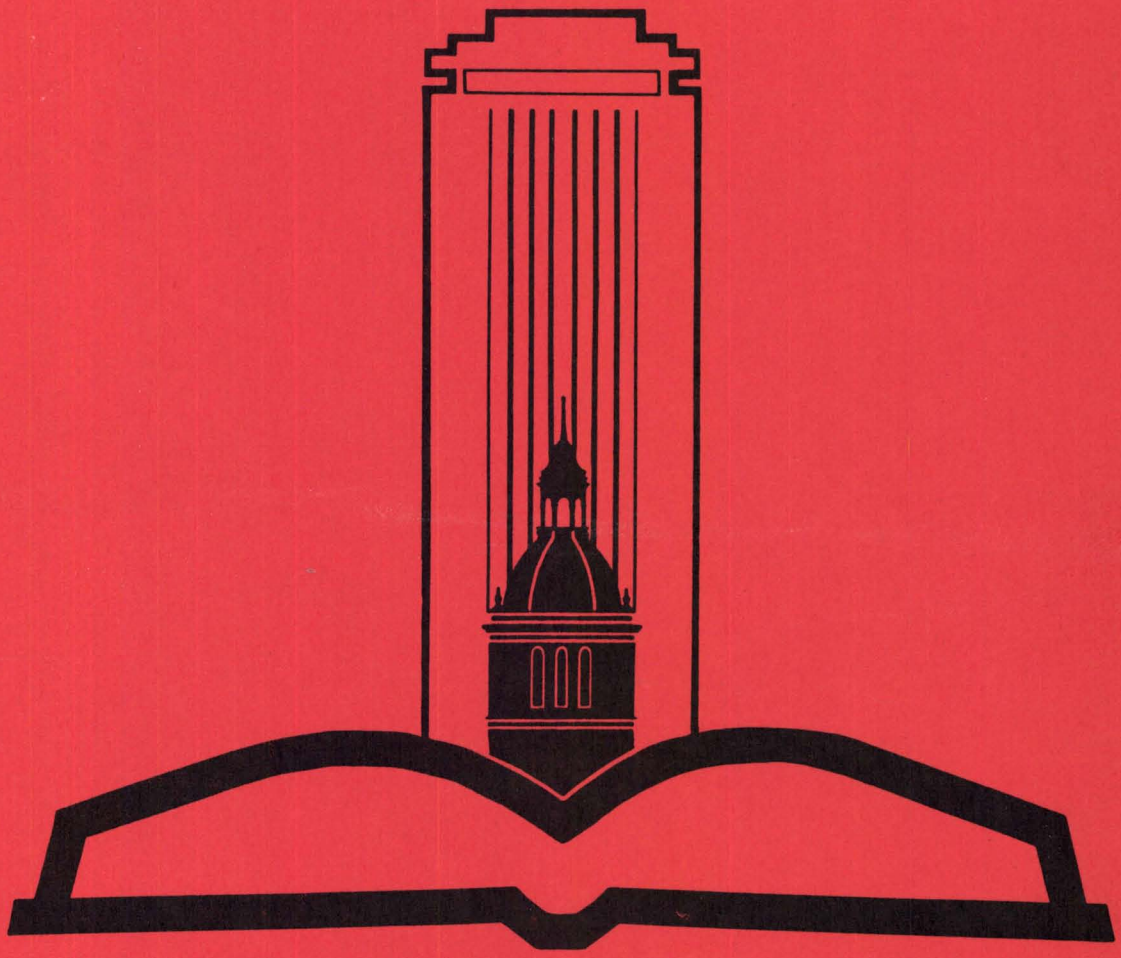

# Florida Legislature

# 1990 Summary of General Legislation

Regular Extended Session
April 3 – June 2

BOB CRAWFORD
President

TOM GUSTAFSON
Speaker

THE FLORIDA LEGISLATURE

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**September 1990**

## FOREWORD

This SUMMARY OF GENERAL LEGISLATION highlights, within broad subject areas, the general laws enacted during the 1990 Regular Extended Session of April 3 to June 2, 1990.

