the 1989 Regular Session, is upon becoming a law. Additionally, the effective date for the requirement that a contributor who gives a gift to a public official must also give a statement of the gift's value, which was passed during the 1989 Regular Session, is January 1, 1991.

#### FINANCE AND TAXATION*

acted during the 1989 Regular Legislative Session, numerous administrative and other provisions were adopted affecting a wide variety of taxes.

In the area of ad valorem taxation, exemption application requirements were modified to authorize the property appraisal adjustment boards to grant any exemption, rather than just homestead exemption, if failure to file by the March 1 deadline was due to postal error or extenuating circumstances, and to allow property appraisers, at their option, to accept after March 1 initial or original applications for homestead exemption for the succeeding year.

Procedures relating to prepayment of estimated ad valorem tax by the installment method were modified and the requirement that annual applications be submitted was removed. Also, revisions to the Homestead Property Tax Deferral Act were enacted and the act was extended to apply to non-ad valorem assessments.

Part IV of Chapter 206, F.S., which imposes various taxes on fuel and other pollutants, was revised this session. Definitions of taxable substances were revised to include solvents and solvent mixtures. The rates for the tax for water quality were revised and the tax on lead-acid batteries is repealed October 1, 1989, and replaced by a fee on the retail sale of batteries. Various other exemption and administrative provisions were also amended.

In the sales tax area, specific requirements for the taxation of service warranties were adopted. Also, two new exemptions were approved, for the sale, lease or rental of commercial motor vehicles between commonly owned and controlled corporations and for admissions to certain live theater, opera and ballet productions. Other amendments dealt with the distribution of sales tax revenues, special provisions applicable to air carriers and the transient rentals tax.

Two additional levies of the local option tourist development tax were authorized. Orange County may levy an additional 1-cent tax by extraordinary vote of its governing body, and Dade County is authorized to impose a 2-cent tax on the sale of food, beverages or alcoholic beverages in hotels, motels and certain other establishments. Also, the repeal date of the discretionary documentary surtax which Dade County is authorized to levy for housing purposes was extended from 1993 to 2011.

In other areas, specific conditions for determining the taxable situs of intangible personal property were adopted. The reporting period and penalties with respect to the gross receipts tax were revised. Provisions were adopted to require the remitting of certain taxes and fees by electronic funds transfer. Various administrative revisions and corrective amendments were also adopted in the corporate tax, estate Laws of Florida, allows the Department to exempt, for good tax and severance tax areas. Commissions to carry out two cause, a county tax collector from certain requirements relattax studies were established. The Task Force on the Florida ing to the form of the notice of taxes for tax year 1989.

Although there were no major tax programs or revisions en- Taxpayers' Bill of Rights will study and report by February 1990 on the payment of interest on refunds and the assessment of penalties and interest. A commission within the Department of Environmental Regulation will study all issues arising from the creation of a special tax assessment classification for lands that produce high water recharge to Florida's aguifers, pursuant to the "Bluebelt Amendment" to the State Constitution (see Article VII, Section 4) adopted in 1988, and provide a final report by March 1991.

Finally, included in legislation affecting state financial matters, provisions were adopted to ensure that bonds issued by this state and all agencies thereof fully comply with the arbitrage provisions of the federal Internal Revenue Code (26 U.S.C.).

### Ad Valorem Taxation

Several provisions affecting the administration of ad valorem taxes are included in COMMITTEE SUBSTITUTE FOR SENATE BILL 267 (CHAPTER 89-356). Amendments to Subsections 196.011(7) and (8), F.S., authorize the property appraisal adjustment boards to grant any exemption, rather than just homestead exemption, if failure to file by the March 1 deadline was due to postal error or extenuating circumstances. Section 689.02, F.S., is amended to require that, if available, the property appraiser's parcel identification number be entered on a warranty deed before it is presented for recording.

An amendment to Paragraph 195.096(3)(a), F.S., allows the Department of Revenue, in publishing the results of its review of assessment rolls, to combine any property class that has fewer than 30 parcels with the property class covering improved industrial, utility, locally assessed railroad, oil, gas and mineral lands, subsurface rights and other real property.

New Subsection 197.364(2), F.S., authorizes the waiver of billings, collections and distributions in amounts of less than \$5 for railroad and private carline ad valorem taxes.

An amendment to Subsection 193.052(2), F.S., changes references to "agricultural zoning" to "agricultural classification" and adds "bona fide commercial" to describe agricultural purposes, to conform to other statutory language relating to agricultural classification.

An amendment to Subsection 195.027(3), F.S., revises the conditions under which the property appraisers, the Department and the Auditor General are granted access to taxpayers' records relating to nonhomestead property, and requires the property appraiser to supply specified information to the taxpayer under certain circumstances. These amendments all take effect January 1, 1990.

Finally, an amendment to Section 2 of Chapter 88-216,

^{*}Prepared by House Bill Drafting Service

HOUSE BILL 423 (CHAPTER 89-365) creates Subsection plication by a county for a tax deed is optional on property val-196.011(10), F.S., which allows property appraisers, at their option, to accept after March 1 initial or original applications for homestead exemption for the succeeding year. Reapplication on a short form is required of the applicant to affirm that the use of the property and his status as a permanent resident have not changed since the initial application. This law takes effect January 1, 1990.

COMMITTEE SUBSTITUTE FOR SENATE BILL 736 (CHAP-TER 89–122) amends Section 197.222, F.S., which sets forth procedures for prepayment of estimated ad valorem tax on real property by the installment method. It provides that, after submission of an initial application, a taxpayer is not required to submit additional annual applications as long as he continues to elect to prepay taxes by the installment method. Reguirements relating to notice of the right to prepay taxes by the installment method are also revised. Such notice is to be included with the notice of taxes, rather than published in a newspaper. In the area of ad valorem tax exemptions, this act creates Subsection 196.192(3), F.S., which takes effect beginning with the 1989 tax year. This subsection specifies that tangible personal property loaned or leased by a natural person, by a trust holding property for a natural person, or by an exempt entity to an exempt entity for public exhibition on a recurrent schedule is exempt from ad valorem taxation if the property is loaned or leased for no consideration or for nominal consideration.

Revisions to the Homestead Property Tax Deferral Act are included in HOUSE BILL 1054 (CHAPTER 89-328), which amends Sections 197.252, 197.254, 197.262 and 197.292, F.S. Non-ad valorem assessments which would be covered by a tax certificate sold under Chapter 197, F.S., are included in the amounts which may be deferred under the Act. In addition, the following persons are allowed to defer the entire amount of ad valorem taxes and non-ad valorem assessments: persons whose household income for the prior year is less than \$10,000, and persons age 70 or older whose household income for the prior year is less than \$12,000. A further amendment specifies that the interest which accrues on deferred taxes and assessments plus interest, and on deferred payment tax certificates, shall not exceed 9.5 percent. Also, the option for the county to hold unsold deferred payment tax certificates until deferred taxes become due, rather than offeristration, is removed.

This act also amends Section 196.101, F.S., which provides that real estate used and owned as a homestead by a paraplegic, hemiplegic, or other totally and permanently disabled person who must use a wheelchair for mobility or who is legally blind is exempt from taxation if the gross income of all persons residing in the residence does not exceed \$12,000. This amendment requires that this income limitation be adjusted annually on January 1, beginning January 1, 1990, by the percentage change in the average cost-of-living index.

197.502(3), F.S., effective October 1, 1989, to provide that ap- clude derivatives of ammonia and chlorine.

ued at less than \$500.

#### **Taxation of Fuel and Pollutants**

Several provisions relating to the excise taxes on motor and special fuel are included in COMMITTEE SUBSTITUTE FOR SENATE BILL 267 (CHAPTER 89-356). In the area of penalties, new Paragraph 206.425(4)(c), F.S., provides a penalty of 25 percent of the tax assessed for persons who seek relief from assessments of motor fuel tax and who sell fuel in violation of the law relating thereto. New Paragraph 206.89(1)(b), F.S., provides a similar penalty for persons who act as a special fuel dealer and do not hold a valid license. An amendment to Section 212.66, F.S., provides for application of these penalties to the tax on the sale of fuel.

Amendments to Sections 206.91, 206.93 and 206.94, F.S., allow the Department of Revenue to authorize a guarterly return and payment of special fuel tax when the tax remitted by the dealer for the preceding guarter did not exceed \$100, or a semiannual return and payment of tax when the tax remitted by the dealer for the preceding 6 months did not exceed \$200.

This act also revises provisions contained in Paragraph 212.67(1)(b). F.S., which allow a refund of a portion of the tax on the sale of fuel for shrinkage, to require that such refund be taken as a credit against local option gas taxes in counties which impose local option taxes. This amendment takes effect October 1, 1989.

Taxation of aviation fuel is the subject of two different measures. COMMITTEE SUBSTITUTE FOR SENATE BILL 267 (CHAPTER 89-356) amends Subsection 206.9865(4), F.S., to require commercial air carriers to report monthly, rather than quarterly, on their inventories, tax-paid purchases, fuels drawn from bonded supplies, imports, disbursements, sales and usage. This amendment takes effect October 1, 1989. Subsection 206.9825(2), F.S., provides that air carriers that elect, pursuant to Section 212.0598, F.S., to be subject to the sales tax on tangible personal property based on their ratio of Florida mileage to total mileage, are subject to aviation fuel tax at the rate of 8 percent of the retail sales price of such fuel and may apply the special apportionment formula used for sales tax. SENATE BILL 10-B (CHAPTER 89-529) extends a July 1, 1989, repeal date for such provisions to July 1, 1990.

Part IV of Chapter 206, F.S., provides for various taxes on ing such certificates for purchase to the State Board of Admin- fuel and other pollutants, and those provisions are extensively revised by COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 710 (CHAPTER 89-171). The definitions provided for purposes of such taxes in Section 206.9925, F.S., are revised. "Petroleum product" is redefined to include ethanol when used as a motor gas blending component; "storage facility" is expanded to include leased facilities; a definition of "solvent" listing the organic compounds included thereunder is provided and "solvent mixture" is defined; and "pollutants" are redefined to include solvents and solvent mixtures, to exclude products intended for human personal SENATE BILL 734 (CHAPTER 89-286) amends Subsection hygiene or ingestion, and, retroactive to July 1, 1984, to ex-

The tax for water quality under Subsection 206.9935(2), factured lead-acid battery sold at retail is imposed on any per-F.S., is revised. The basic tax on solvents is decreased from 10 cents to 2.36 cents per gallon, with the same rate for solvent mixtures; the tax on motor oil and other lubricants is decreased from 5 cents to 1 cent; and the 2-cent-per-barrel rate is applied to petroleum products, pesticides, ammonia, and chlorine. When the unobligated balance in the Water Quality Assurance Trust Fund is below \$3 million, these rates increase to 5.9 cents for solvents and solvent mixtures, 2.5 cents for motor oil, and 5 cents for petroleum products, pesticides and chlorine. The tax on lead-acid batteries is repealed October 1, 1989. Provisions which allow certain credit against excise taxes for the tax paid on motor gasoline and gasohol are revised retroactive to October 1, 1988, and repealed effective the first day of the first month after the date upon which the act becomes a law, i.e., July 1, 1989.

It is specified that persons importing a liquid mixture and claiming it is not subject to tax as a solvent mixture or pollutant shall bear the burden of demonstrating such claim.

Exemptions provided under Section 206.9941, F.S., are revised. The exemption from the tax for inland protection for certain petroleum products that are exported is revised and extended to the tax for water quality. Exemptions from the tax for water quality are provided for certain pollutants which are exported and for solvents and solvent mixtures consumed in the production of materials which are not pollutants. Exemptions from the taxes for coastal protection and inland protection for solvents, solvent mixtures, motor oil and lubricants are provided. Exemptions from the taxes for water quality and inland protection for petroleum products bunkered into marine vessels engaged in interstate or foreign commerce are also provided. Except for the last exemption, which took effect July 1, 1989, all of these exemptions operate retroactively to October 1, 1988.

Provisions relating to refunds and credits under Section 206.9942, F.S., are revised to provide that the refund or credit allowed with respect to the tax for inland protection for petroleum products which are exported also applies to the tax for water quality, and that said provisions also apply to petroleum products bunkered into marine vessels engaged in interstate or foreign commerce. Refunds or credits for persons licensed pursuant to Chapter 206, F.S., with respect to the tax for water quality for pollutants which are exported, for solvents and solvent mixtures which are consumed in the production of a product which is not a pollutant, for solvents and solvent mixtures blended into solvent mixtures or used to produce other pollutants, and for lead-acid batteries which are exported are provided. Those relating to lead-acid batteries are retroactive to October 1, 1988; all others took effect July 1, 1989. Section 206.9943, F.S., is created to require persons not otherwise licensed pursuant to Chapter 206, F.S., to obtain a pollutant tax license, and pay a \$30 fee therefor.

Paragraph 403.717(1)(h), F.S., is created to define "leadacid battery" to include batteries designed for use in, or sold as a component part of, motor vehicles, vessels and aircraft. New Section 403.7185, F.S., provides that for the privilege of Paragraph 212.08(7)(aa), F.S., exempts the sale, lease, or engaging in business, a fee of \$1.50 for each new or remanu- rental of commercial motor vehicles between commonly

son engaging in the business of making retail sales of leadacid batteries within the state, effective October 1, 1989. Exemptions for sales for resale and certain credits for returns are provided. The fee is to be collected, administered and enforced by the Department of Revenue and deposited in the Water Quality Assurance Trust Fund. Related amendments revise: Subsection 403.718(1), F.S., to specify that the waste tire fee is subject to all applicable sales taxes imposed by Part I of Chapter 212, F.S.; Subsection 72.011(1), F.S., which provides procedures for the contest of specific taxes by taxpayers, to include waste tire and lead-acid battery fees; Section 213.05, F.S., which provides for the responsibilities of the Department of Revenue regarding specified revenue laws, to include said fees; and Section 213.21, F.S., to authorize the compromise of taxes levied pursuant to Part IV of Chapter 206. F.S.

Also, Section 9 of Chapter 88-393, Laws of Florida, which established the Water Quality Assurance Trust Fund Study Commission, is revised. The Commission's membership is increased to include two representatives of the chemical specialties industry. It is authorized to include recommendations for legislation it deems desirable in its report. The date for submission of its report is extended from March 1, 1989, to February 1, 1990, and its expiration date from July 1, 1989, to July 1, 1990. Finally, the Department is authorized to adopt emergency rules to implement this act.

#### **Sales Tax**

COMMITTEE SUBSTITUTE FOR SENATE BILL 267 (CHAP-TER 89-356) includes several provisions in the area of sales tax. Section 212.0506, F.S., is created to provide specific requirements for the taxation of service warranties, which are defined to include any contract or agreement which indemnifies the holder of the contract or agreement for the cost of maintaining, repairing or replacing tangible personal property, excluding such contracts or agreements if such property when sold at retail in this state would not be subject to the sales tax and such contracts or agreements covering tangible personal property which becomes a part of real property. Sections 212.06, 212.08, 634.131 and 634.415, F.S., are amended to conform.

In the area of sales tax administration, this act consolidates provisions for the distribution of taxes and registration fees which are presently scattered throughout Chapter 212, F.S., into one section, Section 212.20, F.S. The Local Government Infrastructure Tax Trust Fund is retitled the Discretionary Sales Surtax Clearing Trust Fund, and the Mail Order Sales Tax Clearing Trust Fund is created. Sections 212.0505, 212.054, 212.08, 212.18, 212.235, 212.69, 215.32, 218.61 and 288.1162, F.S., are amended, and Section 212.237, F.S., is repealed, to conform language and cross-references to this consolidation.

Two sales tax exemptions are included in this law. New

owned and controlled corporations. New Subparagraph F.S. (Dade County), which, on January 1, 1989, imposes a lo-212.04(2)(a)6., F.S., exempts admissions to live theater, opera and ballet productions sponsored by an organization that is exempt from federal income tax and meets specific requirements relating to its membership, activities and responsibilities. The total of such exemptions granted to all gualifying orcanizations annually may not exceed \$1.5 million.

SENATE BILL 10-B (CHAPTER 89-529) includes two provisions that relate to sales tax. Section 212.0598, F.S., which authorizes air carriers that utilize mileage apportionment for corporate income tax purposes to elect to be subject to sales tax on tangible personal property based on their ratio of Florida mileage to total mileage, is amended to provide that the ratio may not change by more than 10 percent as compared with the carrier's previous fiscal year. Paragraph 212.03(7)(c), F.S., contains provisions which allow exemption from the transient rentals tax for the rental of entire facilities if the facility is intended primarily for rental as a permanent residence. Under this act, the guidelines to be used by the Department of Revenue in determining the facility's primary use are revised, and such facilities are limited to trailer camps, mobile home parks and recreational vehicle parks. This same amendment is also included in COMMITTEE SUBSTITUTE FOR SENATE BILL 1178 (CHAPTER 89-362) summarized below.

#### Local Option Taxes

COMMITTEE SUBSTITUTE FOR SENATE BILL 267 (CHAP-TER 89-356) includes similar new provisions relating to the local option tourist development tax (Paragraph 125.0104(10)(c), F.S.) and to convention development taxes (Paragraph 212.0305(5)(c), F.S.). These provisions require that a county adopting an ordinance providing for the collection and administration of either of such taxes on a local basis must also adopt an ordinance electing either to assume all responsibility for auditing the records and accounts of dealers, and assessing, collecting and enforcing payments of delinquent taxes, or to delegate such authority to the Department F.S., set forth the tax exempt status for bonds issued for of Revenue. These provisions operate retroactively to October beach and shore preservation, high-speed rail, the Pasco 1, 1987, and July 1, 1987, respectively.

This act also creates Paragraph 125.0104(3)(n), F.S., which authorizes a county which meets the definition of a "high tourism impact county" (Orange County) to levy an additional 1 percent tourist development tax by extraordinary vote of the county governing body to be used for the purposes presently authorized for such tax.

The general administrative and collection provisions for discretionary sales surtaxes contained in Section 212.054, F.S., are also revised by this act. The guidelines for determining when a sale occurs in a county imposing a surtax are amended to specify that sales by a manufacturer or wholesaler located in such a county delivered in a county that imposes the surtax are taxable for the county in which the manufacturer or wholesaler is located.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1178 (CHAP-TER 89-362) creates Paragraph 125.0104(3)(n), F.S., which authorizes any county, as defined in Subsection 125.011(1),

cal option tourist development tax on leases and rentals, to impose an additional tax, by ordinance adopted by a majority vote of the governing body, at the rate of 2 percent on the sale of food, beverages or alcoholic beverages in hotels and motels only, or in hotels, motels and any establishment which is licensed to sell liquor under Section 565.02, F.S., except any establishment, other than a hotel or motel licensed under Section 564.02, F.S. (sale of wine) or Section 563.02, F.S. (sale of beer). However, if on January 1, 1989, the county is not administering the tourist development tax on a local basis, the county may not impose the additional tax until January 1, 1990. Various uses for the tax proceeds are specified, depending on how the tax is imposed and certain other conditions. These uses include allocation to a countywide convention and visitors bureau, revitalization of economically blighted areas and other uses as provided by law. The act takes effect October 1. 1989.

SENATE BILL 10-B (CHAPTER 89-529) includes a provision relating to the local government infrastructure surtax. It provides that the proceeds of the surtax may be distributed pursuant to an interlocal agreement entered into prior to June 30, 1989, between the county governing authority, the school district and the municipalities representing the majority of the county's municipal population in which agreement a portion of such proceeds are shared with the school district, notwithstanding any other requirement of law relating to surtax distribution.

#### **Corporate Income Tax**

COMMITTEE SUBSTITUTE FOR SENATE BILL 267 (CHAP-TER 89-356) contains several provisions relating to corporate income tax administration. Section 220.03, F.S., is amended to update the definition of "Internal Revenue Code" under the Florida Income Tax Code.

Sections 161.40, 341.329, 348.91, 380.0673 and 420.513, County Expressway Authority, land authorities in counties with areas of critical state concern and the Florida Housing Finance Agency, respectively. These sections are amended to include a clarifying statement that these exemptions do not apply to the corporate income tax.

Paragraph 220.183(3)(f), F.S., is created to provide that a taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to Subsection 220.183(1), F.S., may be allowed the community contribution credit against the corporate income tax on a consolidated return basis.

Finally, new Subsection 220.15(6), F.S., specifies that the term "taxpayer furnishing transportation services" as used in provisions relating to apportionment includes taxpayers engaged exclusively in interstate commerce.

#### Intangible Personal Property Tax

COMMITTEE SUBSTITUTE FOR SENATE BILL 267 (CHAP-TER 89-356) substantially revises Section 199.175, F.S., to conditions under which intangible personal property has a taxable situs in Florida. Conditions under which a person is deemed to be domiciled in Florida, including establishment of commercial domicile, are enumerated, and detailed requirements for determining when intangibles have a Florida business situs are provided. Section 199.032 and Subsection 199.052(1), F.S., are amended to conform. Also, Subsection 199.062(2), F.S., is revised to eliminate a requirement that corporations file certain annual reports with the Department of Revenue relating to dividend payments, the taxability of shares which are held by Florida residents and the fact that a company had no Florida shareholders, since these reports are now obsolete. Subsection 199.282(6), F.S., which provides penalties for late reports, is amended to apply only to the remaining reports required to be filed with the Department. These amendments are effective January 1, 1990.

#### **Excise Tax on Documents**

An incorrect reference in Subsection 201.05(1), F.S., relating to the documentary stamp tax on stock certificates, is corrected by COMMITTEE SUBSTITUTE FOR SENATE BILL 267 (CHAPTER 89-356).

In the area of discretionary documentary surtaxes, SENATE BILL 38 (CHAPTER 89-252) amends Chapter 83-220, Laws of Florida, which authorizes Dade County to levy such a discretionary surtax to establish a Housing Assistance Loan Trust Fund, to extend the repeal date of that chapter from 1993 to 2011.

#### Estate Tax

COMMITTEE SUBSTITUTE FOR SENATE BILL 267 (CHAP-TER 89-356) amends Section 198.29, F.S., to provide that no estate tax shall be refunded pursuant to another state's allegation that the decedent was a resident of such state unless Florida is a party to any compromise agreement between the estate and such state or unless Florida is granted intervention as a party in any action in such state in which the residency of the decedent is at issue. This act also amends Sections 198.01, 198.021 and 198.031, F.S., to update references to the federal Internal Revenue Code (26 U.S.C.).

#### **Gross Receipts Taxes**

Section 203.01, F.S., relating to taxes on gross receipts for utility services, is amended by COMMITTEE SUBSTITUTE FOR SENATE BILL 267 (CHAPTER 89-356). The schedule for reporting and paying this tax is changed from guarterly to monthly. Also, a 5-day, penalty-free grace period for nonpayment is deleted, and the present penalty of 18 percent of taxes due is replaced by a 5-percent penalty for the first 30 days, with an additional 5 percent for each additional 30 days, but not less than \$5 or more than 25 percent of the tax due. In addition, any person who falsely or fraudulently reports or unlawfully attempts to evade paying the tax must pay a penalty equal to 50 percent of any tax due and is guilty of a second- such audits, including that obtained from the Internal Revenue

clarify and supply additional detail in provisions which specify degree misdemeanor. These changes take effect October 1, 1989.

## **Severance Taxes**

COMMITTEE SUBSTITUTE FOR SENATE BILL 267 (CHAP-TER 89-356) also revises provisions relating to administration of the taxes on severance of solid minerals. Subsection 211.33(7), F.S., is created to authorize issuance of warrants for delinquent taxes and provide for imposition of liens on the taxpayer's property, in a manner similar to that authorized for the taxes on the production of oil and gas.

#### **General Tax Administration**

Both COMMITTEE SUBSTITUTE FOR SENATE BILL 759 (CHAPTER 89-153) and COMMITTEE SUBSTITUTE FOR SENATE BILL 267 (CHAPTER 89-356) enact provisions relating to payment of taxes by electronic funds transfer. Section 213.755, F.S., is created to authorize the executive director of the Department of Revenue to require a taxpayer to remit taxes by electronic funds transfer when the taxpayer has paid a tax for the prior calendar year in an amount of \$50,000 or more. New Sections 210.021, 210.31, 550.096, 551.061 and 561.111, F.S., authorize the Secretary of Business Regulation to require dealers selling cigarettes, distributors selling tobacco products, permitholders conducting race meetings and jai alai exhibitions, and manufacturers and distributors of alcoholic beverages to remit taxes and fees by electronic funds transfer if such taxes and fees paid in the prior year amounted to \$50.000 or more.

In other areas of tax administration, COMMITTEE SUBSTI-TUTE FOR SENATE BILL 267 (CHAPTER 89-356) clarifies the authority of the Department of Revenue to adopt rules necessary to administer state revenue laws, as specified in Subsection 213.06(1), F.S. Section 213.24, F.S., is amended to provide a 30-day grace period before imposition of penalties after notice and demand for payment is made, as is presently provided with respect to imposition of interest. Also, provisions which require an annual billing study by the Inspector General of the Department are revised to require that the study be conducted every 3 years, or more often as he deems necessary. Section 213.34, F.S., is created to provide uniform authority for the Department to audit and inspect records, correct overpayments and assess deficiencies with respect to all revenue laws administered pursuant to Chapter 213, F.S.

SENATE BILL 10-B (CHAPTER 89-529) creates Section 213.28, F.S. Under its provisions, the Department is authorized to contract with certified public accountants to conduct audits of persons subject to Florida revenue laws. Intangible personal property taxes, fuel taxes, and corporate income taxes are excluded from such contracts, unless the Department and the Internal Revenue Service mutually agree to include them on a case-by-case basis. Contracts in excess of \$25,000 or in which hourly rates substantially exceed the Department's costs per hour must be approved by the head of the Department. Confidentiality of information involved in

Service under an information-sharing agreement, is protected Financial Matters and there is a third-degree felony penalty for violation of confidentiality requirements. This section takes effect October 1, 1989.

#### **Tax Studies**

COMMITTEE SUBSTITUTE FOR SENATE BILL 267 (CHAP-TER 89-356) establishes a Task Force on the Florida Taxpayers' Bill of Rights, composed of a representative from each of the following: Florida Taxwatch; Associated Industries of Florida; the Florida Chamber of Commerce; the Florida Chapter of the Tax Executives Institute; the Tax Section of The Florida Bar; the Florida Retail Federation; the Comptroller and the Treasurer, or their designees; and the executive director of the Department of Revenue, or his designee, as a nonvoting member. The Task Force is directed to examine and evaluate the current tax laws, regulations, policies and procedures with specific regard to the payment of interest on refunds and the assessment of penalties and interest, with an emphasis on streamlining the administrative process, thereby promoting and maintaining their fair application, and to examine and evaluate alternative procedures and policies. No later than February 15, 1990, the Task Force must submit its findings to the Governor, the Speaker of the House, the President of the Senate and the Chair of the Taxation and Budget Reform Commission, together with recommendations and proposed legislation to accomplish those recommendations.

This act also creates a commission within the Department of Environmental Regulation to study and recommend whether lands producing high water recharge to the aquifers in this state should be classified and assessed based upon their character or use for ad valorem tax purposes pursuant to Section 4, Article VII of the State Constitution, as revised by the "Bluebelt Amendment" of 1988. The commission is composed of the following 16 members: the chief of the Bureau of lation; the director of the Division of Ad Valorem Tax, Department of Revenue; the State Geologist; one member appointed by the Florida School Board Association; one member appointed by the Florida Association of Counties; one member appointed by the Florida League of Cities; two property appraisers appointed by the executive director of the Department of Revenue; the executive director of each water management district; and three members of the general public who are knowledgeable in either property appraisal or hydrogeology. The commission is directed to study all issues arising from the creation of a special tax assessment classification for lands that produce high water recharge to Florida's aguifers. It will exist for 2 years and is required to file an interim report of its research with the Legislature by February 15, 1990, and a final report by March 15, 1991. The final report is to include recommendations for the best method of implementing the constitutional amendment.

Exemptions from public records requirements included in Chapter 279, F.S., the Registered Public Obligations Act, and Chapter 280, F.S., the Florida Security for Public Deposits Act, scheduled for October 1, 1989, repeal pursuant to Section 119.14, F.S., the Open Government Sunset Review Act, were subject to review this session. HOUSE BILL 1722 (CHAPTER 89-65) amends Subsection 279.11(1), F.S., and readopts the exemption from public records requirements for records pertaining to ownership of, or security interests in, registered public obligations. HOUSE BILL 817 (CHAPTER 89-265) amends Subsection 280.16(5), F.S., and readopts the exemption from public records requirements for reports required of public depositories and other financial institutions under the Florida Security for Public Deposits Act. These amendments take effect October 1, 1989, and the exemptions are scheduled for another review in 10 years.

COMMITTEE SUBSTITUTE FOR SENATE BILL 787 (CHAP-TER 89-287) includes several provisions in the area of state financial matters. Amendments to Section 18.10, F.S., deal with the Treasurer's authority to invest state money. The Treasurer is authorized to invest in bankers acceptances which are accepted by a commercial bank which is not a member of the Federal Reserve System if the bank meets certain specified deposit, licensing and rating requirements. Provisions relating to investment in intermediate-term corporate notes are revised, and investment in corporate master notes is authorized. Also authorized is investment in obligations of state and local governments rated in any of the three highest classifications by one or more nationally recognized rating services if their purchase is for the purpose of meeting federal investment requirements for funds accumulated from bonds or other obligations. Finally, provisions relating to investment of money which the banks or savings and loan associations of the state are unwilling to accept under certain circumstances are clarified.

Amendments to Section 697.203, F.S., remove the duties Groundwater Protection, Department of Environmental Regu- of the State Board of Administration in administering the Home Equity Conversion Mortgage Guaranty Fund, so that the fund will be administered by the Department of Insurance only.

> The remainder of this act revises several provisions within Chapter 215, F.S. The purpose of these revisions is to ensure that bonds issued by this state and all agencies thereof fully comply with the arbitrage provisions of the federal Internal Revenue Code and regulations promulgated thereunder. It is specified that the intent of the Legislature is that the Division of Bond Finance of the Department of General Services be given full responsibility and authority to ensure compliance with federal arbitrage law, and that the arbitrage compliance program be fully funded through fees to be levied by the Division on those governmental agencies whose bonds are subject to the program. New Subsection 215.58(15), F.S., defines "governmental agency" to include the state and any county, municipality, school board, special district or authority and the instrumentalities thereof. New Subsections 215.64(11) and

(12), F.S., and amendments to Subsection 215.76(2), F.S., describe the Division's duties in controlling the arbitrage compliance program, which include the power to direct the actions of any governmental agency on behalf of which the Division has issued bonds, or any state agency, with respect to the recordkeeping, investment, disbursement, computation and rebate functions concerning bond proceeds, or any other funds which the Internal Revenue Service may consider to be bond proceeds, or any other funds which the Division deems necessary, to the extent required to ensure compliance by such reference to federal arbitrage compliance functions.

agency with federal arbitrage law. An amendment to Subsection 215.65(3), F.S., allows the Division to adopt by resolution a schedule of fees and expenses and deletes the requirement for State Board of Administration approval thereof. New Section 215.655, F.S., creates the Arbitrage Compliance Trust Fund to be used to pay expenses of the Division which are not appropriated from the General Revenue Fund and which are incident to ensuring compliance with the provisions of federal arbitrage laws. Finally, Section 215.83, F.S., which provides for construction of the State Bond Act, is amended to include

#### HEALTH AND REHABILITATIVE SERVICES

during the 1989 Regular Legislative Session address a wide and the child care trust fund. range of subjects. Laws pertaining to aging issues include: establishing a Commission on Aging to plan for and advocate updating Chapter 393, F.S.; expanding the continuum of comfor the needs of the elderly in Florida; providing changes in the structure, authority and administrative location of the State Nursing Home and Long-Term Care Facility Ombudsman Council; improving the operation of adult congregate living facilities (ACLFs) and providing greater protection and improved services for residents of such facilities; establishing intermediate care facility pilot programs; providing loans for certain repairs for elderly housing; and providing greater protection for the aged and disabled adult population through changes in laws governing abuse, neglect and exploitation.

Laws in the alcohol, drug abuse and mental health area include: providing for the establishment of local Juvenile Substance Abuse Prevention and Early Intervention Councils to assist in prevention and early intervention efforts; authorizing the use of a master in involuntary hearings for substance abusers; allowing emergency medical treatment for persons incapable of providing consent; establishing the continuity of care management system for statewide mental health care; and providing that certain practitioners are exempt from licensure requirements of Chapters 396 and 397. F.S.

A number of laws were enacted relating to children and family issues. Changes were made in the requirements regarding the preparation of child custody studies in divorce cases, the places to which law enforcement can release truant children and the release of privileged information on juveniles. In addition, changes were made in the area of welfare reform to bring the state into compliance with the federal Family Support Act and to assist more families to remain intact and to move from dependence on public assistance to independence and productive work through education and job training. Finally, significant changes were made to provide a greater emphasis on prevention and early assistance to high-risk pregnant women and high-risk infants, toddlers and preschool children and their families in several ways: establishing an interagency and intra-agency strategic planning mechanism for this population and requiring greater accountability of efforts through evaluation; establishing prototypes of services for high-risk infants and toddlers and their parents who are in greatest need; providing assistance to parents of highrisk preschool children to help them become better parents and to give their high-risk children a better opportunity for success through the Florida First Start Program and the Community Resource Mother or Father Program; providing assistance to teenage parents to prevent school dropout; providing assistance to parents in locating child care through the child care resource and referral program; and providing ways to en- DHRS on policy development and on community service intehance child care in the state through the low-cost loan pro- gration.] The legislation requires the district administrator or

Laws relating to health and rehabilitative services enacted gram for facilities and family day care homes, child care plus

Laws enacted related to developmental services include: munity-based services; revising licensure provisions; and clarifying the relationship of the habilitation plan and the individual education plan.

In the area of health, changes were made in restrictions on the pest control industry and its personnel, including the protection of the public regarding sensitivity to pesticides; language relating to bottled water plants was reenacted; and the regulation of biohazardous waste was improved.

Finally, three laws passed that affect many areas of the spectrum of services involved under the umbrella label of health and rehabilitative services. Two involve the reenactment, with modification, of provisions of law relating to the Statewide Human Rights Advocacy Committee, district committees and the District Advisory Councils. The third involves the provision of siting requirements for, and the setting aside of, some local restrictions on community residential group homes for the elderly, children and the physically and mentally disabled; the provision of conditions for denial of licensure; and the establishment of a statewide registry of all group homes.

The following summaries provide an overview of the issues relating to health and rehabilitative services that were passed by the 1989 Legislature and outlined above.

#### **Advisory Councils/Advocacy Committees**

HOUSE BILL 1781 (CHAPTER 89-215) revises and readopts the statutory authority for the Statewide Human Rights Advocacy Committee, district human rights advocacy committees, and the duties of the Department of Health and Rehabilitative Services (DHRS) found in subsections (9), (10) and (11) of Section 20.19, F.S. The term of appointment of a member to a committee will be 4 years. The act requires the completion of standardized training for district committee members as a prerequisite to assignment to an investigation involving access to confidential information. The DHRS is required to adopt procedures by which recommendations made by the district committees will be incorporated into departmental policies and procedures. The act takes effect October 1, 1989, and provides a future Sundown repeal date pursuant to Section 11.611, F.S.

SENATE BILL 104 (CHAPTER 89-1) reauthorizes District Advisory Councils (DACs) in each of the 11 districts in the Department of Health and Rehabilitative Services (DHRS) and reauthorizes the District Advisory Council Statewide Coordinating Committee. [District Advisory Councils were created in 1975 to advise the administrators of the service districts in

^{*}Prepared by House and Rehabilitative Services and Health Care Committees

his designee to attend each meeting of the DAC. It allows congregate living facilities and nursing homes. These pro-Council members to serve two consecutive 2-year terms. The name of the District Advisory Council Statewide Coordinating Committee is changed to the District Advisory Council Statewide Coordinating Council. In addition to current duties of advising DHRS on the administration, improvement, coordination, and integration of its programs and services, the Statewide Council is to advise DHRS on client needs within each district. The act takes effect October 1, 1989, and provides a future Sundown repeal date.

#### Aging and Adult Services

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1298 (CHAPTER 89-294) establishes a Commission on Aging. The Commission, to be known as the Claude Denson Pepper Commission and referred to as the Pepper Commission on Aging, is to plan for and advocate the needs of the elderly in Florida. Commission members are appointed by the Governor, the Speaker of the House and the President of the Senate. The Commission is to administratively house the State Nursing Home and Long-Term Care Facility Ombudsman Council. Other changes regarding the structure of the Council are also included in this legislation.

The law amends Part II of Chapter 400, and Sections 409.212, 509.241 and 381.703, F.S., relating to adult congregate living facilities (ACLFs). It includes a number of elements designed to address the problems with mental health residents in ACLFs. Facilities may choose to provide limited mental health services, mental health residents must be screened before they are placed in a facility and facilities that have problems may be required to have additional training. Another theme of this legislation is to conserve limited resources. Duplicate inspections are eliminated and facilities which have a good record of previous inspections may be given an abbreviated inspection. The training for administrators is also specifically delineated. In order to prevent abuse in facilities, the Department of Health and Rehabilitative Services (DHRS) is to take licensure action against a facility that has confirmed abusers working in the facility. The DHRS is to ensure that the Office of Licensure and Certification has the information it licensing issues designed to improve the operation of ACLFs in Florida. The revisions to Chapter 400, F.S., are effective October 1, 1989.

The measure makes a number of changes to Chapter 415, F.S., and amends Section 110.1127, F.S. This is generally a cleanup act but includes several important changes: the definition of disabled adult is expanded; the use of adult protecconsent of the employee and upon payment of a \$5 fee.

four pilot programs to explore a level of care between adult consent.

grams cannot accept residents prior to July 1, 1990. They are limited to Medicaid recipients and to recipients of subsidized housing. A report is due to be made to the Legislature in 1994. Finally, the law amends Section 420.5087, F.S., to reserve 10 percent of the 45 percent set aside for housing projects for the elderly under the State Apartment Incentive Loan Program (SAIL) to provide loans for life-safety or security-related repairs to nonprofit federal Department of Housing and Urban Development (DHUD) housing projects for the elderly.

COMMITTEE SUBSTITUTE FOR SENATE BILL 194 (CHAP-TER 89-218) creates Section 400.442, F.S., which requires adult congregate living facilities (ACLFs) to hire a consultant pharmacist or dietitian when there are certain documented deficiencies within the facility. The Department of Health and Rehabilitative Services (DHRS) is also required to have at least two pharmacists in its Office of Licensure and Certification. It also amends Section 395.017, F.S., to allow members of the State and District Nursing Home and Long-Term Care Facility Ombudsman Councils to have access to hospital records when a resident of a long-term care facility is transferred to a hospital. The resident or resident's representative must be given the opportunity to object to disclosure of the record to the Council members. This legislation amends Section 465.0156 and 465.025, F.S., to provide that nonresident pharmacies must register with the Board of Pharmacy, must comply with the formulary on generic drugs and are subject to sanctions for certain actions.

HOUSE BILL 954 (CHAPTER 89-322) provides for criminal penalties for torturing or caging of aged persons or disabled adults through revision of Section 415.111, F.S. Exploitation of aged persons or disabled adults is also more clearly defined. The act takes effect October 1, 1989.

#### Alcohol, Drug Abuse and Mental Health

HOUSE BILL 114 (CHAPTER 89-179) amends section 396.052, F.S., to change the name of the Florida Alcoholism Treatment and Research Center in Avon Park to the Florida Addictions Treatment Center, effective October 1, 1989.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1326 (CHAPneeds to take this action. This act includes a number of other TER 89-336) places into Chapters 396 and 397, F.S., provisions relating to persons who are alcohol- or drugdependent. It creates Sections 396.1816 and 397.215, F.S., to allow each judicial circuit to establish a Juvenile Substance Abuse Prevention and Early Intervention Council designed to identify local needs in the areas of substance abuse prevention and early intervention, to identify local priorities for programs and services and to make recommendations to adtion teams is authorized; and access to the abuse registry is dress these needs. It amends Sections 396.102 and 397.052, expanded to allow employers to obtain an abuse registry F.S., to allow the court to appoint a master, who is a member clearance on employees who work with aged persons or dis- of The Florida Bar, to preside over involuntary hearings for alabled adults. The clearance can only be completed with the coholics and for persons who are drug dependent. Finally, the measure amends Section 401.445, F.S., to allow for the emer-This enactment creates Sections 400.701 and 400.702, gency medical treatment of persons who are intoxicated, un-F.S., and authorizes DHRS to issue a request for proposals for der the influence of drugs or otherwise incapable of providing

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1451 (CHAP-TER 89–211) amends Section 394.4573, F.S., to establish the continuity of care management system for statewide mental health care. This system is designed to reduce admissions Rehabilitative Services (DHRS) to make a reasonable effort to and readmissions into the state hospitals, to assist in single intake and to advocate for clients who are mentally ill.

## **Children and Families**

HOUSE BILL 587 (CHAPTER 89-17) amends Section 959.225, F.S., relating to privileged information regarding juveniles served under Chapter 959, F.S., (Youth Services). These Department of Health and Rehabilitative Services (DHRS) records are not open to the public and can be inspected only upon order of the Secretary of DHRS or his authorized agent, by persons determined to have sufficient reason for the information. This information may be disclosed to employees of DHRS who have a need to know and to other persons as authorized by the Department through administrative rules. This legislation identifies the Department of Corrections as one of the parties authorized to have access to privileged information regarding juveniles under Section 959.225, F.S.

HOUSE BILL 1103 (CHAPTER 89-38) rewords Section 61.20, F.S., relating to social investigations and recommendations in child custody cases. This change allows the court to choose from alternative providers, e.g., child-placing agencies, psychologists, marriage therapists and counselors, to conduct the divorce custody study. The adult parties involved are responsible for payment of the cost of the study. The legislation allows the court to order the Department of Health and Rehabilitative Services (DHRS) to conduct the divorce custody study, at no cost to the parties, when the person is indigent and when the court does not have qualified staff to conduct the study. As a result of conducting divorce custody investigations and studies for the court, the Department must shift resources away from finding adoptive homes for specialneeds children waiting to be adopted. This legislation should ease the demand on the Department for this service and allow them to concentrate on finding adoptive homes for specialneeds children.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1245 (CHAP-TER 89-334) amends Sections 409.029, 230.645 and 240.35. F.S., and creates Section 216.645, F.S. The act is designed to bring the state into compliance with the federal Family Support Act of 1988 (Pub. L. 100-485, 102 Stat. 2343) and to assist individuals in moving from dependence on public assistance to independence and productive work. The legislation requires teenage parents to stay in school or participate in education and training activities as a condition of receiving aid to families with dependent children (AFDC) benefits. In addition, support services are enhanced to assist public assistance recipients while they are participating in program requirements. These support services include child care, medical assistance, transportation and personal counseling. [The General Appropriations Act includes a \$3 million appropriation for child care enhancements.] Transitional child care benefits and transitional medical assistance are increased for up to 12 Act" which recognizes the need for intensive comprehensive

months when as a result of employment the participant becomes ineligible for these services. The sanction provision of the law was changed to require the Department of Health and resolve disputes when a mandatory AFDC recipient fails to meet program participation requirements (other changes to the sanction provision of Section 409.029. F.S., are made in COMMITTEE SUBSTITUTE FOR HOUSE BILL 1818 (Chapter 89-379) summarized below. Another aspect of this legislation, is the establishment of a two-parent time-limited AFDC-Unemployed Parent (AFDC-UP) program. This program allows families to remain intact and remain eligible for AFDC. Eligibility under the AFDC-UP provision is limited to 6 months in a 12-month period to encourage recipients to obtain employment and transition from welfare to work. It creates Section 216.286, F.S., to provide a mechanism to reimburse state agencies that hire Project Independence participants while they are in the program established pursuant to the Florida Employment Opportunity Act (Section 409.029, F.S.). In addition, Sections 230.645 and 240.35, F.S., are amended to exempt employment and training participants enrolled in postsecondary programs from the payment of fees. The DHRS is required to evaluate the effectiveness of the employment and training activities and support services in achieving employment goals. Except as otherwise provided in the act, the provisions take effect October 1, 1990.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1395 (Chapter 89-20) amends Section 39.421, F.S, relating to taking into custody a child alleged to be from a family in need of services or to be a child in need of services. It allows a law enforcement officer to return a child believed to be a truant to an approved education center for the purpose of counseling the student and referring the student back to the school system. Law enforcement officers can take a child into custody when the officer has reasonable grounds to believe that the child is absent from school without authorization. Before the change in Section 39.421, F.S., the officer could release the child only to a parent, guardian, legal custodian, or responsible adult relative, or to a runaway shelter approved by the Department of Health and Rehabilitative Services (DHRS) if there is reason to believe the child is a runaway.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1818 (CHAP-TER 89-379) sets forth the state's prevention and early assistance initiatives for high-risk or at-risk preschool children and their families. The law substantially revises Chapter 411, F.S., and divides the chapter into three parts: general provisions, prevention and early assistance, and infants and toddlers. The newly revised chapter that is created, entitled "The Florida Prevention, Early Assistance and Early Childhood Act," provides a greater emphasis on prevention and early assistance to high-risk pregnant women and high-risk infants, toddlers and preschool children and their families. It establishes an interagency and intra-agency strategic planning mechanism for this population and requires greater accountability of efforts through evaluation.

The legislation creates "The Children's Early Investment

olds and which provides for prototypes of services for highrisk, but ultimately will be available statewide. The Department of Health and Rehabilitative Services (DHRS) will implement the Children's Investment Program using criteria spelled out in the law and through necessary rules. To be eligible for prototype funding, an agency, board, council or provider must demonstrate certain essential elements.

This act amends Paragraph 409.029(9)(e), F.S., to provide legislative intent regarding the need for teenage recipients and teenage parent recipients of Aid To Families With Dependent Children (AFDC) to remain in or return to school. Teenage recipients or teenage parent recipients of AFDC must attend school or participate in employment and training activities, if appropriate, as a condition of receiving AFDC. When these recipients fail to remain in school or return to school, or participate in employment and training activities, if appropriate, their AFDC grant may be reduced. It requires that every applicant or recipient of AFDC be informed in writing at the time of application and at the time of any action affecting his AFDC grant of his right to a hearing. This section includes provisions for good cause for failure to attend school or to participarent recipients of AFDC shall not be sanctioned if they demonstrate good cause for not attending school or participating in employment and training activities. Prior to imposing the sanction, the Department is required to make reasonable efforts to resolve the dispute when a mandatory participant fails to meet program requirements. Reasonable efforts include oral and written notice to the AFDC grant recipient of intent to sanction as a result of the teenage recipient's or teenage 230.2303, F.S., to provide a home-school partnership deparent's failure to attend school or failure to participate in other employment and training programs. If reasonable efforts fail to remedy nonattendance in school or nonparticipation in employment and training activities, the recipient is referred to assessment and provided support services. When an AFDC grant payee who is a custodial teenage parent fails to participate or to comply with program requirements, DHRS must appoint a protective payee. If noncompliance continues beyond 90 days, DHRS must remove the needs of the custodial parent regulations. Further, DHRS is required to conduct an investigation to determine the well being of the child. Upon compliance with program requirements, the needs of the custodial teenage parent or teenage recipient will be restored in the AFDC grant. The DHRS must apply for federal waivers no later than October 1, 1989, if necessary to carry out the provisions of this section.

The Child Care and Early Childhood Resource and Referral network is established as a part of this legislation through the creation of Section 402.27, F.S. The purpose of this network is to identify existing child care and early childhood education services and develop a resource file of those services; to es-ments which must be met for these facilities to use indoor

services directed towards infants, 1-year olds, and 2-year tablish a referral process which responds to parental need for information and to make referrals to licensed child care facilirisk infants and toddlers and their parents who are in the ties; to document service requests; to provide technical asgreatest need. These prototypes of programs and services sistance; to assist families in applying for various types of subinitially will be directed toward those geographic areas where sidies; to assist the state in determining market rate for child expectant mothers and young children are at the greatest care; and to inform and assist local interagency councils in coordinating services for prekindergarten handicapped children.

> Child Care Plus, created by Section 402.28, F.S., sets out additional child care quality standards which must be met by a child care facility or a family day care home in order to receive a grant to supplement the operational costs associated with the additional standards. Grants for the Child Care Plus program must be submitted by March 1, 1990.

> This legislation creates the Child Care Trust Fund, pursuant to Section 402.3193, F.S., to be administered by DHRS for the expansion and enhancement of child care. This Trust Fund may receive gifts, donations and appropriations. In addition to creating the Fund, Section 402.3195, F.S., is revised to rename the Child Care Facility Trust Fund as the Child Care Facility and Family Day Care Home Trust Fund and revised to allow family day care operators to apply for loans under the Fund.

The Community Resource Mother and Father Program, currently in Chapter 411, F.S., is moved to Section 402.45, F.S., and is revised. The DHRS is required to have this program operational in at least some counties where there is an identified pate in other training activities. Teenage recipients or teenage need by January 1, 1990. To ensure that there will not be a duplication of effort, the location of the program is also tied to the availability of the Florida First Start Program in the area. The Foster Grandparent and Retired Senior Volunteer Services, Prenatal Care Program and the Developmental Intervention Program are also moved to other chapters of The Florida Statutes.

> The Florida First Start Program is created in Section signed to give handicapped children at-risk of future school failure the best possible start. This program for children ages birth to 3 years is based upon the Parents as First Teachers Program and is to be administered by school districts. To be eligible, school boards must submit a plan for conducting the Florida First Start Program for approval by the Commissioner of Education.

In addition, the legislation amends the teenage parent programs under the Dropout Prevention Act (Section 230.2316, from the AFDC grant according to federal and state law and F.S. The revised educational curriculum would include instruction in the benefits of sexual abstinence and the conseguences of subsequent pregnancies. Ancillary services such as child care, health care, social services and transportation would become required components of the programs. Sections 230.2316, 232.01, 232.246, 232.304, 233.067, 233.011, 236.083 and 234.01, F.S., are amended to accomplish the needed changes for the teenage parents programs.

This act amends Section 402.305, F.S., to provide that minimum standards for urban child care facilities allow these facilities to substitute indoor play space for outdoor play space, if outdoor space is not available, and specifies other requirespace. [This change would allow for more flexibility in the location of licensed child care centers which could enhance efforts to stimulate the cooperative provision of child care in the corporate sector, especially in downtown areas where many employees work.] These minimum standard provisions take effect October 1, 1989.

Finally, it amends Section 125.901, F.S., to expand the membership of the local juvenile welfare boards to 10 members and to allow a designee of the DHRS District Administrator to participate in his place. The additional member is to be a judge assigned to juvenile cases. The judge cannot vote or participate in the setting of ad valorem taxes under this section.

### **Community Residential Homes**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1269 (CHAPTER 89-372) provides a mechanism for the siting of group homes. The legislation only applies to homes for the elderly, the physically disabled, the handicapped, the developmentally disabled, the nondangerous mentally ill and children who are in need of services or dependent children. Homes for 1-6 residents are a permitted use in single-family or multi-family zoning districts. An agency must notify local government when the home is licensed and the home cannot be within a radius of 1000 feet from another such home with 6 or fewer residents. Homes for 7-14 residents are to be governed by local zoning ordinances applicable to other multi-family uses. Local government can deny the siting based upon ordinances applicable to other multifamily uses, because the home does not meet the Department of Health and Rehabilitative Services (DHRS) licensure criteria for the safety of residents, or because the establishment of the home would result in an overconcentration of homes. An overconcentration would result if a home was within a radius of 1200 feet from another community residential home. The home could not be within a radius of 500 feet from an area of single-family zoning. These homes must comply with all other local laws and ordinances. Existing zoning ordinances that meet the criteria of the act are grandfathered. Existing community residential homes are grandfathered. The DHRS is required to maintain a registry of all community residential homes. [The passage of this legislation should result in easier siting of community residential homes. This will further the state's goal of providing services to DHRS clients in the community and of providing services in a cost-effective setting.] The act takes effect October 1, 1989.

## **Developmental Disabilities**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 622 (CHAP-TER 89–308) revises Chapter 393, F.S., relating to persons with developmental disabilities. Major provisions include: clarifying the authority of the Florida Developmental Disabilities Planning Council; amending the definitions to reflect the current populations served and the current policies and rules; amending the continuum of community based services to include family care, medical and dental services and residential

services; revising the licensure of residential facilities to include a new category of comprehensive transitional education facilities; clarifying language which addresses the authority of the Department of Health and Rehabilitative Services (DHRS) to establish intermediate care facilities for the mentally retarded which are licensed for six beds or less. Clarification is provided regarding the coordination of the habilitation plan and the individual education plan for clients who are public school students and who are entitled to a free appropriate public education under Public Law 94–142, the Education for all Handicapped Children Act of 1975, 89 Stat. 773.

HOUSE BILL 1380 (CHAPTER 89–339) amends Section 393.001, F.S., to clarify the authority and responsibilities of the Florida Developmental Disabilities Planning Council. New provisions require the Council to prepare a budget request which is submitted directly to the Governor, to contract for services and to negotiate working agreements with the Department of Health and Rehabilitative Services (DHRS).

This law also creates Section 393.0651, F.S., clarifying the relationship of the habilitation plan and the individual education plan for clients who are public school students, establishing time frames for the development of the habilitation plan, revising the list of residential placement options for clients, and establishing review procedures for client progress.

This enactment further amends the definition and licensure sections (Sections 393.063 and 393.067, F.S.) to create a new category of facility, the comprehensive transitional education program, which will be subject to the same licensure provisions as other residential facilities. It clarifies the Department's authority to establish intermediate care facilities for the mentally retarded which are six beds or less and requires the development of a plan by March 15, 1991, to phase out all unlicensed beds in developmental services institutions by December 30, 1995.

### **Public Health**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 169 (CHAP-TER 89-180) amends, effective October 1, 1989, a number of the provisions of Chapter 482, F.S., relating to pest control and inspections. Certain restrictions on the pest control industry and its personnel are deleted, while additional restrictions and requirements are imposed. The provisions include: allowing persons performing interior plant pest control on the effective date of the act to take the examination for certification in the lawn and ornamental pest control category for a period of one year without meeting other qualifications of the act; using all fine revenues to support contract research in all pest control categories; and deleting all present exemptions from Chapter 482, F.S.; and authorizing the Department of Health and Rehabilitative Services (DHRS) to prescribe certain exemptions by rule. It also creates Section 482.2265, F.S., to impose upon those licensed or certified under the provisions of the Pest Control Act the responsibility to disclose specific information to customers upon request and imposes additional responsibilities.

HOUSE BILL 793 (CHAPTER 89-198) creates Section isting Department of Health and Rehabilitative Services 482.2265, F.S., to impose upon those licensed or certified under the provisions of the Pest Control Act the responsibility Supplement, for the handling of biohazardous waste by the to disclose specific information to customers, upon request. Department. This act takes effect January 1, 1990. Additionally, it imposes a duty to post a conspicuous notice at the time of pesticide application to lawns and exterior fo- TER 89-104) amends Sections 381.703 and 381.708, F.S., to liage and provides for notification of chemically sensitive per- change the assessment against certain health care facilities sons. This law is effective October 1, 1989.

SENATE BILL 56 (CHAPTER 89-7) reenacts subsection (6) of bottled water plants and water dealers.

FOR SENATE BILL 224 (CHAPTER 89-138) creates Section which must pay the assessment. The assessment for adult 403.7084, F.S., to establish a tracking system for biohazar- congregate living facilities is altered so that it is based upon dous waste and requires the development of rules by the Department of Environmental Regulation (DER) to provide de- Other assessments are to be determined by rule based upon tails relating to the system, including tracking, packaging, the volume of service. The fees on certificate of need applicaquantity and inspections. The legislation also modifies the ex- tions are increased up to a maximum of \$10,000.

(DHRS) operating standards in Section 381.80, F.S., 1988

COMMITTEE SUBSTITUTE FOR SENATE BILL 347 (CHAPwhich funds state and local health councils. Adult day care centers, community nonprofit blood banks, crisis stabilization of Section 381.294, F.S., relating to the operating standards units and rural hospitals are no longer subject to the assessment. Organizations such as health maintenance organiza-COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE tions and prepaid health clinics are added to those facilities a-per-bedassessment of \$1 per bed up to \$150 per facility.

#### **HEALTH CARE***

A variety of laws were passed this session relating to health care issues. Basically, these measures were of three types: Florida, are extended by increasing Medicaid coverage for ones which created new programs or new regulations; those which established study commissions or task forces; and some which represent "clean-up" legislation.

Legislation was enacted which creates several exciting new health care programs. Included here is a law to establish a loan forgiveness program for nurses employed in Florida hospitals and other health care facilities. In addition, a state Center for Health Technologies was established at a Dade County teaching hospital. Also, a new program was created to allow psychiatric hospitals to be reimbursed from the Public Medical Assistance Trust Fund for care provided to indigent mentally ill patients. Finally, a new regulatory scheme for health care personnel pools was created.

Also this session, several health study laws were enacted. The Department of Health and Rehabilitative Services (DHRS) is directed to conduct a study of accidental deaths and injuries to children and develop recommendations on reducing the incidence of these deaths and injuries. Another study requires DHRS to develop recommendations on the implementation of a statewide trauma system. Also, a law was passed which directs the Health Care Cost Containment Board to study the impact of joint ventures on health care costs and make recommendations on any needed regulation. Finally, three studies were authorized which relate to the funding of health care services to the poor or uninsured: one deals with ethical considerations in providing care and limits of service; another addresses short term funding strategies for the Public Medical Assistance Trust Fund; and the third considers the role of the private sector in providing health care to the uninsured.

Several "clean-up" acts were also passed this year, including legislation relating to acquired immune deficiency syndrome. Also in this category were laws relating to public health, local health planning fees and patient records.

### Indigent Health Care/Trauma Care

SENATE BILL 255 (CHAPTER 89-275) creates the Florida Commission for the Funding of Indigent Health Care, a 19member committee composed of six persons to be appointed by the Governor, six by the Speaker of the House, six by the President of the Senate, and one by the Commissioner of Insurance. By December 15, 1989, the Commission is directed to submit to the Governor, the President of the Senate and the Speaker of the House its recommendations on sources of funding of health care for the poor, the continued existence of the Public Medical Assistance Trust Fund and the adequacy of existing reimbursement methodologies for hospitals participating in the Medicaid program. An appropriation of \$100,000 to cover Commission activities is included.

The Medicaid initiatives begun in Chapter 87-92, Laws of pregnant women and children under one year of age whose family incomes are equal or below 150 percent of the federal poverty guideline. Also, the 45 inpatient day cap for children under one is eliminated in accordance with federal law.

The act provides reimbursement to physicians working in regional perinatal intensive care centers based on obstetrical and neonatal care groupings. In addition, it directs the Department to distribute under the disproportionate share program \$44.3 million of state and federal dollars to hospitals serving a disproportionate share of charity care or Medicaid patients. Similarly, it directs the Department to distribute \$10 million in state and federal dollars in the form of disproportionate share payments to regional perinatal intensive care centers.

A number of provisions related to trauma are included. Specifically, the Department of Health and Rehabilitative Services is directed to submit to the Legislature by February 1,1990, a report and proposal on the estimated funding required for the establishment of state-sponsored trauma centers, the approximate number and location of such centers, the criteria to be used in selecting the centers and the recommended methodology for reimbursing them. A Committee on State-Sponsored Trauma Centers is created to assist the Department in developing the report. The act also directs the Department to establish a state trauma system plan which incorporates all regions of the state. The law appropriates \$450.830 to cover Committee activities and the development of a state trauma system plan.

Other trauma-related provisions include: providing the Department access to patient records to insure compliance with state regulations; eliminating the Department's ability to delegate the trauma center verification process to local trauma agencies; correcting an inconsistency in current law related to grounds for disciplinary action against paramedics; requiring the establishment of emergency medical review committees; and, finally, providing guidance to emergency medical technicians and paramedics in the treatment of incapacitated persons.

### **Children's Safety**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 504 (CHAP-TER 89-261) requires the Secretary of the Department of Health and Rehabilitative Services to conduct a study concerning accidental deaths and injuries to children. Further, the Committee on Child Safety is created to assist DHRS in the completion of the study. Membership on the Committee includes: a pediatrician, an emergency room physician, a trauma surgeon, an epidemiologist, two registered nurses, two representatives of the College of Public Health of the University of South Florida, a representative of the Commissioner of Education, an expert in childhood homicide, an expert in bicy-

Prepared by House Health Care Committee

cle and pedestrian safety, a representative of the American tal in Dade County. The Center centralizes the technical ser-Policy, and representatives of DHRS.

By February 1, 1990, DHRS is required to report to the Leqislature its recommendations for accidental death and injury prevention in children. The report must include a number of specific areas, including: recommendations for changes to the Florida Statutes; the need for safety education in schools; whether to establish an office of injury control within DHRS; the adequacy of data, existing poison control systems, emergency medical services systems and trauma centers; the need for broader immunization requirements; methods to reduce childhood homicide; and the need for regular inspection of playground equipment. The sum of \$50,000 is appropriated to DHRS to conduct the study.

All noninstructional personnel of school districts and laboratory schools who are required to make direct contact with students must be fingerprinted pursuant to this enactment. State and federal processing of the prints is mandatory. A right of appeal is given employees terminated for their criminal record and implementation policies are to be developed at the local level with the assistance of guidelines supplied by the Commissioner of Education. If previously screened and fingerprinted under these provisions and unemployed for less than 90 days, such personnel are exempt from fingerprinting and screening.

#### Health Care Facilities and Training

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 128 (CHAPTER 89-354) provides for the regulation of health care services pools by the Department of Business Regulation. The act also provides for the Health Care Cost Containment Board to approve certain expenditures by hospitals to nursing programs and other health care professional training programs. In addition, the Nursing Education Challenge Grant Fund for Community Colleges is established for the purpose of providing matching grants for private endowments made to community colleges to increase student enrollment in nursing programs and other health service programs in community colleges. The Health Care Cost Containment Board is also required to conduct a study on the effect of joint ventures on the cost of health care.

The time for which a home health agency worker must be cal values. unemployed before that person must be recertified for subsequent employment is also extended.

In the area of certificate of need (CON), the Department of Health and Rehabilitative Services is required to give preference to an application for a nursing home CON which is to be constructed and operated in a "nursing home geographically underserved area." The law also provides for the Department of Health and Rehabilitative Services to consider "geographic accessibility" as a criteria when developing uniform need methodologies.

Center for Health Technologies, a non-profit corporation, to put into law last year are refined. [These changes were in rebe located at and administered by a statutory teaching hospi-sponse to practical problems experienced by the hospital in-

Red Cross, a representative of the Institute for Child Health vices of private industry and certain academic institutions in order to strengthen the growth of medical technology in Flori-

#### **Indigent Mental Health**

COMMITTEE SUBSTITUTE FOR SENATE BILL 220 (CHAP-TER 89–355) provides reimbursement to specialty psychiatric hospitals which serve indigent mentally ill patients. Current law requires these hospitals to contribute 1.5 percent of their net operating revenues to the Public Medical Assistance Trust Fund, but provides no opportunity for them to recapture these funds because inpatient psychiatric services in such specialty hospitals are not covered by the Medicaid program. The act allows psychiatric hospitals to bill for indigent patients who are not Medicaid eligible; however, it does limit the amount they can bill to the dollar amount they contributed to the Public Medical Assistance Trust Fund in the previous year. [Hospital assessments collected from psychiatric hospitals are expected to reach \$2,754,969 in Fiscal Year 1988-89.]

The Department of Health and Rehabilitative Services is directed to adopt by rule a patient eligibility form and a referral process in which Department patients are referred to psychiatric hospitals. The law states that specialty psychiatric hospitals which choose not to seek reimbursement from the Public Medical Assistance Trust Fund are not obliged to accept Department patients.

#### AIDS

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1590 (CHAP-TER 89-350) continues the state's emphasis on education, voluntary testing and confidentiality as the most effective tools in the effort to stem the spread of AIDS (Acquired Immune Deficiency Syndrome).

School boards are required to regularly schedule comprehensive health education including instruction in Acquired Immune Deficiency Syndrome and other communicable disease prevention. This particular portion of the act provides for the teaching of abstinence as well as allowing parents to opt not to have their children participate in instruction relating to AIDS. In addition, the requirement for AIDS education is not to interfere with local determination of curriculum reflecting lo-

In addition, AIDS education is mandated as a condition of licensure for all cosmetologists, barbers, masseurs and physical therapists. The deadline for completion of AIDS education for two groups of professionals, clinical lab personnel and occupational therapists, is extended by 6 months. Furthermore, clarification is made that the AIDS education hours required of each profession may be counted as part of the professions continuing education rather than in addition to existing requirements.

The confidentiality requirements relating to the handling of In addition, provision is made for the establishment of the human immunodeficiency virus (HIV) test results which were dustry in attempting to comply with that law.] In addition to Patient Records changes made in the confidentiality section, the antidiscrimination laws applicable to persons who are HIV infected are strengthened. It is illegal for any health care facility or health care provider to require an HIV test as a condition of admission or treatment. Discrimination is prohibited against any person on the basis of perceived results of an HIV test or the fact that a person has taken or is believed to have taken an HIV test

All employers who provide or administer insurance benefits to employees are required to develop procedures for protecting the confidentiality of medical information. The act also exempts information relating to the medical status of state employees from public records laws where that information is not relevant to the employee's ability to perform his duties.

The Department of Health and Rehabilitative Services is authorized to allow county public health units to accept physician diagnosed cases of HIV infection with the consent of the patient for the purposes of partner notification and contact investigation. There are several safeguards to protect patient confidentiality of persons who may wish to take advantage of the partner notification and contact tracing services available through the county public health units, including a prohibition on maintaining HIV reports in the form of a roster. The Department of Health and Rehabilitative Services is directed to develop rules and protocols to implement this program.

Finally, the law requires several departments of the state to submit reports on various subjects to the Legislature by March 1, 1990. The subjects of these reports include: the impact of HIV infection on pregnant women and infants: the impact of HIV infection on the adolescent population: recommendations on effectively dealing with the impact of AIDS on insurance; and the guality of AIDS education being offered in the state as well as recommendations on possibly combining educational programs for one or more groups.

# **Public Health Delivery System**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 746 (CHAPTER 89-311) eliminates an option that counties have under current law which allows them to contribute at least 25 percent of the cost of construction or renovation of a public health unit. This leaves the counties with the requirement that public health unit facilities which are constructed or renovated with funds appropriated under this law be used only for public health services, that they will not charge rent for the use of the facility by the public health unit and that they will not attempt to sell the units without concurrence of the Department of Health and Rehabilitative Services. Provision is made that fees for primary care services not be less than Medicaid reimbursement rates and to expand the types of diseases that must be reported to the Department. Finally, the Department is prohibited from contracting for Medicaid prepaid health plans with providers who have been convicted of certain criminal offenses.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1133 (CHAP-TER 89-85) provides for the speedy release of medical records and insurance information by health care facilities and health care practitioners. The act also provides that records may be released to the next of kin of a decedent or the parent of a minor where there is no legal guardian, curator or personal representative. This legislation also reenacts Subsections (2) through (5) of Section 395.017, F.S., inadvertently repealed by omission last session, concerning the confidentiality and content of such records. The act further makes a conforming correction to the term Hospital Cost Containment Board by changing it to the proper term Health Care Cost Containment Board.

# **Nursing Student Loan Forgiveness Program**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1196 (CHAP-TER 89-332) creates the Nursing Student Loan Forgiveness Program for the purpose of encouraging nurses to seek employment in the state. The act provides for reimbursement of student loans incurred by nurses in accredited or approved nursing programs on a sliding scale based upon the number of years the nurse has been employed in the state. The employers of these nurses are required to match the money provided by the state as reimbursement. Certain public health care facilities and teaching hospitals are exempted from the reimbursement requirement.

# **Medicaid Advisory Council**

SENATE BILL 92 (CHAPTER 89-92) is the product of the Sundown Review of the Medicaid Advisory Council in the Department of Health and Rehabilitative Services (DHRS). The act, as amended, continues the Medicaid Advisory Council, adds statutory language regarding the purpose, membership, responsibilities, and administrative duties of the Council, and requires a subsequent review of the Council prior to October 1, 1991. The law also eliminates the Sunset repeal of the Medicaid Medically Needy Program. The act has effective date of October 1, 1989.

### **Advisory Bodies**

COMMITTEE SUBSTITUTE FOR SENATE BILL 230 (CHAP-TER 89-93) is the product of the Sundown Review of five health-related advisory bodies of DHRS. The act continues the Infant Screening Advisory Council, Florida Cancer Control and Research Advisory Board, Diabetes Advisory Council and Cardiac Advisory Council; adds representatives of certain provider groups to selected Councils; and makes specific modifications to existing statutory language to clarify purposes, function, and procedures and to assure that members receive travel and per diem reimbursement for advisory body meetings. The act also repeals the Perinatal Advisory Council. The effective date of these provisions is October 1, 1989.

# Medical Transportation/Medical Personnel

SENATE BILL 675 (CHAPTER 89-283) amends the definition of physician in Subsection 401.23(19), F.S., to include not only practitioners licensed under the provisions of Chapters 458 and 459, F.S., but also those physicians employed by the United States Department of Veterans Affairs. [This will permit the physicians employed by the Department to provide medical direction for the treatment of patients immediately prior to or during transportation to V.A. hospitals.]

The act contains certain provisions related to emergency medical services including exempting from Section 119.07, F.S., patient records obtained by the Department of Health and Rehabilitative Services for the trauma registry; permitting disclosure of information in patient records so the Department can ensure a hospital's compliance with trauma statutes and rules; prohibiting public disclosure of complaints against hospitals that provide emergency services until 10 days after probable cause has been found; and eliminating the ability of the Department to delegate its authority for trauma center verification to local or regional trauma agencies. Other major pro- Health Care Task Forces visions include the requirement that each medical director in an emergency medical services system provide for a quality assurance review of all emergency medical technicians and paramedics and the establishment of emergency medical review committees. The law also gives guidance to paramedics who must examine and treat incapacitated persons.

are established in the state. One each shall be in the north, central and southern regions of the state and all shall be affilieffect October 1, 1989, except for the redefinition of physician which took effect July 5, 1989.

SENATE BILL 8-B (CHAPTER 89-527) is designed to provide relief from financial instability to rural hospitals by allowing them more flexibility in their operations. Specifically, rural hospitals are exempted from certificate of need (CON) requirements for hospice and home health services as well as swing beds up to a certain percentage of the hospital's total for purchasing health care coverage to develop consensus beds. Rural hospitals are also exempt from CON application fees. The act provides for the creation of a new category of hospital to be called an "emergency care hospital." An emergency care hospital would be able to provide emergency care services and certain acute care services not requiring inpatient care for more than 96 hours. In order to qualify as an underinsured. The Task Force would also study ways in which emergency care hospital, a hospital would have to provide a health care costs can be equitably distributed among all percertain level of laboratory and radiological services.

The Department of Education is required to study the feasibility of cross-training for the allied health professions in community colleges and vocational-technical schools. The law also requires agencies and departments to complete a rural hospital impact statement before promulgating rules or policies regarding the licensure of health care practitioners which might have a significant impact on rural hospitals. The sum of \$250,000 is appropriated to Calhoun County for the purpose of assuring the availability of acute care hospital services to the county and surrounding rural areas.

Additionally, the act allows a hospice incorporated on or before July 1, 1978, to convert to a for-profit or not-for-profit entity and transfer its hospice license to that entity.

Finally, the measure creates the Center for Health Technologies, a non-profit corporation, to be located at and administered by a statutory teaching hospital in Dade County. Similar provisions are to be found in COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 128 (CHAPTER 89-354).

SENATE BILL 11-B (CHAPTER 89-530) establishes the Florida Task Force on Government Financed Health Care for the purpose of studying the state's role and responsibility in the provision of health care. The Task Force will review current programs for cost efficiency, determine the level of service the Finally, three accredited Regional Poison Control Centers state should be responsible for, consider the medical and ethical issues involved, and evaluate the current allocation of medical resources, existing state, federal and local health ated with a Level I trauma center. All provisions of the act take care regulations, and the effectiveness of the existing third party reimbursement system.

> In addition, the Health Care Cost Containment Board, in conjunction with the Advisory Council on Intergovernmental Relations, is required to conduct a study of public sector purchasing of health care coverage.

> Following the release of the study report, there will be a statewide conference of state and local officials responsible recommendations for the 1990 Legislative Session on how the public sector can become more effective and efficient in purchasing health care coverage. Finally, the act establishes the 19-member Florida Task Force On Private Sector Health Care Responsibility to study the problem of the uninsured and the sons in the state.

### **INSURANCE***

The 1989 Legislature adopted significant legislation affect- General Revision ing the regulation of insurance. General regulatory legislation adopted includes increased regulation of title insurance, continuing education requirements for insurance agents, and a comprehensive measure affecting many areas of insurance.

The Legislature also adopted a comprehensive measure designed to stabilize the rapidly rising costs associated with the workers' compensation system.

In the area of property and casualty insurance significant legislation includes modification of the Motor Vehicle Insurance Act of 1988 and revisions to uninsured motorists provisions

In the area of health insurance, important legislation adopted related to the State Comprehensive Health Association, long-term care insurance, Medicare supplement insurance and health maintenance organizations. Extensive revisions are made to the Florida Birth-Related Neurological Injury Compensation Plan.

Life insurance agents are restricted from being named as a beneficiary on certain policies and the purchase limit on credit life insurance is raised.

### GENERAL REGULATION

### **Claim Files**

SENATE BILL 213 (CHAPTER 89-15) provides for the continued public record exemption for claims files maintained by the Division of Risk Management to assess the state's liability in accidents or injuries involving state employees. Exempting these records from public inspection will allow the state to more efficiently manage claims and avoid additional costs. This act takes effect on October 1, 1989.

### **Commercial Self-Insurers**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 766 (CHAP-TER 89-247) provides that governmental entities that are members of a self-insurance fund can only be assessed for losses incurred by governmental members of the fund.

The act also clarifies that governmental entities can become members of a commercial self-insurance fund.

# **Continuing Education**

HOUSE BILL 1396 (CHAPTER 89-210) requires insurance agents to complete continuing education requirements. The law allows the Department of Insurance to approve courses that will satisfy the requirements of continuing education. In addition, a number of professional courses are listed that may be taken in order to obtain continuing education credits.

The Department of Insurance is required not to renew licenses for agents that do not comply with the continuing education requirements.

COMMITTEE SUBSTITUTE FOR SENATE BILL 845 (CHAP-TER 89-360) combines numerous insurance proposals that were originally filed individually. An analysis of the various provisions is provided below:

- 1. Interest on Cash Surrender Requires life insurers to pay interest on the cash value of the policy to the policyholder if the cash surrender value is not paid within 30 days of demand.
- 2. Mandatory Rate Review - Requires property, casualty and health insurers to annually make either a rate filing or an actuarial certification that their rates are actuarially sound. Annual rate filings or actuarial certification will promote rates that are adequate with the current economic conditions. This provision allows property and casualty insurers to satisfy annual rate filing requirements by having a licensed rating organization make an annual rate filing or certification on behalf of the company.
- 3. Insurer Rehabilitation - This part of the act provides for more efficient management of the assets of insolvent insurers. Procedures are provided to aid the receiver in recovering assets of the insolvent insurer which are in the hands of third parties. The legislation also revises state law governing insurer insolvency to provide:
  - that delinquency proceedings brought under a) Chapter 631, F.S., are in equity;
  - b) a procedure to be used when funds or other property is in the possession of third parties and the receiver demands delivery of such funds or other property;
  - the preservation of the property or funds; C)
  - d) for the elements of recovery should the receiver be successful in establishing claims;
  - e) that unearned commission and unearned premiums constitute an asset of the insurer;
  - f) that compliance with accounting requirements constitutes a requirement for continued licensure;
  - that special deposit claims and secured claims are **g**) applicable to liquidation proceedings and revise the method for valuing the claims;
  - that a claim offset must be fully matured as of the h) date of filing of a liquidation order;
  - that transfers of an affiliate of an insurer are voidi) able, within the prescribed time period;
  - that a seizure order may direct the Department to j) take possession and control of premium funds and other property of the insurer held by an affiliate and may enjoin any affiliate from described actions; and
  - that an insurer is defined as insolvent when an ork) der in a delinquency proceeding has been entered.

^{*}Prepared by Senate Insurance Committee

- 4. Surplus Lines The act removes the requirement contained in Section 626.923, F.S., that surplus lines agents shall send a completed copy of the surplus lines policy to the Department of Insurance within 60 days of policy issuance. However, the reporting requirements are amended to require that surplus lines agents shall submit copies of the policy, or other forms of insurance confirmation, within 30 days, if these documents are requested by the Department. The time that surplus lines agents must retain a copy of the policy is increased from 3– to 5–years. In addition to the longer period of retention, the act requires that all forms of insurance confirmation must be retained for 5 years.
- Outline of Coverage Requires insurers to provide an outline of coverage to consumers who purchase automobile insurance policies or homeowner insurance policies. The outline will provide the consumer with an easy to understand summary of the policy they are purchasing.
- Solvency This part of the law amends several financial requirements of insurers in order to prevent insolvencies. Stronger surplus requirements, premium limitations, reinsurance certification, investment limitation, and other changes are included in order to decrease the possibility of insurer insolvency.
- 7. Excess Rates This section requires insurers to complete a signed consent form when charging premiums that are in excess of approved rates. The signed consent form must list the filed rate and the excess rate that will be charged to the policyholder. The number of excess rate policies issued by an insurer is limited to no more than 10 percent of its commercial insurance policies and no more than 5 percent of its personal line policies.
- 8. Primary Agent Prohibits suspended or revoked insurance agents from continuing to work in an insurance agency, thereby eliminating the likelihood of further violations of the Insurance Code by such agents. The act requires the designation of a primary agent to ensure that the agency does not employ insurance agents that have had their license suspended or revoked. The Department of Insurance is given the authority to suspend or revoke the license of the primary agent in the event an agent with a suspended or revoked license is discovered working in the agency.
- Agents Bill Provides tighter constraints and more severe penalties on misconduct of insurance agents, such as prohibiting agents from overinsuring a policyholder or from requiring auto insurance policyholders to purchase travel club memberships.
- 10. Housekeeping Provisions The act provides an exemption from Department of Insurance regulation for religious organizations formed prior to 1935 that meet specified criteria that assist members with property losses. Unsuccessful applicants for insurance licenses are required by the act to write the Department within 60 days in order to obtain a refund. The value of gifts

insurers can make to policyholders is raised from \$10 to \$25. In addition, the conditions allowing financial guaranty companies to obtain credit for reinsurance are clarified. The act also provides clarifying language that will allow sellers of preneed funeral contracts to incur the tax consequences of income from trust accounts.

- 11. Administrative Supervision This act creates a procedure whereby an insurer would be placed under administrative supervision of the Department of Insurance. Administrative supervision would be a step short of court-ordered receivership under Chapter 631, F.S., authorizing rehabilitation, conservation or liquidation. Under administrative supervision, Department personnel, or their agents, would have prior approval authority over all significant business decisions made by the company. The Department may initiate the process to place an insurer under supervision if it finds that:
  - a) the insurer is in unsound condition;
  - b) the insurer's business practices are hazardous to the public;
  - c) the insurer has exceeded its authority; or
  - d) the insurer gives consent. An insurer is in an "unsound condition," if:
  - a) surplus, capital, or capital stock is impaired;
  - b) the insurer continues to write new business when it has failed to maintain the required surplus or capital; or
  - c) the insurer attempts to dissolve or liquidate without first making satisfactory provisions for liabilities. If placed under supervision, the insurer has 60 days from the date of notice to comply with the Department's requirements. If the condition which placed the insurer under supervision is remedied, the Department is required to release the insurer from supervision. Supervision may be extended by 60-day increments. However, the insurer may request an administrative hearing pursuant to Chapter 120, F.S., in the event the Department extends the supervision.
- 12. Health Maintenance Organizations (HMO) Requires that HMO salesmen must be gualified health insurance agents. HMOs must license their salesmen just as insurance companies license their health insurance agents. To qualify for licensure with an HMO, an individual must meet identical requirements of health insurance agents, as provided in Chapter 626, F.S., including passage of an examination. All provisions of the Insurance Code applicable to licensing of health insurance agents, including disciplinary procedures, apply to HMOs and their licensed agents. The act also modifies the fine imposed for filing an annual report late, from "\$1,000" to "up to \$1,000," and from "\$2,000" to "up to \$2,000," to give the Department of Insurance the discretion to fine a lesser amount. In addition, annual reporting requirements are simplified and consolidated by eliminating the filing of unnecessary information. The law disallows use of intercompany receivables from the

utory surplus requirements, except under certain circumstances. This clarifies existing law which provides that "advances" to officers, employees, etc., are not permitted assets. Finally, the act requires the Department of Health and Rehabilitative Services to only contract with Medicaid HMOs whose principals have no criminal connections related to the delivery of Medicare or have not been found guilty of fraud, income tax evasion or obstruction of justice.

- 13. Fictitious Groups Authorizes insurers to sell private passenger auto insurance and homeowners insurance on a group basis, which may result in lower premiums to consumers due to the reduced administrative costs associated with group policies as compared to individual policies.
- are strengthened and language is also revised to assure that surety companies pay bail bonds to the courts when defendants fail to appear.
- 15. Confidentiality of Risk Management Claims This law provides for the confidentiality of risk management of the state and local governments claim files in order to promote a policy decision to encourage risk safety management in order to reduce the frequency of accidents giving rise to litigation. Provision is made that claims meetings held by the state and local governassessments are not subject to sunshine laws.
- 16. Medicare Supplement This act conforms Florida's Medicare supplement insurance law to the changes required by the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360) which address the advertisement of Medicare supplement policies and revise minimum coverage standards.

SENATE BILL 9B (CHAPTER 89-528) corrects an error contained in COMMITTEE SUBSTITUTE FOR SENATE BILL 845 (CHAPTER 89-360). Language was inadvertently included repealing Subsection 627.331(4) which requires insurers of homes and automobiles to file underwriting rules with the Department of Insurance. The Department reviews the filed underwriting rules to ensure that the rules are consistent with filed rates and to make sure that insurers are not refusing coverage based on arbitrary and capricious reasons.

The law deletes the repeal and would retain current law requiring underwriter rules to be filed with the Department of Insurance.

### **Insurance Company Investments**

COMMITTEE SUBSTITUTE FOR SENATE BILL 612 (CHAP-TER 89-227) amends Subsection 625.305(4), F.S., which limits the amount of insurer investment in debt instruments such as bonds, debentures, or commercial paper, that are not rated as investment grade by rating services. Insurers that exceed these limitations are allowed to retain unrated debt until matu- scheduled for implementation on July 1, 1989, is phased in by

parent company or affiliate to the HMO in meeting stat-rity; however, once sold, unrated debt cannot be replaced without Department of Insurance approval.

The act allows insurers exceeding unrated debt limitations to replace debt without Department of Insurance approval as long as the replaced debt does not exceed 20 percent of the insurer's admitted assets plus an amount determined from a product of the amount of outstanding liabilities on January 1. 1988, multiplied by the ratio of the unrated debt obligations to the amount of outstanding liabilities on January 1, 1988. In addition, the acquisition of additional unrated debt cannot exceed 40 percent of the insured's total admitted assets. Replaced debt must meet diversification requirements. This act takes effect on October 1, 1989.

### **Insurance Investigators**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1409 (CHAP-14. Bail Bondsmen - Various regulations of bail bondsmen TER 89-42) provides authority for insurance fraud investigators to carry firearms if certified by the Criminal Justice Standards and Training Commission. Firearm training is a component of the requirement needed for certification.

### Insurance Premium Tax

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 336 (CHAPTER 89-167) amends several provisions of the insurance premium tax law.

[Revenue collections were \$62 million less than expected ments that evaluate claims or determines settlement during 1988-89 based on estimates of the results of 1988 changes to the premium tax law. Annual shortfalls of over \$40 million were expected without revisions to the premium tax law in 1989.]

> The law lowers the premium tax from 2 to 1.75 percent of gross premiums. This will actually increase total state tax collections by requiring foreign insurers to pay additional retaliatory taxes for insurance sold in Florida. In addition, the act lowers the amount of credits to the premium tax that insurers can claim for salaries paid to Florida employees. Salary credits are also reduced from 75 to 65 percent of the premium tax.

> The credits allowed for guarantee fund assessments are changed. Credits are reduced from 10 percent for the next 10 years following payment to 5 percent for a period of 20 years. In addition, credits for assessments paid to the State Comprehensive Health Association are repealed.

> The salary credit allowance when calculating retaliatory taxes is amended. Under the provisions of the act, the salary credit exclusion is reduced to 80 percent; current law provides for a total exclusion. In addition, the new retaliatory taxes are placed in the General Revenue Fund. The Insurance Commissioner's Regulatory Trust Fund, which currently receives half of retaliatory taxes, is limited to its current receipts of \$5.2 million plus the growth rate in retaliatory collections, or 10 percent, whichever is less.

> The use of consolidated returns for purposes of using the salary and corporate credits is eliminated.

The 1.6 percent tax on medical malpractice self-insurers,

this legislation. During the next 2 years, the premium tax rate monthly in the field offices. Space is limited and applicants are is set at 0.8 and 1.3 percent.

Department of Insurance to the Department of Revenue and one else. In addition, other than grading the examination, the the audit capability of the Department substantially increased. A \$1.2 million appropriation is provided to the Department of Revenue for additional auditors.

new law and report to the 1990 Legislature.

The act takes effect upon becoming a law and applies retroactively to January 1, 1989. Thus, the tax law changes included in the act will apply to premiums collected for all of 1989 and thereafter.

# **Public Safety**

COMMITTEE SUBSTITUTE FOR SENATE BILL 791 (CHAP-TER 89–233) increases fees in the five programs administered by the Bureau of Explosives and Fire Equipment: fire equipment dealers, fire protection system contractors, explosives ence to counties so that it is clear that counties as well as users and handlers, boiler safety and sparkler registration. In addition, fees are added for duplicate licenses, permits or certificates, and for scheduled examinations. The act also authorizes the Bureau of Fire Prevention to establish fees to cover its services and operations.

Administrative matters involving dealers, contractors, explosives and the Fire College are addressed to reduce confusion and increase efficiency.

For ease of understanding, a section-by-section analysis follows:

Section 1. Paragraph 235.06(1)(b), F.S., is amended to remove the requirement that the State Fire Marshal's Office inspect public schools for fire safety violations. Instead, persons certified by the Division of State Fire Marshal would conduct the inspections [so that 27 positions now included in the boilers from state regulation with little loss in safety. Such a 1989-90 budget request at a cost of \$1,129,374 will not be floor is presently contained in the American Society of Menecessary].

Section 2. Section 526.141, F.S., is amended to delete a reference to a specific kind of dispensing nozzle in self- fees to cover the cost of administering the boiler safety proservice gas stations and to delete an inspection requirement gram. in conflict with later enacted legislation (Section 633.022, F.S.).

Sections 3 through 9 amend part of Chapter 552, F.S., "Explosives," which has not been significantly amended since 1977. The licensing program is administered by the Bureau of Explosives and Fire Equipment.

a user who is a natural person need not also have a blaster's permit. This section is also amended to increase fees for all license categories and to allow the Bureau to charge for issuing duplicates.

Section 4. Section 552.092, F.S., is amended to add language to allow the Bureau to charge a reasonable fee for processing the required fingerprint cards.

Section 5. Section 552.093, F.S., is amended to increase the examination fee and to allow the Bureau to charge a fee Section 633.021, F.S., 1988 Supplement, is modified to infor each examination scheduled. [Examinations are given crease clarity.

scheduled on a first-come-first-served basis. "No shows" Responsibility for auditing the tax is transferred from the cause a waste of space which could have been filled by somecost of scheduling a "no show" is the same as scheduling someone else who does show.]

Section 6. Section 552.094, F.S., is amended to increase A task force is created to look at the ramifications of this the minimum license age from 18 to 21 to comply with the minimum federal requirements. [The Bureau currently has no one under 21 licensed or permitted.]

Section 7. Section 552.161, F.S., is amended to change "offense" to "violation." The word "offense" is not used by the Bureau in its regulatory activities.

Section 8. Section 552.171, F.S., is amended to increase the possible lengths of suspensions and revocations of a license or permit to conform them to other classes of licenses or permits issued by the Department.