Important issues addressed by the 1990 Regular Session include: improved funding of day care, a $3 billion bond program for the purchase of environmentally sensitive lands over the next decade, increased fees and taxes to fund critical transportation projects, a proposed constitutional amendment to bar secret meetings by legislators, a grant program to fund teen pregnancy prevention programs in the public schools of the state, raising utility taxes to pay for school construction and increased spending to implement a comprehensive juvenile justice system.

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 test.

B. Gene Baker

B. Gene Baker

BGB:pb

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## AGRICULTURE*

### Promotional Campaign

HOUSE BILL 2549 (CHAPTER 90-323) creates Part II of Chapter 287, F.S., authorizing the Division of Marketing within the Department of Agriculture and Consumer Services to establish and coordinate the Florida Agricultural Promotional Campaign to advertise Florida's agricultural products. The Division is exempt from having to purchase services for the campaign from the advertising agency with the lowest bid, as is required in Chapter 287, F.S.

Participants in the campaign may include individuals in all phases of agriculture who will use a logo to promote products at the point of sale. Participants are required to register with the Department and pay a registration fee. The fees will be established to cover the cost of administering the campaign.

A 15-member Florida Agricultural Promotional Campaign Advisory Council is established to make recommendations to the Commissioner of Agriculture on professional services, fees, initiating the scheduling of commodity participation, and developing goals and objectives for the campaign. In addition, an Advertising Interagency Coordinating Council, comprised of representatives of the departments of Citrus, Commerce, Lottery, and Agriculture and Consumer Services is established to serve as a forum to share expertise, discuss marketing efforts, and make any appropriate recommendations to the Legislature.

The act amends Chapter 570, F.S., to allow the Department to enforce federal regulations and standards in effect on January 1, 1990, as well as federal marketing orders when identified in a cooperative agreement with the United States Department of Agriculture. The law provides a matrix which must be used whenever the Department levies an administrative fine. The factors to be considered when applying the matrix are: the extent of the harm caused by the violation; the cost of rectifying the damage; the amount of money the violator benefited from by not complying; whether the violation was committed willfully; and the compliance record of the violator. This legislation provides that a hearing must be held within 3 days after the Department seeks an injunction from a court to prohibit the sale of a consumer product or service which endangers the public health, safety or welfare of the consumer.

Section 570.23, F.S., is amended to add a tobacco grower or producer to the State Agricultural Advisory Council. This council advises and consults with the Commissioner of Agriculture on all laws and rules relating to or affecting agriculture in the state.

This enactment amends Section 580.051, F.S., to require that any commercial feed distributed in bags and sold at retail in the state be required to bear a date of expiration instead of a date of manufacture on the label. Specific types of pet feed or any feed weighing 10 pounds or less are exempt from this requirement. Except as otherwise provided, the act has an effective date of January 1, 1991.

### Organic Farming

HOUSE BILL 2545 (CHAPTER 90-322) creates Part II of Chapter 504, F.S., the Florida Organic Farming and Food Law. Regulations are provided to protect consumers, producers, and retailers who purchase, market or produce organic foods. The Department is authorized to regulate the selling of organic food by licensing certifying agents and requiring those agents to use certifying standards which meet or exceed the minimum guidelines set by nationally recognized grower groups, such as the Organic Food Producers Association of North America (OFPANA). Certification records must be maintained by the certifying agents.

Definitions are provided for "organic farming" and "organic food". Any food being sold as organic must be certified as such by a licensed certifying agent. Any handler, distributor or retailer of organic food is required to notify the Department. An 8-member Organic Food Advisory Council will be established within the Department to formulate and recommend policies to the commissioner relating to organic food production. These provisions become effective October 1, 1990.

### Aquaculture/Freshwater Fishing License

COMMITTEE SUBSTITUTE FOR SENATE BILL 1918 (CHAPTER 90-92) makes several changes to the statutes to further assist in the development of Florida's aquaculture industry and revises freshwater fish dealers' licenses.