Section 9. Section 552.25, F.S., is amended to add a refertowns and municipalities may establish ordinances regarding explosives. [Many counties presently have blasting ordinances.]

Sections 10 and 11 amend Chapter 554, F.S., "Boiler Safety," which is administered by the Bureau of Explosives and Fire Equipment.

Section 10. Section 554.109, F.S., is amended to allow those local governmental entities which have adopted the Boiler Code and commissioned inspectors, to continue their inspections. [Presently, the City of Miami and Dade County are the only two local programs which will qualify to remain in operation.] The section is also amended to add a provision to put a minimum size on boilers to be inspected by the state. [This will remove thousands of hot water heaters and small chanical Engineers' Boiler Code.]

Section 11. Section 554.111, F.S., is amended to increase

Section 12. Section 624.515, F.S., is amended to increase the amount of the State Fire Marshal's regulatory assessment from 5/8 of 1 percent to 1 percent, which would increase the available funds from approximately \$5 to \$8 million.

Sections 13 through 31 amend Chapter 633, F.S., "Fire Prevention and Control," which is the primary chapter setting out Section 3. Section 552.092, F.S., is amended to clarify that the State Fire Marshal's duties and responsibilities. Sections 13 through 23, with the exception of Section 19, refer to the fire equipment dealer program administered by the Bureau of Explosives and Fire Equipment.

Section 13. Section 633.01, F.S., is amended to conform the language involving fire equipment dealers parallel to relevant language in Section 633.061, F.S. [There is no substantive change.]

The definition of "preengineered system" in Section 14.

Section 15. Subsection 633.061(1), F.S., is amended to require that the licensee must exercise supervision over his permittees, to allow the Division of State Fire Marshal to charge fine." for license or permit duplicates and to increase fees to cover the cost of administering the program.

Subsection 633.061(2), F.S., is amended to reflect present demeanors. policy about the relationship of license class to permit class and to create a fee for duplicate permits.

present policy of not working when the license or permit has become inoperative, and to clarify the continuing education garding the required fingerprint card. requirements every 5 years for the fire equipment industry.

requirements for initial licensure must continue to be met or from 240 to 280, and to clarify the examination requirement. the license becomes inoperative.

ees, contains three major changes:

- applicants will no longer be able to take two tests in one 1) day, but will be limited to testing no sooner than 30 days after the last test;
- applicants will need one year of experience or a combi-2) and
- 3) the exam fee is raised to \$50.

Paragraph 633.061(3)(d), F.S., which applies to permittees contains changes similar to those for licensees but does not include an experience prerequisite.

ID card. [This requirement could end the problems of an individual using another's permit, and making false representations as to employment, resulting in consumer fraud.

Subsection 633.061(8), F.S., adds "other reputable national organizations" to the National Fire Protection Association since the Bureau uses other organizations' standards.

Subsection 633.061(9), F.S., is replaced with new language to add the same 60-day grace period for dealers as is presently applicable to contractors.

Section 16. Section 633.065, F.S., is amended to delete amended to provide for inactive status for contractors. references to contractors and applies only to dealers. A new Section 633.539, F.S., is created regarding contractors.

Section 17. Section 633.071, F.S., is amended primarily to clarify reference to preengineered systems.

Section 18. Section 633.083, F.S., is amended to allow the use of Halon 1211 and 1301 which are currently banned, though the ban is not enforced, by Subparagraph found in the dealer provision. 633.083(1)(a)13., F.S., to specifically ban inverting water extinguishers, and to allow a laboratory to be "nationally recognized."

Section 19. Section 633.085, F.S., is amended to authorize the Division to establish a schedule of fees for the cost of fire protection surveys on state-owned and leased property performed by the Bureau of Fire Prevention. The Division of that contractors must have licenses when they perform pri-Risk Management in the Department of Insurance has authority to pay for these activities.

Section 20. Section 633.162, F.S., is amended to add reference to a notice of violation and grounds for denial, nonrenewal, revocation or suspension of a license or permit.

Section 21. Section 633.163, F.S., is amended to remove references to civil penalties and substitute "administrative

Section 22. Section 633.171, F.S., is clarified by the additions of "preengineered" and "license" to the enumerated mis-

Sections 23 through 29 refer to the Fire College.

Section 23. Section 633.34, F.S., 1988 Supplement, is Paragraph 633.061(3)(a), F.S., is amended to reflect the amended to add a minimum age as well as other requirements for firefighter certification, and to add clarifying language re-

Section 24. Section 633.35, F.S., is amended to raise the Paragraph 633.061(3)(c), F.S., is amended to clarify that all number of hours for the minimum standards training course

Section 25. Section 633.351, F.S., 1988 Supplement, is Subparagraph 633.061(3)(c)5., F.S., which applies to licens- amended to conform Paragraph 112.011(2)(b), and Sections 633.34 and 633.351, F.S., regarding the implications of a misdemeanor on certification and decertification. References to a misdemeanor involving moral turpitude are changed to "directly related to the position of employment sought."

Section 26. Section 633.41, F.S., the grandfather clause nation of education and experience before licensure; for firefighters, is amended to show the effective date and to establish a termination date for Certificates of Tenure.

Sections 27 and 28. Sections 633.45 and 633.46, F.S., are amended to change the name of the Fire College Publications Revolving Trust Fund to Fire College Trust Fund.

Section 29. Section 633.461, F.S., is amended to clarify Subsection 633.061(5), F.S., adds a requirement for a photo the purposes for which the Fire College Trust Fund may be used.

Sections 30 through 35 refer to the fire protection system contractor program administered by the Bureau of Explosives and Fire Equipment.

Section 30. Section 633.524, F.S., 1988 Supplement, is amended to add a separate fee for each examination scheduled. Neither the initial application fee, renewal fee, nor the fee for duplicate licenses or permits is changed.

Section 31. Section 633.537, F.S., 1988 Supplement, is

Section 32. Section 633.539, F.S., is created and is the contractor version of Section 633.065, F.S., which is amended to refer only to dealers.

Section 633.547, F.S., is amended to add spe-Section 33. cific references to improper actions, to reduce revocation authority to 5 years and to allow the same \$1,000 per violation

Section 34. Subsection 633.551(2), F.S., is amended to stop the unnecessary local practice of requiring an engineer's seal on shop drawings and to change the issue date of the contractor list from September to November. Contractors have a 90-day grace period in which to renew.

Section 35. Section 633.554, F.S., is amended to clarify vate contracts as well as when working for governmental agencies.

Sections 36 and 37 amend Chapter 791, F.S., "Fireworks," to increase fees to cover the cost of administering the program. The registration portion of the program is the responsi-

bility of the Bureau of Explosives and Fire Equipment. The ums. In addition, the Department is provided authority limiting shal has no enforcement authority regarding sparklers and no this act takes effect October 1, 1989. authority or responsibility regarding fireworks.

Section 36. Section 791.01, F.S., is amended to clarify the definitions of "retailer" and "seasonal retailer" of sparklers.

Section 37. Section 791.015, F.S., is amended to increase fees for retailers and seasonal retailers, including a new fee for each retail location, and to allow the Bureau to charge for duplicates.

Section 38. This section creates the State Fire Marshal Scholarship Grant Trust Fund and provides for its purpose and expenditure procedures. The State Fire Marshal Scholarship Grant Fund Council is created, with guidelines and rulemaking authority provided.

Section 39. An appropriation of \$22,750 is authorized for purposes of implementing this act.

Section 40. A Sunset date of October 1, 1995, is established for Section 633.539, F.S.

Section 41. The effective date of October 1, 1989, is provided.

### **Title Insurance**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 548 (CHAPTER 89–305) increases the regulation of title insurance agents.

The act specifies criminal penalties for title agents, officers, directors or independent contractors that misappropriate funds. The enumerated criminal penalties generally follow the same penalties that exist currently for misappropriations under Section 812.014, F.S. However, the act provides that misappropriation of funds of \$300 or less is a first-degree misdemeanor. Current law provides that the first offense of conversion for less than \$300 is a second-degree misdemeanor.

[Placement of the penalty provision in the Insurance Code may clarify and highlight the penalties available for misappropriation of funds.]

Title insurers are required to remit \$200 for each licensed title agent. In addition, title agents are also required to pay a \$200 annual surcharge to the Department of Insurance.

Section 626.8417, F.S., is amended to provide criteria for required error and omission insurance. The law requires that error and omission insurance shall provide at least \$250,000 in coverage-per-claim and an aggregate deductible no higher than \$10,000. If error and omission insurance is not generally available, then the Department is required to promulgate rules for compliance.

In addition, insurers must submit that to the best of the insurer's knowledge title agents have obtained a fidelity bond of at least \$50,000. Furthermore, insurers must require agents to deposit \$35,000 of acceptable deposits with the Department as security. Obtaining a \$35,000 surety bond will meet the deposit requirements.

The Department is authorized to establish rules limiting rea-

sparkler testing portion is the responsibility of the Bureau of the amount of title insurance premiums that can be retained Fire and Arson Investigations. The Division of State Fire Mar- by the title insurance agents. Except as otherwise provided,

### HEALTH AND LIFE

### **Continuing Care Contracts**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1252 (CHAP-TER 89-363) revises requirements and procedures for continuing care Certificate of Authority (COA) and provisional COA applications to engage in the business of providing continuing care.

Information to be presented in the required feasibility study is modified to include the study's assumed inflation factor, financial forecasts prepared in accordance with certain specified standards and the forms of the continuing care reservation and escrow agreements proposed to be used by the provider in the furnishing of care.

The Department will have 30 days after receipt of an application to review the provisional COA information for completeness and to notify the applicant requesting any necessary additional information. If the Department determines the application is substantially incomplete, it may return such application to the applicant with a written notice that the application is incomplete and unacceptable for filing without further action required by the Department.

Within 15 days after receipt of all requested additional information, the Department must notify the applicant that all such requested information has been received and that the application is deemed to be complete as of the date of the notice.

Within 45 days from the date an application is deemed to be complete, the Department must complete its review and issue a provisional COA to the applicant based on certain reguirements. If the application is denied, the Department shall notify the applicant in writing, citing specific failures to comply with Chapter 651, F.S. The applicant would then be entitled to a hearing pursuant to Chapter 120, F.S.

The issuance of a provisional COA entitles the applicant to collect entrance fees and reservation deposits from prospective residents which must be placed in an escrow account or on deposit with the Department, pursuant to Section 651.033. F.S., until a COA is issued by the Department. This legislation provides that an escrow agreement must be entered into between the bank, savings and loan association or trust company and the applicant. The agreement must state its purpose is to protect residents and that it is subject to approval by the Department. All such funds will not be subject to any liens or charges by the escrow agent or to any judgments against the applicant or facility, with certain exceptions.

The act provides that the Department must issue a COA to the holder of a provisional COA, but no COA will be issued until the holder of a provisional COA provides the Department with certain information. Such information must include, among other things, certification by the consultant who prepared the original feasibility study that there has been no masonable charges that may be made in addition to risk premi- terial adverse change in status regarding the feasibility study. In addition, complete audited financial statements of the ap- ery or resuscitation in the immediate post-delivery period in plicant prepared in accordance with certain requirements must be submitted but certain information would no longer be reauired.

The Department must issue a COA upon its determination that the applicant meets certain requirements. Notwithstanding satisfaction of the 30 percent minimum reservation requirement of Paragraph 651.023(1)(c), F.S., no COA will be issued until the project has a minimum of 50 percent of the units reserved.

The act provides that a provider may satisfy the minimum liquid reserve requirements of this section by acquiring a clean, unconditional irrevocable letter of credit in an amount equal to specified minimum requirements, from a financial institution meeting certain standards.

The law provides that it will be considered an unfair insurance trade practice for any person, other than a provider licensed pursuant to Chapter 651, F.S., to advertise or market to the general public any product similar to continuing care. through the use of terms such as "life care," "continuing care" or "guaranteed care for life," or similar terms, words or phrases.

The law also provides that Section 651.027, F.S., 1988 Supplement, is repealed.

# Credit Life Insurance

SENATE BILL 394 (CHAPTER 89-75) raises the limit of insurance that creditors or borrowers can purchase on the life of the debtor from \$30,000 to \$50,000. [Credit life insurance pays off the loan, subject to statutory limits, in the event of the borrower's death. During 1987, \$158,590,696 of credit life insurance premiums were written in Florida.]

# Florida Birth-Related Neurological Injury Compensation Plan

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 339 (CHAPTER 89-186) amends Section 766.303, F.S., 1988 Supplement, to clarify that the rights and remedies granted by the Florida Birth-Related Neurological Injury Compensation Plan exclude all other rights and remedies of the infant or specified person(s) against any person or entity directly involved with the labor, delivery or immediate post-delivery resuscitation during which the injury occurs.

Section 766.305, F.S., 1988 Supplement, is amended to provide that a complete claim pursuant to certain requirements must be filed, and that any compensable claim must be approved by the appropriate deputy commissioner of the Division of Workers' Compensation.

Section 766.308, F.S., 1988 Supplement, is amended to specify the three types of physicians to be appointed to the advance written notice of cancellation, nonrenewal, or change medical advisory panel.

Section 766.309, F.S., 1988 Supplement, is amended to provide that the deputy commissioner must determine whether obstetrical services were delivered by a participating physician or a certified nurse-midwife in a teaching hospital supervised by a participating physician in the course of labor, deliv- sent to the group policyholder, unless the insurer bills any

a hospital.

Section 766.31, F.S., 1988 Supplement, is amended to provide a set criteria for the deputy commissioner to determine an award for attorney's fees.

Section 766.314, F.S., 1988 Supplement, is amended to exempt certain teaching hospitals from paying the initial assessment of \$50-per-infant delivered in that hospital during the prior calendar year. In addition, certain physicians are exempted from all assessments mandated by the plan.

The definition of participating physician is expanded to include any Board of Regents employee who has paid the appropriate assessment and any certified nurse-midwife supervised by such employee.

This section is further amended to provide that on January 1, 1991, and on each January 1 thereafter, the Florida Birth-Related Neurological Injury Compensation Association will determine the amount of additional assessments to be paid on July 1, 1991, and on each July 1 thereafter. Such a change provides a period of time for the Association to report to the Legislature its determination as to the annual cost of maintaining the fund on an actuarially sound basis. This section provides for such a report, as well as certain criteria which the Association must consider in making its determination.

In addition, this section is amended to provide that the Association may enforce collection of specified assessments by suit filed in county court and entitles the Association to an award of attorney's fees, costs and interest upon entry of a judgment against a physician for failure to pay such assessment, with interest accruing until paid. Thereafter, the Department of Professional Regulation, upon notification by the Association that an assessment has not been paid and that there is an unsatisfied judgment against a physician, will not renew any license to practice for such physician issued pursuant to Chapters 458 or 459, F.S., until the judgment is satisfied in full.

Finally, this section is amended to provide for a claimsdriven Sunset review (Section 11.61, F.S.) of the plan.

Section 766.315, F.S., 1988 Supplement, is amended to authorize the association's use of the state seal.

Section 766.316, F.S., 1988 Supplement, is amended to limit the plan's notice requirement to each hospital with a participating physician on its staff and each participating physician, other than residents, assistant residents and interns deemed to be participating physicians under Paragraph 766.314(4)(c), F.S.

# **Health Insurance**

SENATE BILL 368 (CHAPTER 89-222) requires a 45-day in rates for both individual and group health insurance policies. If the insurer fails to provide this notice, the coverage remains in effect at the existing premium until 45 days after the notice is given or until replacement coverage is obtained, whichever occurs first. For group policies, the notice may be member of the group (certificateholder) for premiums directly, Health Maintenance Organizations in which case the notice must be provided directly to each certificateholder. This act has an effective date of October 1, 1989.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 481 (CHAP-TER 89-190) requires, effective October 1, 1989, individual, group, blanket or franchise health insurance policies providing coverage for maternity care to cover the services of birth centers licensed under Sections 383.30-383.335, F.S., as well as the services of certified nurse-midwives and midwives pursuant to Chapter 467, F.S., and applies to policies and contracts issued, amended, delivered or renewed on or after October 1, 1989.

This act also provides that Part VII of Chapter 627, F.S., which addresses group, blanket and franchise health insurance policies, does not apply to a group health insurance policy issued or delivered outside Florida under which a Florida resident is covered, if the policy provides the benefits specified in Section 627.6574, F.S., in addition to other benefits. That section, as amended, provides that any group, blanket or franchise health insurance policy providing coverage for maternity care must also cover the services of certified nursemidwives and midwives licensed pursuant to Chapter 467. F.S., and the services of birth centers licensed under Sections Life Insurance Agents 383.30-383.335, F.S.

Health maintenance contracts providing benefits, or services for maternity care must provide, at the subscriber's option, the services of nurse-midwives and midwives licensed pursuant to Chapter 467, F.S., and the services of birth centers licensed pursuant to Sections 383.30-383.335, F.S. In addition, the Department of Health and Rehabilitative Services is prohibited from contracting on a prepaid or fixed-sum basis for Medicaid services with an entity if any officer, director, agent, managing employee, or owner of stock or beneficial interest in excess of 5 percent common or preferred stock or the entity itself has been convicted of a criminal offense related to the delivery of an item or service under Title XVIII or Title XIX of the Social Security Act or has been found guilty of a crime involving fraud, income tax evasion or obstruction of justice.

This legislation also amends Section 627.659, F.S., changing reference to independent contractor newspaper boys, who may be covered under a policy or contract issued in the name of a newspaper, to independent contractor delivery persons.

In addition, Section 627.6551, F.S., would be created to provide that a group of teachers or students of an institution of learning may be insured under a policy issued by an insurer authorized under Chapter 624, F.S., or a health maintenance organization authorized under Chapter 641, F.S., to a school, district school system, college, university or other institution of learning. Any such policy issued may insure the spouse, dependent children, parents, or siblings of the insured student or teacher. The provisions of this act become effective October 1, 1989.

COMMITTEE SUBSTITUTE FOR SENATE BILL 332 (CHAP-TER 89-357) amends Section 641.31, F.S., 1988 Supplement, relating to health maintenance organization contracts, to add the requirement that if a health maintenance organization policy or contract provides coverage for optometry, ophthalmology, or anesthesia services, the services of an optometrist, opthalmologist, or certified registered nurse anesthetist, respectively, must be offered to the HMOs subscribers.

In addition, the act reenacts Paragraph (e) of subsection (6) of Section 641.19, F.S., 1988 Supplement, which includes chiropractors and podiatrists as the gatekeepers for those HMO enrollees seeking the services of chiropractors and podiatrists. [This reenactment is required because of a recent court decision, AV-MED, Inc. v. State of Florida, Department of Insurance and Robert A. Butterworth, Attorney General of the State of Florida, No. 88-3188 (Fla. 2nd Cir. Ct. 1989), which held this provision invalid on procedural grounds.]

The act further indicates that nothing in the law is intended to require health maintenance organization policies or contracts to offer the services of an optometrist in lieu of the services of an optician.

HOUSE BILL 330 (CHAPTER 89-257) restricts life insurance agents from being named as a beneficiary on policies the agent sells, effective October 1, 1989. However, if the agent is related to the policyholder, the agent may be named as a beneficiary.

### Long-Term Care Insurance

SENATE BILL 1317 (CHAPTER 89-239) provides that the Long-Term Care Insurance Act does not apply to guaranteed renewable policies issued prior to October 1, 1988. [This change would ensure that the act does not apply to preexisting policies when renewed after the effective date of the act.] The law also allows an insurer to issue a long-term care policy to a group without declaring eligible or acceptable all members of the group if the policyholder is sponsoring the policy without contributing premiums to it.

And finally, the maximum elimination period for long-term care insurance policies is changed from 120 to 180 days.

### **Medicare Supplement Insurance**

HOUSE BILL 332 (CHAPTER 89-185) amends Paragraph 627.674(3)(f), F.S., 1988 Supplement, to require replacement policies to cover any existing health condition to the extent that the policy being replaced would have provided coverage for the condition, effective October 1, 1989. If a health condition was not covered under the policy being replaced, the replacement policy would be treated like any other Medicare supplement policy and could not limit or preclude liability for a period longer than 6 months because of such health conditions.

# State Comprehensive Health Association

HOUSE BILL 1003 (CHAPTER 89-131) codifies interpretations of existing law which the State Comprehensive Health Association is currently applying, with the concurrence of the Department of Insurance, and provides limited immunity for certain persons acting for the Association.

immunity from liability for member insurers and their agents or employees, agents or employees of the Association, members of the association's board of directors and departmental suffers \$150,000 in injuries as a result of Motorist B, who has representatives for the performance of their duties under this act, with the exception of an intentional disregard of a claimant's rights.

The act further corrects the accounting method ambiguity by requiring accounting to be on an accrual basis. By this method, deficits would be calculated to include not only paid claims and expenses, but also additional liabilities which are incurred during a year. According to the Association, this accounting method is regarded as more accurate and equitable in terms of allocating losses to the proper year, and then prorating such losses among insurers in proportion to their respective premiums for that year.]

Because organizational assessments are no longer applicable, reference to such assessments are deleted.

Language is clarified regarding interim assessments levied against insurers to allow assessments for claims expenses and administrative expenses paid or estimated to be paid in the operation of the plan for a calendar year prior to the Association's anticipated receipt of annual assessments for that calendar year. These interim assessments are credited against the insurers' annual assessments.

Section 2. Subsection 627.6492(1), F.S., is amended to provide that for the purposes of determining assessments, insurers must report their earned premiums, rather than collected premiums, in the state during the calendar year preceding that for which the assessment is levied in the computation specified by this section.

Section 3. Subsection 627.6494(3), F.S., is amended to clarify that the assessment base applies to both individual and group health insurance products and that assessment motor vehicle service agreement company may deposit caps apply to all assessments for a particular year's operating losses, regardless of when actually levied. The act also clarifies that the premiums and taxes upon which an assessment is made, rather than the year in which the assessment is billed.

# PROPERTY AND CASUALTY INSURANCE

# **Collateral Sources of Indemnity**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1102 (CHAP-TER 89-203) amends Subsection 627.7372(3), F.S., to provide that benefits received under Medicare or any other federal program providing for a federal government lien on the plaintiff's recovery would not be considered a collateral source, effective October 1, 1989.

# **Motor Vehicle Insurance**

HOUSE BILL 331 (CHAPTER 89-243) eliminates the implementation of the availability of difference in limit uninsured motorist coverage (UM) that would have become effective October 1, 1989. Under difference in limits coverage, motorists recover up to the difference between the negligent motorist's Section 1. Section 627.6488, F.S., is amended to provide liability coverage and the amounts contained in the policyholder's UM coverage.

[For example, if Motorist A with \$100,000 in UM coverage \$10,000 in liability coverage, Motorist A would recover \$100,000. Recovery would include \$10,000 of Motorist B's coverage, plus \$90,000 from Motorist A's UM coverage.]

Under excess UM coverage which is required to remain in effect, the payment of uninsured motorist protection is in excess of the amount of liability coverage carried by the at-fault driver. [Thus, in the example above, Motorist A would collect \$110,000 under excess coverage. Motorist A would collect \$10,000 from Motorist B and \$100,000 from Motorist A's UM coverage.]

In addition, death benefits of personal injury protection are raised from \$1,750 to \$5,000. The law also provides that if arbitration is provided to settle uninsured motorists claims, the result of arbitration is binding on the parties. These provisions become effective October 1, 1989.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 767 (CHAP-TER 89-313) limits the amount of reimbursement under personal injury protection (PIP) benefits for the cost of cephalic and peripheral thermograms. Under the provisions of the act, reimbursement for cephalic and peripheral thermograms is limited to the maximum reimbursement schedule for similar procedures contained in the workers' compensation fee schedule.

COMMITTEE SUBSTITUTE FOR SENATE BILL 817 (CHAP-TER 89-125) includes the following:

Section 634.011, F.S., 1988 Supplement, is amended to define "motor vehicle" as a self-propelled device operated on land, or primarily or solely operated on water for noncommercial, personal use, or the engine of such a vehicle.

Subsection 634.041(6), F.S., is amended to provide that a \$500,000 or more with the Department of Insurance pursuant to Section 634.052, F.S., and may purchase contractual liability insurance for 100 percent of its claims exposure. The Department can then consider such deposit and insurance in determining whether the company meets the minimum net asset requirements.

Subsection 634.081(5), F.S., is amended to provide that the Department will consider any deposits made pursuant to Subsection 634.041(6) in exercising its discretion to suspend or revoke the license of a motor vehicle service agreement company where it finds the ratio of gross premiums written to net assets exceeds 10 to 1, and such company has less than \$1 million of net assets.

Section 634.301, F.S., is amended to define "home improvement" as major remodeling, garage enclosure, addition of a room or pool, and other like items which would increase the mercial insurers to report excess profits on a 3-year experivalue of residential property. Normal maintenance for items such as painting, reroofing and other similar items subject to normal wear and tear would not be included in the definition. The legislation further provides that a home warranty may be offered in connection with a home improvement of \$7,500 or more, which residential property is the subject of the warranty, but not in connection with the sale of such property.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1251 (CHAP-TER 89-236) requires certification by an actuary of annual rate adequacy by the Florida Joint Underwriting Association (FJUA) if approved by a majority of insurers. Actuaries are required to be members of the Casualty Actuarial Society. In addition, using actuaries that are affiliated with the plan's statistical agent is prohibited.

The Department is required to finalize review of rate filings within 60 days or initiate proceedings for disapproval. Should the Department fail to issue notice of preliminary findings within 60 days, the rate is deemed approved.

The act prohibits incorporating renewal discounts in ratemaking formulas. However, the FJUA is required to annually reunderwrite each insured based on factors approved by the Department of Insurance.

The law requires notice on each application informing the insured that coverage is provided through the FJUA and the possibility of available, less costly private market insurance.

The FJUA is required to submit annual reports on the number and percentage of plan insureds that are not surcharged to the Department of Insurance.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1295 (CHAP-TER 89-238) clarifies provisions of motor vehicle legislation passed in 1988 effective October 1. 1989.

The act allows policies providing \$30,000 of combined property and personal injury liability to satisfy the financial responsibility law.

Insurers are required to report the nonrenewal and cancellation of PIP policies to the Department of Highway Safety and Motor Vehicles.

A 28-member Motor Vehicle Insurance Task Force is created. The Task Force will examine the affordability and availability of motor vehicle insurance to determine methods to lower motor vehicle rates. The Task Force is a continuation of a Motor Vehicle Task Force created in 1988. Funds of \$248,953 are appropriated from the Insurance Commissioner's Regulatory Trust Fund to staff and pay for the expenses of the Task Force.

### **Umbrella Liability Insurance**

COMMITTEE SUBSTITUTE FOR SENATE BILL 514 (CHAP-TER 89-225) exempts flood insurance from the excess profit law. [An exemption to the excess profits law is an attempt to attract additional flood insurers to the state.]

In addition, the act provides an election for commercial umbrella liability insurers to select a 10-year experience rating for determining excess profits. Current law provides for com-

ence rating.

COMMITTEE SUBSTITUTE FOR SENATE BILL 896 (CHAP-TER 89-289) amends several provisions of the workers' compensation law in an attempt to reduce costs. [Workers' compensation rates have annually increased since 1982. During 1988, the Insurance Commissioner approved a 28 percent increase in workers' compensation rates.] The legislation provides the following:

- 1. Renames deputy commissioners to judges of compensation claims.
- 2. Ties salaries for judges of compensation claims to \$4,000 less than the salary of circuit judges.
- 3. Provides employers and attorneys access to test results for the presence of human immunodeficiency virus under limited circumstances.
- 4. Requires workers' compensation coverage for construction companies with one or more employees.
- 5. Requires contractors and subcontractors to show proof of compensation coverage prior to obtaining a building permit.
- 6. Requires contractors to show proof of workers' compensation coverage in order to obtain license renewal.
- 7. Clarifies that motorsports participants are exempt from mandated workers' compensation coverage.
- 8. Provides an offset of compensation benefits for professional athletes.
- 9. Provides immunity from lawsuits for employers that utilize the services of a help supply company.
- 10. Provides authority for deauthorizing health care providers upon findings of overutilization without obtaining approval from a judge of compensation claims.
- 11. Allows providers of compensation coverage access to both medical records and health care providers.
- 12. Limits reimbursement to 12 hours for family members that provide attendant care services for injured workers.
- 13. Requires the panel that determines medical reimbursement schedules to review recommendations of the Workers' Compensation Advisory Committee prior to finalizing reimbursement schedules.
- 14. Limits wage-loss benefits in cases of employee misconduct.
- 15. Provides a procedure for employers and carriers to reduce wage-loss payments if the employer can prove the existence of actual job openings that claimants are capable of performing.
- 16. Provides authority for the Division of Workers' Compensation to mediate compensation claim disputes.
- 17. Provides authority for the Division of Workers' Compensation to initiate investigations of questionable patterns or techniques in the disposition of compensation claims.
- 18. Grants subpoena power to the Secretary of the Department of Labor and Employment Security.
- 19. Eliminates bad-faith attorney fee awards.

- 20. Provides for the awarding of attorney fees in cases where claimants are entitled to benefits under workers' compensation and claims are not paid within 21 days from the date of filing.
- 21. Provides authority to test injured workers for the presence of drugs. Workers testing positive would be required to undergo drug treatment paid for with the first \$5,000 of benefits.
- 22. Creates a Workers' Compensation Oversight Board.
- 23. Places judges of compensation claims under the jurisdiction of the judicial qualification commission.
- 24. Replaces entitlements to rehabilitation services with training and education. Allows voluntary rehabilitation services to be provided subject to utilization review. Specifies that voluntary services are not benefits but

would be expenses.

- 25. Provides authority for carriers to discontinue workers' compensation coverage to employers who fail to develop safety programs that have been identified by the Division of Workers' Compensation as having a high frequency or severity of work-related injuries that fail to develop safety programs.
- 26. Implements continuing education requirements for workers' compensation adjusters.
- 27. Requires the Division of Workers' Compensation to conduct a rehabilitation cost study.
- 28. Creates a legislative study commission to review the workers' compensation system.
- 29. Repeals workers' compensation statutes on October 1, 1991.

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### LAW ENFORCEMENT AND CRIMINAL JUSTICE*

arms highlighted the 1989 regular and special sessions. Measures addressed such concerns as background checks on prospective firearm purchasers, the use of assault weapons to commit crimes, the shooting of firearms from motor vehicles and the accessibility of firearms to minors.

Also, concern about the commission of violent crimes against criminal justice officials resulted in the passage of legislation providing for minimum mandatory penalties for criminal attacks against such officials. The Legislature also focused its efforts upon addressing other groups of persons who are particularly vulnerable to violent crime. Legislation was enacted to provide stiff penalties for violent crimes committed against elderly persons and to enhance penalties when criminal acts are motivated by prejudice against victims. In addition, statutory revisions were made to ensure the successful prosecution of sexual battery offenses committed against physically handicapped persons.

Further, innovative measures to prevent, detect and solve crime were enacted with the passage of legislation authorizing the creation of "Combat Auto Theft" programs throughout the state and a deoxyribonucleic acid (DNA) analysis function with the crime lab system of the Florida Department of Law Enforcement (FDLE).

Finally, in the area of drug crime, the Legislature enacted a new mandatory minimum penalty for the sale of certain drugs within 1,000 feet of a school and authorized the forfeiture of real property involved in drug offenses, as well as other felonies.

### **Charitable Solicitations**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILLS 1195, 1081, 1139 and 1217 (CHAPTER 89-205) repeals Chapter 496, F.S., the Solicitation of Charitable Contributions Act and the Law Enforcement and Emergency Service Solicitation of Contributions Act and creates Sections 496.001–496.011, F.S., the Solicitation of Funds Act, which provides that the legislative intent of the chapter is to recognize the rights of persons or organizations to conduct fund-raising activities for charitable purposes and to prohibit fund-raising solicitation activities which are fraudulent or misleading. The act applies to anyone conducting fund-raising activities except religious organizations, educational institutions, state agencies or other governmental entities, and politlaws.

The act requires solicitors to provide a detailed annual financial report prior to the time of donation, if the donor requests it, and if such report is unavailable, to provide the same information for anticipated fund-raising activities. Any person who willfully fails to maintain adequate records or will-

Legislation focusing upon the use and ownership of fire- fully fails to comply in a timely fashion, is guilty of a felony of the third-degree.

> The following activities are prohibited under the act: (1) misleading a donor into making a connection between the solicitor and any other unconsenting sponsor or organization; (2) failing to identify that a professional relationship exists between the solicitor and the person on whose behalf the solicitation is being made; (3) using other than legally recognized names to solicit; (4) misleading a donor into the belief that he is contributing to either a charitable organization or cause when such is not the case; (5) misleading a donor into thinking that he will receive special treatment from law enforcement entities if he makes a contribution, or will receive less service if he does not; and (6) using funds raised, except for the defined costs of fund-raising, for anything other than the express purposes stated in the solicitation. Any person willfully and knowingly violating these provisions is guilty of a thirddegree felony for a first offense. A second or subsequent conviction is punishable as a second-degree felony.

> The act also requires an organization to deposit collections in a trust account and dedicate excess funds for a like or similar purpose if the amount collected exceeds the purpose for which it was solicited or if funds remain when the person or organization soliciting ceases to exist. Any person who violates these provisions is guilty of a third-degree felony.

> The act does not preempt local county or municipal units of government from making more stringent provisions for charitable contribution solicitors. Civil remedies under the act include a penalty not to exceed \$10,000 and restitution. The law designates the Division of Consumer Services of the Department of Agriculture and Consumer Services as the investigative agency for charitable solicitation complaints. The Division is given subpoena powers and is instructed to turn complaints over to the Department of Legal Affairs for enforcement if any violations are discovered. The act also requires the Division to conduct a public information campaign to alert donors and solicitors of their rights and duties under the newly created chapter.

> Finally, the act renumbers Section 496.40, F.S., as it existed prior to the repeal, as Section 496.008, F.S., which addresses the solicitation of contributions within public transportation facilities.

### **Combat Automobile Theft Program**

HOUSE BILL 153 (CHAPTER 89-34) amends Subsection ical contributions solicited in accordance with the election 316.008(6), F.S., to authorize counties and municipalities to enact ordinances establishing a "combat auto theft" program. Members, who are charged a fee for administrative expenses, provide advance consent to law enforcement officers to stop their vehicles between the hours of 1 a.m. and 5 a.m. The members' vehicles will display bright yellow decals affixed to the bottom left corner of the rear window. Civil liability will not

^{*}Prepared by Senate Judiciary-Criminal Committee

arise from the actions of a law enforcement officer who stops scale illegal drug operations. A person will be guilty of the act a vehicle displaying the yellow enrollment decal during the program hours if the stop is made in accordance with program requirements. The act takes effect on October 1, 1989.

### **Commercial Discrimination**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 221 (CHAP-TER 89-181) amends Section 540.11, F.S., relating to unauthorized copying of sound recordings and live performances. Numerous revisions are made in order to bring state law further into line with federal copyright law. In order to address new developments in recording technology which were not previously covered by state law, existing statutory penalties are extended to unlawful acts involving new recording media such as videocassettes, digital systems, microchip technology and any other media now known or later developed for sound or image recording or storage.

In addition, statutory language specifying the acts currently prohibited under this section is revised and new offenses are created. Criminal offenses will include knowing manufacture, distribution, wholesale or transport of illegal recordings for commercial advantage or private financial gain and without the owner's consent, as well as certain acts involving rent, resale or advertisement of such unlawful recordings.

Further, harsher penalties are provided for violations of Section 540.11, F.S. The severity of the penalty imposed is based on the number of unauthorized recordings involved. Offenses involving significant specified numbers of illegal recordings will constitute third-degree felonies; all other offenses will be first-degree misdemeanors. In particular, fines are substantially raised in recognition of the high-profit potential that exists in unlawful recordings.

These provisions will not apply to certain not-for-profit educational institutions and federal or state entities under limited circumstances. The act takes effect October 1, 1989.

## **Controlled Substances**

SENATE BILL 4-A (CHAPTER 89-524) amends Paragraph 893.13(1)(e), F.S., which prohibits persons from selling, purchasing, manufacturing or delivering controlled substances in Schedules I, II, III or IV, or possessing them with the intent to commit these acts within 1,000 feet of a public or private elementary, middle or secondary school. This act provides that upon a conviction for commission of any of these offenses involving certain controlled substances in Schedules I and II, a 3-year minimum mandatory term of imprisonment will apply. These offenders will not be eligible for parole, gain-time or sentence without reduction.

The act also provides mandatory penalties--a \$500 fine and 100 hours of public service--for the commission of drug offenses near school premises involving Schedule V controlled substances.

COMMITTEE SUBSTITUTE FOR SENATE BILLS 315 and 1079 (CHAPTER 89-145) creates Section 893.20, F.S., which

of engaging in a continuing criminal enterprise if he or she (1) has committed three or more felonies under Chapter 893, F.S., (controlled substances violations) in concert with five or more persons; (2) holds a position as organizer, supervisor or manager with respect to these persons; and (3) obtains substantial assets or resources from these acts.

This offense constitutes a life-felony, punishable either by a term of imprisonment for life or by a mandatory minimum term of imprisonment of 25 years and a \$500,000 fine. An offender cannot have adjudication of guilt or imposition of sentence suspended, deferred or withheld, and is not eligible for parole or provisional credits. Presumably, however, gain-time may be earned and, in cases involving mandatory sentences which constitute a term of years (versus life), the actual time served may be reduced. The act takes effect October 1, 1989.

COMMITTEE SUBSTITUTE FOR SENATE BILL 607 (CHAP-TER 89-281) amends Florida's schedules of controlled substances, contained in Section 893.03, F.S., which are modeled after Title 21, Code of Federal Regulations (CFR), Part 1308. The following substances are added to Schedules I. II and IV to conform Florida law with federal law: Schedule I--N,Ndimethylamphetamine and methyldihydromorphine; Schedule II--nabilone; and Schedule IV--not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per-dosage-unit.

In addition, alfentanil, a Schedule I substance, is moved to Schedule II in recognition of rescheduling of the drug at the federal level to allow for its medical use. Further, the broad category of gonadotropins, currently controlled as anabolic steroids in Schedule IV, is restricted to human chorionic gonadotropins only.

This act also amends Section 893.135, F.S., to provide that knowingly selling, purchasing, manufacturing, delivering, bringing into the state, or possessing at least 14 grams of amphetamine, methamphetamine or any mixture containing these substances, or specific precursor drugs, such as phenylacetone, phenylacetic acid or ephedrine, used in conjunction with other chemicals and equipment to make amphetamine or methamphetamine, constitutes trafficking. Trafficking is a first-degree felony. Penalties include minimum mandatory terms of imprisonment ranging from 3- to 15years and substantial fines. This act takes effect October 1, 1989.

## **Costs in Criminal Cases**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1042 (CHAPprovisional release credits and will, in effect, serve the entire TER 89-129) amends Sections 939.15 and 27.56, F.S., and creates Section 925.037, F.S., relating to costs incurred for the representation of indigent defendants in criminal cases. The act removes the court order requirement for establishing county liability for public defender case preparation costs, and substitutes a requirement that the public defender certify such costs as useful and necessary for the preparation of the criminal defense. Further, the act requires courts to reduce is designed to focus on leaders ("kingpins") involved in large- costs assessed under Section 27.56, F.S., by an amount equal requirement to offset costs is intended to avoid a potential double reimbursement of expenses to the county. Finally, the act streamlines the process used by court clerks to obtain reimbursement from state appropriations for the fees paid to court-appointed attorneys for representation of indigent defendants in cases in which the public defender has a conflict of interest.

# **Crimes Against Elderly**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1029 (CHAP-TER 89-327) creates Section 784.08, F.S., to provide a 3-year minimum mandatory prison term and a fine not exceeding \$10,000 for any person convicted of aggravated assault or aggravated battery upon a person 65 years-of-age or older. In addition, the court is required to order the offender to make restitution to the victim and to perform up to 500 hours of community service.

The offenses of assault, aggravated assault, battery and aggravated battery are reclassified as follows when a person is charged with knowingly committing such offenses upon an elderly person: in the case of aggravated battery, from a second-degree felony to a first-degree felony; in the case of aggravated assault, from a third-degree felony to a seconddegree felony; in the case of battery, from a first-degree misdemeanor to a third-degree felony; and in the case of assault, from a second-degree misdemeanor to a first-degree misdemeanor. These provisions are effective October 1, 1989.

### **Cruelty to Animals**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 581 (CHAP-TER 89-194) amends Section 828.073, F.S., relating to animals found in distress and sets forth the available options and procedures concerning such animals. The act provides that a neglected or mistreated animal may, as an alternative to removal from its present custody, be made the subject of a court order to furnish care. The order shall be issued to the owner by the county court, any law enforcement officer, or any agent of the county or of any association for the prevention of cruelty to animals appointed pursuant to Section 823.03, F.S. A law enforcement officer or any of the specified agents may lawfully remove a neglected or cruelly treated animal or allow the animal to remain and order the owner to provide certain care at the owner's expense. Hearings must be set within 30 days after the date of seizure or the issuance of the order to provide care.

A new subsection is added to Section 828.12, F.S., regarding cruelty to animals. Any person who tortures any animal with the intent to inflict intense pain, serious physical injury or death upon an animal commits a third-degree felony, punishable by a term of imprisonment for up to 5 years or a fine of not more than \$10,000, or both. This act becomes effective on October 1, 1989.

SENATE BILL 32 (CHAPTER 89-108) amends Section 828.27, F.S., relating to local animal control officers. The act ceeds when a local or state law enforcement agency contribprescribes a 40-hour minimum standard training course utes significantly to a forfeiture in any county.

to the costs imposed pursuant to Section 27.3455, F.S. The which must be successfully completed by county employed animal control officers and may be successfully completed by municipal animal control officers. The course curriculum shall be approved by the Florida Animal Control Association. Such a course is not required for any animal control officer who is authorized to issue citations prior to January 1, 1990, by a county or municipality.

> The act authorizes the appropriate governing body to impose and collect a surcharge of up to \$2 upon each civil penalty relating to animal control or cruelty. Proceeds shall defray the costs of the training course. This act takes effect on October 1, 1989.

# Forfeiture

SENATE BILL 354 (CHAPTER 89-148) amends Sections 932.701-932.704, F.S., the Florida Contraband Forfeiture Act, and Section 893.12, F.S., a forfeiture provision within the Florida Comprehensive Drug Abuse Prevention and Control Act. to provide that books, records, research, negotiable instruments, real property or any interest in real property are subject to seizure and forfeiture when used or intended to be used in any manner or part to commit or to facilitate the commission of a violation of those acts. In addition, these properties are forfeitable if acquired by proceeds obtained as a result of a violation of either act. Other property of the defendant up to the value of the forfeitable property can also be forfeited if the forfeitable property cannot be located, has been transferred to a third party, has been placed outside the jurisdiction of the court or is otherwise not obtainable.

The act also creates a new section which requires all state and local law enforcement agencies seizing property under the contraband forfeiture statute to adopt, by October 1, 1989, policies which comply, or substantially comply, with the Model Policy for Forfeiture of Assets by Law Enforcement Agencies. These agencies may adopt policies that are more stringent than the model policy, if so desired. These changes are effective October 1, 1989, except the newly created section requiring agencies to adopt policies which took effect June 27, 1989.

COMMITTEE SUBSTITUTE FOR SENATE BILL 190 (CHAP-TER 89-102) amends Section 895.09, F.S., by changing the distribution schedule for proceeds realized from judgments of forfeiture under the Florida Racketeer Influenced and Corrupt Organization Act (RICO). The act provides that after satisfying claims by court clerks, innocent persons and the Internal Improvement Trust Fund, the remaining proceeds are to be divided as follows: 25 percent to the filing agency; 25 percent to the investigating law enforcement agency or agencies which significantly contribute to the forfeiture; 25 percent to the Department of Health and Rehabilitative Services' Drug Abuse Trust Fund; and 25 percent to the Department of Natural Resources' Forfeited Property Trust Fund. Under this new distribution, counties will no longer receive any RICO pro-

State attorneys and law enforcement agencies are author- compasses a broader range of schools than the term "state ized by the act to use RICO proceeds that are deposited in their respective trust funds to pay the cost of employee base salaries which are directly attributable to the civil or criminal RICO investigation or prosecution. Section 16.53, F.S., is also amended to raise the cap on the Legal Affairs Revolving Trust Fund from \$2 to \$4 million. Finally, the act provides that Section 895.09, F.S., is repealed July 1, 1992 and is to be reviewed prior to that repeal.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 610 (CHAP-TER 89-307) creates Section 27.3451, F.S., which creates a State Attorney's Forfeiture and Investigative Support Trust Fund within the office of the state attorney in each judicial circuit. The act also amends Section 932.704, F.S., which allows a state attorney's office forfeiting property under the contraband forfeiture statute to deposit the proceeds of such forfeiture into this newly created trust fund. These funds can be used for the investigation of crime and the prosecution of criminals within the judicial circuit.

# **Fraudulent Practices**

SENATE BILL 143 (CHAPTER 89-68) amends Section 817.45, F.S., to increase the penalty for committing certain false advertising offenses, as described in Sections 817.41, 817.411 and 817.44., F.S., from a second-degree misdemeanor to a first-degree misdemeanor. Further, a second or subsequent conviction of one of these offenses may result in the imposition of up to a \$10,000 fine, in addition to other penalties provided by law. These provisions take effect October 1, 1989.

SENATE BILL 428 (CHAPTER 89-27) broadens the credit card factoring statute, Subsection 817.62(3), F.S., to include within its coverage a person who does not have an authorized merchant bank account and who, therefore, arranges with another merchant who does have one, to process his unauthorized credit card transaction slips through that merchant's authorized account. Thus, not only is it a third-degree felony for a merchant, possessing fraudulent intent, to factor credit card transaction slips through his account, but it is also a third-degree felony for a person who is not authorized by an acquirer to accept credit cards, to employ the merchant to factor such slips.

The act also declares that a violation of the factoring statute is an unfair and deceptive practice within the meaning of the Florida Deceptive and Unfair Trade Practices Act, which will enable the Attorney General or a state attorney to bring a civil action against any violator. These provisions take effect October 1, 1989.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1575 (CHAP-TER 89-40) amends Section 817.566, F.S., which addresses the problem of fraudulent claims of academic degree or title. The revised provision penalizes acts of misrepresentation of association with or academic standing at any postsecondary educational institution, instead of at a state institution of resting agency, not the clerk of the circuit court, to retain as higher education or community college, as the law was origi- evidence confiscated slot machines or similar gambling denally drafted. "Any postsecondary educational institution" en- vices and to produce them at any necessary proceeding.

institution of higher education or community college," and includes public and private vocational, technical, trade and business schools, as well as community colleges, colleges and state universities.

The act also creates Section 817.567, F.S., which prohibits individuals from claiming, orally or in writing, an academic degree or title from an institution that does not meet certain criteria, such as accreditation by the United States Department of Education or the Council on Postsecondary Accreditation, operation and support by a state government or the federal government, licensing by the State Board of Independent Colleges and Universities, or the statutorily prescribed characteristics of a religious institution.

Specifically, individuals awarded doctorate degrees from institutions which do not meet these criteria are prohibited from claiming the title "Dr.," "Ph.D.," or other title related to such academic degree. These acts constitute first-degree misdemeanors. The provisions take effect October 1, 1989.

### Gambling

HOUSE BILL 529 (CHAPTER 89-366) creates Section 849.085, F.S., to provide that playing penny-ante games in strict accordance with certain restrictions is not criminal. These games include poker, pinochle, bridge, rummy, canasta, hearts, dominoes or mah jongg where any player's winnings in a single game do not exceed \$10. The applicable restrictions include the following: no game can be conducted anywhere except in a dwelling; no admission fee can be charged, nor can a commission be received for hosting a game; no advertising of a game or for participants is allowed; no person under 18 years of age can play; and no debt resulting from a game is legally collectable. Dwelling includes residential premises owned or rented and occupied by a game participant or the common or recreational areas of a condominium where a game participant is a unit owner. The condominium association and unit owners not participating in penny-ante games within the common or recreational areas of the condominium are immune from any civil liability resulting from such games. The law takes effect October 1, 1989.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 102 (CHAP-TER 89-176) amends Section 849.16, F.S., to expressly provide that a reverse vending machine does not fall within the definition of a slot machine, nor does the possession of a reverse vending machine subject a person to the general gambling prohibitions in Chapter 849, F.S. A reverse vending machine is a machine which accepts empty containers for recycling and provides payment of money, merchandise, vouchers or other incentives. These machines can pay a random incentive bonus greater than the guaranteed payment in the form of money, merchandise, vouchers or other incentives.

The act also amends Section 849.17, F.S., to require the ar-

clerk of any circuit court to dispose of items of physical evidence after 3 years rather than after 10 years.

# **Habitual Offenders**

SENATE BILL 582 (CHAPTER 89-280) amends Section 775.084, F.S., relating to habitual felony offenders and habitual violent felony offenders. The act adds aggravated battery to the list of offenses which qualify a convicted felon for enhanced sentencing as a habitual violent felony offender. In effect, a person convicted of any felony and who has previously been convicted of aggravated battery can be sentenced as a habitual violent felony offender.

Another revision to Section 775.084, F.S., provides that the two or more felony convictions needed to establish that an offender is a habitual felony offender may include convictions of certain qualified offenses committed outside of the state. In addition, the definition of gualified offense, for purposes of this section, is revised to clarify the types of crimes which constitute qualified offenses as well as to include offenses committed in jurisdictions not previously mentioned in the statute.

Section 775.0842, F.S., is amended to provide that persons arrested for felonies shall be subject to career criminal prosecution if they qualify as habitual felony offenders or habitual violent felony offenders under Section 775.084, F.S. The existing statutory criteria used to define previous felony convictions for purposes of career criminal prosecution are deleted.

Further, the act amends various sections of Chapter 493. F.S., providing for the regulation of repossessors practicing in Florida, Currently, repossessor licensees and repossessor interns are prohibited from engaging in certain acts which are punishable as first-degree misdemeanors. Section 493.317. F.S., is revised to add failure to remit moneys collected in lieu of repossession, and failure to deliver negotiable instruments to clients within 10 working days, to the list of prohibited acts in that section.

Section 493.3175, F.S., is created to require licensees who have negotiable title to repossessed property to obtain the owner's or lienholder's written authorization prior to selling such property and, further, to forward to them the net proceeds from the sale within 20 working days of the execution of the transfer documents. Violations of these provisions con- delinguency intake procedures. The Department of Health stitute third-dearee felonies.

Other revisions to Chapter 493, F.S., include amending Section 493.306, F.S., to restrict the number of interns that a licensed repossessor may supervise, and amending Section 493.318, F.S., to provide notification requirements relating to the disposition of personal effects or property not covered by a security agreement and contained in or on personal property at the time that it is repossessed. The act takes effect October 1, 1989.

# **Hate Crime**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1111 (CHAP-TER 89–132) creates the Hate Crimes Reporting Act, relating to the acquisition and publication of data on certain criminal TER 89-223) amends Section 112.531, F.S., to include correc-

Finally, the act amends Section 43.195, F.S., to permit the acts. Hate crime, otherwise known as bias crime, refers to criminal acts motivated by prejudice, which may be based on race, religion, ethnicity, color, ancestry or national origin.

The act requires local law enforcement agencies to report hate crime data on a monthly basis to the Florida Department of Law Enforcement (FDLE). The FDLE will collect the data and disseminate it, subject to confidentiality requirements, to government agencies requesting it. The Attorney General will be required to publish an annual summary of the information. These provisions take effect October 1, 1989.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1112 (CHAP-TER 89–133) creates Section 775.085, F.S., which provides for enhancement of criminal penalties when a felony or misdemeanor is committed which evidences prejudice based on the victim's race, color, ancestry, ethnicity, religion or national origin. Proof of commission of a crime in addition to proof of the offender's motive or intent to target the victim as a result of such prejudice will result in imposition of a penalty onedegree higher than the current penalty for the offense (e.g., a second-degree misdemeanor will be punishable as a firstdegree misdemeanor, a first-degree misdemeanor will be punishable as a third-degree felony).

This act also creates a civil cause of action on behalf of persons and organizations for treble damages, injunctive or other relief, and reasonable attorney's fees where it is established by clear and convincing evidence that such person or organization was coerced, intimidated or threatened by the commission of a crime evidencing prejudice. These provisions take effect October 1, 1989.

# **Juveniles**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1325 (CHAP-TER 89-295) creates the Juvenile Justice System Review Task Force for the purpose of closely examining the entire juvenile justice system in Florida, with special emphasis on Chapter 39, F.S. The Task Force, comprised of 22 members and a chairman representing many areas of the juvenile justice system, will be required to report its findings and recommendations to the Governor, Attorney General and Legislature on January 1 and March 1, 1990.

The act also amends Section 39.04, F.S., relating to juvenile and Rehabilitative Services (DHRS) will be required to establish uniform procedures for intake officers to provide preliminary screening and, when indicated, comprehensive assessment and evaluation of juveniles alleged to have committed delinguent acts and their families for substance abuse and mental health problems. Information from the screening and evaluation is to be used to assist intake officers in providing the most appropriate services and recommendations, and to assist the court in making appropriate dispositions of the child's case.

# Law Enforcement and Corrections Personnel and Agencies

COMMITTEE SUBSTITUTE FOR SENATE BILL 407 (CHAP-

cer," and amends Section 112.533, F.S., relating to the availability for review of complaints filed against law enforcement and correctional officers. The act allows a law enforcement officer or correctional officer to review a complaint filed against the officer or correctional officer, including all written statements made by the complainant and witnesses, immediately prior to the commencement of the investigative interview. The act recognizes the unique circumstances of correctional officers who may come into daily contact with inmate complainants and witnesses. If a witness to a complaint is incarcerated and under the supervision of or in contact with the subject of a complaint, only the names and written statements of the complainant and nonincarcerated witnesses may be reviewed.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 25 (CHAP-TER 89-100) creates Section 775.0823, F.S., the Law Enforcement Protection Act. The act establishes mandatory minimum penalties for persons who commit specified violent crimes against law enforcement officers, correctional officers, state attorneys and assistant state attorneys during the scope of their official duties. These crimes are murder, manslaughter, kidnapping, aggravated battery and aggravated assault.

The act provides the following penalties: (1) first-degree Obscene Materials murder--when death is not imposed, life without possibility of release; (2) second-degree murder--life imprisonment during which a minimum of 25 years must be served prior to release eligibility; (3) third-degree murder--a term of imprisonment of 15 years prior to release eligibility; (4) manslaughter-imprisonment for 10 years prior to release eligibility; (5) kidnapping--a sentence of 15 years before release eligibility; (6) aggravated battery--imprisonment for 3 years prior to release eligibility; and (7) aggravated assault--imprisonment for 1 year prior to release eligibility.

Persons convicted of these offenses will serve the mandatory minimum portion of the sentence without the possibility of early release through any gain-time, conditional release supervision, supervised community release, transition assistance program or parole. These offenders will not be awarded provisional credits during any portion of their sentence.

In addition, provisional credits shall not be granted to persons who are convicted, or have been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, aggravated battery, kidnapping, manslaughter or murder against specified officers or against a state attorney or assistant state attorney. This similarly applies to persons who are convicted, or have been previously convicted of, committing or attempting to commit murder in the first, second or third-degree. This act takes effect on January 1, 1990.

HOUSE BILL 142 (CHAPTER 89-3) amends various sec-

tional probation officers in the definition of "correctional offi- the report A Blueprint for Continued Success: FDLE's Design for the Future.

> The act authorizes the transfer of public officials' misconduct investigations from the Division of Criminal Investigation (DCI) to the Office of the Executive Director. These investigative activities are regarded as highly sensitive and result in consultation with the Governor and/or his legal staff. The act clarifies the Executive Director's authority concerning the management of such investigations.

> Existing language is modified to define the cooperative working relationship with local law enforcement officials. The act provides that training and such other services as may be required are provided by the Division of Local Law Enforcement Assistance (DLLEA). Additionally, the act authorizes the DLLEA to provide forensic services to local agencies and to develop policies, procedures and standards for stateoperated crime labs. The crime labs had previously been assigned to the Division of Staff Services.

> The act creates a section within FDLE for the Crimes Against Children Criminal Profiling Trust Fund which had formerly been authorized under the Division of Local Law Enforcement Assistance, as provided in Subsection 943.26(3), F.S.

HOUSE BILL 106 (CHAPTER 89-44) amends Section 847.011, F.S., to require that the arresting agency, rather than clerks of the circuit courts, retain obscene materials seized as evidence.

### **Public Defenders**

SENATE BILL 641 (CHAPTER 89-118) amends Section 27.54, F.S., to include communication services in the list of enumerated services required to be furnished to the public defenders by the counties. The act takes effect October 1, 1989.

### **Sexual Offenses**

SENATE BILL 907 (Chapter 89-127) amends Section 907.041, F.S., relating to pretrial detention. A court may authorize the detention of a defendant prior to trial if that person has been charged with certain enumerated dangerous crimes and other statutory criteria are met. This act adds the following offenses to the list of dangerous crimes for purposes of pretrial detention: (1) lewd, lascivious or indecent assault or act upon or in the presence of a child under 16 years old, as described in Section 800.04, F.S., and (2) sexual activity with a child who is 12 years old or older but less than 18 years old by a person in familial or custodial authority, as described in Section 794.041, F.S. The provision takes effect October 1, 1989.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1267 (CHAPtions of Chapter 943, F.S., relating to the Florida Department TER 89-335) creates Section 943.325, F.S., to require persons of Law Enforcement (FDLE). The act authorizes FDLE to re- convicted of certain sexual offenses committed after January align its organizational chart and related job functions. These 1, 1990, to give the Florida Department of Law Enforcement changes have been recommended as a result of the Depart- (FDLE) two blood specimens for the purpose of DNA analysis. ment's assessment of its operational structure contained in Those sexual offenses include: sexual battery; sexual activity rape; unnatural and lascivious act; exposure of sexual organs; lewd and lascivious assault upon a child or the attempt to commit any of these offenses.

The FDLE is responsible for providing specimen vials, mailing tubes, labels and instructions for the collection of blood specimens which are forwarded to the designated testing fapurpose of identifying the person submitting the sample. The completed analysis is then entered into an automated data base maintained by the FDLE. The analysis cannot be included in the state central criminal justice information repository. The analysis or information derived from the analysis can be released only to criminal justice agencies defined in Subsection 943.045(1), F.S. The documentation associated with the analysis is exempt from the public records laws.

Futhermore, FDLE is responsible for establishing, implementing and maintaining a statewide automated personal identification system capable of, but not limited to, classifying, matching and storing analyses of DNA and other biological molecules. The Department is also responsible for adopting rules prescribing the proper procedure for state and local law enforcement and correctional agencies to collect and submit these blood samples. This act takes effect January 1, 1990.

HOUSE BILL 1806 (CHAPTER 89-216) amends Section 794.011, F.S., to provide that a person is guilty of a firstdegree felony if that person commits sexual battery on a nonconsenting victim who is at least 12 years old and is physically incapacitated. "Physically incapacitated" is defined as bodily impairment or handicapped and substantially limited in ability to resist or flee an act. This change will make it possible to successfully prosecute a defendant charged with committing sexual battery on a person who is physically handicapped, but who is nevertheless able to physically communicate an unwillingness to an act. This act takes effect October 1, 1989.

# Youth and Street Gangs

SENATE BILL 1272 (CHAPTER 89-165) creates Section 943.0572, F.S., in recognition of the emerging problems being caused by youth and street gang activities in this state. The Florida Department of Law Enforcement (FDLE) is required to establish an advisory group of representatives from state law enforcement agencies to develop a plan to create and implement a statewide youth and street gang data base. Collected information will be used to effectively identify the nature of the problem, develop policy, target workable solutions and implement prevention and intervention strategies.

Further, the advisory group will be required to issue a final report with recommendations relating to the implementation of the data base to the Governor and the Legislature by January 1, 1990.

# Weapons and Firearms

COMMITTEE SUBSTITUTE FOR HOUSE BILL 573 (CHAP-TER 89-306) creates the Assault Weapons Commission collected from potential buyers and transferees. Specific pro-

with a child by a person with custodial authority; statutory which shall act as a statewide body for the purpose of reviewing assault weapons and assessing their impact upon and relationship to crime. In addition to providing purpose and reporting requirements, the act provides legislative intent concerning the particular danger of assault weapons and their threat to law-abiding citizens of Florida.

The membership of the Commission shall include two memcility to determine genetic markers and characteristics for the bers of an organization which supports strict firearm regulation, two members of an organization that opposes strict firearm regulation, two members from the Senate appointed by the Senate President, two members from the House appointed by the Speaker, two members of law enforcement agencies appointed by the Governor and one citizen appointed by the Governor.

Under the act, the Commission shall be assigned to the Department of State. The Commission shall be abolished June 30, 1990.

The act amends Subsection 775.087(2), F.S., establishing criminal penalties for the possession of a firearm during the commission of specified felonies. Any person who possesses, while engaging in such felonies, a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun as defined in Section 790.001, F.S., shall be sentenced to a minimum term of imprisonment of 8 calendar years. Drug offenses are added to the list of specified offenses but would only be covered by the mandatory minimum penalty when committed by a person who possesses a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun. All forms of gain-time are unavailable. This act takes effect on October 1, 1989.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILLS 497 & 88 (CHAPTER 89-191) creates Section 790.065, F.S., relating to the sale and delivery of firearms and sets forth requirements to be satisfied by any person who is a potential buyer or transferee of a firearm. Under the act, no licensed importer, licensed manufacturer or licensed dealer shall sell and deliver firearms to another person, provided that such person is not a licensed importer, licensed manufacturer or licensed dealer, without initiating the "instant" criminal history record check. Record checks will be required for the purchase or transfer of all firearms from such licensees rather than solely for handguns.

The act requires the licensees to initiate the background check process by furnishing a form, promulgated by the Florida Department of Law Enforcement (FDLE), to be completed by the buyer or purchaser. In addition, the licensees are reguired to inspect proper identification (including a photograph). Penalties are provided for persons who willfully and knowingly supply false information or identification.

The licensee is required to request, through a toll-free telephone number--operational 16 hours-per-day, 7 days-perweek--that FDLE conduct a criminal history check. This inquiry shall determine whether the buyer or transferee is prohibited from receipt or possession of a firearm under Florida and federal law. Records checks are to be financed by a fee to be

destruction of records.

The act also provides circumstances during which licensees are not required to comply with the listed procedures, such as electronic failure, an emergency beyond the control of FDLE, and telephone failure or unavailability of telephone service in certain areas or interruption of phone service due to certain emergencies. Any person who has been denied the right to receive or purchase a firearm under the procedures outlined in the act may request the amendment of the particular record by petitioning FDLE.

The law provides that it is unlawful for any licensed dealer, licensed manufacturer or licensed importer to willfully and intentionally request criminal history record information under false pretenses, or to willfully and intentionally disseminate criminal history record information to any person other than the subject of such information. A violation constitutes a third-degree felony. The law further provides that any licensed dealer, licensed manufacturer or licensed importer who is convicted of violating provisions concerning the required instant records check would commit a third-degree felony. Any employee or agency of these licensees who is convicted of violating such an instant records check would similarly commit a third-degree felony. This act takes effect on October 1, 1990.

HOUSE BILL 748 (CHAPTER 89-312) amends Section 790.221, F.S., and provides an enhanced penalty for persons who own or have in their care, custody, possession or control any short-barreled rifle, short-barreled shotgun or machine gun which is, or may readily be made, operable. Antique firearms and those lawfully owned and possessed under federal law are exempted.

A violation of these provisions constitutes a second-degree felony, punishable by a term of imprisonment for up to 15 years, a fine of up to \$10,000 or punishment under the habitual offender statute. Upon conviction, a mandatory minimum term of imprisonment of 5 years shall be imposed. This act takes effect on October 1, 1989.

SENATE BILL 992 (CHAPTER 89-157) amends Section 790.15, F.S., relating to the discharge of firearms in certain locations. Subsections have been created and added to the existing Section 790.15, F.S., to impose specific criminal penalties upon persons who discharge firearms from a vehicle. Any occupant of any vehicle who knowingly and willfully discharges any firearm from the vehicle within 1,000 feet of any person commits a second-degree felony, punishable by a term of imprisonment for up to 15 years, a fine of up to \$10,000 or punishment under the habitual offender statute.

Any driver or owner of any vehicle, whether or not the owner is an occupant, who knowingly directs any other person to discharge any firearm from the vehicle commits a third-degree felony, punishable by a term of imprisonment for up to 5 years, a fine of up to \$5,000, or punishable under the habitual offender statute.

any unauthorized person who takes a firearm from a law enforcement officer who is engaged in law enforcement duties, 1, 1989.

cedures have been established relating to confidentiality and commits a third-degree felony, punishable by a mandatory minimum term of imprisonment of 3 calendar years, all of which must be served prior to release eligibility. Any person who takes a firearm from a law enforcement officer and uses that firearm during the commission of a crime will be subject to penalties enhanced upward one degree. Any person who possesses a firearm which he knows to have been unlawfully taken from a law enforcement officer commits a first-degree misdemeanor. This act takes effect October 1, 1989.

HOUSE BILL 1114 (CHAPTER 89-60) amends Section 790.25, F.S., relating to lawful ownership, possession and use of firearms. The act provides that public defender investigators may possess and use firearms in any judicial circuit during the performance of their official duties. These investigators had previously been unauthorized to possess and use firearms outside of their assigned circuit, notwithstanding the potential necessity for firearms.

In addition, a circuit or county judge must be issued a statewide concealed weapons license within 20 days of receipt of a completed application. The license shall be valid for as long as the judge remains in that capacity.

SENATE BILL 18-B (CHAPTER 89-534) creates new statutory sections requiring a person who stores or leaves a loaded firearm on a premise to do so in a secure manner if he knows or should know a minor under 16 years of age is likely to gain access to the firearm. A person who fails to store the firearm securely will be guilty of a second-degree misdemeanor (up to 60 days incarceration or up to a \$500 fine) if a minor gains access to the firearm and possesses or displays it publicly or displays it anywhere in a threatening or careless manner.

The act specifies three ways in which a person may safely store a loaded firearm to comply with the law: (1) in a locked box or container; (2) with a trigger lock; or (3) in a location which a reasonable person would believe to be secure.

The act also amends the existing general crime of culpable negligence, Section 784.05, F.S., to provide that a person is guilty of a third-degree felony (up to 5 years incarceration or up to a \$5,000 fine) if he is culpably negligent in leaving a loaded firearm within easy reach or access of a minor under 16 years of age who obtains the firearm and uses it to injure or kill himself or another person. In addition, the law provides that when a minor child is shot accidentally by a family member, then an arrest for the newly created felony violation cannot be made until 7 days after the shooting.

The penalties under the act do not apply to firearms obtained as a result of any person's unlawful entry.

The act also imposes a second-degree misdemeanor penalty upon retailers who fail to deliver written warnings to purchasers of firearms regarding the possible penalties for leaving firearms accessible to minors, and upon retail or wholesale businesses which fail to conspicuously post similar warnings.

Finally, the measure requires the Department of Education to develop a gun safety program for public education and to The law creates Section 775.0875, F.S., which provides that submit the plan to the Legislature by March 1, 1990, together with implementing legislation. This law takes effect October

# Wire, Oral and Electronic Communications

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1346 (CHAP-TER 89–269) amends Chapter 934, F.S., relating to wire, oral and electronic communications, to further enhance the use of interception of these communications for criminal investigations. Many of these revisions more closely align Florida law with federal law while other changes are based on suggestions by law enforcement personnel throughout the state to address problems identified through present interception practices.

The most significant revisions include amending Section 934.02, F.S., to expand the list of persons to whom evidence of wire, oral or electronic communications may be disclosed. As a result, such information can be disclosed to attorneys authorized to investigate and institute on behalf of the state civil, regulatory, disciplinary or forfeiture actions relating to offenses for which an intercept order may be obtained. In relation to this change, Section 934.08, F.S., is amended to expand the types of proceedings at which such evidence may be used. The list of specific crimes for which an intercept order can be authorized, as described in Section 934.07, F.S., is also expanded to include additional offenses, such as arson, RICO offenses, money laundering, obscenity and child pornography crimes.

Further, Section 934.08, F.S., is amended to allow the use of evidence of other crimes for which an intercept order can be authorized if that evidence is obtained during the interception of an authorized offense. Intercepted communications which are deemed to be privileged, however, will not lose their special status unless the communication is in furtherance of the commission of a crime.

Section 934.09, F.S., is amended to relax the requirements one generally regarded as terrorism or piracy relating to applications and court orders for interceptions in diction is to be exercised in cooperation with certain situations. The act provides that court orders for mobile interception devices (e.g., hidden microphones in cars) tered. The act takes effect October 1, 1989.

need only be obtained in one jurisdiction to allow law enforcement agencies to continue interception across jurisdictional lines. Another revision relaxes the particularity required in describing the facility or location of an interception when applying for a court order in limited circumstances, typically involving a targeted person who changes locations frequently, such as moving from phone booth to phone booth, in order to avoid detection.

A new section, Section 934.41, F.S., is created to authorize an alternative penalty in the form of a significant fine for Chapter 934, F.S., violations. Another new section, Section 934.43, F.S., creates a criminal penalty for the unauthorized disclosure of warrants, subpoenas, applications or orders relating to Chapter 934, F.S. This offense constitutes a third-degree felony.

In addition, Section 934.42, F.S., is created to establish statewide procedures for authorizing the use of mobile tracking devices, such as "beepers." The act takes effect October 1, 1989.

# **Maritime Criminal Jurisdiction**

HOUSE BILL 1063 (CHAPTER 89–201) creates Section 910.006, F.S., to extend special maritime criminal jurisdiction to offenses aboard vessels outside the state's three mile limit under certain circumstances. These include when: there is a state which consents to or requests that Florida take jurisdiction; the offense occurs during a voyage on which over half of the passengers originally embarked and plan to disembark in this state; the victim is a Florida law enforcement officer on board in connection with his official duties; or the offense is one generally regarded as terrorism or piracy. The new jurisdiction is to be exercised in cooperation with other states, the federal government and the country where the vessel is registered. The act takes effect October 1, 1989.

# LOCAL GOVERNMENT*

and B, the Florida Legislature passed several significant act. pieces of legislation relating to local government. Legislation relating to special districts addressed the problems of uniformity and accountability among these specialized forms of local government. A multiyear effort resulted in the enactment of legislation relating to handicapped accessibility standards. Other legislation related to developments of regional impact, building codes, housing programs, park land dedication, only by county or municipal ordinance. county property appraisers and tax collectors, local government prompt payment, lease of county-owned property, and county ordinances. The following is a detailed summary of the above local government legislation.

### **Special Districts**

TER 89–169) creates the Uniform Special District Accountability Act of 1989.

Presently, there are numerous state laws governing the creation, operation and regulation of local general-purpose governments which do not apply to special districts. Methods of creation, operation and maintenance are sprinkled throughout nicipality, or budget approval by a single county or municipalithe statutes, with the most common method being creation by special act. Therefore, each of the approximately 700 independent special districts in the state is uniquely different, resulting in a lack of uniformity and accountability to the citizens within the districts.

This omnibus act addresses problems relating to the lack of uniformity and accountability in the area of special districts and places all general provisions relating to special districts in this act are the same procedures which were previously loin Chapter 189, F.S. The basis of this law is, in large part, a product of an extensive 3-year study, a resulting report and recommended legislation of the Florida Advisory Council on Intergovernmental Relations (ACIR). This enactment, passed by virtually unanimous vote of both the House and the Senate, contains provisions relating to the following subjects:

### Creation

The Legislature may continue to create independent special districts by special act. However, effective September 30, 1989, all special acts creating independent special districts must conform to the requirements in Chapter 189, F.S., which contains 16 minimum charter elements, relating to the areas of elections, bond referenda, reporting, notice, public meetings and documentation of district purpose and authority. To enforce this creation procedure, the act contains a constitutional prohibition pursuant to Section 11(a)(21) of Art. III of the or be reported to the supervisor of elections in a timely man-State Constitution, which prohibits special acts which create ner. independent special districts that do not conform to the minimum model elements, and special acts which exempt within the districts, special districts with a one/acre-one/vote independent special districts from the elections, bond refer- election method will have to slowly convert from one/acre-

During the 1989 Regular Session and Special Sessions A enda, reporting, notice or public meetings requirements of the

The measure also allows for creation of independent special districts by municipal or county ordinance, by rule of the Governor and Cabinet, and by intergovernmental agreement between combinations of counties, municipalities or other political subdivisions. Effective September 30, 1989, a charter for the creation of dependent special districts shall be adopted

### Definitions

The definitions of the terms "special district", "dependent special district", and "independent special district" are made uniform throughout the statutes, with cross references from Chapter 189, F.S., to Chapters 121, 200 and 218, F.S. Essen-COMMITTEE SUBSTITUTE FOR HOUSE BILL 599 (CHAP- tially, the difference between an independent and a dependent district relates to the autonomy of the district.

Under the definitions in the act, a district is a dependent district if the charter requires the appointment of the district's governing body by a single county or municipality, or removal of members of the governing body by a single county or muty. A district is defined as independent if its charter does not contain these requirements as to the governing body or the budget. In addition, any district that includes more than one county is deemed to be an independent district.

### Merger/Dissolution

The merger and dissolution procedures for special districts cated in Chapter 165, F.S., the Formation of Local Governments Act. Chapter 165, F.S., was amended in this legislation to remove all references to special districts and transfer them to Chapter 189, F.S.

As such, this law provides a uniform procedure for the merger of one or more municipalities or counties and special districts, or the merger of two or more districts; provides uniform procedures for dissolution of special districts; and provides for "special dissolution" of special districts through the Office of the Secretary of State.

### Elections

This enactment requires dependent special district elections and multicounty special district elections to conform to the Florida Election Code (Chapter 97-106, F.S.). Independent special district elections must either conform to the Code

In an effort to provide for more accountability to the citizens

^{*}Prepared by House Committee on Community Affairs and Legislative Library

### 1989 SUMMARY OF GENERAL LEGISLATION

one/vote to one/person-one/vote, as the districts urbanize. Effective July 1, 1990, this act requires that a referendum shall be held if the district has a population of at least 500 qualified electors, and 10 percent of the qualified electors sign and present a petition requesting a referendum on the question of whether to convert to one/person-one/vote.

An immediate conversion method is available for districts whose populations do not want to wait until July 1990. If the district has a population of more than 2,500, has more than 2,000 registered voters, and a petition signed by more than Reporting and Other Provisions 70 percent of the voters is presented, a referendum must be held on the question immediately.

If a referendum results in a vote for conversion, the governing board of the district automatically becomes a 5-member board and the formula for conversion contained in the act is followed. This formula provides for conversion based on the percentage of urbanization in the district. If the district is 25 percent or less urbanized, 1 governing board member may be elected by one/person-one/vote; at 26 percent to 50 percent urbanization, 2 members may be elected by one/person-one/ vote; at 50 to 70 percent urbanization, 3 members may be elected by one/person-one/vote; at 71 to 90 percent urbanization, 4 members may be elected by one/person-one/vote; special districts which have failed to submit their required fiand at 91 percent, all members must be elected by one/ person-one/vote.

Districts created as single-purpose water control districts, which continue to act as single-purpose water control districts, are excluded from the conversion requirements.

### Bonds

This act requires special districts to meet at least one of the following four alternative methods provided to ensure the credit guality of bonds issued: 1) proof of one of the highest four ratings by a nationally recognized rating service; 2) the bonds are privately placed with or sold to an accredited investor: 3) the bonds are backed by a letter of credit; 4) or the bonds are accompanied by an independent financial advisory opinion stating that estimates of debt service coverage and probability of debt repayment are reasonable.

Evidence that one of these criteria were met at the time of closing of the sale of bonds must be sent by the district issuing the bonds to the Special District Information Program of the Department of Community Affairs within five business days after closing of the sale. This requirement does not apply to bonds when a referendum is required.

### Comprehensive Planning

In an effort to include special districts within the comprehensive planning process, this measure requires each independent special district to file a public facilities report, and requires all district construction, expansion or major alteration of public facilities to be consistent with the applicable local government comprehensive plan(s).

The public facilities report must be submitted annually to the local general-purpose government(s) in which the district is located, beginning March 1, 1991. The public facilities re-

port must contain information relating to the present capacity of, and demands on, existing district facilities, a description of facilities the district intends to build within the next 5 years, and the anticipated capacity of, and demand on, those facilities.

The act requires water management districts to provide technical assistance to local governments in preparation of local government comprehensive plans.

This law requires that the Department of Community Affairs set up a Special District Information Program (SDIP). Both special districts and state agencies dealing with special districts must send required reports and information to this central repository. The SDIP is also required to prepare and maintain an official list of dependent and independent special districts.

The Department of Community Affairs is required to do a study of fire control districts and recommend legislation on or before April 1, 1991.

This act abolishes, effective July 1, 1990, a list of 16 inactive nancial reports for several years. All provisions take effect October 1, 1989, unless otherwise provided in the act.

### Handicapped Persons/Accessibility

COMMITTEE SUBSTITUTE FOR SENATE BILLS 1441 AND 1460 (CHAPTER 89-97) amends Subsection 316.1956(1), Sections 553.48, 553.49 and 255.21, F.S., and creates Section 553.495, F.S., to provide for various and extensive revisions to handicapped accessibility standards in the Florida Statutes. The following are among the primary substantive provisions of this law:

- 1. Provides for the adoption of the American National Standards Institute (ANSI) Standards for Buildings and Facilities (accessibility for the physically handicapped) (ANSI A117.1-1986).
- 2. Provides that requirements for walkways, curb-cuts and ramps are applicable only to such features when located on private property and that any commercial real estate property owner offering parking for the general public must provide a certain number of handicapped parking spaces.
- 3. Provides for certain specifications regarding accessibility in retail and mercantile stores, bathrooms, checkout aisles, changing rooms, restaurants, public assembly occupancies, rental apartments, single-family houses, duplexes, triplexes, condominiums, townhouses, residential houses, motels, hotels, parking spaces and parking lots.
- 4. Adds four members, who are to be knowledgeable in the area of handicapped accessibility, to an advisory committee which makes recommendations to the Florida Board of Building Codes and Standards.

- 5. ernment and each code enforcement agency to enforce the provisions of the act.
- 6. Preempts the establishment of handicapped accessibility standards to the state and supersedes any county or municipality ordinance on the subject.
- 7. States that any special facilities for the physically disabled which are altered, newly constructed or leased, must comply with the standards and specifications established by Section 553.48, F.S.
- 8. Requires the Department of General Services to establish, by rule, a standing code panel to consider modification/waivers to handicapped standards and other codes and standards for state building designs.
- 9. Requires the Department of Community Affairs to prepare a manual which explains the relationship/ requirements between the ANSI and Part V of Chapter 553, F.S., relating to handicapped accessibility requirements.
- 10. Authorizes one position and an appropriation of \$42,506 from the General Revenue Fund to the Department of Community Affairs for the purpose of implementing the act, which takes effect January 1, 1990.

# **Disabled Person Registries - Public Records Law Exemp**tion

HOUSE BILL 292 (CHAPTER 89-184) amends Section 252.355, F.S., to preserve the exemption from the Public Records Law (Chapter 119, F.S.) for the registries of disabled persons maintained by local emergency management agencies by making the inspection and examination requirements of Section 119.07, F.S., inapplicable to the registries, but subject to future review and repeal pursuant to the Open Government Sunset Review Act (Section 119.14, F.S.). The act takes effect October 1, 1989.

# **Development of Regional Impact**

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 1460 AND 1273 (CHAPTER 89-375) amends Section 380.06, F.S., revising several provisions relating to developments of regional impact (DRI) review.

Subparagraph 380.06(8)(a)5., F.S., is amended to eliminate the current requirement that there must be a demonstration of state interest in order for the Department of Community Affairs (DCA) to authorize development for more than 25 percent of the applicable development of regional impact threshold. The Department is authorized to enter into preliminary development agreements (PDAs) with appropriate conditions for development up to 80 percent of the applicable DRI threshold and up to 120 percent of the applicable DRI threshold if the development is part of an areawide or a downtown DRI. Subparagraph 380.06(8)(a)11., F.S., provides a new process for abandonment of PDAs. A PDA may be abandoned if: (1) the development order has been rendered that approves all of the development completed under the PDA, or (2) the developer

Provides that it is the responsibility of each local gov- threshold, the development is in compliance with all applicable local regulations and the terms and conditions of the PDA, and the impact of the development has been adequately mitigated. The Department of Community Affairs, after receiving all documentation relating to the application for abandonment, determines whether or not the development meets the criteria for abandonment. If it does, a notice of abandonment is recorded by the developer with the clerk of the circuit court in each county where land covered by the terms of the agreement is located.

Additional criteria are provided by amending Subsection 380.06(14), F.S., which requires that a proposed DRI be determined to be consistent with the State Comprehensive Plan.

Clarification of current language pertaining to credit for impact fees is added to Paragraph 380.06(16)(a), F.S., to say that a developer shall get credit against applicable local impact fees for the contribution of land or public facilities.

The act amends Subsection 380.06(19), F.S., by deleting an automatic finding of substantial deviation if a new use is proposed and is moved to the presumption category. Also, this subsection is amended to limit the automatic finding of substantial deviation to certain kinds of areas such as areas for preservation or special protection which would automatically trigger an additional review. New language provides that, upon determination by a subsequent survey, such areas can be considered in the presumptive category. Other uses of the preserved areas are moved to the presumption category in another section of the legislation. Current confusing language about simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact is moved to a more appropriate place in Section 380.06, F.S. In addition, an extension of the date of any phase of a buildout of a development by five or more years is presumed to create a substantial deviation and becomes subject to further DRI review.

The law changes to a presumptive status several criteria that formerly represented an automatic review. Those criteria arise when a proposed change involves changing 15 percent or more of the acreage to a new land use. A second presumption arises where a proposed change includes development of an area specifically set aside for preservation buffers or special protection, and a third presumption arises because of simultaneous increases and decreases in a multiuse development.

The act also amends Subsection 380.06(23), F.S., by creating a new subsection authorizing regional planning council fees under certain conditions. Subsection 380.06(26), F.S., creates a new process for abandonment of a DRI. The Department of Community Affairs is authorized to promulgate rules governing this process. However, any decision by a local government concerning the abandonment of a DRI shall be subject to the appeal process under Section 380.07, F.S.

Regional planning councils are removed from the review process for determination of whether or not a project should be designated under the Florida Quality Developments Program (Subsection 380.061(5), F.S.). The state land planning has constructed less than 80 percent of the applicable DRI agency or local government, or both, may recommend against view.

The law amends Subsection 380.061(6), F.S., by removing the executive director of the appropriate regional planning council as a member of the Quality Developments Review provides that in addition to the appeals process under Paragraph 380.061(6)(a), F.S., an appeal of a development order liens. is also available under an amended Section 380.07, F.S.

from the current 300 to 400 watercraft is provided in Paragraph 380.0651(3)(e), F.S., as long as certain criteria are satisfied. The criteria which must be met include the following: (a) all necessary permits pursuant to Chapters 253, 373 and 403, F.S., are obtained; (b) the location of the marina is outside Outstanding Florida Waters and Class II waters; and (c) the Department of Natural Resources has found, in writing, that the port does not adversely impact manatees.

Clarification is provided for Subsection 944.095(13), F.S., that correctional facilities are not subject to the DRI review and approval process.

HOUSE BILL 21-B (CHAPTER 89-536) contains identical provisions to those found in COMMITTEE SUBSTITUTE FOR HOUSE BILLS 1460 AND 1273 (CHAPTER 89-375) except that the threshold for an exemption from DRI review remains unchanged at fewer than 300 watercraft for those port facilities providing wet or dry storage or mooring rather than being changed to fewer than 400 watercraft. Moreover, the Special Session "B" enactment makes the criteria of not adversely impacting Outstanding Florida Waters or Class II waters and not adversely impacting manatees applicable to all three types of port facilities eligible for review exemption. Satisfaction of these criteria must be determined by the Department of Natural Resources in writing.

# **County and Municipal Codes**

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 1210, 1474 AND 1484 (CHAPTER 89-268) amends various provisions of Chapter 162, F.S., the Local Government Code Enforcement Boards Act.

Section 162.02, F.S., is revised to delete any reference to the specific types of codes and ordinances that may be enforced by local government code enforcement boards under the Local Government Code Enforcement Boards Act to make it clear that any code or ordinance can be considered under such bodies.

A definition is created in Section 162.04, F.S., for "repeat violation" to mean a violation of a code or ordinance by a person who has violated the same provision within 5 years prior to the violation, and a new provision is added to Section 162.06, F.S., to cover the handling of such violations by code inspectors and enforcement boards.

Changes to Section 162.09, F.S., provide for increased fines for repeat violations of codes and ordinances, authorize enforcement boards to reduce fines, revise provisions for en-

designation, which then subjects the project to the DRI re- to accrue once a lien has been imposed, revise the time period after which foreclosure on a lien is authorized from 6 months to 3 months, and provide that circuit courts may be petitioned for the enforcement of board orders imposing a fine. Revisions to Section 162.10, F.S., extend the duration of Board which reviews appeals concerning designation. It also liens for fines imposed from 5 to 20 years and provide for recovery of costs by a prevailing party in actions to foreclose on

Section 162.05, F.S., is revised to allow the use of five-An increase in the threshold for DRI review of port facilities member code enforcement boards by local governments with populations of less than 5,000 and to allow for the appointment of alternates to a board by any local government.

Revised Section 162.07, F.S., provides that corrective orders of an enforcement board may be filed in the public records.

Amended Section 162.08, F.S., clarifies that enforcement boards have the power to subpoena evidence to their hearinas.

Amendments to Section 162.12, F.S., allow delivery of notices required under the Local Government Code Enforcement Boards Act to persons residing in a violator's residence.

Section 162.21, F.S., is created to authorize counties and municipalities to designate code enforcement officers to enforce codes and ordinances, to authorize such officers to issue citations for violations, to provide requirements regarding codes and ordinances to be enforced under these provisions and to provide a penalty for refusal to accept a citation.

Sections of other statutory chapters concerning local code enforcement also were impacted by this session law. Section 125.69, F.S., is amended and Section 166.0415, F.S., is created to authorize counties and municipalities to designate code inspectors and provide for issuance of citations for violations of county or municipal codes and ordinances.

Subsection 403.413(6), F.S., is enacted to authorize counties and municipalities to designate county and municipal employees, whose duty it is to ensure code compliance or enforcement, to enforce the Florida Litter Law. Such designation would not authorize these employees to bear arms or have the power to arrest. Section 705.1015, F.S., is created to allow the designation of such employees to administer provisions relating to lost or abandoned property with the same restrictions as are placed in Subsection 403.413(6), F.S.

Section 823.11, F.S., is revised to authorize the Department of Natural Resources to delegate to local governments its powers relating to the removal of abandoned or derelict vessels.

Under amended Section 933.20, F.S., the definition of "inspection warrant" is modified to include municipal or county environmental, animal control and land use standards as types of standards for which inspection warrants may be issued.

Provisions relating to when cause is deemed to exist for issuance of inspection warrants are revised in Section 933.22, F.S., to provide that cause is deemed to exist if reasonable standards for conducting routine or area inspection are satisfied or if there is reason to believe that a nonconformity exists forcement of liens for fines imposed, allow fines to continue that would constitute a violation of a state or local law or rule relating to certain municipal or county standards. Such standards are modified to include environmental, animal control or land use standards. Section 933.26, F.S., is changed to add these types of standards to those instances meriting inspection by forcible entry. An effective date of October 1, 1989 is provided.

COMMITTEE SUBSTITUTE FOR SENATE BILL 225 (CHAP-TER 89–139) amends Part I of Chapter 553, F.S., the Florida Plumbing Control Act.

Section 553.09, F.S., relating to the Advisory Council for Uniform Interpretation of the State Plumbing Code, is repealed.

Rulemaking authority for the State Plumbing Code is transferred from the Department of Health and Rehabilitative Services to the Board of Building Codes and Standards within the Department of Community Affairs and an appropriation of \$45,108 is provided to cover administrative costs for Fiscal Year 1989–90. The act also provides that existing rules and administrative and judicial proceedings related to plumbing control are not affected by the transfer of responsibilities to the Board. The Board is also authorized to appoint an advisory committee of licensed plumbing contractors for assistance and recommendations relating to the interpretation of the plumbing code, if the Board identifies the need for such additional assistance.

Antiquated references to population size in various sections of Chapter 553, F.S., are removed. The act has an effective date of October 1, 1989.