Aquaculture is included in the definition of Chapter 1, F.S., for the purposes of marketing, promotional activities and financing. Aquaculture is not exempt from the regulatory authority of state agencies, unless exempted by the rules of those agencies or any provision of the Florida Statutes.

The State Aquaculture Plan will identify the specific problems of the aquaculture industry. Any funds appropriated by the Legislature to the Department for aquacultural research or for contracting for aquacultural research will be used to address the problems designated in the State Aquaculture Plan.

The makeup and responsibilities of both the Aquaculture Review Council and the Aquaculture Interagency Coordinating Council, established in Chapter 597, F.S., are changed to foster better communication between the regulatory agencies and the industry. Water quality data of various aquaculture activities being collected by the Institute of Food and Agricultural Sciences will be made available to the Department of Environmental Regulation (DER) by December 1, 1990. The Department of Environmental Regulation and the water management districts will begin workshops on the delegation of the permitting of aquaculture facilities from DER to the water man-

*Prepared by House Agriculture Committee

agement districts. The first phase of delegation will take effect by July 1, 1991.

This act also includes the provisions which combine current resident retail, resident wholesale and exotic fish dealers' licenses into a resident freshwater fish dealers' license, and the fee is changed to $40. The fee for a nonresident commercial fishing license is increased from $50 to $100. The fee for a nonresident retail fish dealer's license is also increased from $50 to $100. A nonresident wholesale fish buyer's license is created with a fee of $50. This license permits a nonresident not selling freshwater fish or frogs in Florida to buy freshwater fish or frogs from resident fish dealers for resale outside of the state.

**Farm Labor Registration**

COMMITTEE SUBSTITUTE FOR SENATE BILL 2450 (CHAPTER 90-245) amends Section 450.29, F.S., requiring the Division of Labor, Employment, and Training, within the Department of Labor and Employment Security, to develop an educational program and examination for applicants for farm labor contractor certificates. Each applicant is required to pass a written or oral examination in the language of the individual before a certificate is issued, thereby proving that the applicant is knowledgeable about the duties and responsibilities of a farm labor contractor. An applicant for a certificate of registration as a farm labor contractor must pay the $35 fee for the education and examination program. The applicant must also pay the application fee for an initial or renewal farm labor contractor certificate, which is increased from $35 to $75. In order to offset the cost of developing the education program and examination, the increased application fee becomes effective July 2, 1990, while the other provisions of the law do not take effect until July 1, 1991.

This legislation establishes a Child Labor Study Commission within the Department of Labor, Employment, and Training, to review current child labor laws and determine if a need for change exists. The employment of children in agriculture is one of the proposed areas of examination. The 13-member Commission will be appointed no later than September 1, 1990. The Commission must report its findings to the Governor and the Legislature no later than January 25, 1991.

**Florida Citrus Commission**

Section 601.04, F.S., is amended by HOUSE BILL 2535 (CHAPTER 90-127) to provide that four members of the Florida Citrus Commission are to be appointed from each of the citrus districts in the state and Section 601.09, F.S., is revised to reduce the number of districts from four to three and adjust district boundaries accordingly. Section 601.04, F.S., is further amended to remove restrictions on the appointment of grower and grower-handler members and to strike the limitation on legislative redistricting of the Commission. Each Commission member incumbent on October 1, 1990, shall serve until the end of his term and any gubernatorial appointment after that date shall specify the district and classification of the appointee. October 1, 1990, is the effective date of this act.

**Citrus Inspection**

Section 601.27, F.S., is amended by HOUSE BILL 2551 (CHAPTER 90-195) to delete the requirement that Florida citrus fruit inspectors be licensed by the federal Department of Agriculture and instead provide for the sampling, testing and inspection of all processed citrus products by either authorized agents or inspectors of the Florida Department of Agriculture and Consumer Services or pursuant to a cooperative agreement between the Florida agency and any agency of the federal government.

Section 601.90, F.S., is revised to require the meeting of the Citrus Commission whenever freezing temperatures cause serious damage to fruit in all major citrus-producing areas of the state rather than any section of the citrus-producing areas of the state. This section is further amended to authorize the issuing of emergency quality assurance orders rather than embargo orders and Section 601.9911, F.S., is conformed to this change. This act takes effect October 1, 1990.