SENATE BILL 391 (CHAPTER 89–74) amends Section 553.19, F.S., which adopts by reference certain electrical standards. The exception for ground fault circuit protection is deleted from the law. [This removal provides for the adoption of the National Electrical Code of 1987 in its entirety.] This new law has an effective date of October 1, 1989.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1057 (CHAP-TER 89–369) updates statutory references to the State Minimum Building Codes in Section 553.73, F.S., and authorizes the State Board of Building Codes within the Department of Community Affairs to adopt by administrative rule all or part of one of the four model codes that make up the State Minimum Building Codes. The act also provides exceptions to one of the codes—the Standard Building Code—so that its wind resistance specifications do not apply to one— and two—family dwellings not more than two stories in height when they are not located within a coastal building zone. The State Board of Building Codes may make the wind resistance specifications applicable to the dwellings exempted under the act by adopting an administrative rule; a local government may do the same by enacting an ordinance.

# Housing

COMMITTEE SUBSTITUTE FOR SENATE BILL 732 (CHAP-TER 89–121) amends and creates numerous housing programs to give the Department of Community Affairs (DCA) an expanded role in housing administration. The programs listed below have been amended or created as follows:

- The Elderly Homeowner Rehabilitation Program (Sections 420.34 and 420.35, F.S.) is created to provide grants to local governments, which, in turn, provide deferred loans to low-income elderly homeowners for the substantial rehabilitation of their homes. An appropriation of \$1 million from the State Infrastructure Fund has been made.
- 2. [The State Apartment Incentive Loan (SAIL) program was established by the 1988 Legislature to provide below market rate loans to apartment developers in exchange for the reservation of units for very low-income persons.] This year, the SAIL program was amended to split the administration between the Department and the Florida Housing Finance Agency (FHFA) (Section 420.507, F.S.). Direct payment of fees from the borrower to the lender, insurer or servicing agent is provided under the SAIL program. Federal low-income tax credit criteria are added under SAIL targeting requirements. Project sponsors are authorized to rent outside of the targeted set-aside population (elderly and farmworkers), if, after an approved marketing plan, the sponsor shows an inability to rent to the targeted population. The SAIL sponsors now have the ability to participate in federal mortgage insurance programs without conflict with the provisions of the SAIL loan. Carry forward of funds into the next fiscal year is authorized; and SAIL loans may be sold, transferred or refinanced as long as loan conditions remain intact (Section 420.5087, F.S.). An appropriation of \$9.75 million from the State Infrastructure Fund has been provided.
- 3. The Florida Homeownership Assistance Program (Sections 420.507 and 420.5088, F.S.) is amended to allow deferred, nonamortizing loans to coincide with the term of the first mortgage. Loans are limited to 25 percent of the purchase price, or the amount necessary to enable the purchaser to meet credit underwriting criteria. Preference will be given to low-income persons. Amendments to Section 420.5088, F.S., are retroactive. An appropriation of \$1 million from the State Infrastructure Fund has been provided.
- 4. The Training and Technical Assistance Program (Section 420.606, F.S.) was amended to expand the role of DCA to address the training needs of local government personnel and state agency staff. A clear distinction is made between training activities designed to build the housing development capacity of project sponsors as a permanent state resource and technical assistance activities intended to provide guidance to applicants and expedite implementation of specific projects. Funds specific to this program were not appropriated for Fiscal Year 1989–90.

5. The Department is directed to undertake research and planning activities related to the provision of affordable housing (Section 420.6075, F.S.). These activities include the following: an inventory of affordable housing; an annual report to the Governor and the Legislature regarding the state's need for affordable housing; a study

ernment production of affordable housing; and recific to these activities were not appropriated for Fiscal Year 1989-90.

- 6. Technical changes are made to the inventory of publicly owned lands and buildings (Section 420.608, F.S.). The DCA is required to make the inventory available to for-profit, public, and nonprofit developers for the provision of affordable housing. No additional funding was provided for this program for Fiscal Year 1989-90.
- The membership of the Affordable Housing Study Com-7. mission (Section 420.609, F.S.) is amended to delete representation of DCA and the FHFA. Commission annual reports will now be incorporated in DCA's annual report. No appropriation was provided for this activity.
- 8. The Florida Housing Finance Authority Law, Section housing finance authorities to issue single-family mortgage revenue bonds.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 940 (CHAP-TER 89-321) establishes fair housing provisions similar to those currently required by federal law. Persons of "family status" and "handicapped status" are added under the antidiscrimination provisions of the state Fair Housing Act (Sections 760.20-760.37, F.S.), which is enforced by the Florida Commission on Human Relations. Exemptions are provided for housing for "older persons". Additional handicapped accessibility construction requirements are added for certain multifamily dwellings, effective March 13, 1991. Administrative remedies and penalties for fair housing violations are increased.

HOUSE BILL 1389 (CHAPTER 89-209) updates references to the federal Surface Transportation and Uniform Relocation Assistance Act of 1987 (Pub. L. 100-17, 102 Stat. 2269) in Sections 339.09 and 421.55, F.S., to ensure the continued flow of relocation assistance funding from the federal level to persons displaced as a result of federal land acquisition.

SENATE BILL 269 (CHAPTER 89-33) broadens the criteria under Section 421.05, F.S., for selection of a housing authority tenant-commissioner by adding very low-income persons receiving rent subsidy and by allowing for residency within the housing authority's jurisdiction and receiving rent subsidy from a public housing agency within the same jurisdiction. Provisions are made for normal appointment procedures, by Governor and mayor, after all reasonable efforts have been made and documented to appoint a tenant-commissioner. However, for all succeeding vacancies a diligent effort must be made to appoint a qualified tenant-commissioner until at least one tenant-commissioner has been appointed. The law takes effect October 1, 1989.

## Park Land Dedication/Counties

SENATE BILL 474 (CHAPTER 89-28) amends subsections (1) and (2) of Section 95.36, F.S. (dedications to municipalities

on the state's role to maximize nonprofit and local gov- for park purposes) and adds a new subsection (3) to said section. The legislation adds the word "counties", which allows search on program options and training models to fur- counties the same privileges as municipalities in the area of ther the production of affordable housing. Funds spe- accepting and/or vacating land dedications. The act also states that any funds accrued by a municipality or county from the sale of dedicated lands under this section can be used for park purposes only.

### **County Property Appraiser and Tax Collector Salaries**

Two sections of the Florida Statutes were changed by the enactment of SENATE BILL 370 (CHAPTER 89-72). The amendment to Section 145.10, F.S., reduced from 6 years to 4 years the period during which a newly elected property appraiser must complete the technical courses offered by the Department of Revenue. Completion of this training program qualifies the appraiser for receipt of a \$2,000 annual salary supplement.

This same time period reduction for completing the depart-159.608. F.S., is amended to specify the ability of local mental course work was also inserted into Section 145.11, F.S., which applies to the annual salary supplement granted to qualifying county tax collectors.

### **Sheriffs' Salaries**

Subsection 145.071(1), F.S., is amended, effective October 1. 1989, by HOUSE BILL 49 (CHAPTER 89-178) to increase by \$2,100 the base salary for each population bracket of the formula used to compute the pay of sheriffs within the state.

### Local Government Prompt Payment Act

SENATE BILL 1336 (CHAPTER 89-297) establishes a new procedure, effective October 1, 1989, to ensure that counties and municipalities promptly pay vendors who provide goods and services to local government. The act gives local entities no more than 45 days, except for extenuating circumstances, to remit payment for goods and services received.

The date at which a local government receives an item or service is statutorily defined as the date the local government received and accepted a proper invoice for the item or service, when delivery of the goods was accepted or when the service was completed. The new statute begins to count the 45-day payment window from the date of such receipt, acceptance or completion. If payment is not promptly remitted by the local government, it must pay interest to the vendor at the rate of 1 percent-per-month on the unpaid balance.

Each county and municipality is directed to create a dispute resolution procedure to handle problems concerning vendor payments. This dispute resolution process is not subject to Chapter 120, F.S., provisions (Administrative Procedures Act).

Section 28.13, F.S., is changed to delete an obsolete reguirement that clerks of the circuit court keep all case pleadings bound together with ribbon or tape. An amendment to Subsection 129.03(2), F.S., allows most county elected officers to file their proposed office budgets by June 1, instead of May 1, although the board of county commissioners is empowered to require a May 1 submission date. A change to Section 142.03, F.S., excuses clerks from providing a monthly report to the county commission which contains statistics on terms for property which meets the following criteria: circuit court activities such as fee collections, disposition of cases and the term of imprisonment given convicted criminals.

# Lease of County-owned Property

SENATE BILL 303 (CHAPTER 89-103) enhances the ability of counties to secure better rental property terms by allowing them to use ad valorem tax revenues for payment of leases which are up to 5 years in length, instead of the old statutory limit of 2-year duration (see Section 125.031, F.S.).

Another provision contained in this act amends Paragraph 125.35(1)(a), F.S. The change to this statute allows any county to negotiate a modification or extension of existing rental public inspection.

- the additional lease period is no more than 25 years; 1)
- the property involved is an improved leasehold; and 2)
- the property's appraised value exceeds \$20 million. 3)

# Notices of Intent to Enact County Ordinances

HOUSE BILL 880 (CHAPTER 89-267) amends Subsection 125.66(2), F.S., to eliminate the requirement that notice of intent to enact or amend ordinances be kept in a separate book and allows a notice to be available for public inspection during the regular business hours of the board of county commissioners. The act also grants authority for retroactive validation of any county ordinance for which a notice was available for

# **MOTOR VEHICLES AND TRANSPORTATION***

A broad range of transportation issues were dealt with by the 1989 Legislature. Major legislation concerning issues such as a classified licensing system for commercial motor vehicle drivers, the reorganization of the Department of Transportation, airport improvement and preservation, and a transit block grant program were passed, as well as numerous laws relating to other aspects of highway safety and transportation.

Legislation creating a "classified drivers license" was enacted to bring Florida in compliance with federal requirements for the licensing of commercial motor vehicle operators. For operators of vehicles weighing more than 26,000 pounds, more indepth testing of driver skills and knowledge was required, as well as an actual driving test in the type of vehicle for which the person will be licensed. This action, in concert with similar actions by other states, is designed to help reduce the number of unqualified drivers operating these vehicles.

Transportation planning and budgeting laws for the Department of Transportation were amended during the 1989 Regular Session to increase participation of Metropolitan Planning Organizations in the process of developing the Department's work program. This legislation also involved the Department of Community Affairs in this planning process to determine consistency with local governmental comprehensive plans. The Florida Transportation Commission was given its own staff and provided with greater independence from the Department.

Important legislation relating to the operation of a vehicle while under the influence of alcohol was also passed this session. Law enforcement officers were authorized to suspend a person's driving privilege upon arrest for probable cause that the person has an unlawful blood alcohol level, or if the person refuses to submit to tests requested by the officer. The person would be given a 7-day temporary permit and provided with notice of how to request a review of the suspension. This legislation becomes effective in October of 1990.

Airport legislation was passed to improve the state's airport system through amendment of the aviation funding priorities, the establishment of an airport intercontinental capacity improvement program, and by requiring local governments to establish restrictions on land uses in the runway clear zones and adjacent land areas.

Legislation relating to transit and rail systems in the state created a block grant program for the distribution of state funds for public bus systems and provided for the development of productivity and performance measures and annual reporting requirements for transit systems. In addition, the Legislature created a rail authority in the tri-county area of Palm Beach, Broward and Dade counties, and in the fourcounty area of Orange, Osceola, Seminole and Brevard counties.

### MOTOR VEHICLES

### **Commercial Motor Vehicles**

COMMITTEE SUBSTITUTE FOR SENATE BILL 658 (CHAP-TER 89–282) relates to classified driver's licenses and commercial motor vehicles. The act creates the Uniform Classified Commercial Driver's License Act which provides for a system of issuing classified driver's licenses. The act creates new provisions and amends various current provisions of Chapters 322, 316 and 318, F.S. Several other chapters are also amended to conform them with the provisions of this law. The legislation conforms Florida's driver licensing provisions to recently enacted federal requirements and penalties. Specifically covered are drivers of vehicles weighing more than 26,000 pounds, drivers hauling placarded hazardous materials and drivers of vehicles designed to transport 15 or more passengers or 10 or more school children.

Testing and licensure of drivers in the knowledge and skills unique to the specific type of vehicle they will be operating is required by the act. The portion of the examination which tests an applicant's safe driving ability may be administered by an entity authorized by the Department of Highway Safety and Motor Vehicles to administer such examinations. The measure provides that the driving test may be waived for certain qualified commercial drivers.

The act also provides for tests for endorsements to a commercial driver's license for the safe operation of any of the following: double or triple trailers, passenger vehicles, a tank vehicle, hazardous material transporters, a tank vehicle transporting hazardous materials, or a motorcycle. A restriction pertaining to a licensee's ability to operate vehicles equipped with air brakes is also provided for in the act.

Exceptions are provided for: the operation of authorized emergency vehicles; military personnel driving military vehicles; farmers transporting farm supplies, farm machinery or agricultural products to or from the first place of storage or processing or directly to or from market within 150 miles of their farm; drivers of recreational vehicles; and drivers who operate straight trucks that are exclusively transporting their own tangible personal property which is not for sale.

Under the law, an original or renewal commercial driver's license (Class A, B, or C) is \$50, except that if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires a commercial driver's license, then the fee shall be the same as for a Class E driver's license. An original Class D or Class E driver's license is \$20. The renewal of a Class D or E driver's license is \$15. Each endorsement required is \$5. The act provides for disqualification for certain offenses from operating a commercial motor vehicle for specified periods of time ranging from 60 days to life.

^{*}Prepared by House Highway Safety and Construction and Public Transportation Committees

This legislation also amends various provisions related to sions of the act take effect on October 1, 1989, January 1, the operation of commercial motor vehicles in Florida. In order to meet federal requirements, the network of highways on which tandem trailer trucks may operate is redefined, and provisions concerning the operation of these trucks are modified. conduct audits of motor carrier terminals to determine compliance with federal safety regulations, and width, height and length restrictions for certain vehicles are also revised.

The law amends provisions relating to vehicle licenses to substitute the term "heavy truck" for "commercial truck." This act also changes the method of calculating gross vehicle weight for registration purposes for those trucks having a net weight of 5,000 to 8,000 pounds. The gross vehicle weight of these trucks would be determined by adding the net weight of the vehicle plus the weight of the load carried by it. The gross weight of any trailer being towed does not have to be included for registration purposes. The act takes effect April 1, 1991, except for selected provisions which took effect July 5, 1989.

### **Odometer Fraud Prevention and Rebuilt Motor Vehicles**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1229 (CHAPTER 89-333), relates to the prevention of odometer fraud and to rebuilt motor vehicles. This legislation creates the Odometer Fraud Prevention and Detection Act of 1989. The act amends Chapters 319 and 320, F.S., and complies with recent federal legislation and rules for issuing and transferring motor vehicle titles. The thrust of the enactment is to capture an accurate odometer reading every time a vehicle is transferred. The odometer reading is recorded on the vehicle's chain of title by the Department of Highway Safety and Motor Vehicles. Funding is provided through an increase of \$1 in title transfer fees and \$2 in fees for expedited title services.

Various sections of Chapter 319, F.S., are amended to prohibit the sale, the offer for sale or the exchange of rebuilt motor vehicles until the vehicle is inspected and the title stamped by the Department to indicate that the vehicle has been rebuilt. The act redefines "rebuilt vehicles" and amends the definition of vehicles designated a "total loss".

Current law is amended to provide that in making an application for a salvage title certificate, an insurance company must provide the Department with an estimate of the cost of repairing the physical and mechanical damage suffered by the vehicle. If the estimated cost of repair is equal to 80 percent or more of the current retail value of the vehicle, then the Department must declare the vehicle unrebuildable and must print notice of such fact on the salvage title certificate. The department is provided authority to designate certain vehicles as unrebuildable and to deny application for certificate of title on such vehicles.

tle as a rebuilt vehicle are imposed by the act. Various provi- at the scene. Appeal of the Department's decision may be

1990, and April 29, 1990.

### **Emission Inspection**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE The act allows the Department of Transportation (DOT) to FOR HOUSE BILL 1615 (CHAPTER 89-212) relates to auto emission inspection.

> This legislation amends provisions of the Clean Outdoor Air Law (Section 325.201, F.S.) which was created by the 1988 Legislature as well as other provisions of Chapter 325, F.S. Chapters 320, 316 and 318, F.S., are also amended by this act. The provision which requires an individual to register his motor vehicle in the county in which he resides is repealed. The law provides that a person who falsifies his address on a motor vehicle registration to avoid inspection is guilty of a first-degree misdemeanor.

> The act extends from March 1, 1990, to January 1, 1991, the requirement that each motor vehicle requiring inspection obtain one, or an inspection waiver, annually. Temporary exemptions for any vehicle unavailable for inspection due to absence from the program area or incapacity of the owner are provided for in the measure. Liquidation damages from the state are provided for inspection station contractors. An exemption from public records requirements is provided for the location of proposed inspection sites. The act also provides that proprietary confidential business information shall be kept confidential.

> Waivers of inspection requirements for no longer than 1 year, may be granted by the Department of Highway Safety and Motor Vehicles if the cost of repairs or adjustments exceeds certain specified amounts. The legislation permits owners to repair or adjust their own motor vehicles. The repairs and adjustments provided for must have caused substantial improvement in the emissions performance of the motor vehicle and the motor vehicle must not be covered under any manufacturer's or federally mandated emissions warranty. A \$50 penalty is provided for violations of the act.

### Administrative Suspension for DUI

SENATE BILL 5-A (CHAPTER 89-525) amends Chapter 322, F.S., to provide for administrative suspension of driver's licenses for persons arrested on probable cause of driving under the influence of alcohol. The officer at the time of the arrest is authorized to confiscate the driver's license and issue a temporary 7-day permit and a notice of suspension. The suspended driver has 10 days to request a formal review of the case. The Department of Highway Safety and Motor Vehicles will conduct an informal review of each case and determine whether the suspension is to be sustained, amended or invalidated. The suspension is authorized for 6 months for the first DUI offense or 1 year if previously suspended for DUI. If the suspension is sustained, the driver is not eligible to receive a A \$2 fee for salvage certificates of title and a \$40 fee for business or employment-only permit until 30 days after the physical examination of vehicles applying for certificates of ti- expiration of the 7-day temporary permit issued by the officer had by writ of certiorari to the circuit court. The act takes ef- cates for vehicles and mobile homes. This act provides that fect October 1, 1990, except as otherwise provided therein.

# Motor Vehicle Registration Fees and Rental Car Surcharge

COMMITTEE SUBSTITUTE FOR SENATE BILL 1534 (CHAP-TER 89-364), amends Chapter 320, F.S., to impose a new \$30 fee on the initial registration of private autos, light trucks, motor homes and truck campers. The act provides a refund if a new vehicle is purchased and then another vehicle is disposed of within 3 months of the purchase. Various exemptions from the additional fee are contained in the law. For example, transfers between co-owners, transfers by inheritance and transfers between immediate family members are given exemptions.

Chapter 212, F.S., is also amended by this legislation to impose a surcharge of 50 cents per day on the first 30 days of any lease or rental of a vehicle licensed for hire and designed to carry less than nine passengers.

All of the registration fee and 20 percent of the rental car surcharge goes to the Law Enforcement Trust Fund. Eighty percent of the rental car surcharge goes to the Children and Adolescents Substance Abuse Trust Fund. The act appropriates funds for various law enforcement and drug abuse purposes, including funding for the Youth Enhancement Services (YES) Center Program which is created by the legislation, YES centers would be operated by nonprofit corporations on public school campuses for the purpose of providing academic, athletic and social activities after school hours. The enactment takes effect October 1, 1989, unless otherwise provided therein.

# **Driver's License – Substance Abuse Course**

COMMITTEE SUBSTITUTE FOR SENATE BILL 94 (CHAP-TER 89-134) requires first-time applicants for a driver's license to complete a traffic law and substance abuse course. The act also creates Section 322.095, F.S., to require any person who applies for a driver's license to successfully complete Parking Violations - Computer Tapes a traffic law and substance abuse course. Persons who have been licensed in any other jurisdiction or who have completed a Department of Education driver education course are exempted. The law provides for the Department of Highway Safety and Motor Vehicles to approve and monitor the traffic law and substance abuse education course offered by local DUI programs.

The legislation creates the Driver Education Trust Fund to be administered by the Department. A \$3 assessment fee collected by the DUI programs will fund the administration by the Department. The enactment provides that to the extent that such fees are more than sufficient the funds may be appropriated for other lawful programs of the Department. The law is effective January 1, 1990.

# **Motor Vehicles and Mobile Homes Titles**

COMMITTEE SUBSTITUTE FOR SENATE BILL 988 (CHAP-TER 89-156) effective January 1, 1990, amends Sections pedestrians shall be treated as a civil traffic infraction rather 319.24 and 319.27, F.S., relating to the issuance of title certifi- than a second-degree misdemeanor.

if a motor vehicle or mobile home has a lien or encumbrance. then the title may be delivered by the Department of Highway Safety and Motor Vehicles to either the first lienholder, or to the owner, if the first lienholder so requests. The act also provides that security interests in a motor vehicle or mobile home may be granted by the owner prior to a security agreement or similar instrument being executed.

HOUSE BILL 635 (CHAPTER 89-53) amends Section 319.23, F.S., to extend the time for filing an application for certificate of title, or corrected certificate, or assignment or reassignment from 20 to 30 days. The time limit for filing an application for transfer of title is extended from 20 days after receipt of the original or duplicate certificate of title to 30 days after receipt.

# Tax Collectors - Unauthorized Use of State or County Names

HOUSE BILL 85 (CHAPTER 89-43) amends Section 320.03. F.S., to prohibit the use of the state name or a county name by any person, firm or corporation through advertising or naming of a business, when such use causes the public to interpret same as an official state or county office. The act is effective October 1, 1989.

# **Buses and Taxicabs – Warning Lights**

HOUSE BILL 426 (CHAPTER 89-49) includes buses and taxicabs in the provisions of Subsection 316.2397(3), F.S., which permits certain vehicles to display red lights. The law creates Section 316.2399, F.S., permitting buses and taxicabs to be equipped with special warning lights to be activated by the driver when an emergency situation exists within the vehicle. Approval of such lights by the Department of Highway Safety and Motor Vehicles is provided for by the act, which takes effect October 1, 1989.

HOUSE BILL 734 (CHAPTER 89-196) amends Section 316.1967, F.S., effective October 1, 1989, to authorize counties to send computer tapes to the Department of Highway Safety and Motor Vehicles listing the names of persons with three or more outstanding parking violations. The act requires the department to mark the appropriate registration records of persons so reported.

# **Traffic Regulations – Blind Persons**

COMMITTEE SUBSTITUTE FOR SENATE BILL 245 (CHAP-TER 89-32) moves the provisions of law relating to traffic regulations to assist blind persons from its current location in Chapter 413, F.S., Vocational Rehabilitation, to Chapter 316, F.S., the State Uniform Traffic Control Law. The legislation provides that violations of the section relating to persons who do not adhere to regulations assisting blind persons who are

regulations to assist mobility-impaired persons, i.e., those using a walker, a crutch, an orthopedic cane or a wheelchair. The feet in length or a height of 13.5 feet. act has an effective date of October 1, 1989.

## **Driver's License - High School**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 265 (CHAPTER 89-112) amends Section 322.05, F.S., to increase from 16 to 18 the age at which a person may be issued a driver's license. This act creates Section 322.0601, F.S., to allow the Department of Highway Safety and Motor Vehicles to issue a driver's license to a person at the age of 16 if he has received a high school diploma, equivalency diploma, special diploma, certificate of completion or is enrolled in school and satisfying attendance requirements. Persons may also qualify for a license at 16 if enrolled in and satisfying attendance requirements of a vocational school, home school, GED study course, or other educational activities approved by the district school board. Waivers on the basis of personal or family hardship are available under the law.

This legislation requires the State Board of Education to establish attendance requirements specifically and solely for the purpose of implementing this law. Section 322.16, F.S., is amended to condition receipt and retention of a restricted driver's license for persons 15 years of age upon compliance with compulsory school attendance requirements. Except as otherwise provided in the act, it takes effect October 1, 1989.

## **Driver's License for Diabetics**

322.141, F.S., to provide that all driver's license originally issued to persons who have insulin-dependent diabetes may, at the request of the applicant, have distinctive markings separate and distinct from all other licenses issued by the Department of Highway Safety and Motor Vehicles. The Department may require such proof as it deems appropriate that a person has insulin-dependent diabetes.

### **Task Force Committee on Towing**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 997 (CHAPTER 89-105) provides for creation of the Task Force Committee on Towing to study the towing industry and problems associated with abandoned or derelict vehicles. The Committee is to analyze various provisions of Chapters 320 and 715, F.S., and conduct an operations review of all known towing businesses in the state. The Committee is authorized to conduct meetings, hearings and workshops, and to take evidence, testimony and arguments. The Committee is required to submit findings and recommendations to the Governor, Speaker of the House of Representatives, and President of the Senate.

### Size Limitations for Recreational Vehicles & Motor Homes

Sections 316.515 and 320.01, F.S., are amended by COM-MITTEE SUBSTITUTE FOR HOUSE BILL 897 (CHAPTER 89-320) to provide that recreational vehicles are excluded from Hillsborough Convention and Visitors Association, a special li-

The act creates Section 316.1303, F.S., to provide traffic a length limitation of 35 feet for vehicles with less than three axles, and to provide that motor homes may not exceed 40

> The act also creates a definition of "private motor coaches" as a vehicle having at least three axles which is designed primarily as temporary living guarters, and which is built on a self-propelled bus type chassis. These vehicles may not exceed 50 feet in length, if a single unit coach, or 65 feet in length if an articulated coach. Such coaches may not exceed a width of 8.5 feet at the roadway, or a width of 9 feet at a point 7 feet above the roadway. Section 320.08, F.S., is also amended to provide a license tax schedule for private motor coaches.

### **Accident Reports – Public Records Exemptions**

Pursuant to Sundown review (Section 11.61, F.S.), COM-MITTEE SUBSTITUTE FOR SENATE BILL 116 (CHAPTER 89-271) amends Sections 316.065, 316.066 and 324.051, F.S., effective October 1, 1989, to revise laws relating to accident reports and to repeal a public records exemption for certain accident reports. The act increases the monetary threshold over which motor vehicle accident reports must be reported to \$500. The law also repeals the public records exemption contained in Section 324.051, F.S., and prohibits the use of such reports for commercial solicitation purposes.

### **Registrations and License Plates - Public Records Exemp**tions

Pursuant to Sundown review, HOUSE BILL 409 (CHAPTER SENATE BILL 681 (CHAPTER 89-284) amends Section 89-48) amends Section 320.025, F.S., to reenact and revise laws relating to public records exemptions for the registration and issuance of license plates for vehicles by law enforcement agencies and public defender's offices for purposes of performing investigations.

> The act also amends Section 320.05, F.S., to reenact and revise a provision relating to a public records exemption for information on motor vehicle registrations. This information may only be released if the requestor furnishes positive proof of identification. The act has an effective date of October 1, 1989.

### **Special License Plates for Special Projects**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 553 (CHAP-TER 89-168) authorizes the issuance of three different special motor vehicle license tags to finance specific programs. The act creates Section 320.0895, F.S., which permits the Department of Highway Safety and Motor Vehicles to issue plates with the legend "Florida Salutes Veterans" for a \$15 fee in addition to the license tax imposed by Section 320.08, F.S., to Florida motor vehicle owners for the purpose of constructing, operating and maintaining domiciliary and nursing homes for veterans. Chapter 296, F.S., is enacted to provide for the establishment and operation of the "Veterans Home of Florida."

Further, the Department is directed to design, in cooperation with the Super Bowl Task Force of Tampa/

cense plate to commemorate the silver anniversary game of tions to such changes. In the event of an objection, the Goverthe Super Bowl to be played in Tampa in January 1991. Funds derived from the \$15 premium for each of these plates is to be used to promote the anniversary game and subsequently for the promotion and development of professional sports and related industries.

Finally, the law creates the "Save the Manatee" license plate series and provides that half of the \$15 annual use fee levied in addition to the regular license tax for each plate is to be used for manatee research, protection and recovery and the remainder for environmental education generally. Those provisions of the act relating to the veterans and Super Bowl plates take effect October 1, 1989. All others became law June 27, 1989.

### Medical Advisory Board Reports - Public Records Exemptions

Pursuant to Sundown review, HOUSE BILL 1723 (CHAPTER 89-90) amends Sections 322.125 and 322.126, F.S., to reenact laws relating to public records exemptions for reports made by the Medical Advisory Board to the Department of Highway Safety and Motor Vehicles concerning whether an individual is physically and mentally qualified to have a driver's license. The act also provides that a Medical Advisory Board member's individual review and evaluation of a licensee or applicant is exempt from the public meetings law. The provisions take effect October 1, 1989.

#### TRANSPORTATION

### **Transportation Planning and DOT Reorganization**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1474 (CHAPTER 89-301) revises transportation planning and financing laws, as contained in Chapters 216, 339 and 341, F.S., and amends Section 20.23, F.S., to reorganize the Department of Transportation (DOT).

The Department of Transportation's methods of planning transportation projects is modified by this act to provide for greater participation of Metropolitan Planning Organizations in the planning process. The Department of Community Affairs is also involved by requiring its review of DOT's work program to determine consistency with local government comprehensive plans. The Florida Transportation Commission would perform an in-depth evaluation of the work program, budget request, and transportation plan to determine compliance with applicable laws and policies.

In addition to review by the Commission and public hearings, the law requires earlier submission of the Department's tentative work program to the Legislature each year (January 15 instead of March 1). The tentative work program must include a balanced 36-month forecast of revenues and expenditures, and a 5-year finance plan supporting the program.

A process for amending the Department's adopted work program is also set up by the act which limits changes of starting dates for project phases. The process requires notice of these changes to the Legislature and allows legislative objec- TUTE FOR SENATE BILL 1124 (CHAPTER 89-160) to modify

nor and Cabinet would have to approve the change.

The legislation also provides for funds to be transferred from the State Treasury to the Department of Transportation in an amount equal to 95 percent of one-twelfth of the Department's share of motor vehicle license fee revenues as projected by the Revenue Estimating Conference. Repayment by the Department to the State Treasury would occur during the same fiscal year as the transfer to the Department. [This would have the effect of equalizing the monthly flow of funds into the Department.] The Department is prohibited from investing such transferred funds, and transfers may be suspended if there is a shortfall in revenues.

Section 339.12, F.S., allows a governmental entity to contribute funds to certain phases of state road projects, thereby getting the phase completed sooner, is expanded to allow such contributions to any project or project phase. The Department of Transportation would be authorized to commit funds for the purpose of reimbursing contributions made by governmental entities subject to legislative appropriation of funds. This language also appears in COMMITTEE SUBSTI-TUTE FOR SENATE BILL 1124 (CHAPTER 89-160) summarized below.

This act generally restructures the makeup of upper management at the Department. The Secretary would appoint three (instead of the current one) assistant secretaries: an assistant secretary for finance and administration, an assistant secretary for planning and engineering, and an assistant secretary for district operations. Staff is provided to the Florida Transportation Commission and the Commission is required to review the financial status of the Department. The Commission is given authority to develop its own independent budget request, and the requirement that certain functions of the Commission be performed jointly with the DOT Secretary is eliminated.

### **Right-of-way Acquisition and Management**

COMMITTEE SUBSTITUTE FOR SENATE BILL 776 (CHAP-TER 89-232) amends Chapters 335 and 337, F.S., relating to the Department of Transportation's right-of-way program, as well as Section 287.022, F.S., relating to the purchase of title insurance by state agencies.

This legislation authorizes DOT, instead of the Department of General Services, to purchase title insurance. Federal noise abatement standards are adopted for state highway projects. Department of Transportation is authorized to seek injunctions in the enforcement of access management standards and of laws related to right-of-way use by utilities. Limitations on DOT's liability for preexisting soil and groundwater contamination are extended to property acquired by donation, and environmental assessments of property prior to acquisition is authorized by the law.

### **Transportation – Design & Construction Contracts**

Section 337.11, F.S., is amended by COMMITTEE SUBSTI-

the procedures for administering Department of Transportation (DOT) contracts which combine design and construction phases of a project. sion is provided by amending Section 320.03, F.S., to require an additional fee of 50 cents on the initial and renewal registrations of private automobiles and trucks weighing 5,000

Currently, the Department requests proposals for such projects from prequalified applicants. The Department may only proceed with evaluation of proposals if at least three responsible proposals are submitted. This act would require prequalified applicants to submit letters of interest in response to the Department's announcement of such a project. If at least three letters of interest are submitted, the Department may shortlist the applicants and request proposals from no less than three of those submitting letters of interest. The Department would be able to proceed with proposal evaluation as long as at least one proposal was submitted by the shortlisted applicants.

The legislation also authorizes the Department to negotiate minor changes to the project once a contract has been awarded. The limitation on categories of projects which may be the subject of a design and construction contract is also removed.

#### Right-of-way Acquisition by Expressway Authorities

COMMITTEE SUBSTITUTE FOR SENATE BILL 1368 (CHAP-TER 89–240) amends Sections 348.957 and 348.759, F.S., relating to right-of-way acquisition by the Orlando-Orange County Expressway Authority, and by the Seminole County Expressway Authority.

The act modifies the land acquisition powers of these two expressway authorities to provide them with broader condemnation powers and provides specific purposes for which they may acquire property. This law also provides the authorities with a limitation of liability for preexisting environmental contamination that is due solely to ownership. Interagency agreements are authorized between the authorities and the Department of Environmental Regulation for handling environmental investigative and remedial acts.

### **Transportation Disadvantaged Commission**

Pursuant to Sundown review (Section 11.61, F.S.), COM-MITTEE SUBSTITUTE FOR HOUSE BILL 1730 (CHAPTER 89– 376) amends Chapter 427, F.S., to reenact and revise the Coordinating Council on the Transportation Disadvantaged and the statewide program for the coordination of transportation services to transportation disadvantaged persons.

The act replaces the 8-member Council with an 11member Transportation Disadvantaged Commission whose purpose will be to accomplish the coordination of transportation services to the transportation disadvantaged. The Commission is given several additional powers and responsibilities related to administration of the statewide program, including the development of a 5-year transportation disadvantaged plan.

Funding to carry out the Commission's responsibilities and for payment of the administrative expenses of the Commis-

sion is provided by amending Section 320.03, F.S., to require an additional fee of 50 cents on the initial and renewal registrations of private automobiles and trucks weighing 5,000 pounds or less. Funds could also be used to subsidize a portion of a transportation disadvantaged person's transportation costs that are not sponsored by any agency, but only if a cash or in-kind match is provided.

### **Contracts Administration – Public Records Exemptions**

Pursuant to Sundown review, COMMITTEE SUBSTITUTE FOR SENATE BILL 107 (CHAPTER 89–21) amends Sections 337.14 and 337.168, F.S., to reenact public records exemptions for information contained in a contractor's application for certification and for the Department of Transportation's official estimates of project costs, and bid analysis and monitoring system. The act also repeals Subsection 337.105(3), F.S., which provided a public records exemption for consultant price proposals submitted to the Department pursuant to competitive negotiations. The law takes effect October 1, 1989.

### **Rail Authorities**

The Tri-county Rail Authority and the Central Florida Commuter Rail Authority are created by the COMMITTEE SUBSTI-TUTE FOR HOUSE BILL 1656 (CHAPTER 89-351). The Tricounty Rail Authority is designated as the successor and assignee of the Tri-county Rail Organization and will operate the tri-county rail system in Palm Beach, Broward and Dade counties. The board of the Tri-county Rail Authority is to consist of nine members: one member from each county commission, one citizen appointed by each county commission, one citizen appointed by the governor and nonvoting members appointed by the Department of Transportation and the High Speed Rail Commission.

The Central Florida Commuter Rail Authority is authorized to plan and operate a central Florida rail system in Orange, Osceola, Seminole and Brevard counties. The board of the authority shall consist of ten members: one member of each county commission; five citizens appointed by the governor, one of whom shall be the mayor of a city within the area served by the authority; and a high speed rail commissioner who shall serve as a nonvoting member.

Each authority is empowered to own, operate and manage a commuter rail system and facilities. Both authorities are granted the power of eminent domain and are authorized to issue bonds.

The act also provides that a tri-county rail system with an operating ratio of 40 percent in its second year of operation shall be eligible for continued funding as a rail service development project for 5 years.

### **PROFESSIONAL REGULATION***

During the 1989 Regular Session, the Legislature enacted a variety of laws amending existing regulations governing the 489,505, F.S., by redefining the term "specialty electric conpractice of professions. Chapters relating to the regulation of certain professions which were subject to Sunset review (Section 11.61, F.S.) during 1989 were reenacted; regulatory fees for many professions under the jurisdiction of the Department of Professional Regulation were increased; and several laws making primarily administrative, but some substantive, changes to laws affecting various professions were adopted. This article first addresses laws affecting individual professions, and second, laws affecting more than one profession or professions generally.

### Accountancy

COMMITTEE SUBSTITUTE FOR SENATE BILL 1253 (CHAP-TER 89-87) amends Chapter 473, F.S., relating to the regulation of the practice of public accountancy by the Board of Accountancy within the Department of Professional Regulation. It enacts into law a Board rule prohibiting CPAs from receiving commissions. In addition, it exempts services provided by CPA associations to their members, including the review of services provided by association members to the public, from the definition of the practice of accounting. The act also requires the Board to adopt rules establishing continuing education requirements for licensees who audit governmental entities. The act is effective October 1, 1989.

### Acupuncture

COMMITTEE SUBSTITUTE FOR HOUSE BILL 877 (CHAP-TER 89-318) amends Chapter 457, F.S., relating to regulation of the practice of acupuncture by the Board of Acupuncture within the Department of Professional Regulation. The act provides for licensure by endorsement for applicants who have completed a board-approved national certification process and applicants who are licensed in another state with substantially equivalent examination requirements to those in Florida. The act is effective October 1, 1989.

### Contracting

COMMITTEE SUBSTITUTE FOR SENATE BILL 467 (CHAP-TER 89-115) provides that a general contractor need not obtain additional licensure as an engineer, architect, or landscape architect, to enter into a design-build contract, as long as engineering or architecture services performed under the contract are rendered by licensed engineers, licensed architects or licensed landscape architects, respectively.

In addition, the law provides that licensed engineers, licensed architects and licensed landscape architects need not be licensed as contractors under Chapter 489, F.S., to enter into design-build contracts as long as contracting services are performed by licensed contractors.

SENATE BILL 788 (CHAPTER 89-81) amends Section tractor" to encompass all aspects of electrical outdoor advertising sign work. This includes fabrication and erection of the signs, in addition to installation and maintenance of the signs, as the statute previously provided. The provisions of this act will take effect October 1, 1989.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1113 (CHAP-TER 89-329) amends requirements relating to the licensure of asbestos contractors to exempt certain certified roofing contractors from the provisions. It amends Sections 255.551 and 455.301, F.S., to exempt the removal of bituminous resinous roofing systems from the definition of asbestos abatement. It also amends Section 455.302, F.S., to provide that a certified roofing contractor removing such roofing products under the direction of an on-site supervisor, who has attended a one-day asbestos roofing course, need not obtain additional licensure as an asbestos contractor.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1495 (CHAP-TER 89-343) amends Chapter 489, Parts I and II, F.S., relating to the licensure of construction and electrical contractors, to provide that the exemption from licensure for employees of certified or registered contractors does not apply to employees of uncertified or unregistered contractors, under certain circumstances. The employee exemption does not apply to an employee of an unlicensed contractor if the employee holds himself or his employer out as a licensee, leads consumers to believe the employee is an owner or manager of a company or performs any acts which constitute contracting.

The act amends the definition of contracting in Chapter 489, Parts I and II, F.S., to provide that the attempted sale of contracting services and the negotiation or bid for a contract to perform services also constitute contracting. The law strengthens the prohibitions against unlicensed contracting in both the construction and electrical contracting statutes. Finally, the measure amends Section 489.511, F.S., relating to certification as an alarm system contractor, to extend the exemption from the alarm contractor certification examination to registered unlimited electrical contractors who pass local licensure examinations equivalent to the state certified unlimited electrical contractor licensure examination.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1521 (CHAP-TER 89-5) amends provisions relating to the renewal of licenses issued to certified contractors pursuant to Chapter 489, Part I, F.S., to allow the Department of Professional Requlation to issue a one-time 3-year license beginning July 1, 1989. This will allow the Department to stagger license renewals and will even out the annual revenue stream to the Department.

^{*}Prepared by Senate Economic, Professional and Utility Regulation Committee

### Engineers

SENATE BILL 214 (CHAPTER 89-30) reenacts, pursuant to Sunset review, Chapter 471, F.S., providing for the regulation of the practice of engineering by the Board of Engineers within the Department of Professional Regulation. The act reschedules the chapter for Sunset review on October 1, 1999.

The measure does not substantially change the law relating to the regulation of engineers, but it does make several administrative changes. These include adding a plea of nolo contendere to a crime relating to the practice of engineering as an act which may constitute grounds for board disciplinary action against a licensee and increasing the regulatory fees that engineers must pay. The act is effective October 1, 1989.

### Geology

COMMITTEE SUBSTITUTE FOR SENATE BILL 651 (CHAP-TER 89-79) amends the geology practice act (Chapter 492, F.S.) to provide that the work experience required for licensure as a professional geologist may be completed under the supervision of a qualified geologist (one eligible for Florida licensure but not licensed) or a professional engineer gualified in the appropriate engineering discipline. Previously, the law required that after October 1, 1987, the experience must have been obtained under the supervision of a licensed geologist only.

### **Interior Designers**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 765 (CHAP-TER 89–19) expands the grandfather clause for licensure as an interior designer. The act amends Section 21, Chapter 88-383, Laws of Florida, to allow individuals who have 6 years of interior design experience to be licensed without examination. In addition, it provides that students enrolled in 2- to 4-year interior design programs at higher education institutions in the state on June 6, 1988, are eligible for licensure without examination if they complete their programs by October 1, 1990, in the case of community college graduates, or by October 1. 1992, in the case of other graduates.

### Land Surveying

COMMITTEE SUBSTITUTE FOR SENATE BILL 215 (CHAP-TER 89-137) revives and readopts, pursuant to Sunset review, Chapter 472, F.S., providing for the regulation of land surveyors by the Board of Land Surveyors within the Department of Professional Regulation. The act reschedules the chapter for Sunset review on October 1, 1999.

The act does not substantially change the manner in which land surveyors are regulated, although it does make several administrative changes. These changes include: permitting certified or registered construction contractors and registered professional engineers to perform construction layout services without being licensed as land surveyors; creating a committee composed of representatives of the construction, engineering and land surveying professions to make recom- The regulatory structure for physical therapists otherwise remendations to the Legislature concerning the provision of mains the same. The act is effective October 1, 1989.

construction layout services by January 1, 1990; deleting a requirement that individuals obtain Department approval prior to incorporating a land surveying corporation; and increasing regulatory fees for land surveyors. The act is effective October 1, 1989.

### Nursing

HOUSE BILL 645 (CHAPTER 89-170) amends Chapter 464, F.S., relating to the regulation of the practice of nursing by the Board of Nursing within the Department of Professional Regulation. The act amends provisions in Sections 464.013 and 464.014, F.S., relating to the procedures for the renewal of licenses and maintaining licenses on inactive status, to eliminate requirements for criminal record and abuse registry background checks. In addition, the act amends Section 464.018, F.S., to clarify that when imposing the disciplinary penalty of revocation, the Board may either revoke a nursing license with an opportunity for reinstatement, or may permanently revoke the license. The act is effective October 1, 1989.

### Pharmacy

COMMITTEE SUBSTITUTE FOR SENATE BILL 505 (CHAP-TER 89-77) amends Chapter 465, F.S., the Florida Pharmacy Act, to redefine the practice of pharmacy to permit a pharmacist to transmit information relating to prescriptions from physicians to their patients. In addition, it expands the acts which may constitute grounds for Board of Pharmacy disciplinary action against licensees to include the violation of another practice act under which a pharmacist is licensed, either in Florida or in another state. Finally, the law amends the provisions relating to emergency prescription refills by pharmacists to allow the pharmacist to issue such a prescription for all drugs except for those listed as Schedule II drugs in Chapter 893, F.S., and to require the pharmacist, upon filling an emergency prescription, to create a written order containing all required prescription information.

### **Physical Therapy**

COMMITTEE SUBSTITUTE FOR SENATE BILL 784 (CHAP-TER 89-124) amends Chapter 486. F.S., to create the Board of Physical Therapy Practice within the Department of Professional Regulation to regulate physical therapists and physical therapist assistants. Previously, the chapter provided for the regulation of these practitioners by the Board of Medicine with the advice of the Physical Therapy Council.

The act also includes physical therapists in general provisions in Chapter 455, F.S., relating to health care practitioners, including penalties for giving false information, prohibitions on advertising by health care practitioners, requirements concerning release and disposition of health care practitioner records and provisions relating to immediate suspension of health care practitioner licenses under certain circumstances.

### **Physicians**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 821 (CHAPTER 89-266), provides an avenue for licensure of exiled Nicaraguan physicians to practice medicine in Florida. The act amends Section 458.311, F.S., to provide for the issuance of a 2-year restricted license to individuals meeting certain requirements. The requirements include: graduation from a World Health Organization recognized medical institution located in a Western Hemisphere country which does not have full diplomatic status with the United States; the completion of a medical education determined by the Board of Medicine to be substantially similar to approved United States' medical programs; the practice of medicine for a year prior to residing in the United States; and the completion of an examination for foreign medical graduates or the completion of a University of Miami course for physician training.

The act provides that the Department of Professional Regulation must initially issue applicants meeting the requirements of a 2-year restricted license to practice under the supervision of a licensed physician at a state medical school for the first year and at a state or county governmental institution for the second year. Upon satisfactory completion of the 2 years of supervised practice, the licensee is eligible for an unrestricted medical license.

The act also creates a Physician Training Trust Fund to provide guaranteed loans to individuals to finance the costs of the University of Miami physician training course. A one-time \$1 million appropriation from general revenue is authorized to support the Fund. In addition, the Department of Professional Professions Generally Regulation is appropriated \$63,927 from the Professional Regulation Trust Fund to fund its costs of administering the act.

### **Psychological Services**

COMMITTEE SUBSTITUTE FOR SENATE BILL 216 (CHAP-TER 89-70) revives and readopts, pursuant to Sunset review. Chapter 490, F.S., relating to the regulation of psychologists and school psychologists by the Department of Professional Regulation. It reschedules the chapter for Sunset review on October 1, 2000.

Major issues addressed in the act include: retaining the regulation in the form of a title act; providing definitions for the practice of psychology and school psychology and for the three mental health professions licensed under Chapter 491, F.S., (clinical social workers, marriage and family therapists and mental health counselors); retaining the current American Psychological Association (APA) accredited or comparable standard for psychology education, but providing for augmentation of a psychology degree which is not APA comparable; clarifying who may use the term "psychotherapy"; and providing for participation by psychologists in the Department's impaired practitioner's program. The act is effective October 1, 1989.

### **Real Estate**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 437 (CHAP-TER 89-76) amends Chapter 475, F.S., relating to the regulation of real estate brokers and salesmen by the Real Estate Commission within the Department of Professional Regulation. The law does not substantially amend the chapter but it does contain several minor or technical changes to facilitate administration of the regulation.

The act amends the post-licensure education requirements contained in Section 475.17, F.S., to allow commissionapproved sponsors to offer post-licensure education courses for real estate brokers and salesmen. In addition, an exemption from post-licensure education courses is included for licensure applicants receiving 4-year degrees in real estate from accredited Florida education institutions if they are licensed within 5 years of receiving their degree. Section 475.25, F.S., relating to disciplinary actions against licensees. is amended to add failure of a licensee who is a purchaser of real estate to deposit money in an escrow account as an act which constitutes grounds for disciplinary action.

Provisions relating to the Real Estate Recovery Fund in Section 475.482, F.S., are amended to provide for the deposit in the Fund of all moneys collected by the Department as a result of fines imposed against licensees pursuant to disciplinary action by the Commission. Recovery Fund provisions are also amended to require suspension of the license of a broker or salesman when payment is made from the fund to satisfy a claim against the licensee, until the licensee has reimbursed the amount paid from the Fund plus interest. The act is effective October 1, 1989.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1213 (CHAP-TER 89-162) increases the statutory regulatory fee caps for approximately 32 professions and occupations under the Department of Professional Regulation's jurisdiction. These professions and occupations include: acupuncture; medicine; osteopathy; chiropractic medicine; naturopathy; nursing; dentistry, dental hygiene and the operation of dental laboratories: nursing home administration; auctioneering; dietetics and nutrition practice; athlete agency; funeral directing, embalming and direct disposition; public accountancy; veterinary medicine; real estate; barbering; massage therapy; architecture; interior design; landscape architecture; opticianry; the fitting and dispensing of hearing aids; construction contracting; electrical contracting; and professional geology.

In addition, the act amends Chapter 455, F.S., which contains the Department's general regulatory authority, to authorize the Department to provide a licensee with a notice of noncompliance, in lieu of disciplinary action, for an initial offense of a minor violation. The act also substantially amends various regulatory chapters, including: amending Section 459.0085, F.S., to provide an exemption from assessments under the Florida Birth-Related Neurological Injury Compensation Plan for resident and intern osteopathic physicians; repealing Section 460.4065, F.S., which provided for licensure by endorsement for chiropractic physicians; and amending Section 481.213, F.S., to strengthen the requirements that an applicant must meet to be licensed as an architect by endorsement in Florida. In addition, the act requires the Construction F.S., regarding the acts for which the Board of Medicine may Industry Licensing Board to report to the Legislature by March 1, 1990, regarding revised contractor certification examinations and requiring the Department to appoint a committee to evaluate the possible discriminatory nature of certification examination questions. It also contains provisions which allow general contractors, architects, landscape architects and engineers to enter into design-build contracts which require the work of an architect, landscape architect, engineer or general contractor, as long as such work is performed by the appropriately licensed professionals.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1142 (CHAP-TER 89–66) contains substantive amendments relating to several professions under the Department of Professional Regulation's regulatory jurisdiction. Chapter 468, Part VII, F.S., relating to the regulation of talent agencies is amended to: add a definition of the term "talent agent" to Section 468.401, F.S.; create Section 468.415, F.S., prohibiting sexual misconduct in the operation of a talent agency; increase the penalty for operation of a talent agency without a valid license from a seconddegree misdemeanor to a third-degree felony; and authorize the Department to assess a maximum of a \$1,000 fine against a talent agency for violation of disciplinary standards. In addition, the act: strengthens requirements for licensure by endorsement of an architect in Florida; exempts licensed medical physicians, osteopathic physicians, psychologists, clinical social workers and marriage and family counselors from provisions relating to licensure of alcohol and drug rehabilitation facilities; provides for Department participation in the development of the dentistry clinical examination and authorizes the Board of Dentistry's probable cause panels to recommend to the Department which penalties to seek in administrative complaints filed at a panel's direction. The act is effective October 1, 1989.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1427 (CHAP-TER 89-374) amends numerous practice acts under the regulatory jurisdiction of the Department of Professional Regulation, including provisions relating to the practice of dentistry, medicine, osteopathic medicine, public accountancy, funeral directing, contracting, optometry, veterinary medicine, barbering, cosmetology, massage therapy, the fitting and dispensing of hearing aids, physical therapy and nursing home administration. In addition, the law contains provisions relating to the regulation of emergency medical services which are ance review of emergency medical technicians and parameunder the jurisdiction of the Department of Health and Reha- dics. The act is effective October 1, 1989.

bilitative Services. Many of the changes are technical or administrative, rather than substantive, in nature.

Significant provisions include: amending Section 458.331, initiate disciplinary proceedings against licensed physicians; expanding the availability of the course required for licensure of Cuban physicians to include courses developed by the University of Florida and the University of South Florida, in addition to the course developed by the University of Miami; creating Section 459.0141, F.S., which prohibits sexual misconduct in the practice of osteopathic medicine; creating Section 463.0165, F.S., to provide for participation by optometrists in the Department's impaired practitioners program; creating Section 466.041, F.S., to require licensed dentists and applicants for licensure as dentists who carry the Hepatitis B virus to so notify the Board of Dentistry; amending Chapter 466, F.S., to provide for annual registration of dental laboratories for a fee not to exceed \$300 and to require inspection of dental laboratories by the Department: amending Section 470.021, F.S., to authorize the Department to inspect direct disposal, funeral, and cinerator establishments; amending Section 473.308, F.S., to clarify the requirements for licensure as an accountant by endorsement in Florida: amending Section 474.207, F.S., to provide an avenue for licensure of graduates of foreign veterinary schools; amending Chapters 476 and 477, F.S., to allow barbers and cosmetologists to perform their services at specified locations other than licensed establishments; amending Chapter 480, F.S., to replace the term "masseur" with "massage therapist"; amending Section 484.0445, F.S., to eliminate the requirement that an applicant must first pass a written examination before entering a training program as a hearing aid specialist; creating Section 489.132, F.S., which sets forth prohibited acts which, if committed by an unlicensed principal of a construction contracting firm, may result in disciplinary action against the unlicensed principal; continuing the existence of the Construction Complaints Study Committee created in 1988 to report on unlicensed activity; amending Section 489.113, F.S., to require that all swimming pool work be done by a certified or registered swimming pool contractor; amending Section 489.115, F.S., to require registered, in addition to certified, construction contractors to maintain public liability insurance; amending Section 489.133, F.S., to provide for licensure without examination of certain pollutant storage systems specialty contractors; and amending Chapter 401, F.S., to require quality assur-

#### PUBLIC OFFICERS AND EMPLOYEES*

ployees, the 1989 Regular Session of the Legislature concentrated primarily on employment-oriented issues. Among the employment issues dealt with were nepotism, child care for state workers, affirmative action, deferred compensation, death benefits for state law enforcement officers, employee interchange agreements, veterans' preference in hiring, and employment qualifications of firefighters. Additionally in the area of employment, the 1989 Legislature dealt with the issue of drug testing for state employees for the first time in a comprehensive way.

Retirement was also the subject of a series of bills during the Regular Session. None of the retirement bills which passed, however, contained any significant benefit or contribution rate changes which would affect the majority of Florida Retirement System (FRS) members. For the most part, such legislation was limited to technical or "fine tuning" amendments, or in a limited number of cases, to improving retirement benefits for certain groups of employees in order to TER 89-123) amends Section 112.215, F.S., the Government achieve equity or enhance recruitment.

#### State Employment

SENATE BILL 114 (CHAPTER 89-67) transfers the current statutory provisions relating to nepotism in state employment from Chapter 116, F.S., Powers and Duties of Officers, to Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees. Further, it deletes the current prohibition contained in Subsection 116.111(3), F.S., concerning payment to individuals who are in violation of the anti-nepotism provisions as penalties under the Code will now apply.

SENATE BILL 321 (CHAPTER 89-277) deals with a number of different state employment issues. It reenacts and amends Subsections 110.123(2) and (3), F.S., to redefine "retired state officer or employee" or "retiree" for the purposes of the State Group Insurance Program and to authorize the Department of Administration (DOA) to contract, subject to legislative approval, with specialty psychiatric hospitals for mental health benefits, on a regional basis, covering alcohol, drug abuse. and mental and nervous disorders. Further, the act directs DOA to enter into contract with any health maintenance organization/Medicaid provider which meets certain specified requirements. Subsection 110.123(10), F.S., is created to provide that the State Group Insurance Program is gualified and nondiscriminatory pursuant to the requirements of the Internal Revenue Code. Subsection 110.161(7), F.S., is amended to provide that any moneys forfeited pursuant to employees' salary reduction agreements to participate in phases one or two of the Pretax Benefits Program shall be deposited in the Pretax Benefits Trust Fund. Additionally, the act requires the DOA to adopt rules relating to employment conflicts of interest relative to Career Service, Selected Exempt and Senior state employees and employers. The legislation does not Management employees. Finally, Section 110.151, F.S., is mandate drug testing. If an employer does test for drug use,

With reference to the subject area of public officers and em- amended to assign state officers' and employees' child care services to the DOA as opposed to DOA's Office of Labor Relations, and to direct DOA to conduct a feasibility study to determine the child care needs of state employees.

> SENATE BILL 390 (CHAPTER 89-149) amends Section 110.112, F.S., to require each agency to develop an affirmative action plan in accordance with rules adopted by DOA. Each agency is required to establish goals for ensuring full utilization of underrepresented groups and to issue annual reports relating to its affirmative action plan. The act also provides that each agency's supervisory personnel receive training in the principles of equal employment opportunity and affirmative action. In addition to requiring executive branch agency compliance, each State Attorney and Public Defender is required to develop and implement affirmative action plans. establish goals and issue reports relating to affirmative action plan compliance.

> COMMITTEE SUBSTITUTE FOR SENATE BILL 742 (CHAP-Employees Deferred Compensation Act, to exempt certain providers under government deferred compensation plans from the provisions of Chapter 280, F.S., the Florida Public Deposits Act. Such providers include banks or savings associations which provide time deposit accounts or certificates of deposit as an investment product to participants of government deferred compensation programs. The exemption of such providers under the state plan must be approved by the State Board of Administration or, for such providers under other plans, by the appropriate official or body as designated in the establishing ordinances.

> To be eligible for such exemption, a bank or savings association is required to pledge collateral with the Treasurer for all state funds held by it under the state deferred compensation plan, or with the appropriate designated official or body for funds held under other plans which are not insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. The collateral pledged is reguired to be in an amount which equals at least 150 percent of the value of such uninsured funds, and to be collateral of the type defined in Sections 280.13 and 280.14, F.S.

> The State Treasurer is authorized to require additional collateral, to decline to accept collateral and to take other actions relative to the state and disposition of collateral as provided to public depositories under Chapter 280, F.S. The law takes effect October 1, 1989.

> COMMITTEE SUBSTITUTE FOR SENATE BILL 993 (CHAP-TER 89-173) creates Section 112.0455, F.S., the Drug-Free Workplace Act. The purpose of the act is to promote the goal of drug-free workplaces within state government through fair and reasonable drug testing methods for the protection of

^{*}Prepared by Senate Personnel, Retirement and Collective Bargaining Committee

mented to ensure fair, accurate and reliable results. Only applicants for state Special Risk or safety-sensitive positions ployees may be tested on a reasonable suspicion basis. Employers are encouraged to establish employee assistance programs and required, with the exception of Special Risk employees, to refer employees on their first positive confirmed drug test for treatment before taking disciplinary action. Special Risk employees may be disciplined or discharged for a positive confirmed drug test. Specific guidelines for sample collection, storage and confirmation testing are addressed. use policies and inform them of final drug test results. Confidentiality of all test results information is provided. The act also provides appeal procedures for those employees who have a confirmed drug test. The law is to take effect January collective bargaining agreement.

HOUSE BILL 1 (CHAPTER 89-99) provides that firefighters supplemental compensation program established pursuant to Section 633.382, F.S.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 123 (CHAP-TER 89-22) amends Subsection 110.123(4), F.S., to provide FRS for the period of time by which his term was shortened. that the surviving spouse and children of a state law enforcement or correctional officer who is killed in the line of duty shall have the premium for their continued coverage in the State Employees Group Health Insurance Program paid for by the agency which employed the slain officer. Additionally, the act amends Section 112.19, F.S., to provide that such agency shall pay \$1,000 toward the funeral and burial expenses of the guire, renovate or construct facilities in the state to be used slain officer. Section 112.193, F.S., is amended to provide that as armories by the Florida National Guard. upon retirement, all state, county or municipal law enforcement and correctional officers may be presented with a uniform, service revolver, and an identification card marked "Retired." Previously, this provision was applicable only to retiring gross compensation of any members participating in any salastate law enforcement officers.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 777 (CHAP-TER 89-315) provides via an amendment to Subsection 112.24(2), F.S., that employee interchange agreements relating to faculty members of the State University System may be 121.055(6)(a), F.S., is amended to permit DOA to negotiate for extended biennially upon approval of DOA.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 965 (CHAP-TER 89-323) amends Section 295.07, F.S., to clarify which positions in state and local government are exempt from the provisions of veterans' preference in employment and retention in employment. Additionally, the act extends the current scheme of veterans' preference to employees of the University Support Personnel System and comparable positions in the State Community College System and the Florida School for the Deaf and Blind. Rulemaking authority relative to veterans' preference is transferred from DOA to the newly created Department of Veterans Affairs.

repeal date for the Senior Management Service and the Se- may reemploy, in certain positions, retirees who have been re-

the act provides testing procedures which must be imple-lected Exempt Service from October 1, 1990, to October 1, 1995.

HOUSE BILL 1456 (CHAPTER 89-89) amends Section may be tested on a pre-employment basis; but all state em- 633.34, F.S., relating to the employment qualifications for firefighters, to specify that on and after the effective date of the act any person initially employed as a firefighter must be a nonuser of tobacco or tobacco products for at least one year immediately preceding application, as evidenced by the sworn affidavit of the applicant.

#### Retirement

SENATE BILL 243 (CHAPTER 89-220) provides clarification An employer must notify an employee or job applicant of drug with respect to future contribution rates applicable to the Special Risk Class as a result of the passage of Chapters 88-238 and 88-382. Laws of Florida, which amended Section 121.071, F.S. The act amends Paragraph 121.091(1)(a), F.S., to correct errors contained in Chapter 88-238 with respect to 1, 1990, or upon the effective date of any relevant subsequent the dates upon which increased benefits for Special Risk members are to become affective.

SENATE BILL 405 (CHAPTER 89-10) creates Section employed by the state may also participate in the firefighters 121.1124, F.S., which authorizes a county commissioner whose term was shortened because the election at which he was elected was delayed by federal intervention pursuant to the Voting Rights Act to purchase retirement credit under the

> SENATE BILL 687 (CHAPTER 89-119) amends Section 250.22, F.S., to provide that members of the National Guard who have completed at least 30 years of service may retire at age 62 instead of age 64, and may elect early retirement at age 60. The act also amends Section 250.42, F.S., to grant the Armory Board authority, subject to legislative approval, to ac-

> SENATE BILL 842 (CHAPTER 89-126) amends Subsection 121.021(22), F.S., regarding the definition of "compensation" to exclude bonuses and to ensure that the compensation or ry reduction, deferred compensation or the sheltered annuity program shall be deemed to have been the compensation or gross compensation which the member would have received if he was not participating in such programs. Paragraph group annuity contracts as well as individual annuity contracts under the Senior Management Service Class and the Optional Retirement Program for the State University System. Subsection 121.30 (6), F.S., is amended to provide that any provision of Chapter 121, F.S., relating to an optional annuity or retirement program must be construed and administered in such a manner that the program will qualify as a qualified pension plan under existing or hereafter-enacted provisions of the Internal Revenue Code, and further, that the Division of Retirement may adopt any rule necessary to accomplish such purpose which is not inconsistent with Chapter 121, F.S.

HOUSE BILL 485 (CHAPTER 89-260) provides that the HOUSE BILL 1078 (CHAPTER 89-13) moves the statutory Board of Trustees of the Florida School for the Deaf and Blind tired under the FRS for at least one calendar month. Such re- FRS had such service been under the FRS. The act also extirees may be reemployed for up to 780 hours during the first tends this same authorization to purchase annuities based 12 months of their retirement provided certain specified conditions are met.

HOUSE BILL 720 (CHAPTER 89-310) expands the authority of district school boards pursuant to Section 231.495, F.S., to purchase annuities for school personnel meeting certain age and service requirements and who have applied for early retirement to include persons covered by Plan E of the Teachers' Retirement System. This section is further amended to authorize school boards to purchase annuities for employees who have out-of-state teaching service. Such annuities may be based upon no more than 5 years of out-of-state teaching service and may not exceed the benefits payable under the ner clearly inconsistent with the precedent of PERC.

upon up to 5 years of out-of-state teaching experience to community college boards of trustees pursuant to an amendment to Section 240.344, F.S.

### **Collective Bargaining**

HOUSE BILL 931 (CHAPTER 89-50) amends Subsection 447.603(2), F.S., to provide that the Public Employees Relations Commission (PERC) may assume jurisdiction over a local commission ("Mini PERC") if, after a hearing, the local commission is found not to be properly constituted, has failed to act in a reasonable and timely manner, or has acted in a man-

### **PUBLIC UTILITIES***

which govern the regulation of public utilities during the 1989 Regular Session. The Legislature also enacted a number of new laws which affect utilities. Specifically, regulation of the electric and gas, telecommunication and water and wastewater industries was continued, and the regulation of private wire services was repealed following Sunset review (Section 11.61, F.S.). In addition, municipal governments were authorized to discontinue utility service to a tenant who is in arrears 30 days or more.

### **Electric and Gas**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1224 (CHAP-TER 89-292) revives and readopts, pursuant to Sunset review, Chapter 366, F.S., which provides for state regulation of electric and gas utilities by the Public Service Commission ter and wastewater systems are regulated. The act does, (PSC).

The act encourages the development of cogeneration and PSC and the utilities must adhere. small power production by requiring that payments made by public utilities to cogenerators and small power producers equal the full avoided costs of the utility. The act requires that utilities provide self-service wheeling (transmission of power generated by a retail customer at one location to the customer's facilities at a second location) to a cogeneration or small power producer unless the PSC finds that the provision of this service is likely to result in higher rates for a utility's customer or will adversely affect the reliability of a utility's electric service. The act also includes increasing the development of cogeneration in the goals to be achieved by utilities under the Florida Energy Efficiency and Conservation Act (FEECA).

The act expands the jurisdiction of the PSC to resolve territorial disputes on its own motion as well as providing for public participation in proceedings to approve territorial agreements or resolve disputes. The act also expands the Commission's ability to monitor the diversification activities of public utilities. Specifically, the PSC is authorized to require utilities and their affiliated companies to file certain reports in order to ensure that ratepayers do not subsidize nonutility activities, or that potential cross-subsidization of nonutility activities occurs. The law takes effect October 1, 1989.

### **Telecommunications**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1218 (CHAP-TER 89–163) postpones Sunset review of Chapter 364. F.S., which provides for state regulation of telephone companies by the Public Service Commission (PSC), for one year in order for the Legislature to obtain information concerning the competitive changes taking place within the telecommunications industry.

The act requires the PSC to provide the Legislature with a detailed comprehensive report by January 1, 1990, on the sta- neys, the Florida Department of Law Enforcement and the lo-

The Legislature made a number of modifications to the laws tus of competition within the telecommunications industry in Florida. The act also requires the Office of Public Counsel to provide the Legislature with a detailed comprehensive report by January 1, 1990, on how the competitive telecommunications industry should be regulated in the best interests of the ratepayers and consumers of Florida. These reports will enable the Legislature to determine if regulatory policy changes are needed.

### Water and Wastewater Systems

HOUSE BILL 1828 (CHAPTER 89-353) revives and readopts, pursuant to Sunset review, Chapter 367, F.S., which provides for state regulation of investor-owned water and wastewater systems by the Public Service Commission (PSC).

The act does not substantially alter the manner in which wahowever, significantly modify the procedures to which the

The law repeals sections that previously governed the manner in which a utility applies for, obtains and subsequently amends its certificate of authorization. The measure updates and improves the efficiency of the certification process by creating new application and amendment procedures.

The act creates procedures to be used when small utilities request staff assistance from the PSC in order to change their rates or charges. It also creates a comprehensive regulatory assessment and application fee section and repeals the sections which previously governed the application fees and gross receipts taxes that were paid by regulated water and wastewater utilities. The enactment increases the regulatory assessment and application fees that utilities must pay, and prohibits the PSC, effective January 1, 1991, from subsidizing the cost of water and wastewater regulation with fees collected from other industries.

The law also requires the PSC to determine the reasonableness of a utility's rate case expenses and to disallow all expenses that it determines to be unreasonable. Utilities are allowed to recover approved rate case expense over a 4-year period. At the end of the 4-year recovery period the utility must reduce its rates. The act becomes effective October 1, 1989.

### **Private Wire Services**

SENATE BILL 1222 (CHAPTER 89-86) repeals, pursuant to Sunset review, Sections 365.01-365.14, F.S., which provide for state regulation of private wire services. The act takes effect on October 1, 1989.

[Private wire services were first regulated in 1949 to address the illegal use of private wire to transmit gambling information. However, information obtained from the state attor-

^{*}Prepared by Senate Economic, Professional and Utility Regulation Committee

cal exchange companies indicate that private wire service is the signed contract requirement and criteria that must be met now an obsolete tool of the gambling industry and, as such, in order to enforce a contract made pursuant to a telephone no longer in need of regulation.]

### **Municipal Utility Services**

SENATE BILL 122 (CHAPTER 89-272) modifies the law (Section 180.135, F.S.) which governs when a municipality may discontinue utility services to a tenant who is in arrears. Specifically, the act deletes the requirement that a municipality must wait three consecutive months before discontinuing utility service for nonpayment by a tenant. Municipalities are authorized, effective October 1, 1989, to discontinue service to a tenant who is in arrears 30 days or more or as required by their bond covenant.

### CONSUMER SERVICES

Several new laws relating to consumer issues were passed by the 1989 Legislature. Procedures for the assignment of consumer claims were created, and unsolicited facsimile transmissions were banned. In addition, merchants who solicit sales over the telephone were prohibited from making or submitting any charge to a consumer's credit account until a contract, signed by the consumer, has been received.

### **Telephone Solicitation**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 190 (CHAP-TER 89-45) creates the "Florida Telephone Solicitation Act." The act prohibits any merchant who engages in telephone solicitation calls from making or submitting any charge to a consumer's credit account until a contract, signed by the consumer, has been received. The law provides exemptions to to the prevailing party. This act takes effect October 1, 1989.

solicitation. Violations of the act are a deceptive and unfair trade practice under the Florida Deceptive and Unfair Trade Practices Act and thus punishable by a civil penalty, not to exceed \$5,000-per-violation. The effective date of this enactment is October 1, 1989.

### **Unsolicited Facsimile Transmissions**

COMMITTEE SUBSTITUTE FOR SENATE BILLS 932, 357, 396, 465 and 775 (CHAPTER 89-95) prohibits any person from using a machine which electronically transmits facsimiles of documents through connection with a telephone network to transmit unsolicited advertising material for the sale of any consumer goods, services or property. The act provides a civil penalty, not to exceed \$500-per-violation, and authorizes the Attorney General to seek injunctive relief. The provisions take effect October 1, 1989.

### **Debt Collection Practices**

COMMITTEE SUBSTITUTE FOR SENATE BILL 196 (CHAP-TER 89-69) creates Section 559.715, F.S., establishing procedures for the assignment of consumer claims. The act authorizes a creditor to assign the right to bill and collect consumer claims. Once the debt has been assigned, the law requires that the assignee provide written notice to the debtor within 30 days. The measure recognizes the person to whom the claim is assigned as a real party in interest with the ability to bring legal action to collect the debt. Courts are authorized to order the payment of reasonable attorney's fees and costs

### **STATE GOVERNMENT***

cess to government meetings and records, and methods for tions. receiving and transmitting government records. Among the reenactments under the Open Government Sunset Review Act (Section 119.14, F.S.), the Legislature protected from disclosure the security systems protecting public property and personnel, and library patron borrowing records.

Laws also were enacted to protect public property and to specify limitations or standards on investing public funds. Additionally, legislative actions limited those with whom the government may contract and strengthened statutes providing for prompt payment to the state's vendors. The designations of an official state fiddle contest and an official state moving image center and archive also became law.

Additionally, the Legislature created a Spaceport Florida Authority to encourage development of the space industry, and established a grant program for history and science museums.

These, and other acts relating to the function of the state and its agencies, are discussed below.

### General Law and Governmental Operations

SENATE BILL 383 (CHAPTER 89-73) requires any person who sponsors or promotes an event which is held on public property to reasonably protect the property. In addition, a sponsor or promoter of such an event is responsible, within 15 days following the conclusion of an event, to clean, repair and restore the public property or facility to the condition as it existed prior to the event, so that the property or facility is available for normal use.

The provisions of the act expressly do not supersede any laws, rules, ordinances or properly adopted policies which are more stringent than those provided by the act. A violation of the act is a noncriminal violation, punishable by a fine not to exceed \$500 per day, to begin on the day after the 15-day cleanup period expires. The fine does not abrogate the violator's duty to pay any cleanup or restoration costs associated with returning the property to the condition that existed prior to the event. The act takes effect October 1, 1989.

SENATE BILL 67 (CHAPTER 89-109) amends Section 386.207, F.S., a portion of the "Florida Clean Indoor Air Act." Clean Indoor Air Act, the Department of Business Regulation division director. (DBR) and the Department of Health and Rehabilitative Services (DHRS), along with the State Fire Marshal, are assigned division, by administrative rule, if such a change more accuto enforce the provisions of the law during their periodic inspections of buildings and businesses.

forms quarterly inspections of concerns which prepare and serve food for public consumption through inspection officers located at the public health unit in each county. Inspectors name of the Division of General Regulation in the Department from DHRS additionally verify compliance with the Florida of Business Regulation to the Division of Administration.

The 1989 Legislature took action in the areas of public ac- Clean Indoor Air Act during the course of their regular inspec-

[The Division of Hotels and Restaurants of the Department of Business Regulation is statutorily assigned to inspect and regulate public lodging establishments and public food service establishments for the purpose of protecting the public health, safety and welfare. Inspectors for the Division also verify compliance with the Florida Clean Indoor Air Act during the course of their inspections.

[The State Fire Marshal is statutorily assigned duties relating to fire prevention and control. In addition, he is responsible for annually inspecting buildings owned and leased by the state to insure the safety of state employees. While inspecting state-owned buildings, inspectors for the State Fire Marshal also note failure to comply with provisions of the Florida Clean Indoor Air Act.1

The 1989 enactment clarifies that public agencies responsible for management and maintenance of public buildings may report violations of the Florida Clean Indoor Air Act to either the Division of Hotels and Restaurants or to DHRS.

### Governmental Reorganization and Specific Operations or Support

COMMITTEE SUBSTITUTE FOR HOUSE BILL 392 (CHAP-TER 89-258) amends several sections in Chapter 20, F.S., relating to the organizational structure of the Departments of Business Regulation, Insurance, and Professional Regulation.

Section 20.13, F.S., is amended by the act to change the name, in the Department of Insurance, of the Division of Insurance Company Regulation to the Division of Insurer Services. Additionally, the name of the Division of Insurance Rating is changed to the Division of Agents and Agencies Services. The Department of Insurance is also authorized to establish a Division of Legal Services. The organizational structure of the Department is further modified to require the Department to have an assistant insurance commissioner and treasurer. three deputies and a general counsel. One of the three deputies may serve as general counsel to the Department. The new Division of Insurer Services must have at least two deputy directors. Other divisions within the Department are rewhich regulates smoking in public places. [Under the Florida quired to have a division director; they may also have a deputy

The Department is authorized to change the name of any rately reflects the duties performed by the division.

Section 20.30, F.S., is amended to allow the Department of [The Department of Health and Rehabilitative Services per- Professional Regulation to establish a Division of Administration, and to assign a director to head the new division.

Paragraph 20.16(2)(c), F.S., is amended to change the

^{*}Prepared by Senate Governmental Operations Committee

SENATE BILL 333 (CHAPTER 89-9) amends Section habilitative Services, Law Enforcement, Labor and Employ-272.161, F.S., which creates the executive aircraft pool within the Bureau of Aircraft of the Department of General Services, to eliminate the statutory limitation on the number of aircraft that may be maintained within the pool. The act also provides that pool aircraft may be of a model not in excess of a twoengine jet. [Prior to the enactment, the executive aircraft pool was limited by statute to five aircraft, of models not in excess of a two-engine prop jet.]

SENATE BILL 272 (CHAPTER 89-141) amends Section 282.502, F.S., to add to the membership and duties of the Risk Assessment Information System Coordinating Council established within the Department of Education. [The establishment of the Council was provided for by Chapter 87-243, Laws of Florida, the Crime Prevention and Control Act. The Legislature expressly found a need to provide for the sharing of information about individuals who interact with the educational, social service and criminal justice systems of the state in order to improve the management and operation of the state agencies associated with those systems. Prior to the enactment, the council was comprised of representatives from among the Legislature, the judicial branch, the state attorneys and public defenders, and eight executive branch agencies concerned with education, law enforcement, labor, corrections, social services and information processing. As directed power to acquire property, the Authority to site utility lines, by law, the Council developed a list of data elements related to criminal justice that are maintained by the agencies represented on the Council, and a list of the barriers to access to, and sharing of, such information. Also as directed by law, the Council identified a subset of data elements to be used in the development of a "population-at-risk" profile, for the statutory purposes of identifying and tracking, for statistical purposes, persons who are at-risk of entering the criminal justice system, in order to develop educational and human resources to direct at-risk persons away from criminal activities.]

The act adds one school board member to the membership of the Council who will serve as a representative of local school boards. The Department of Education is statutorily authorized to enter into contracts with the State University System or private contractors to carry out its projects.

The act requires the Council, by March 1, 1990, to develop a population-at-risk profile, an identification and tracking system to identify persons who are probable candidates for entering the criminal justice system, and guidelines for enhancement programs to be provided to children who are at-risk of becoming involved in the criminal justice system, as identified by the profile. As the act dictates, by March 1, 1991, the Council will develop an evaluation component for the profile, the tracking system and the enhancement programs. Also on that date, the Council's annual report to the Governor and Cabinet and to officers of the Legislature is required to contain an analysis of the profile, a status report of the screening, tracking, communication systems and an evaluation of the enhancement programs provided.

The law provides for the exchange of confidential and other restricted-access information between enumerated agencies, including the Departments of Education. Health and Re- board of supervisors consisting of seven regular members ap-

ment Security, and Corrections, as well as the Parole Commission and the Office of the State Courts Administrator. The act provides for the sharing of certain confidential information maintained by agencies represented on the Council, notwithstanding the confidentiality provisions of 19 enumerated sections of the Florida Statutes. The enumerated laws which are subject to the exception for agency sharing of information retain their confidentiality requirements "for all other purposes." As well, agencies are not permitted to disclose, in aggregate form, information that would identify particular individuals.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1469 (CHAP-TER 89-300), the Spaceport Florida Authority Act, expressly was enacted to provide a unified direction for space-related economic growth and educational development, and to attract and maintain space-related business suitable to the state. The Spaceport Florida Authority is created as a public corporation and subdivision of the state. The express primary purpose of the authority is to create commercial spacelaunch and related facilities in Florida, predominantly for the commercial launching of satellites for private use. The Authority is designated as the sole regulator of spaceports in the state.

The Authority is provided the power to issue bonds, the and the power to expand its boundaries under certain conditions. The Authority is empowered to establish and collect fees, rentals, and other charges for projects within the spaceport territory. The Authority, in coordination with the federal government, private industry and Florida universities, is directed to develop a business plan addressing the expansion of spaceport locations, space launch capacity, spaceport projects and complementary activities. The plan is to be submitted to the Legislature prior to the 1990 Regular Session, along with any proposed statutory changes and related legislative budget requests to implement the plan.

The act provides that certain properties constitute spaceport territories which may be selected as sites for the spaceport facilities. The territories defined are those which are specifically designated within the Cape Canaveral Air Force Station in Brevard County, and a section of Cape San Blas, which is currently part of Eglin Air Force Base in Gulf County. As well, the Authority is empowered to change boundary lines of spaceport territories with the consent of the owners of all the land which would be excluded from, or included in, such boundary lines, subject to the approval of the majority of the owners within the spaceport territory. No additional launch sites, however, may be designated without specific legislative approval. The Authority may exercise all of its powers with respect to the Cape San Blas territory; however, the development of a spaceport facility must adhere to certain statutory restrictions. The act generally limits the Authority's exercise of powers at the Cape Canaveral territory to the launching of low-earth-orbit rockets with a payload of less than 150 pounds, until further activity is authorized by the Legislature.

The act provides that the Authority is to be governed by a

pointed by the Governor, of which one must represent organized labor interests, and one must represent minority interests. In addition, the act provides that two ex officio, nonvoting members shall serve on the board, one of whom is to be a state senator selected by the President of the Senate, and one of whom is to be a state representative appointed by the Speaker of the House of Representatives. All members are to be confirmed by the Senate at the next Regular Session of the Legislature. Regular members are required to be residents of the state and to have experience in the aerospace or commercial space industry, or in finance, or to have other significant relevant experience. A member of the board is not precluded from holding any other private or public position.

The Authority will operate independently of state or local agencies. The board is authorized to hire staff and to determine its own system of personnel management and benefits, and its personnel will not be part of the state employment system.

The Authority is empowered to issue bonds for any of its activities. For the first year of operation, such bonds may not exceed a total of \$210 million, and must first be approved by the Governor and the Cabinet. Also, the Authority must obtain the approval of the presiding officers and appropriations chairmen of both houses of the Legislature and, if objected to, the issuance of the bonds may only be approved by a two-thirds vote of the Cabinet. Future bonds must be included in the business plan submitted to the 1990 Legislature. Such bonds would not be secured by the full faith and credit of the state. The act provides tax exemptions for aviation fuels and certain equipment and machinery used exclusively for space-related activities.

The Authority is required to generally comply with state laws and regulations to obtain environmental permits. The Authority is granted sovereign immunity in the same manner as such immunity inures to the state, and sovereign immunity is waived with respect to the Authority to the same extent that it is statutorily waived with respect to the state.

The act provides that up to three schools will be designated as Residential Mathematics and Science Honors High Schools to be operated under the State Board of Education, either directly or under a contractual arrangement. Such schools will offer a curriculum in mathematics and science to talented students. The law also creates the Council on Residential Mathematics and Science Honors High Schools, which is comprised of 10 members, 5 of whom are appointed by the Governor and 5 of whom are appointed by the Commissioner of Education. The Council will recommend the schools for designation to the State Board of Education.

The Authority is required to submit an annual report to the Governor and the Legislature regarding its activities. The records of the Authority will be open to public inspection pursuant to Chapter 119, F.S., except for information which would reveal a trade secret.

The act also provides that each of the state's community colleges may provide incubator facilities to address the technical and business aspects of commercial enterprises to eligible small business concerns. The colleges will be responsible recipients are required to be limited to a specified ratio of local

for providing management, maintenance, and other support personnel to the incubator facility. The act is subject to legislative review prior to October 1, 1995, under the Regulatory Sunset Act.

COMMITTEE SUBSTITUTE FOR SENATE BILL 654 (CHAP-TER 89-359) amends law pertaining to the Board of Trustees of the John and Mable Ringling Museum of Art, and establishes a program within the Department of State to provide grants for history and science museums.

A Science Museum Trust Fund is established by the act and the Division of Cultural Affairs of the Department of State is authorized to grant moneys from the Trust Fund to science museums recommended by the Florida Arts Council and approved by the Secretary of State. Science museums eligible for such funds are public or private nonprofit institutions operating on a permanent basis for the primary purpose of sponsoring, producing and exhibiting programs for the observation and study of various types of natural science and science technology. Applicants for such grant awards may be reguired to provide matching funds. The Division is required to adopt rules establishing criteria for awarding grants.

The Division of Historical Resources of the Department of State is authorized to use funds from the Museum of Florida History Trust Fund to provide grants to private or public history museums located in Florida. Such museums include public or nonprofit institutions established for collecting, preserving, exhibiting, interpreting artifacts and other historical properties related to Florida history, and whose primary role it is to exhibit such artifacts regularly through a facility which it owns or operates. The grants may be awarded to museums operated by a department or agency of the state, or a unit of local government, or awarded to private profit or nonprofit organizations which provide exhibits for public educational purposes. The Division may also award grants from the Trust Fund to Florida history museums to assist in funding operational costs in accordance with eligibility criteria established in the law and by rule.

The Division of Historical Resources is required to adopt rules prescribing categories for grants, application requirements, and criteria and procedures for evaluation and selection of grant recipients, as well as procedures for administering the program. The Division is directed to solicit evaluations and recommendations from persons knowledgeable about museum programs in recommending grant applicants to the Secretary of State, who gives final approval of the grant awards.

The Division of Corporations of the Department of State is directed to transfer annually no less than \$550,000 from the Corporations Trust Fund each to the Science Museum Trust Fund and to the Museum of Florida History Trust Fund, respectively. Certain fees collected by the Division and deposited into the Trust Fund are increased.

Section 265.286, F.S., pertaining to the Vital Local Cultural Program, is amended to provide for the Legislature to annually transfer \$1.1 million from the State Major Cultural Institution Trust Fund to the Program. Matching contributions from grant to state funds. Three additional institutions are designated as vides that the clerk is not required to perform any service with State Major Cultural Institutions eligible to receive funding under this program. The institutions are the Miami City Ballet, the charges. Center of the Arts, Miami; and The Tampa Museum of Art, Tampa.

The act expands the membership of the Board of Trustees of the John and Mable Ringling Museum of Art to 11 members, from the previous 9 members. The geographical areas of the state from which the appointees are required to be residents is specified, and the requirement that members be residents of the state is reduced from a 10-year residency requirement to a 3-year residency requirement. [All appointments will continue to be made by the Governor and confirmed by the Senate.]

The Board of Trustees is directed to appoint a council to advise and assist the Board in developing nonstate support in the form of private contributions and grants from private foundations, corporations and federal agencies. The council is to be composed of from five to nine members, who will serve for 4-year staggered terms. All funds raised through the activities of the council must be deposited with the direct-support organization of the John and Mable Ringling Museum of Art for the exclusive benefit of the museum and its programs.

### **Public Meetings and Records**

Four bills which create restrictions on public access under the Public Meetings Law, Section 286.011, F.S., and the Public Records Law, Chapter 119, F.S., were enacted. The restrictions relate to microfilm records in the custody of the clerk of courts, to certain records pertaining to particular personnel of the Department of Health and Rehabilitative Services, to records of "911" emergency calls and to certain records relating to acquisition of property by the state. One act authorizes the Department of State to electronically receive and transmit records. Other enactments relate to existing access restrictions for public meetings and records reviewed under the Open Government Sunset Review Act (Section 119.14, F.S.).

HOUSE BILL 901 (CHAPTER 89-57), exempts from public records requirements under Section 119.08, F.S., the microfilm records in the custody of the clerk of the circuit court to ensure protection of the original microfilm. [In cases in which the public has a right to inspect, take extracts, or make copies of any public record, a person has a right-of-access to the public records for the purpose of making photographs of them while such records are in the possession, custody or control of the lawful custodian of the record. Section 119.08, F.S., provides that the photographing of records shall be done under the supervision of the records custodian. Where at all possible, such photographing must be done in the room where the dress, telephone number, photograph or place of employment records are by law kept or, if impossible or impracticable, in an adjacent room.

[Section 28.13, F.S., requires the clerk of the circuit court to keep all papers filed in his office "with the utmost care and security." Section 28.19, F.S., specifically requires such records to be open to the public, under the clerk's supervision, for inspection thereof and making extracts therefrom, and pro- F.S.).

respect to same without payment of prescribed service

[Section 119.08, F.S., contemplates that the person with a right-of-access for the purpose of photographing public records make the photographs himself. To do so, persons obtaining access to the records use their own reproduction equipment. Under Section 28.24, F.S., the clerk performs the service, subject to the statutorily established service charges. Conventional-image copying of microfilm requires the microfilm to pass through a series of rollers and to be exposed to projection bulbs in the copying process. This endangers the clerk's original microfilm records, because tears, scratches and other such damage to the microfilm may result from poorly maintained or operated or improperly designed equipment. To detect such damage, the court clerk must inspect the microfilm prior to, and following the copying process which is time-consuming to the court clerk and thus expensive for the person making the copies who bears the expense of supervision by the records custodian under Section 119.08, F.S.

Many of those making their own copies or microfilm copies of public records are engaged in the business of duplicating microfilm records for commercial sale. To achieve as high a quality of copy as possible for the commercial sale, such persons often demand access to the original microfilm record for duplicating. Each time the clerks must comply with a request for the original microfilm, the original microfilm record is put at-risk.]

Section 119.08, F.S., is limited by the act to apply expressly to the making of photographs conventionally by the use of a camera device to capture images of documents, papers, books, receipts, paper photographs and similar media. Under the enactment, the section expressly excludes the duplication of microfilm in the possession of the clerk of the circuit court when a copy of the microfilm may be made available by the clerk. Persons desiring copies or microfilm copies of microfilm records are thus required to obtain them from the clerk under the provisions of Section 28.24, F.S., and to pay the service charges therefor.