**Citrus Canker**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2669 (CHAPTER 90-326) amends Chapters 601 and 602, F.S., relating to the citrus canker program. The excise taxes (2.4 cents for each box of fruit, 12.5 cents for each citrus tree sold for commercial use, and $1 for each citrus tree sold for home use) enacted during the 1989 session were reenacted by this act. However, the allocation of the box tax will be 8.48 percent to the Citrus Canker Eradication Trust Fund, instead of 18.75 percent, and 91.52 percent to the Citrus Canker Compensation Trust Fund, instead of 81.25 percent. [It is anticipated that these taxes will generate $4,456,054 for the Citrus Canker Compensation Trust Fund and $500,000 for the Citrus Canker Eradication Trust Fund during fiscal year 1990-91.]

The legislation appropriates $32 million, which includes $7,837,031 in general revenue, during fiscal year 1990-91 to fund the payment of claims, attorney's fees, costs, interest and administrative expenses associated with the Citrus Canker Compensation Program.

Finally, the payment of those claims barred by the statute of limitations on June 20, 1989, is delayed until July 1, 1991.

**Tropical Fruit Policy Act**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 71 (CHAPTER 90-277) creates the Tropical Fruit Advisory Council within the Department of Agriculture and Consumer Services. The primary responsibilities of the eight-member council are to provide assistance, review, and make recommendations for drafting the South Florida Tropical Fruit Plan. The South Florida Tropical Fruit Plan will identify problems and constraints of the tropical fruit industry, propose possible solutions to such problems and develop planning mechanisms for orderly growth of the industry. Any recommendations contained in the South Florida Tropical Fruit Plan relating to education or research will be submitted to the Institute of Food and Agricultural Sciences, while recommendations relating to regulation or marketing will be submitted to the Department.

In consultation with the Tropical Fruit Advisory Council, the Commissioner of Agriculture is required to submit the South Florida Tropical Fruit Plan to the President of the Senate, the Speaker of the House of Representatives, and the chairmen of appropriate Senate and House committees prior to the 1991 legislative session.

The tropical fruit growers themselves will bear the costs of producing the South Florida Tropical Fruit Plan. The act takes effect October 1, 1990.

**Animal Industry Reorganization**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2543 (CHAPTER 90-321) reorganizes Chapter 585, F.S., Florida's Animal Industry Act. This act increases the cap of the administrative fine the Department is permitted to assess under Chapter 585, F.S., from $500 to $10,000. The Department is permitted to restrict or prohibit the movement of animals found or suspected to be carriers of disease whenever necessary to effectively control the spread of disease. Further, all animals transported into the state must have an official certificate of veterinary inspection and test chart. The Department is required to compile a disease list and institute reporting requirements of animal pests or diseases which the Department finds are a public nuisance. The law provides new requirements for the inspection, labeling, packaging, storage and transportation of meat and poultry sold in the state.

The legislation also clarifies the exemption which auctioneers of livestock and agricultural products received when other auctioneers were required to be licensed. This exemption from Section 468.383, F.S., allows livestock to be auctioned under the supervision of a livestock trade association, a governmental agency, or an owner of the livestock when the auction is conducted by a person who specializes in the sale of livestock. In addition, the auction of agricultural products or the equipment or tools used to produce or market such products are exempt from Section 468.383, F.S., if the auction is conducted at a farm or ranch where the products are produced, where the equipment and tools are used, or at an auction facility that sells primarily agricultural products.

Finally, the act provides that every person operating a motor vehicle shall use reasonable care when approaching or passing a person who is riding or leading an animal and shall not intentionally startle or injure such animal. These provisions become effective October 1, 1990.

**Sale of Dogs and Cats**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2139 (CHAPTER 90-154) amends Section 585.195, F.S., to renumber it as Section 828.31, F.S. The act provides inoculation and deworming requirements for dogs and cats sold in the state and requires that health certificates be retained by the examining veterinarian and seller for 1 year.