SENATE BILL 665 (CHAPTER 89-80) amends Paragraph 119.07(3)(k), F.S., to exempt from public access under the Public Records Law certain personal information in the personnel files of specified employees of the Department of Health and Rehabilitative Services (DHRS). The specified employees of DHRS are those whose duties include the investigation of abuse, neglect, exploitation, fraud, theft or other criminal activities. Personnel file information of these affected DHRS employees which reveals the employee's home address, telephone number, or photograph; or the home adof the spouse of the affected DHRS employee; are exempt from public access. The act additionally exempts information which reveals the name of an affected employee's children, or the location of their schools or day care facilities. The exemptions provided by the act are specifically made subject to the Open Government Sunset Review Act (Section 119.14, [Section 119.07, F.S., contains several other specific exemptions from the public access requirements of Chapter 119, F.S., similar to the ones provided by the act. Included among the exemptions are the home addresses, telephone numbers and photographs of active or former law enforcement personnel, their spouses or their children.]

COMMITTEE SUBSTITUTE FOR HOUSE BILL 809 (CHAP-TER 89–264) amends Section 365.171, F.S., a component of the Florida Emergency Telephone Act [which designates the telephone number "911" as the public safety telephone number for the state. The Division of Communications of the Department of General Services is statutorily assigned to develop a statewide emergency telephone number "911" system to meet specific local government requirements, including access to public safety agencies, such as law enforcement, firefighting, medical or other emergency-service providers. Officials of the Department report that 52 of Florida's 67 counties have or have in development some type of "911" services.]

Subsection (15) is added to Section 365.171, F.S., to protect the confidentiality of any record or information which reveals the name, address, telephone number of any person who requests emergency service, or who reports an emergency through use of a "911" telephone system, when such information is obtained by a public agency or a public safety agency for the purpose of providing services in an emergency. Protected information, however, is available to public safety agencies. The public records exemptions created under the act are made subject to the Open Government Sunset Review Act.

SENATE BILL 696 (CHAPTER 89–29) amends one of the listed exemptions to the Public Records Law and provides an exemption for additional information in connection with the acquisition of real property by an agency of the executive branch through purchase or through the exercise of eminent domain. Effective July 1, 1989, an agency of the executive branch may exempt from public disclosure title information, including the names and addresses of property owners whose property is subject to acquisition by the agency, to the same extent as are appraisals, other reports relating to value, offers and counteroffers. [The specified documents are exempt from the requirements for public inspection provided by Section 119.01, F.S., until the execution of a valid option contract or a written offer to sell which has been conditionally accepted by the agency.]

HOUSE BILL 1411 (CHAPTER 89–341) amends Section 15.16, F.S., which relates to the official duties of the Secretary of State. The act specifically authorizes the Department of State to electronically receive and transmit records and to certify the records transmitted and received. The Department is further authorized to store records through nonerasable optical image and facsimile processes and to certify and authenticate such records so that they are admissible as evidence.

The Department is authorized to receive electronically any act narrows the exemption for the written internal security polrecords which are required to be filed with the Division of Corporations pursuant to Chapters 607, 608, 617, 620 or 621, F.S., policies and procedures which could, if disclosed, facilitate provided the electronically transmitted records contain certain information required to identify the preparer. Further, the or information technology resources. The act thus permits dis-

Department is authorized to electronically transmit and certify any document it maintains. Documents electronically transmitted by the Department will include a certification code to facilitate verification.

The Department is authorized to promulgate rules to establish the appropriate format for, number of copies of, manner of execution of, method of electronic transmission of, and method for paying fees for, any document filed or recorded with the Department.

### **Open Government Sunset Reviews**

The Open Government Sunset Review Act (OGSRA), Section 119.14, F.S., provides for the periodic repeal of all exemptions to the public meetings and public records laws over the 10-year period from 1986-1995, following legislative review. The OGSRA sets forth criteria for assessing the need to maintain the exemption and for determining whether an exemption serves an identifiable public purpose. As provided in the OGS-RA and according to its established review schedule, the Division of Statutory Revision of the Joint Legislative Management Committee certifies to the President of the Senate and the Speaker of the House--by August 1 of each year--the exemptions contained in designated chapters of the Florida Statutes. If not legislatively reenacted following such certification, the exemption repeals on October 1 of the following year. The following described acts pertain to exemptions that were certified by August 1, 1988.]

HOUSE BILL 1531 (CHAPTER 89–18) effective October 1, 1989, amends Section 257.261, F.S., to revive and readopt, without change, the Public Records Law exemption for public library registration and circulation records. [Public libraries are those supported with public funds. The records included under the exemption typically include information required by libraries of their borrowing patrons, such as name, address, phone number and titles of materials borrowed from the library.]

HOUSE BILL 293 (CHAPTER 89–47) amends Section 282.301, F.S., to revive and readopt, without change, the public records and public meetings exemptions extended to security systems for any property owned by or leased to the state or any of its political subdivisions. In addition, the exemption protects all records and all meetings relating directly to or which would reveal such security systems. The law takes effect October 1, 1989.

SENATE BILL 98 (CHAPTER 89–14) amends Paragraph 282.318(3)(a), F.S., reenacting with modifications the public records exemptions for the computer security risk analyses, written internal security policies and procedures, and the results of internal security audits which are required in computer security programs of executive branch agencies to ensure the security of data and information technology resources. The act narrows the exemption for the written internal security policies and procedures, and protects from disclosure only those policies and procedures which could, if disclosed, facilitate the unauthorized modification, disclosure, destruction of data, or information technology resources. The act thus permits dis-

semination of general policies and procedures pertaining to nize that restrictions may accompany a donation regardless the maintenance of computer security.

In addition, the law eliminates a requirement that agencies certify annually to the Information Resource Commission that Building in Tallahassee and is statutorily assigned to collect the agency security program for data and information resources technology conforms with Commission-issued "guidelines," which are permissive. [Agencies will continue to be required to certify compliance with the computer security "standards" and "policies" of the Commission, both of which by law are mandatory.]

HOUSE BILL 1734 (CHAPTER 89-377) effective October 1, 1989, amends Section 287.0595(3), F.S., reenacting with modifications the public records exemption granted to price proposals for pollution response action contracts administered by the Department of Environmental Regulation. [Pollution response actions are cleanups of hazardous waste and petroleum contamination and other types of pollutants by the Department of Environmental Regulation under the authority of Section 403.165, F.S., and as defined by Section 376.301, F.S. A response action may include a number of activities, including planning, engineering, design and construction. Until the effective date of the enactment, price proposals submitted to the Department for response action construction contracts are exempt from disclosure until a selection is made and a contract is signed, or until proposals are no longer under active consideration.] The measure provides that bids, rather than price proposals, for all pollution response action contracts are exempt from the public records law until a selection is made and a contract is signed, or until the bids are no longer under active consideration.

The act also amends Section 287.057, F.S., to provide that a state agency may contract for services with any independent, nonprofit college or university which is located within the state and which is accredited by the Southern Association of Colleges and Schools on the same basis as it may contract with any institution in the State University System. Agencies thus are exempted from the competitive bidding requirement in the procurement of contracts for services when they acquire services from the specified private colleges and universities.

HOUSE BILL 1594 (CHAPTER 89-63) effective October 1, 1989, amends Sections 257.16 and 257.35, F.S., relating to Public Records Law exemptions extended to certain records in the Florida Folklife Archives and in the Florida State Archives, respectively. [Both archives are statutorily assigned to the Department of State.] The exemptions allow each archive to accept donations subject to special terms and conditions stipulated by the donor.

[The Florida Folklife Archives is located at the Stephen Foster State Folk Culture Center in the town of White Springs in Hamilton County. The Archives were established in 1976 as the depository for the folklife collections of Florida's citizens and for field research findings of the Florida Folklife Programs.] The exemption relating to the Florida Folklife Archives is modified to encompass all of the different mediums (e.g., videotapes, audio tapes, written records and pieces of folk Council on Health, the Statewide Health Council and the Comart) that are available or that may be developed and to recog- munity Resource Mother or Father Advisory Committee. The

of its form.

The Florida State Archives is located in the R. A. Gray and maintain records, documents, tapes and other items of significance to the state and its history. The material that comprises the Florida State Archives collection, whether collected from private or public sources, is considered to be public record and therefore accessible to the public pursuant to the provisions of Chapter 119, F.S.] The exemption relating to the Florida State Archives is clarified to differentiate those records which originate in the private sector from those records which originate in the public sector to clarify that only donated records from the private sector may be donated subject to special terms and conditions. Under the law, public records transferred to the Florida State Archives by public agencies require specific statutory exemptions in order to restrict public access to them.

HOUSE BILL 818 (CHAPTER 89-55) revives and readopts, with modifications, the Public Records Law exemptions for certain records of the direct-support organizations statutorily authorized to operate on behalf of the Board of Trustees of the John and Mable Ringling Museum, the Historic St. Augustine Preservation Board of Trustees and the Historic Pensacola Preservation Board of Trustees. The act takes effect October 1, 1989.

The previous exemption of all records of the direct-support organization of the Board of Trustees of the John and Mable Ringling Museum of Art is limited to only those records which identify donors who desire to remain anonymous. The exemption of the identity of donors to the direct-support organizations of the St. Augustine and Pensacola historic preservation boards is continued, and the exemption is expanded to also protect archival material which is donated subject to certain terms and conditions. The law also revives and readopts, without change, the exemption granted to the citizen-support organizations of the Division of Historical Resources of the Department of State, and thus the records which identify the donors who desire to remain anonymous continue to be confidential.

### Sunset/Sundown

SENATE BILL 1333 (CHAPTER 89-296) corrects erroneous repeal clauses and dates in certain sections of the Florida Statutes which are in conflict regarding future Sunset and Sundown repeal dates. It also includes for repeal sections amending, creating or reestablishing programs or functions meeting the criteria of Sunset or Sundown, but which have been given no future repeal dates as required by the Regulatory Sunset Act (Section 11.61, F.S.) or the Sundown Act (Section 11.611, F.S. Likewise, sections not meeting Sunset criteria are removed from that process. The act establishes future repeals under Sundown of three entities within the Department of Health and Rehabilitative Services: the Advisory

Florida Commission in the Department of Transportation and, to comport with the Sundown repeal of the Florida Highic Levitation Demonstration Project Act under Sundown. New regulatory functions brought under Sunset include the regulation of athlete agents and the regulation of antifouling paint dealers and applicators. Furthermore, a number of sections lacking repeal dates are included under Sunset in order that they comport with the repeal of other sections dealing with the regulatory function, or are included under Sundown in order that they comport with the repeal of other sections pertaining to the relevant board, commission or council. Among other errors regarding future repeal dates which are corrected, the measure amends the date for the Sunset repeal of sellers of travel to October 1, 1998, from January 1, 1998, a date not authorized for repeal under Sunset, which requires entities to repeal on October 1 according to a uniform schedule.

### Government Contracting and Investment of Funds

COMMITTEE SUBSTITUTE FOR SENATE BILL 458 (CHAP-TER 89–114) provides that public contracting is a privilege not a right, and restricts public contracting by state agencies and political subdivisions with persons involved in certain crimes committed in connection with business transactions with public entities.

Specifically, the act prohibits persons and entities convicted of specified crimes relating to business transactions with federal, state and local government agencies from doing business (over a specified threshold amount) with state agencies or political subdivisions for a period of 36 months, after being placed on a state convicted vendor list. State agencies and local governments are prohibited from accepting bids from, or doing such business with, persons on the convicted vendor list. The act applies only to crimes for which charges are brought in state or federal court after July 1, 1989.

A "public entity crime" is defined as a violation of any state or federal law by a person with respect to, and directly related to, the transaction of business with any local, state, or federal governmental agency or political subdivision, including such crimes as antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy or material misrepresentation.

A person whose name could be placed upon the convicted vendor list is an individual or business entity capable of contracting with public agencies for goods and services and who bids for public entity contracts, or who otherwise does business with public entities. The term includes officers, directors, employees and other persons active in the management of an entity.

placed on the convicted vendor list. In addition, a public entity doing business with someone whose name is published on the convicted vendor list is prohibited from dealing with an affiliate of such person. An affiliate is a person or entity who is must provide certain detailed information, including notificaeither a predecessor or successor of a person convicted of a tion of any conviction of, or plea of nolo contendere to any public entity crime, or who is an entity under the control of any criminal offense and disclosure of certain activities, including

law also includes for Sundown review and repeal the Clean natural person who is active in the management of the entity and who has been convicted of a public entity crime.

Before entering into a contract in excess of the threshold Speed Rail Transportation Commission, includes the Magnet- amount with a state agency or a political subdivision of the state, a person is required by the act to file a sworn statement with the Department of General Services stating whether the person or his affiliate has been found guilty of a public entity crime. Persons doing business with the state and state agencies are required to notify the Department concerning vendors convicted of public entity crimes. The Department is required to investigate reports and is authorized to conduct an inquiry concerning a conviction or affiliation.

> The Department is required to maintain the "convicted vendor list," which is to be updated and published guarterly in the Florida Administrative Weekly. The initial list is to be published on January 1, 1990.

> An expedited administrative hearing process is provided, the express purpose of which is to determine, according to specified criteria, whether it is in the public interest to place the name of such person or affiliate on the convicted vendor list. The hearing officer is allowed to take into account mitigating factors such as restitution, cooperation with authorities or other subsequent behavior in the public interest in making such determination. The 3-year disgualification period begins at the time the order is issued. Failure to timely request an administrative hearing will result in the placement of the name on the list.

> The law provides procedures for removal of a name from the list, prior to the expiration of the 36-month period, based upon reversal of the conviction or upon the occurrence of mitigating factors as specified by law.

> The act provides a savings clause for contracts entered into before conviction or placement on the convicted vendor list. In a hearing to place a name on the list, however, existing contracts may be voided if the person is found to have failed to promptly pay damages or penalties, to disassociate from other persons or affiliates convicted of crimes and to engage in self-policing to prevent public entity crimes.

> COMMITTEE SUBSTITUTE FOR SENATE BILL 1342 (CHAP-TER 89-24) amends the provisions of Section 215.684, F.S., [which prohibit a state agency from engaging a person or firm as a securities broker or bond underwriter that has been convicted of or entered a plea of nolo contendere to fraud in a federal or state court for a period of 2 years from the date of such conviction.] The enactment provides for a disgualification procedure, hearing, notification and mitigation of disqualification by the Comptroller. The act provides as well that the 2-year prohibition applies also to a person or firm entering a plea of guilty to fraud in state or federal court.

[Chapter 517, F.S., provides for the regulation of securities The act provides that an affiliate of a person could be dealers, bond underwriters and related professionals by the Department of Banking and Finance, the head of which is the Comptroller. Under the provisions of Section 517.12, F.S., an applicant for registration or yearly renewal of registration,

grounds for denial of registration.]

Under the 1989 act, upon notification under Chapter 517, F.S., that a person or firm has been convicted of, or has entered a plea of guilty or nolo contendere to fraud, the Comptroller must issue a notice of intent to take action to disqualify such person or firm. The notice must state that the person or firm is considered a disgualified securities broker or bond underwriter, that a state agency may not enter into a contract with such firm for a period of 2 years, that the person has hearing rights under Section 120.57, F.S., of the Administrative Procedure Act and that the person or firm may petition to mitigate the duration of the disgualification based on statutory criteria which may be considered within the administrative hearing.

The measure grants to the Comptroller the sole discretion to mitigate the duration of the disgualification based on specified criteria for any period up to 2 years from the date of the conviction or plea. If mitigation is denied, a person or firm may again petition for mitigation after 9 months, except that a petition based upon reversal of the conviction or a pardon may be made at any time.

The law provides that a conviction or plea, or disgualification imposed under the act, does not affect rights under contracts or agreements which predate the conviction, plea or disgualification.

In addition, the act provides that a person or firm requesting a hearing pursuant to Section 120.57, F.S., may consent to a disqualification beginning at a time prior to the disposition of the proceedings, from which date the disgualification period would run.

The act also provides that, except as provided by law for crimes of fraud relating to the transaction of business with public entities of this state, or of any other state, or the United States, the act is the sole authorization for determining when a person or firm convicted or entering a specified plea to a crime of fraud may not be engaged to provide specified services to the state as specified in the act. The law is expressly written so as not to be construed to affect the authority of the Comptroller under Chapter 517, F.S., to revoke or suspend the license of a securities dealer or bond underwriter.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 892 (CHAP-TER 89-200) amends Section 215.422, F.S., to strengthen requirements for prompt payments by state agencies to vendors of goods and services to the state. Provisions for prompt payment to subcontractors and suppliers by state contractors are also amended. [Prior to the effective date of the enactment, state agencies mailed warrants in payment for goods and services within 45 days of receipt of the invoice. If payment is not timely made, interest accrues on the unpaid balance at a rate of 1-percent-per-month or portion thereof until the warrant is mailed to the vendor. No statutory criteria existed for determining the date of receipt of an invoice from which which the CCNA is applicable. A 1988 opinion by the Attorney the payment of interest is to be calculated.]

of an invoice by an agency for the purposes of prompt payment. Internal agency procedures for processing invoices and the CCNA.]

fraudulent acts relating to securities dealings, that would be payments are revised. The act requires that an agency must issue a warrant in payment of a properly received invoice within 40 days, or interest accrues on the unpaid balance from the expiration of the 40-day period until the warrant is issued to the vendor. Interest is to be calculated on a daily basis. The law provides for dispute resolution procedures concerning invoices. A state agency is expressly not relieved of the obligation to make timely payment for goods and services by the temporary unavailability of funds.

> A vendor ombudsman position is created within the Department of Banking and Finance to assist in carrying out the Department's responsibilities for monitoring agency compliance with prompt payment laws and rules and to assist vendors in receiving payments in a timely manner.

> The act also provides for prompt payment of reimbursements to state officers and employees for travel and other expenses, for agency payments made through third parties and for payments to health care providers. It is expressly provided that any interest due for late payments is to be paid from the appropriation charged for the goods or services for which the payment is due.

> In addition, effective January 1, 1990, Section 287.0585, F.S., is amended to provide for the payment of attorney's fees and court costs in actions to recover penalties for late payments due from state contractors to subcontractors and suppliers. The Department of Legal Affairs is authorized to provide assistance to subcontractors and suppliers in obtaining payments and interest due from state contractors and may recover related costs and attorney's fees for such assistance upon order of the court. Except as otherwise provided, the act takes effect October 1, 1989.

> COMMITTEE SUBSTITUTE FOR SENATE BILL 1068 (CHAP-TER 89-158) amends Section 287.055, F.S., the Consultants' Competitive Negotiation Act (CCNA), to clarify that specified local government entities are exempted from the requirements of the CCNA in the use of the design-build construction procedure. The act provides standards for the use of design-build procedures by local government entities and provides definitions of terms.

[The Consultants' Competitive Negotiation Act requires that state agencies and specified local governmental entities must acquire certain professional services involved in building and construction through a two-stage competitive selection and negotiation process. This process is not generally compatible with the use of the design-build construction technique in which professional design services and construction services are provided through a single contract with a single person or firm. Prior to the enactment, contracts for contracted performance, or design-build contracts, were considered to be exempt from the Consultants' Competitive Negotiation Act for state agencies and all local government entities to General, however, questioned the authority of political subdi-The act provides criteria for determining the date of receipt visions to use design-build procedures that do not include the separate selection and negotiation procedures specified in

The enactment defines a design-build contract as a single contract with a design-build firm for the design and construction of a public construction project. The 1989 act provides that, in most cases, the provisions of the CCNA are not applicable to design-build contracts by any agency, which includes local governments.

award of design-build contracts. The 1989 act specifies minimum procedures that must be adopted by municipalities, political subdivisions, school districts and school boards which include the preparation of a design criteria package for the design and construction of a project, preparation of the package by a design criteria professional, the qualification and selection of at least three design-build firms, the solicitation of competitive proposals pursuant to the design criteria package and consultation with the design criteria professional regarding selection of the design-build firm and evaluation of project construction.

The enactment defines a design-build firm as a partnership, corporation or other legal entity that is certified to practice engineering, architecture or landscape architecture, and that is certified to engage in contracting through a registered or certified general contractor or building contractor as the qualifying agent.

SENATE BILL 1448 (CHAPTER 89-299) provides that investments made by the State Board of Administration (SBA) are subject to the fiduciary standards established in the federal Employee Retirement Income Security Act of 1974 (ERISA). [The applicable standards are those of the "prudent expert," which are specifically designed for the investment of pension funds. The standards mandate that the fiduciary use the care, skill, prudence and diligence, under the circumstances then prevailing, that a prudent man acting in a like capacity and "familiar" with such matters would use, i.e., an investment expert. Essentially, the standards allow more flexibility to the fiduciary to use his discretion to invest pension funds.]

The act requires the SBA to invest funds of the System Trust Fund in conformance with a Florida Retirement System Total Fund Investment Plan, which must be approved by the Board. The plan is to include the investment objectives of the Fund, as well as criteria necessary to measure the investment performance of the Fund. The plan will be periodically reviewed by the Investment Advisory Council. Any recommended changes will require the approval of the Board.

The statutory "legal list" for the investment of funds, provided in Section 215.47, F.S., is amended to empower the State Board of Administration to pledge up to 2 percent of the assets of the Florida Retirement System Trust Fund as collateral for housing bonds issued by the State of Florida or its political subdivisions under state law. [The purpose is to serve "as a supplemental income program for the system."] Any pledge made in accordance with these provisions is required to be consistent with sound investment policy. The board may, in its discretion, turn over the administration of the program to other government entities or to private entities and receive fees for the use of the designated collateral.

The act also revises Subsection 218.345(1), F.S., to provide expanded investment authority to special tax districts and district school boards. The governing body of each special district is authorized to invest specified surplus funds in the same type of mutual funds that are permitted for banks and trust companies under Section 658.67, F.S., within the Bank-Agencies are required to adopt rules or ordinances for the ing Code. The law also amends Paragraph 236.24(2)(a), F.S., to allow district school boards to invest specified surplus funds in the same types of mutual funds.

The types of mutual funds permissible under the enactment for investment by special districts and district school boards include securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under 15 USC 80a-1 et. seq. (1982), the federal law which regulates such investment companies. Investments in mutual funds managed by investment companies specified in the act are only permissible if the portfolio of the investment companies is limited to United States Government obligations and to repurchase agreements which are fully collateralized by such obligations, and provided that the investment company takes delivery of such collateral either directly or through an authorized custodian.

Section 236.49, F.S., is amended by the act to allow district school boards to invest surplus bond proceeds in several sources that are also available for other surplus school board monevs.

The enactment also authorizes the State Treasurer, in his capacity to dispose of unclaimed property and certain probate, to distribute property or money to attorneys or private investigative agencies who are representing claimants of such property or money. Such distribution is required to be conducted in accordance with prescribed procedures.

The amendatory language of this law concerning the investment authority of special districts and district school boards found in Subsection 218.345(1), Paragraph 236.24(2)(a) and Subsection 236.49(2), F.S., is the text of COMMITTEE SUBSTI-TUTE FOR HOUSE BILL 1025 (CHAPTER 89-326).

SENATE BILL 1525 (CHAPTER 89-255) amends the law pertaining to the distribution of funds deposited into the State Infrastructure Trust Fund. [Five percent of all sales tax moneys, and 6 percent of all moneys collected by the state for excise taxes on documents are deposited into the Trust Fund for use on infrastructure projects as specified by law, except that all deposits to, and interest accrued to, the Trust Fund in excess of \$500 million in any fiscal year must revert to the General Revenue Fund.] This enactment provides that such sales tax and documentary tax deposits in excess of \$350 million must be transferred to the General Revenue Fund. The Legislature is directed to deposit annually at least an additional \$150 million into the Trust Fund from capital outlay sources, or from nonrecurring funds available, to ensure that at least \$500 million is deposited to the Fund.

#### **State Symbols**

HOUSE BILL 1586 (CHAPTER 89-62) effective October 1, 1989, designates the fiddle contest held annually by the Florida State Fiddlers' Association in conjunction with the Depart- cludes grants to local governments and non-profit organizament of State at the Stephen Foster State Folk Culture Center tions for fixed capital outlay and related operating capital outin White Springs as the official state fiddle contest. [Effectively, the winner of the contest would be designated as the needs related to local comprehensive plans. The act permits "State Fiddle Champion."]

symbols in Chapter 15, F.S., including an official state air fair, state festival, state litter control symbol, state pageant and state opera program.

HOUSE BILL 1616 (CHAPTER 89-251) designates the Louis Wolfson II Media History Center Inc., as the official state moving image center and archive of the State of Florida.

[The Louis Wolfson II Media History Center Inc., was created by the Miami-Dade Public Library, Miami-Dade Community College and the University of Miami as a joint effort to organize, preserve and provide public access to more than 3 million feet of 16 millimeter news film that was donated by WTVJ (Channel 4) in Miami. All three institutions help support the Center which is housed in the main branch of the Miami-Dade Public Library on Flagler Street in Miami.

[Louis Wolfson II (D-Miami) served in the Florida House of Representatives from 1963-72. His father, Mitchell Wolfson, founded WTVJ in Miami, the first television station to broadcast in Florida, in 1949. The film that was donated by WTVJ contains more than 3,000 hours of news stories that were produced by WTVJ between 1949 and 1980. Most of the news stories cover events that occurred throughout Florida, although many of them include events that affected south Florida specifically. The designation will be codified in Chapter 15, F.S., which relates to state symbols.]

#### Seminole and Miccosukee Indian Tribes

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1152 (CHAP-TER 89-330) authorizes the Seminole and Miccosukee Indian Tribes to contract for, and to implement educational programs for their members. The tribal councils are authorized to contract with the district school board of any district adjoining the local school district to provide public education to their respective members. The authorization is specifically made apart from Section 230.23, F.S., which provides for approval of plans for public school attendance in other school districts to be made by the respective school boards.

HOUSE BILL 974 (CHAPTER 89-58) amends Section 285.18, F.S., to specify that law enforcement officers employed by the governing boards of the special improvement districts of the Seminole and Miccosukee Indian Tribes have the power to enforce criminal and noncriminal traffic offenses within their respective reservations.

#### State Accounting and Contracting Procedures

COMMITTEE SUBSTITUTE FOR SENATE BILL 1194 (CHAP-TER 89-291) revises Paragraph 216.011(1)(nn), F.S., to define the appropriation category " Grants and Aids to Local Governments and Non-profit Organizations - Fixed Capital Outlay" for purposes of state fiscal affairs, appropriation acts, legislative budgets, and approved budgets. The category broadly in- changes also apply to the State University System. Paragraph

lay needs and for infrastructure and growth management funds in this category to be advanced to local governments The official state fiddle contest is added to the other state and non-profit organizations in part or in whole. [The effect of this definition will be to recognize the appropriation of certain funds to local government and non-profit organizations for capital projects, rather than the current aggregation of both operating and capital appropriations.]

This act amends Paragraph 216.011(1)(v), F.S., to raise the threshold value of operating capital outlay from \$200 to \$500. Hardback-covered bound books that are circulated to students or the general public, the value of cost or which is \$25 or more, and hardback-covered bound books, the value or cost of which is \$100 or more, are included in this definition.

The measure also amends Section 273.02, F.S., to redefine the threshold value of property that must be maintained in an inventory from \$200 to \$500. Hardback-covered bound books that are circulated to students or the general public, the value of cost or which is \$25 or more, and hardback-covered bound books, the value or cost of which is \$100 or more, are included. Additionally, the catalogue and inventory control records maintained by each publicly supported library constitute the property record of hardback-covered bound books with a value or cost of \$25 or more and serve as a perpetual inventory, in lieu of a physical inventory. [This codifies current practice, which reportedly has been in violation of the Florida Statutes for many years.]

Section 216.331, F.S., is amended to provide that state treasury moneys may be payable to certain lawful assigns of ultimate beneficiaries.

The act revises Sections 717.124, 732.107, and 733.816, F.S., to authorize the Department of Banking and Finance to distribute property or money resulting from a successful claim on unclaimed or escheated property held by the state to an attorney or private investigative agency to whom a claimant to the property has assigned his or her rights to receive payment unless a party to the agreement protests such distribution in writing. The enactment provides that the Department shall not be civilly or criminally liable for any distribution made in good faith. The measure requires that payments made to an attorney or private investigative agency are to be deposited in a trust or escrow account regularly maintained by the attorney or agency. The law requires the attorney or agency to distribute the property or money to the claimant within ten days after the payment is deposited into the trust or escrow account.

Section 240.225, F.S., is amended to clarify that the Department of General Services delegates its functions and duties under several sections of the Florida Statutes to the State University System only as those duties and functions pertain to the State University System.

Several subsections of Chapter 287, F.S., which regulates procurement of property and personal services, are amended. Through the provisions of Section 240.225, F.S., these 287.042(1)(b), F.S., is amended to allow the Division of Purchasing within the Department of General Services (and, by delegation, the State University System) to remove from its vendor list any source of supply that fails to fulfill duties specified in a contract with the state. Additionally, Paragraph BILL 1686 (CHAPTER 89-64), adopts designated portions of 287.042(2)(c), F.S., is amended so that persons protesting a decision or intended decision pertaining to all contracts would post with the Division of Purchasing or a state agency a bond equal to one percent of the total volume of the contract or \$5,000, whichever is less.

Finally, out-of-state travel reports are no longer required. Paragraph 112.061(3)(e), F.S., which requires such reports, is repealed and Subsection 288.011(3), F.S., is amended to de-

lete reference to that section.

### **Florida Statutes Adoption Act**

The biennial adoption act for the Florida Statutes, HOUSE Florida Statutes 1989 as the official statute law of the state and makes them effective upon publication. This enactment also declares all general laws enacted through the Special Session of October 12-14, 1987, which are not included in Florida Statutes 1989 to be repealed. General laws enacted at the December 1987 Special Session, the 1988 Regular and Special Sessions and the 1989 Regular Session are not repealed by this act.

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- Juvenile substance abuse coordination; prevention and early intervention councils established, H1326(89-336)
- Medicaid services, contracting for certain services with specified providers; prohibited, CS/S845(89-360), CS/CS/H746(89-311)

Mental health clients; continuity of care management system, implementation; state network for client and case managers, H1451(89-211)

- Newborn infant drug dependents; guardian advocates, appointment, CS/H1509(89-345)
- Persons applying to work with aged persons or disabled adults, written consent and \$5 fee charged for record search, CS/CS/S1298(89-294) Pest Control Law Revision, CS/H169(89-180)
- Plumbing Code authority transferred to Building Codes and Standards Board of Community Affairs Department, CS/S225(89-139)
- Prevention, Early Assistance, and Child Development Office, created, CS/H1818(89-379)
- Septic tanks, industrial or manufacturing areas with potential to generate toxic, hazardous, industrial waste; review and evaluate, CS/H990(89-324)
- Smoking violations; State Fire Marshal reports, requirement deleted, S67(89-109)
- Statewide Human Rights Advocacy Committee created in Health and Rehabilitative Services Department, H1781(89-215)

Trauma centers; rulemaking authority, S255(89-275), S675(89-283)

#### HEALTH CARE

Comprehensive health association; deficit assessments against insurers, tax offset reduced; assessment and premium cap; revision, H1003(89-131)

Disease of public health significance, reporting by practitioner to Health and Rehabilitative Services Department, CS/CS/H746(89-311)

Government-Financed Health Care Task Force, created; federal, state and local health care delivery; evaluation and assessment, S11-B(89-530)

Health care services pools, regulation; fees, penalties, CS/CS/S128(89-354)

- Health facilities authorities, indebtedness, accounts receivable cash-flow pools; bond issuance, S8-B(89-527)
- Health Technologies Center (Dade County), established at statutory teaching hospital; development and growth of health sciences, CS/CS/S128(89-354), S8-B(89-527)
- Joint ventures on health care, study impact; requirements, appointment of panel, reports, CS/CS/S128(89-354)

## **HEALTH CARE** (Cont.)

- Mental health clients, continuity of care management system, implementation; network of client and case managers throughout state, H1451(89-211)
- Nurses employed in nursing homes, hospitals, state-operated medical and health care facilities; student loan forgiveness, CS/H1196(89-332)
- Nursing pools, regulation; fees, penalties, CS/CS/S128(89-354) Patients

### Records

- Speedy release, patient records and insurance information, CS/S1133(89-85)
- State, district nursing home and long-term care facility ombudsman councils; access, circumstances, CS/S194(89-218)
- Screening services, medical practitioners immunity from liability, S316(89-71)

## HEALTH CARE COST CONTAINMENT BOARD

Health care coverage, public-sector purchasing study and report, S11-B(89-530)

Joint ventures on health care, study impact; appointment of panel, CS/CS/S128(89-354)

### HEALTH MAINTENANCE ORGANIZATIONS

- Affiliate, equity ownership of voting securities; common managerial control; collusive participation by management, CS/S845(89-360)
- Agent; licensing, soliciting and analyzing or abstracting contracts; officer or employees, nonlicensing; conditions, CS/S845(89-360)
- Anesthesia coverage benefits for services, certified registered nurse services required, CS/S332(89-357)
- Assessments, list of facilities and fee assessment method modified, CS/S347(89-104), S8-B(89-527)
- Financial condition, certain assets not allowed in determination, CS/S845(89-360)
- Internal risk management program, incidents resulting in death or severe injury; filing period, S255(89-275), S8-B(89-527)
- Nurses employed in nursing homes, hospitals, state-operated medical and health care facilities; student loan forgiveness, CS/H1196(89-332)
- Ophthalmologists, optometrists and opticians; comprehensive eye care services, CS/S332(89-357)
- Optometrist services, provision, CS/S332(89-357)
- Patients records, speedy release of patient records and insurance information, CS/S1133(89-85)
- Reports, annual; failure to file, penalty modified, CS/S845(89-360) Teachers, students, including parents or siblings and newspaper delivery persons; blanket health coverage, CS/H481(89-190)

### HEALTH UNITS

- Administrator, employment; conditions revised, CS/CS/H746(89-311) Construction or renovation, release of funds; conditions revised,
- CS/CS/H746(89-311) Local Health Councils and Statewide Health Council Adult congregate living facilities, assessments and fees; funding, CS/S347(89-104), S8-B(89-527)
  - Community nonprofit blood banks, eliminating assessments re funding, CS/S347(89-104), S8-B(89-527)

### HEARING IMPAIRED PERSONS

Dog guides; Southeastern Guide Dogs school; permit requirements, exemption, S13(89-6)

## HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

### **Highway Patrol**

- Drug interdiction and drug crime enforcement training; funding, CS/S1534(89-364)
- Salaries and benefits, increased; additional \$30 fee on initial application for motor vehicle registration, CS/S1534(89-364)
- Motor vehicle consumer's rights pamphlet on odometer fraud, development; distributed to consumers on request free of charge, CS/CS/H1229(89-333)
- (CS-- COMMITTEE SUBSTITUTE; JR--JOINT RESOLUTION)

### HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF (Cont.)

- Parking tickets; computer tapes from counties listing names of persons with three or more outstanding violations, H734(89-196)
- Person or firm, representation as authorized agent of department; use of state or county name prohibited, H85(89-43)
- Towing Task Force Committee, created, CS/CS/S997(89-105)
- Traffic law and substance abuse education course for first-time drivers, establishment, CS/S94(89-134)

### HISTORIC PRESERVATION

### History Museum, CS/S654(89-359)

- La Union Marti-Maceo, building of historical significance (Tampa, Ybor City), H889(89-382)
- Pensacola Preservation Board of Trustees, direct-support organization; certain manuscripts and materials; public records exemption, H818(89-55)
- St. Augustine Preservation Board of Trustees, direct-support organization; certain contributions, public records exemption, H818(89-55)

#### HISTORICAL RESOURCES. DIVISION OF

Citizen support organizations; certain records, public records exemption, H818(89-55)

### HOME HEALTH SERVICES

Agency personnel, unemployed; rescreening requirement revised, CS/CS/S128(89-354)

### HOME WARRANTY ASSOCIATIONS

Home warranty contracts or agreements, major remodeling, enclosure of garage, addition of room, or pool, \$7,500 or more, CS/S817(89-125)

### HOMEOWNERS ASSOCIATIONS

Community association managers, licensure; certification requirements, CS/S961(89-155)

### HOMESTEAD EXEMPTION

- Applications, original application filed any time during year; requirements, H423(89-365)
- Deferral of non-ad valorem assessments and ad valorem taxes, certain
- circumstances; 9 1/2 percent interest rate cap; notice, H1054(89-328) Disabled persons; gross income, maximum allowable increased for qualified persons, H1054(89-328)

### HOSPITALS

- Allied health training programs and scholarship programs, rural postsecondary education, S8-B(89-527)
- Assessments, list of facilities and fee assessment method, modification, CS/S347(89-104), S8-B(89-527)
- Disproportionate share, Medicaid or charity care services; Medicaid per diem payments to hospitals increased, S255(89-275)
- Emergency care hospital, inpatient care of ill or injured persons needing care for period of 96 hours, or respite, skilled nursing, S8-B(89-527)
- Emergency services and care, failure to allow access; complaints, investigations, S675(89-283)
- Geographic accessibility, consideration in granting certificate for health services and facilities, CS/CS/S128(89-354)
- Health Technologies Center (Dade County), established at statutory teaching hospital; development and growth of health sciences, CS/CS/S128(89-354), S8-B(89-527)
- Internal risk management program, incidents resulting in death or severe injury, reports; filing period, S255(89-275), S8-B(89-527)
- Mental health services, indigents, CS/S220(89-355)
- Nurses and health care professionals, training; expenditures authorized to assist educational institutions, CS/CS/S128(89-354)
- Patients

### Records

Copies; examination; s. 395.017, F.S. reenacted and amended reinstating provisions inadvertently omitted by 88-208, S255(89-275)

#### HOSPITALS (Cont.)

- Patients (Cont.)
  - Records (Cont.)
    - Speedy release of records and insurance information, CS/S1133(89-85)
  - State, district nursing home and long-term care facility ombudsman councils; access, circumstances, CS/S194(89-218)

Physicians assistants, certified nurse midwives, nurse practitioners and nurses in rural areas; number increased, S8-B(89-527)

Psychiatric specialty hospitals, treatment of psychiatric-related problems; Medicaid assessment, exemption; circumstances, CS/S220(89-355)

- Rural health care system, swing beds proportion exempt from certificate of need process, S8-B(89-527)
- Rural hospitals, impact statements; specified health personnel, inclusion in loan forgiveness program, S8-B(89-527)
- Rural postsecondary allied health training programs and scholarship programs; feasibility study, S8-B(89-527)
- Teaching hospitals and federally sponsored community health centers; nurses student loan forgiveness, CS/H1196(89-332)

#### HOUSING

Affordable Housing, CS/S732(89-121)

Apartment Incentive Loan Program, general revision, CS/S732(89-121) Authorities

- Tenant-commissioner, project resident requirements revised, S269(89-33)
- Bonds issued on behalf of Florida Housing Finance Agency, clarifying language, CS/S732(89-121)
- Community association managers, licensure; certification requirements, CS/S961(89-155)

**Elderly Housing** 

- Community residential homes, site selection; client service; notice to local governments re establishing; statewide registry, CS/CS/H1269(89-372)
- Elderly Homeowner Rehabilitation Program; grants to local governments for deferred loans to low-income elderly homeowners, CS/S732(89-121)
- Housing and Nursing Home and Long-Term Care Facility Ombudsman Council administered by Aging Commission, CS/CS/S1298(89-294)

Housing for handicapped and older persons, clarification re requirements; rules, adoption by Human Relations Commission, CS/H940(89-321)

Older persons housing, representation by owner; causes of action prohibited, CS/H940(89-321)

Fair Housing Act Revision, CS/H940(89-321)

- Familial status, dwellings; sale or rental notices containing discriminatory statements unlawful, CS/H940(89-321)
- Group housing in residential neighborhoods, CS/CS/H1269(89-372) Handicapped persons, sale or rental; discrimination prohibited,
- CS/H940(89-321)

Loans and forgivable loans, general revision, CS/S732(89-121) Multifamily dwellings, first occupancy after 3/13/91; handicapped accessibility features required, CS/H940(89-321)

Rehabilitation, substantial; forgivable loans in lieu of grants; predevelopment loans, sponsor activities revised, CS/S732(89-121)

State retirement trust fund; 2 percent pledge for housing bonds by state or local governments, S1448(89-299)

#### HUNTING

#### Licenses

Combination freshwater fishing and hunting licenses for residents and nonresidents, CS/CS/S9(89-270)

Nonresidents, \$150 fee; 10 consecutive days, \$25 fee; reciprocity contiguous states, CS/CS/S481(89-175)

- Reciprocity with contiguous states; \$121 to take game for 10 consecutive days, certain exceptions, CS/CS/S9(89-270)
- Totally and permanently disabled, certification requirements revised, CS/CS/S481(89-175)

Wildlife, taking without stamp; noncriminal infractions, CS/H975(89-59)

(CS-COMMITTEE SUBSTITUTE; JR-JOINT RESOLUTION)

HUNTING (Cont.)