This law makes it illegal to misrepresent the breed, sex, or health of a dog or cat. Several alternatives that a pet dealer must give buyers if a dog or cat is found not to have been fit at the time of sale are outlined. These alternatives include: returning the animal and receiving a refund, plus reasonable veterinary costs; returning the animal and receiving an exchange animal, plus reasonable veterinarian costs; or keeping the animal and receiving reimbursement for necessary veterinarian expenses. In addition, pet dealers are required to give buyers notice of their rights.

County and city operated animal control agencies and registered nonprofit humane organizations are exempt from this act. The law has an effective date of October 1, 1990.

**Dangerous Dog Control**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1644 (CHAPTER 90-180) establishes a procedure for certain dogs to be classified as dangerous (as defined in the act) by animal control authorities and requires such dogs to be registered. The law also establishes requirements for the control and containment of such dogs. Moreover, the legislation provides for the confiscation of such dogs under certain circumstances and the payment of related costs and fines. The measure also provides criminal penalties for certain violations. Additionally, the enactment establishes minimum statewide standards. The act would not limit local government from placing further restrictions or requirements on dog owners, as long as such additional requirements or restrictions are not breed specific and do not lessen the provisions of the law. The legislation, however, does not apply to any local ordinance adopted prior to October 1, 1990.

**Plant A Tree Program**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1423 (CHAPTER 90-304) creates the Plant A Tree Trust Fund within the Division of Forestry of the Department of Agriculture and Consumer Services which is authorized to accept public and private funds to underwrite the cost of federal, state and private tree planting programs for private rural landowners and urban communities. The Division is to develop and implement guidelines and procedures which it can use in making grants to municipalities, counties, nonprofit organizations and qualified private landowners for the purposes of purchasing, planting and maintaining native tree species. The Division is directed to assist the Office of Environmental Education in the Department of Education in developing programs teaching the importance of trees to the environment.

The act amends Section 589.07, F.S., permitting the Division to acquire, by purchase, lands for forest purposes. Section 589.08, F.S., is revised to establish the Forest Lands Trust Fund within the Division for the voluntary, negotiated acquisition of lands adjacent to or surrounded by state forests. The Fund may be credited with up to 10 percent of the annual gross receipts from state forests in order to improve the management of such forests for the public. Purchase price of the land, the title to which will be vested in the Board of Trustees of the Internal Improvement Trust Fund, may not exceed the certified appraised value.

### Prescribed Burns

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1213 (CHAPTER 90-296) provides a process by which a landowner may prescribe burn property without fear of being liable for damage caused by the fire or resulting smoke. This act creates Section 590.026, F.S., and authorizes the Division of Forestry of the Department of Agriculture and Consumer Services to allow the use of prescribed burning for ecological, silvicultural, wildlife management and range management purposes. In order to be given authorization from the Division to prescribe burn, a landowner must have at least one certified prescribed fire manager present on site and a written prescription prepared. This law does not require that a landowner follow the requirements of this act to burn land. A landowner is still permitted to do so with authorization from the Department. The act becomes effective October 1, 1990.

These provisions also appear in SENATE BILL 1050 (CHAPTER 90-234). In addition, this act creates Subsection 253.025(15), F.S., which permits the Department to sell, convey, transfer, exchange, trade or purchase land on which a forestry facility resides for money or other suitable property on which to relocate the facility subject to majority consent of the Governor and Cabinet. Fair market value is required for sales and equal value for land trades. The Relocation and Construction Trust Fund is created within the Department to bring about the orderly relocation of specified forestry fire towers and work centers with money realized from the sale of forest facilities or additional funds added from time to time by the Legislature. Money may be appropriated for building construction even though an equal trade of land occurred rather than a sale. This act takes effect October 1, 1990.

### Pesticides

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1991 (CHAPTER 90-65) changes Chapter 487, F.S., relating to pesticides. This law increases the administrative fine which the Department may levy against anyone who does not follow the manufacturer's instructions when using pesticides from $1,000 to $10,000 per violation, effective October 1, 1990.