- Safety course; requirements, certification card, exemptions, penalties, S241(89-274)
- Turkey stamps, date of issue; valid period on license, CS/CS/S481(89-175)

#### IMMUNITY

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Biohazardous waste generator contracting for disposal with transporter who is independent contractor, liability immunity, CS/CS/S224(89-138), CS/S284(89-143)

- Combat automobile theft program; law enforcement officers, civil immunity, CS/H153(89-34)
- Emergency medical technician, paramedic or physician, examination of incapacitated person without consent; procedures, S255(89-275), S675(89-283), H1326(89-336)
- Financial institution filing records and reports re control of money laundering; civil liability immunity, CS/H895(89-319)

Food donations to charitable or nonprofit organizations for philanthropic distribution; liability immunity, H291(89-35)

Guardian ad litem, dissolution of marriage actions, S1501(89-254) Health care practitioners; health screening services, S316(89-71)

- Spaceport authority, sovereign immunity, CS/S1469(89-300)
- Stormwater management systems, liability immunity, CS/S484(89-279)

#### IMPACT

Correctional facilities, siting of additional; criteria and procedures supersede and are in lieu of review and approval, CS/H1460(89-375)

- **Developments of Regional Impact**
- Authorization, preliminary agreements, substantial deviations, vested rights, abandonment, CS/H1460(89-375)
- Development allowed under preliminary development agreement; rule adoption, regional planning agencies; fee collection, CS/H1460(89-375)
- Outside of Areas of Critical State Concern, consistent with State Comprehensive Plan, CS/H1460(89-375)
- Preliminary development agreement, thresholds for levels of development, CS/H1460(89-375)
- Wildlife or vegetation, additional mitigation of adverse developments of regional impact; requirements limited, CS/H1460(89-375)
- Health care, study impact of joint ventures; requirements, appointment of panel, reports, CS/CS/S128(89-354)
- Port facilities, development-of-regional-impact review; certain exemptions modified, CS/H1460(89-375), H21-B(89-536)
- Quality Development applications, regional planning council's review, comment and recommendations submitted in 50 days, CS/H1460(89-375), H21-B(89-536)
- Regional development banks; economic-impact statement, rule requirements; exemption, CS/S113(89-110)
- Spaceport authority, incorporation; systems and projects planning re development and improvement of space exploration, CS/S1469(89-300)
- State planning and budgeting; comprehensive planning; capital outlay budgeting; transportation planning and budgeting, CS/CS/S1474(89-301)
- Stormwater discharge, impact assessment; discharge facilities, operation and maintenance; local government authority, CS/S484(89-279)
- Utility impact fees; imposition under certain circumstances; limitations, CS/S1224(89-292)

#### INDIANS

#### Reservations

- Special improvement districts; traffic offenses, law enforcement authority, H974(89-58)
- Seminole and Miccosukee Indian Council; education and other programs; contracts with district school boards, CS/H1152(89-330)

	INSURANCE (Cont.)
caretaker relative during train-	Insurance Code, administration and general provisions; general revi-
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·	Jacksonville University Hospital and Faculty Clinic, Inc.; comprehen-
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nt and principal wage earner; as-	Legal Services Division, created, CS/H392(89-258) Life agents; beneficiaries, prohibition; certain exceptions,
anhaala (CS/CS/U525/80 204)	CS/H330(89-257)
c schools, CS/CS/H535(89-304)	Life insurance; cash surrender value, payment time after demand; in-
ISSION	terest penalty, CS/S845(89-360)
ology resources, public records	Long-Term Care Insurance Act, certain renewal policies inapplicable;
	underwriting in policyholder-sponsored groups permitted,
	S1317(89-239) Maximum grandfathered lower grade unrated obligation and lower
	Maximum grandfathered, lower grade, unrated obligation and lower grade or unrated obligations defined re diversification,
cumbrance payment; assignees, of 10 days, H643(89-54)	CS/S612(89-227)
9-360)	Motor Vehicles
	Accidents; proof of insurance, when and to whom requirements re-
	vised, CS/S116(89-271)
general revisions,	Arbitration clause, election; arbitration decision is binding and insur- er has no recourse to civil action, CS/H331(89-243)
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ociety, Society of Actuaries or	ed, CS/S1295(89-238)
ing requirements,	Combined property damage and bodily damage liability insurance,
nent, CS/S845(89-360)	certain coverage amounts, CS/S1295(89-238)
mitation value \$25 in lieu of	Outline of coverage required at time of application, CS/S845(89-360)
·	PIP Cephalic thermograms and peripheral thermograms; reimburse-
scretionary refusal, suspension,	ment based on fee schedule established under Workers' Com-
, CS/S845(89-360)	pensation Law, CS/H767(89-313)
inuing education requirement;	Combined property damage and bodily damage liability insurance,
9-210) nce, CS/H1590(89-350)	certain coverage amounts, CS/S1295(89-238)
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)	tions to Medicare or other federal program liens,
nce-peddling; revocation, sus-	CS/H1102(89-203)
founnant: court andar	Polling member insurers; rate disapproval, 60-day tolling period,
f support; court order,	CS/S1251(89-236)
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39-167)	CS/S817(89-125)
e, limitations; data consolidated	Stacking of coverage, exceptions to prohibitions, CS/H331(89-243)
g requirements, CS/S514(89-225)	Underwriting rules not contained in rating manuals; filing required,
noduces top offects	CS/S845(89-360)
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was appropriate tap,	Uninsured Motorists
bers, employees, departmental	Coverage, requirements prescribed, CS/H331(89-243)
ties unless intentional,	Law clarification re uninsured and underinsured persons,
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ed coverage; repeal date extend-	Mutual aid associations formed by religious organizations; certain ex- emptions, CS/S845(89-360)
57) agents; application, exceptions,	emptions, CS/S845(89-300) Mutual insurer, general revision, CS/S845(89-360)
-210)	Nonprofit corporations affiliated with state universities; liability insur-
nce, \$50,000 in lieu of \$30,000 al-	ance authorized, CS/CS/H986(89-367)
	Pest control, licensees performing wood-destroying inspection; insur-
epartment consent required; ex-	ance coverage or bond no less than \$50,000 required,
	CS/H169(89-180)
sualty insurance, certain circum-	Petroleum Liability Insurance Program, CS/H430(89-188) Policies, misrepresentation; twisting and refusal re unfair methods of
reinsurance, CS/S845(89-360)	competition and unfair or deceptive acts, CS/S845(89-360)
rcial self-insurance; several and	Premium Tax
l by law, CS/H766(89-247)	Continuing care contracts, entrance fees subject to; law repealed,
e in premium/rates; notification	CS/S267(89-356)
9/99/5/90.200)	Group self-insurers; retaliatory tax; multiple-employer welfare ar-
S/S845(89-360) erage required at time of appli-	rangement; commercial self-insurance fund; administration, CS/CS/CS/H336(89-167)
orabe reduced at time of abbit-	Installment payments; timely pay and reports; interest and penalties
rules; repeal abrogated,	for late payments, CS/CS/CS/H336(89-167)
	Medical malpractice self-insurance fund; revising tax rate,
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- Child care cash vouchers in advance to caretaker relative during training period; employment, priority for vacant subsidized, CS/H1245(89-334)
- Defendants in criminal proceedings; county to pay re preparation of defense upon certification by public defenders, CS/S1042(89-129)
- Dependent children; unemployed parent and principal wage earner; assistance, CS/H1245(89-334)

Homeless children, admission to public schools, CS/CS/H535(89-304)

### INFORMATION RESOURCE COMMISSION

Security of data and information technology resources, public records exemptions, S98(89-14)

#### INSOLVENCY

Estates; liquidation value after lien encumbrance payment; assignees, bonds; filing period 30 days in lieu of 10 days, H643(89-54) Insurance; general revision, CS/S845(89-360)

#### INSURANCE

- Accounting, investments and deposits; general revisions, CS/S845(89-360)
- Actuary, member Casualty Actuarial Society, Society of Actuaries or American Academy of Actuaries; filing requirements, CS/S845(89-360)
- Administrative supervision by department, CS/S845(89-360)
- Advertising gifts by insurer or agent, limitation value \$25 in lieu of \$10, CS/S845(89-360)
- Agent, solicitor or adjuster licenses; discretionary refusal, suspension, or revocation; time period increased, CS/S845(89-360)
- Agents, health and life insurance; continuing education requirement; application; exceptions, CS/H1396(89-210)
- AIDS impact on life and health insurance, CS/H1590(89-350
- Application disapproval, license tax refund, CS/S845(89-360)
- Casualty lines or personal lines policy, outline of coverage required at time of application, CS/S845(89-360)
- Certificate of authority insurers, influence-peddling; revocation, suspension or denial, CS/S845(89-360)
- Child support, health insurance part of support; court order, CS/CS/H258(89-183)
- Commercial property insurance; flood insurance excluded, CS/S514(89-225), CS/CS/CS/H336(89-167)
- Commercial umbrella liability insurance, limitations; data consolidated with commercial casualty data; filing requirements, CS/S514(89-225)

### **Comprehensive Health Association**

- Deficit assessments against insurers, reduces tax offset; revises assessment cap, premium cap and total assessment cap, H1003(89-131)
- Immunity for actions taken by members, employees, departmental representatives for performing duties unless intentional, H1003(89-131)
- Uninsurable, high-risk or handicapped coverage; repeal date extended to 1990, CS/CS/CS/H336(89-167)
- Continuing education requirements of agents; application, exceptions compliance, penalties, CS/H1396(89-210)
- Credit life and credit disability insurance, \$50,000 in lieu of \$30,000 allowable amount, S394(89-75)
- Diversification, insurer investments; department consent required; exceptions, CS/S612(89-227)
- Fictitious groups, group property or casualty insurance, certain circum stances, CS/S845(89-360)
- Financial guaranty insurers, credit for reinsurance, CS/S845(89-360) Governmental entity members, commercial self-insurance; several and
- proportionate; joint only as provided by law, CS/H766(89-247) Health insurance, nonrenewal or change in premium/rates; notification required, S368(89-222)
- Holding companies, general revision, CS/S845(89-360)
- Homeowner's insurance; outline of coverage required at time of application, CS/S845(89-360)
- Homeowners' insurance, underwriting rules; repeal abrogated, S9-B(89-528)
- Insolvency, Guaranty of Payment, CS/S845(89-360)
- (CS-COMMITTEE SUBSTITUTE; JR-JOINT RESOLUTION)

#### INSURANCE (Cont.)

- Premium Tax (Cont.)
  - Rate and computation; revising, CS/CS/CS/H336(89-167) Surtax; payment percentage specified, CS/CS/CS/H336(89-167)
  - Survas, payment percentage specified, CS/CS/CS/R330(89-167)
    Task Force on Insurance Premium Tax, created; duties re study of premium tax laws of Florida and other states including Illinois, CS/CS/CS/H336(89-167)
- Preneed funeral contracts; money reports by certificateholders each calendar quarter; criminal penalties revised, CS/S845(89-360)
- Primary agents, designated at each agency location; revocation or suspension of license, penalties, exception, CS/S845(89-360)
- Rate filings, certain insurers submit annually to department; methods and procedures; penalties, CS/S845(89-360)
- Rates, charging excessive for coverage on consent of insured; proof of refusal of requested coverage at filed rates, CS/S845(89-360)

#### **Risk Management**

- Claims filed; confidentiality; severability, CS/S845(89-360)
- Division, claim files; public records exemption, S213(89-15) Programs, certain meetings; public records exemption,
- CS/S845(89-360)

### State Group Insurance Program

- Anesthesia coverage offered by health maintenance organizations, certified registered nurse services required, CS/S332(89-357) Birth centers, coverage included in maternity care coverage,
- CS/H481(89-190)
- Health care coverage, public-sector purchasing study and report, S11-B(89-530)
- Health insurance, nonrenewal or change in premium/rates; notification required, S368(89-222)
- Health insurance or medical supplement insurance coverage; agents responsibility re overinsurance, CS/S845(89-360)
- Law enforcement or correctional officer killed in line of duty; surviving spouse, premium payments; \$1,000 funeral expense, CS/H123(89-22)
- Nurse-midwives, midwives and birth centers; health maintenance organizations providing maternity benefits, inclusion, CS/H481(89-190)
- Pretax benefits program, employees salary reduction agreements to participate; deposited Group Self-insurance Trust Fund, S321(89-277)
- Retired state officers and employees, continued participation on retirement or elect to participate, S321(89-277)
- Specialty Psychiatric Hospitals; mental health benefits on regional basis, alcohol, drug abuse and mental and nervous disorders, S321(89-277)
- Well-baby insurance for preschoolers, inclusion family policy coverage, CS/H1818(89-379)
- Stock and mutual; general revision, CS/S845(89-360)

Stock insurer, general revision, CS/S845(89-360)

Surplus lines, agents, CS/S845(89-360)

- Task Force on Insurance Premium Tax, Department staff assistance, CS/CS/CS/H336(89-167)
- Teachers, students, including parents or siblings and newspaper delivery persons; blanket health coverage, CS/H481(89-190)
- Thoroughbred permitholders, backside medical and health benefits; restrictions, CS/S1048(89-234)

Title Insurance Agents, CS/CS/H548(89-305)

Umbrella liability insurance, exempting certain insurer groups from provisions which prohibit excessive profits, CS/S514(89-225)

Well-baby insurance for preschoolers, inclusion family policy coverage, CS/H1818(89-379)

### INTERIOR DESIGNERS

Licensure by endorsement, modifying requirements, CS/S1213(89-162), CS/H1142(89-66)

Licensure without examination, application requirement date; clarification of certain provisions, CS/H765(89-19)

### INTERMEDIATE CARE FACILITIES

- Pilot program; development, requirements, criteria, requiring licensure, evaluation, report, CS/CS/S1298(89-294)
- 24-hour observation and care, not to the extent of hospitalization; low-income residents receiving subsidized housing vouchers, CS/CS/S1298(89-294)

(CS-COMMITTEE SUBSTITUTE; JR-JOINT RESOLUTION)

### INTERNAL IMPROVEMENT TRUST FUND TRUSTEES

- Aquatic preserves, resource inventory and management plans; local government administration and enforcement; guidelines, CS/H1077(89-25)
- Boca Ciega Bay Aquatic Preserve; certain revisions re sale, transfer or lease, certain lands; docking facilities, CS/H1077(89-25)
- Everglades Agricultural Area; lease moneys used to provide grants for Lake Okeechobee and Everglades cleanup and protection, CS/H990(89-324)
- Hazardous waste facility, multipurpose; Union County; board to enter lease with contractor, CS/S689(89-285)
- Inter-American Center, Graves tract; portion reserved for right-of-way sold; proceeds transferred to City of North Miami, CS/H709(89-246)
- Keys, Florida; date delayed re designation as area of critical state concern, CS/H1479(89-342)
- Leasehold, fee simple interests; transfers to certain conservation organizations designated by Land Management Advisory Committee, CS/S302(89-276)
- Local governments acquiring state lands, revising procedure; purchase price equal appraised value; notice and hearings, S330(89-174)
- Mineral interests, oil and gas leases; letter of credit or financial responsibility required, S478(89-358)
- Spoil site material dredged from sovereignty tidal lands or submerged bottoms; placement re site rejuvenation, CS/CS/S481(89-175)
- State land, remove or alter structure on; failure to comply with order; fines; costs of removal, S330(89-174)

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- Community development districts; taxes; non-ad valorem assessments, collection, CS/H599(89-169)
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- Single student apartment facility construction, S1501(89-254)
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taxation; regulation, S1333(89-296) Т International Banking and Trade Study Commission existence continued to 6/30/91, CS/S113(89-110) TALENT Juvenile Justice System Review Task Force, CS/S1325(89-295) Agency advertisements, requirement; sexual misconduct prohibited; Land Surveying, CS/S215(89-137) penalty, CS/H1142(89-66) Life insurance agents, beneficiaries; regulation, CS/H330(89-257) Medicaid medically need program exemption, S92(89-92) TAXATION Medical practice, regulation, S1333(89-296) Ad Valorem Tax Medicare supplement insurance, group; regulation, S1333(89-296) Application for tax deed by county, optional, S734(89-286) Motor vehicle insurance policies, regulation, S1333(89-296) Billing and collecting, or refunding amounts over or less than \$5 Osteopathic physicians, regulation, S1333(89-296) waived, CS/S267(89-356) Paint dealers and applicators, antifouling; regulation, S1333(89-296) Community college district ad valorem tax levy 0.5 mill; statewide Pest control, regulation, CS/H169(89-180) referendum, CS/CS/S1388(89-381) Physical Therapy Board, CS/S784(89-124) Community college districts, 0.5 tax levy authorized by S 1388, 1989 Pilots, piloting, and pilotage regulation, CS/H556(89-262) Regular Session; law repealed, H4-B(89-535) Prekindergarten Early Intervention Program, CS/CS/H1593(89-101) Deferral of non-ad valorem assessments and ad valorem taxes, cer-Psychological services, CS/S216(89-70) tain circumstances; 9 1/2 percent interest rate cap; notice, Public utilities, regulation, CS/S1224(89-292) H1054(89-328) Regulatory functions and advisory bodies, periodic legislative review; Disabled persons; gross income, maximum allowable increased for certain repealed, S1333(89-296) qualified persons, H1054(89-328) Homestead Exemption See: HOMESTEAD EXEMPTION Repossession of property, regulation, S582(89-280) Securities, persons dealing in; regulation, S1333(89-296) Installments, prepayment; annual application submission, exemption, Sellers of Travel, S1333(89-296) CS/S736(89-122) Solicitation of funds, regulation, S1333(89-296) Property valued at less than \$500, application for tax deed by coun-Spaceport Florida Authority, regulations, CS/S1469(89-300) ty, optional, S734(89-286) State Comprehensive Health Association, regulations, Corporations doing business in state, information filing; certain revi-CS/CS/CS/H336(89-167) sions, CS/S267(89-356) Telephone companies, regulation, CS/S1218(89-163) Electronic funds transfer, tax payments, CS/S267(89-356), Water and sewer systems, regulation, H1828(89-353) Workers' compensation, regulations, CS/S896(89-289) Youth Enhancement Services (YES) Centers, CS/CS/S1417(89-298), CS/S759(89-153) Estate tax, refund criteria, CS/S267(89-356) Federal generation-skipping transfer tax; Internal Revenue Code up-CS/S1534(89-364) dated, CS/S267(89-356) **Gross Receipts Tax** SUPPORT Cable television services, credits for taxes imposed by other states, Central depositories, payment made in 4 working days when made by CS/S267(89-356) personal check, CS/CS/H258(89-183) Cogenerated electrical power transmission, CS/S1224(89-292) Child support proceedings, amount established for consideration by trier of fact, CS/CS/H258(89-183) Hazardous waste, commercial facilities; submission of state needs to Governor, Legislature and Environmental Regulation Department, Guidelines constitute the presumptive appropriate amount of support, CS/S689(89-285) Utility services; reports by last day of each month; failing to timely subject to rebuttal; legislative review, CS/CS/H258(89-183) Health insurance; income deduction from bonuses; mediator qualificareport and pay tax, penalty, CS/S267(89-356) tion; guideline review, CS/CS/H258(89-183) **Intangible Personal Property Tax** Insurance coverage, court order served on obligor's payor or union by Businesses receiving benefit and protection of Florida laws and obligee or IV-D agency; conditions set out, CS/CS/H258(89-183) courts; tax situs, CS/S267(89-356) Non-AFDC cases; partial payment of filing fees; Health and Rehabili-Control or manage property; ministerial functions or processing actative Services Department billed monthly by clerk of court, tivities, exception, CS/S267(89-356)

Credit card or charge card receivables and related lines of credit or loans owed by persons domiciled in state, CS/S267(89-356) Property with tax situs in state; applicability, CS/S267(89-356)

Local government infrastructure surtax; interlocal agreements adopted prior 6/30/89 sharing with school district operative, S10-B(89-529) Millage

Capital outlay millage maximum increased, CS/H435(89-244) Property Appraisers

Special qualification salary, continuing education requirements; completion in 4 years in lieu of 6 years, S370(89-72)

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(CS-COMMITTEE SUBSTITUTE; JR-JOINT RESOLUTION)

minimum sentence re violent offenses against law officers,

Paternity, contested actions; scientific tests for determination of par-

Appeals, filing fees \$250 for each case docketed, CS/S1141(89-290)

Filing fees, notice of appeal or petition; \$250 fee, CS/S1141(89-290) Standard Jury Instructions in Criminal Cases, revisions re mandatory

CS/CS/H258(89-183)

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entage, CS/CS/H258(89-183)

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- Railroad property, collection or refunding; waived by Revenue Department, CS/S267(89-356)
- Severance of solid minerals, delinquencies; warrants, issuance; lien satisfaction; alias tax executions; third-party levy, CS/S267(89-356) Spaceport authority, certain exemptions, CS/S1469(89-300)
- Task Force on the Florida Taxpayers' Bill of Rights, created; examine and evaluate tax laws, policies, procedures, CS/S267(89-356)
- Tax Collectors
- Saltwater fishing licenses, selling; subagents, appointment, CS/CS/S9(89-270)
- Special qualification salary, continuing education requirements; completion in 4 years in lieu of 6 years, S370(89-72)
- Tax payments by electronic funds transfer, CS/S267(89-356), CS/S759(89-153)

## TAXICABS

Warning lights, authorized to display, H426(89-49)

#### TELEPHONES

- Beepers, electronic; possession by students on school property; disciplinary control, CS/CS/H75(89-302)
- Emergency telephone number "911" system; public records exemption, exception, CS/H809(89-264)
- Public lodging establishments; excessive charges prohibited, CS/H1549(89-349)
- Real property purchases, exception to certain solicitation enforcement, CS/H190(89-45)
- Solicitation, CS/H190(89-45)
- Surcharge, imposition; notices posted informing guests, CS/H1549(89, 349)
- CS/H1549(89-349)
- Telecommunications, competition in industry; report on ratepayers' perspective; contents and submission specified, CS/S1218(89-163)
- Toll-free telephone number established by Law Enforcement Department, conduct criminal history record checks re firearm purchases, CS/CS/H497(89-191)
- Unsolicited FAX transmissions concerning advertising material re sale of real property, goods or services unlawful, CS/S932(89-95)

### THEATERS

State Theater Program, certain contributions; public records exemptions, H818(89-55)

### TIME-SHARE

- Brokers; inclusion of persons selling one or more time-share periods per year; sale, list, advertise without license prohibited, CS/H1035(89-368)
- Resale brokers, license and registration; fees; advertising and oral statements, guidelines for certain; listing agreements, CS/H1035(89-368)
- Showerhead devices, water and energy regulation requiring; law repealed, S854(89-23)

#### TIRES

- Waste tire fees; fees stated separately on invoice to purchaser, fees imposed re retail sales, CS/H990(89-324)
- Waste tire fees, sales tax applicability, CS/CS/H710(89-171)

#### TOBACCO

Product retailers, required to post signs re proof of age for purchase; penalties, CS/H395(89-259)

#### TORTS

- Personal injury or wrongful death actions involving motor vehicle accidents; exceptions to Medicare or other federal program liens, CS/H1102(89-203)
- Risk management, claims filed; confidentiality; severability, CS/S845(89-360)
- Risk management programs, certain meetings; public records exemptions, CS/S845(89-360)

### TOWING

Task Force, created; study of towing industry and problems associated with abandoned vehicles; business cooperation required, CS/CS/S997(89-105)

# (CS-COMMITTEE SUBSTITUTE; JR-JOINT RESOLUTION)

### TRADE

Secrets; spaceports or space industry business, confidentiality, CS/S1469(89-300)

## TRADEMARKS OR SERVICE MARKS

Registration, renewal fee \$50 in lieu of \$15, CS/S654(89-359)

## TRAFFIC CONTROL

# Accidents

- Reports
  - Law enforcement officers, use for commercial solicitation purposes prohibited, CS/S116(89-271)
  - Receipt without authority, misdemeanor penalty, CS/S116(89-271) Written reports required on damages of at least \$500; proof of insurance required in 24-hour period, CS/S116(89-271)
- Blind person, pedestrian; traffic regulations re assisting blind persons, CS/S245(89-32)
- Buses and taxicabs, authorized to display warning lights, H426(89-49) Handicapped persons, mobility-impaired pedestrian; right-of-way on
- public streets; penalties, CS/S245(89-32)

#### **Traffic Infractions**

- Civil Traffic Infraction Hearing Officer Program, pilot program; jurisdiction, limitations, appeals, qualifications, funding, CS/H1356(89-337)
- Indian reservations, special improvement districts; traffic offenses, law enforcement authority, H974(89-58)

### TRANSPORTATION

Central Florida Commuter Rail Authority, created, CS/H1656(89-351) Coastal Resources Interagency Management Committee, secretary; member, CS/CS/S481(89-175)

- Commercial Motor Vehicle Review Board, membership,
- CS/CS/S1474(89-301) Contracts
  - Award and monitoring; public records exemption, CS/S107(89-21) Certification of qualification of bidders and official cost estimates; identities of potential bidders, CS/S107(89-21)
- Design and construction contracts, combined; teams, submission of technical and price proposals; procedure, CS/S1124(89-160)
- Department policies, proposals to change; guidelines and limitations followed to amend budget, CS/CS/S1474(89-301)

### **Five-year Transportation Plan**

- Adopted work program, CS/CS/S1474(89-301)
- Budget request and tentative work program, revising procedures and requirements, CS/CS/S1474(89-301)
- Development and adoption, revision; requirements re projects, adherence to plan, regional and local plans, CS/CS/S1474(89-301)
- Fort Myers Urban Office; 5-year transportation plan for Charlotte, Sarasota, DeSoto, Glades, Hendry, and Lee Counties, S1501(89-254)
- Systematic planning process, identify needs by category by district and cost; publish, CS/CS/S1474(89-301)
- Gandy Express Bus Service, operation continued for two years between Hillsborough and Pinellas Counties, Transit Corridor Project, S1501(89-254)
- Highway Beautification Council; quorum member number reduced; five-year program and resource plan, CS/CS/S1474(89-301)
- Highway System, State; mileage cap establishment prohibited, CS/S776(89-232)
- Metropolitan Planning Organizations, CS/CS/S1474(89-301)
- Noise abatement, compliance with federal standards, CS/S776(89-232)
- Relocation Assistance, Surface Transportation; statutory conformance to federal law, H1389(89-209)
- Reorganization and administration of Department, CS/CS/S1474(89-301)
- Right-of-way acquisitions, title insurance; purchasing by the Department, CS/S776(89-232)
- Setback line, variances; granted only when enforcement constitutes unnecessary hardship; applications, filing, CS/S776(89-232)
- State road projects or project phase; governmental entities, contributions; acceptance; reimbursement commitment, CS/S1124(89-160), CS/CS/S1474(89-301)

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#### **TRANSPORTATION** (Cont.)

- TRUST FUNDS (Cont.) Surface Transportation and Uniform Relocation Assistance Act; statu-Child Care Facility and Family Day Care Home, CS/H1818(89-379) tory conformance to federal law, H1389(89-209) Tandem trailer truck highway network; Department prohibited from Children's, CS/H1818(89-379) restricting days and hours of operation, CS/S658(89-282) Citrus Canker, CS/H1088(89-91) Tentative work program and adopted work program; 36-month forecast in budget, CS/CS/S1474(89-301) Citrus Inspection, CS/H757(89-197) Transportation Disadvantaged Commission in lieu of Transportation Disadvantaged Coordinating Council, CS/H1730(89-376) Tri-County Commuter Rail Authority, created Dade, Broward and Communities, CS/CS/S481(89-175) Corporations, CS/S851(89-154) Palm Beach counties, CS/H1656(89-351) Turnpikes Concessions; lottery ticket-selling included in allowed sales and services, CS/CS/H1317(89-208) TRAUMA CENTERS Driver Education, CS/S94(89-134) Committee on State-Sponsored Trauma Centers, created, S255(89-275) Elderly Housing, CS/S732(89-121) Poison control regional centers, created; toll-free telephone access, provision, S675(89-283) Statewide trauma center, establishment; funding, S255(89-275), S675(89-283) TREASURER AND TREASURY Bankers acceptances issued non-Federal Reserve System banks; investment authorized, CS/S787(89-287) Fire College, CS/S791(89-233) Beneficiaries, state treasury moneys paid attorney or private investigative agency; distribution to claimants, CS/S1194(89-291), S1448(89-299) General Home, CS/H553(89-168) Corporate master notes and intermediate-term corporate notes; investment authorized; provisions revised, CS/S787(89-287) CS/S1534(89-364) Public depositories and other financial institutions, public records exemption, H817(89-265) TRUCKS OR TRAILERS Automobile towaway and driveaway vehicles, operation of certain authorized, CS/S658(89-282) Classified Commercial Driver's License Act, created, CS/S658(89-282) Firearms or weapons; discharging, throwing, or exploding from vehicle; CS/H1226(89-207) penalties, S992(89-157) **Licenses and Registration** New Donors, CS/CS/S1388(89-381) Heavy truck in lieu of commercial truck; gross vehicle weight more than 5,000 and less than 8,000 pounds, CS/S658(89-282) Initial and renewal registration of each private vehicle; nonrefund-Pest Control, CS/H169(89-180) able 50 cents fee; deposited Transportation Disadvantaged T.F., CS/H1730(89-376) Person or firm, representation as authorized agents, use of county or state name prohibited, H85(89-43) Salutes Veterans license plates, \$15 plus \$2 processing fee, CS/H1226(89-207) CS/H553(89-168) Super Bowl XXV, commemorative license plate, CS/H553(89-168) Pretax Benefits, S321(89-277) Motor coaches, private; size limitations; private motor coach included in definition of motor vehicle, CS/H897(89-320) Non-stinger-steered automobile or boat transporters, regulation and prohibition of operation on certain roads, CS/S658(89-282) Odometer Fraud Prevention and Detection Act, created, Science Museum, CS/S654(89-359) CS/CS/H1229(89-333) Recreational vehicles, excluding from category of straight trucks re CS/S190(89-102) length limitations, CS/H897(89-320) Tandem trailer truck highway network; Transportation Department CS/H610(89-307) prohibited from restricting days and hours of operation, . CS/S658(89-282) TRUST FUNDS Administrative, CS/H553(89-168), CS/CS/H1317(89-208) Alcoholic Beverage and Tobacco, CS/S1279(89-293) Apalachicola Bay Conservation, CS/CS/S481(89-175) Arbitrage Compliance, CS/S787(89-287) Art Acquisition, Restoration, and Conservation, CS/CS/S1388(89-381) Trauma Services, S255(89-275) Challenger Astronauts Memorial Scholarship, CS/CS/S1417(89-298) Challenger Astronauts Memorial Undergraduate Scholarship, CS/H1226(89-207)
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- Water Quality Assurance; lead-acid battery tax fee deposits, CS/CS/H710(89-171)
- Workers' Compensation Administration, CS/S896(89-289)

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## TRUSTS

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# UNDERGROUND STORAGE TANKS

- \$50 and \$25 registration fees per tank for tanks registered with Environmental Regulation Department, circumstances, CS/H430(89-188) Pollutant storage systems specialty contractors; certification without
- examination of certain; circumstances, CS/H1427(89-374) Removal or replacement; Inland Protection Trust Fund moneys used, CS/H430(89-188)
- Site rehabilitation, funds obligated for reimbursement of expenditures prior 7/1/89 remain unobligated until 7/1/90, CS/H430(89-188)

### UNEMPLOYMENT COMPENSATION

Short-time compensation program, prorated payment of benefits to employees laid off for portion of week; extended indefinitely, CS/H1514(89-346)

## UNITED STATES

- Flag, portable or removable; display allowed by condominium unit owners, CS/S1183(89-161)
- Habitual felony offender, habitual violent felony offender, career criminal crimes in U.S. or foreign jurisdiction, prosecutions, S582(89-280)
- Special maritime criminal jurisdiction, Florida; protection of persons traveling to or from Florida by sea; enforcement limits, H1063(89-201)
- Veterans Affairs Department practitioners included in physician definition re medical transportation services, S675(89-283)

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#### VENDING MACHINES

Reverse vending machines, use accepted; excluded from gambling law provisions, CS/H102(89-176)

### VENUE

Change of venue, action initially filed in improper venue; filing party to pay filing or transfer fee, CS/S1106(89-84)

### VESSELS

- Abandoned or derelict vessels; Marine Resources Division to delegate authority to county or municipality for removal, CS/CS/H1210(89-268)
- Boating citations, uniformity; copies submitted to Natural Resources Department; suspension criteria, S142(89-136)
- Chartered cruise boats, sale of alcoholic beverages for consumption while at docking facility or marina prior to departure, CS/S1109(89-361)

Dumping of vessel-generated litter, prohibited, CS/CS/S481(89-175)

- Games of chance or gambling outside territorial waters of Florida, special maritime criminal jurisdiction enforcement limitations, H1063(89-201)
- Law enforcement vessels, deviation from navigational rules re performance of duties; conditions, S142(89-136)
- Marine fueling facilities; standards, registration fees, CS/H430(89-188) St. Marys Entrance, pilotage of vessels in boundary waters; reciprocal agreements with St. Marys, Georgia, CS/H556(89-262)
- Special maritime criminal jurisdiction, Florida; protection of persons traveling to or from Florida by sea; enforcement limits, H1063(89-201)
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#### VETERANS

- Employment or appointments, preferential treatment, CS/H965(89-323)
- Homes, residency requirements; mentally ill, habitually inebriated or drug addicts, ineligibles, CS/H553(89-168)

## **License Plates**

Design and issuance; eligibility criteria, CS/H553(89-168) Design and issuance of "Florida Salutes Veterans"; fees, domiciliary and nursing homes for veterans, CS/H553(89-168)

### VETERANS AFFAIRS, DEPARTMENT OF

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United States Veterans Affairs Department practitioners included in physician definition re medical transportation services, S675(89-283)

### VETERINARY MEDICINE

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- Disease of public health significance, reporting to Health and Rehabilitative Services Department, CS/CS/H746(89-311)
- Drugs or controlled substances, use for animal treatment; records documenting visits, diagnosis, treatment required, CS/S1213(89-162)
- Foreign graduates, licensing; practice criteria, CS/S1213(89-162), CS/H1427(89-374)

Licensure, CS/S1213(89-162)

Mobile clinic or onpremise clinic permits, renewal application and fee of \$250, CS/S1213(89-162)

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# WAGES

Sheriffs, salary increase, H49(89-178)

#### WATER

- Bottled water plants and water dealers; regulation of operation, S56(89-7)
- Drinking water contamination; department rehabilitate or replace potable water within 3 days, bottled water cost reimbursable, CS/H430(89-188)
- Drinking water contamination; interdepartmental coordination re protection of groundwater, CS/S484(89-279)
- Drinking water, nontransient noncommunity water systems; contaminants for community water supply systems, testing eliminated, CS/H990(89-324)

Public water system, construction or modification; approval or disapproval, certain health departments responsibility, CS/H990(89-324)

- Stormwater management systems, dredge and fill permitting, CS/S484(89-279)
- Surface and ground waters, pollution; certain laws reenacted re enforcement of liabilities, CS/S284(89-143)
- Wastewater reuse in critical water supply areas, CS/H990(89-324)

### WATER CONSERVATION

- Developments of regional impact; authorization, preliminary agreements, substantial deviations, vested rights, abandonment, CS/H1460(89-375), H21-B(89-536)
- Drinking water contamination; groundwater protection through interdepartmental coordination, CS/S484(89-279)
- Lands producing high volumes of water for recharge of aquifers; temporary commission to study classification and assessment, CS/S267(89-356)
- Restoration of contaminated sites; department rehabilitate or replace potable water within 3 days, bottled water cost reimbursable, CS/H430(89-188)
- Showerhead devices, water and energy regulation requiring; law repealed, S854(89-23)
- Stormwater management plans; developed by state, regional, and local governments; funding, training personnel, delegation, (SSARA(80.970))
- CS/S484(89-279) Stormwater management systems, dredge and fill permitting, CS/S484(89-279)

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- Surface water improvement and management plans; recommendations and schedules, funding proposal, review, approval, implementation, CS/S484(89-279)
- Wastewater facilities and stormwater management systems in lieu of sewage treatment facilities, CS/S484(89-279)
- Water Quality Assurance Trust Fund Study Commission, 11 members in lieu of 9, CS/CS/H710(89-171)
- Water resource issues; water management districts to assist local governments re development and future revision of plan, CS/H599(89-169)

Wetlands, law violations; enforcement criteria, CS/S284(89-143)

## WATER MANAGEMENT DISTRICTS

Dredge and fill; Environmental Regulation Department recommendations re delegation and transfer of responsibilities, CS/H990(89-324)

Governing and basin boards revived and readopted, CS/S484(89-279) Groundwater contamination, interdepartmental coordination re groundwater protection, CS/S484(89-279)

Local government comprehensive planning; technical assistance in development and revision re water resource issues, CS/H599(89-169)

### Northwest Florida Water Management District

Apalachicola Bay, freshwater needs assessment study in cooperation with Natural Resources Department, CS/CS/S481(89-175)

Reclaimed water, reuse critical water supply problem areas; rulemaking authority, CS/H990(89-324)

### South Florida Water Management District

Everglades Agricultural Area; lease moneys used to provide grants for Lake Okeechobee and Everglades cleanup and protection, CS/H990(89-324)

#### **Stormwater Management**

- Drainage; pipes, ditches, culverts or swales used to carry stormwater; permitting, exemption, CS/S484(89-279), CS/H990(89-324)
- Plans; developed by state, regional, and local governments; funding, training personnel, delegation, CS/S484(89-279)
- Programs, joint undertaking of Environmental Regulation Department and districts, CS/S484(89-279)

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Surface Water Improvement and Management Trust Fund, increases maximum amount of moneys district may receive, CS/S484(89-279)

Wastewater Treatment and Stormwater Management Facilities Revolving Loan Program; bond issuance; local government assistance, CS/S484(89-279)

### WEAPONS AND FIREARMS

Assault Weapons Commission, created; authority to make recommendations re combatting unlawful use of assault weapons, CS/H573(89-306)

Assault weapons, prohibited, CS/H573(89-306)

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Box magazines, high-capacity; penalties for unlawful possession, CS/H573(89-306)

- Child accessibility; unlawful act; misdemeanor or felony penalty, circumstances, S18-B(89-534)
- Children accidentally shot by another family member, arrest restricted for seven-day period, S18-B(89-534)
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-		SENATE	SENATE & HOUSE			HOUSE		FIRST CHAMBE	BOTH
CONCURRENT RESOLUTIONS	6	3	2	9	5	4	15	8	
<b>RESOLUTIONS(ONE CHAMBER)</b>	-	55	0	97	90	* 0	161	a 145	6 0
GENERAL BILLS	1397	349	200	1565	375	214	2962	140 724	414
LOCAL BILLS	75	64	51	121	81	79	196	145	414 130
GEN BILL/LOC APPLICATION	0	0	0	0	0	0	0	0	130
JOINT RESOLUTIONS	25	3	2	29	5	1	54	8	3
MEMORIALS	8	4	- 1	12	8	5	20	12	3 6
FILED, NOT INTRODUCED	1	0	0	7	õ	Ő	11	0	0
WITHDRAWN	3	0	0	18	0	0	18	. 0	0
TOTALS	1579	478	256*	1858	564	303*	3437	1042	559*
APPROVED BY GOVERNOR			154			177			331
BECAME LAW WITHOUT SIGNA	TURE		89			103			192
VETOED BY GOVERNOR			8			13			21
BECAME LAW, VETO NOTWITH:	STANI	DING	0			0			0
FILED WITH SECRETARY OF ST (JT. RES., CONC. RES., MEM.)	ATE		5			10			15
BILLS TO CONFERENCE COMMI	TTEE	3	2			0			2
BILLS AMENDED			235			232			467
COMMITTEE SUBSTITUTES			472			552			1024
COMMITTEE SUB FOR COMMIT	TEE SU	UB	52			54			106
RESOLUTIONS ADOPTED			55			90			145
FAILED TO PASS SENATE BY VO	TE		0			0			. 0
FAILED TO PASS HOUSE BY VOT	ГE		0			4			4
UNFAVORABLE COMMITTEE RE	PORT	IN SENAT	E 14			0			14
UNFAVORABLE COMMITTEE RE	PORT	IN HOUSE	: 0			19			19
BILLS FILED, NOT INTRODUCED	)		1			7			8
INDEFINITELY POSTPONED			39			0			39
LAID ON TABLE			252			149			401
WITHDRAWN PRIOR TO INTROE			3			18			21
WITHDRAWN/FURTHER CONSIE			1			33			34
FAILED OF INTRODUCTION/2ND	HOUS	SE	0			0			0
DIED IN SENATE COMMITTEES			630			120			750
DIED IN HOUSE COMMITTEES			36			708			744
DIED IN CONFERENCE COMMIT	TEES		0			0			0
DIED ON SENATE CALENDAR			162			7			169
DIED ON HOUSE CALENDAR			38			355			393
DIED IN MESSAGES			93			45			138

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	SEI FILED	NATE BILI PAS	LS SSED	HO FILED	USE BILLS			TOTALS	
			SENATE & HOUSE	FILED	HOUSE	HOUSE SENATE	FILED	PASS FIRST CHAMBE	BOTH
CONCURRENT RESOLUTIONS	0							CHAMBE	<u></u>
RESOLUTIONS(ONE CHAMBE	R) 0	0 0	0	0	0	0	0	0	0
GENERAL BILLS	6	5	0	0	0	0	0	0	0
LOCAL BILLS	0	5 0	2 0	1	1	1	7	6	3
GEN BILL/LOC APPLICATION	0	0	-	0	0	0	0	0	0
JOINT RESOLUTIONS	Ő	0	0	0	0	0	0	0	0
MEMORIALS	Ő	0	0	0	0	0	0	0	0
FILED, NOT INTRODUCED	1	0	0 0	0 8	0	0	0 9	0	0
WITHDRAWN	0	0	0	0	•	-	•	-	0
TOTALS	7	5	2*	0	<u> </u>	<u>_0</u> 1*	$\frac{-0}{16}$	<u>_0</u> 6	0 
APPROVED BY GOVERNOR			2			-	10	U	-
BECAME LAW WITHOUT SIGN	ATURE		0			0			3
VETOED BY GOVERNOR			0			0			0
BECAME LAW, VETO NOTWIT	HSTAND	ING	0			0			0
FILED WITH SECRETARY OF S (JT. RES., CONC. RES., MEM.)	TATE		0			0			0 0
BILLS TO CONFERENCE COMM									
BILLS AMENDED	1111660		0			0			0
COMMITTEE SUBSTITUTES			1			1			2
COMMITTEE SUB FOR COMMI	MEE SU	R	1			0			1
RESOLUTIONS ADOPTED	THE SU	D	0			0			0
			U			0			0
FAILED TO PASS SENATE BY V	OTE		0			0			0
FAILED TO PASS HOUSE BY VO	TE		0			0			ő
UNFAVORABLE COMMITTEE R	EPORT I	N SENATE	E 0			0			ŏ
UNFAVORABLE COMMITTEE R BILLS FILED, NOT INTRODUCE	EPORT I	N HOUSE	1			0			1
INDEFINITELY POSTPONED	D		1			8			9
LAID ON TABLE			0			0			õ
WITHDRAWN PRIOR TO INTRO	DIIOmio		0			0			õ
WITHDRAWN/FURTHER CONSI		N	0			0			0
FAILED OF INTRODUCTION/2NI	DERATIC	)N	0			0			0
DIED IN SENATE COMMITTEES	DHOUSE	1	0			0			0
DIED IN HOUSE COMMITTEES			0			0			0
DIED IN CONFERENCE COMMIT	TEFS		0			0			0
DIED ON SENATE CALENDAR	1 191910		0			0			0
DIED ON HOUSE CALENDAR			1			0			1
DIED IN MESSAGES			1			0			1
			1			0			1

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		511					TOTALS			
		NATE BILLS			USE BILLS	SED	FILED	PASSED		
1	FILED PASSE SENATE S		SENATE	FILED	HOUSE	HOUSE	FILLED	FIRST	BOTH	
			& HOUSE		<u> </u>	DERITE				
CONCURDENT DEGOL LITIONS	0	0	0	0	0	0	0	0	0	
CONCURRENT RESOLUTIONS RESOLUTIONS(ONE CHAMBER	-	1	0	0	0	0	1	1	0	
GENERAL BILLS	14	13	8	18	4	3	32	17	11	
LOCAL BILLS	3	3	3	0	0	0	3	3	3	
GEN BILL/LOC APPLICATION	Ő	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	5	0	0	5	0	0	
		0	0	0	0	0	0	0	0	
WITHDRAWN	0 18	$\frac{0}{17}$	<u></u>	23			41	21	14*	
TOTALS	18	17		20		_			12	
APPROVED BY GOVERNOR			10			2			2	
BECAME LAW WITHOUT SIGN	ATURE	6	1			1			0	
VETOED BY GOVERNOR			0			0			0	
BECAME LAW, VETO NOTWIT	HSTAN	DING	0			0			0	
FILED WITH SECRETARY OF S (JT. RES., CONC. RES., MEM.			0			0			0	
BILLS TO CONFERENCE COM	MITTE	ES	0			0			0 9	
BILLS AMENDED			6			3			9 4	
COMMITTEE SUBSTITUTES			0			4			4	
COMMITTEE SUB FOR COMM	ITTEE	SUB	0			0			1	
RESOLUTIONS ADOPTED			1			0			1	
FAILED TO PASS SENATE BY	VOTE		0			0			0	
FAILED TO PASS HOUSE BY V			0			0			0	
UNFAVORABLE COMMITTEE	REPOR	T IN SENA	TE 0			0			0	
UNFAVORABLE COMMITTEE	REPOR	T IN HOUS	E 1			2			3 5	
BILLS FILED, NOT INTRODUC	CED		0			5			0 0	
INDEFINITELY POSTPONED			0			0			4	
LAID ON TABLE			0			4			0	
WITHDRAWN PRIOR TO INTE	RODUC	TION	0			0			ŏ	
WITHDRAWN/FURTHER CON	SIDER	ATION	0			0			ů	
FAILED OF INTRODUCTION/2	ND HO	USE	0			0			ů 0	
DIED IN SENATE COMMITTE	ES		0			7			7	
DIED IN HOUSE COMMITTEE	S	_	0			0			0	
DIED IN CONFERENCE COM		S	0			0			1	
DIED ON SENATE CALENDAR	2		1			1			1	
DIED ON HOUSE CALENDAR			0			1			5	
DIED IN MESSAGES			4			•				

# **1989 VETOED GENERAL BILLS**

Senate Bills:		Subject	Date
CS/SB-	191	Satisfaction of Liens	6/27/89
CS/SB-	1164	Ad Valorem Tax Exemption/Leased Property	6/27/89
CS/SB-	1355	Underground Utilities/Excavation Damage Prevention	6/22/89
CS/SB-	1413	Cholesterol Screening	7/03/89

# House Bills:

CS/HB-	300	Correctional System	6/28/89
CS/HBs- 356 &	& 1449	Criminal Penalties	7/03/89
CS/HBs- 387 8	& 1255	Public Transit/Block Grant Funds	7/05/89
CS/HBs- 494 &	§ 1084	Life-Prolonging Procedures	7/03/89
CS/HB-	629	Unemployment Compensation/Benefits	6/27/89
CS/CS/HB-	823	Education/Developmental Research Schools	7/05/89
CS/CS/HB-	855	Insurance/Public Counsel	7/03/89
HB-	912	Public Food Service Establishments	6/27/89
CS/CS/CS/HB-	950	Health Care/Rural Hospitals	6/27/89
CS/CS/HB-	964	Stolen Property/Second-Hand Dealers	6/27/89
HB-	1119	Airports	6/27/89
CS/HB-	1737	Neighborhood Improvement Districts	7/03/89

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