### Arthropod Control

HOUSE BILL 2163 (CHAPTER 90-155) amends Section 581.011, F.S., to define arthropod for the purposes of the sale and transportation of nursery stock within the state to mean any segmented invertebrate animal having jointed appendages and an exoskeleton, including insects, spiders, ticks, mites and scorpions but excluding crustaceans. Sections 581.031 and 581.083, F.S., are revised to authorize the Department of Agriculture and Consumer Services to regulate the introduction of arthropods into the state as well as the movement of them in the intrastate transfer of plants. The Department is empowered to impose arthropod quarantines by the revision of Subsection 581.101(1), F.S. For purposes of Chapter 581, F.S., a pest no longer needs to pose a serious agricultural threat in the state in order to be considered a plant pest. These provisions are to take effect October 1, 1990.

### Boll Weevil Eradication

The Department of Agriculture and Consumer Services is required by Section 593.113, F.S., to conduct a referendum upon request of the certified cotton growers' organization among all cotton growers in an eradication zone to determine whether an assessment shall be levied on the growers to cover the cost, in whole or in part, of statutorily authorized boll weevil suppression and eradication programs. HOUSE BILL 2547 (CHAPTER 90-128) amends this section to require subsequent referenda to determine changes in assessment or program activities.

### Health Studios

HOUSE BILL 2185 (CHAPTER 90-312) amends Section 501.102, F.S., revising Florida's health studio law. All health studios are required to register with the Department annually and pay a $100 registration fee. A certificate of registration with a registration number on it is issued to each health studio.

Every health studio is required to maintain a $50,000 bond before opening and for 5 years thereafter. The exemption schedule further provides that health studios continuously in business since October 1, of each of the years 1986 through 1989 are exempted from security requirements on the fifth anniversary of the operation of each studio. Those health studios that have been in business continuously since October 1, 1989, are exempt from security requirements effective October 1, 1994. This exemption extends to all current and future business locations of an exempt health studio.

Health studio contracts are required to carry several provisions to insure the protection of the consumer, including one for the penalty-free cancellation of a contract within 3 days. All contracts issued by health studios that are exempt from the security requirements are required to contain a disclosure statement informing the consumer that the health studio is not required by law to provide any security. This section does not apply to contracts entered into before October 1, 1990. The Department is authorized to impose specific administrative fines ranging from $100 to $5,000 per violation of any of the provisions of this law. An effective date of October 1, 1990 is provided.

### Consumer Protection Organization Registration

HOUSE BILL 557 (CHAPTER 90-193) repeals Section 501.131, F.S., which required consumer protection organizations to secure a certificate of registration from the Department of State before soliciting funds or anything of value in the state.

### Sale of Meat

COMMITTEE SUBSTITUTE FOR SENATE BILL 1294 (CHAPTER 90-13) creates Section 500.601, F.S., requiring certain precautionary measures and disclosures to be made to the meat consumer at the time of delivery. The name of the sellor, the weight, the U.S.D.A. grade of the meat, the estimated cut-

ting loss, the price per pound and additional costs would be included as necessary disclosers to be made to the buyer. The act would not apply to any sellor whose total annual retail sales are less than $10,000, to the sale of meat which has a gross or hanging weight of 50 pounds or less or to any retail food business that sells multiple items, such as a grocery store, providing the primary business is not the retail sale of meat or meat cutting.

Penalty provisions for violations are also enumerated in the law. A person who violates any provision of the section will be guilty of a second-degree misdemeanor. The provisions take effect October 1, 1990.

**Weights, Measures and Standards**

HOUSE BILL 2537 (CHAPTER 90-320) conforms various references in the Florida Statutes relating to weights, measures and standards to reflect the new name of the National Bureau of Standards of the United States Department of Commerce, i.e., the National Institute of Standards and Technology. This act also amends Subsection 177.091(20), F.S., to specify the equation for conversion from a U.S. foot to a metric foot to be used in measuring subdivision plats offered for recording. These provision take effect October 1, 1990.

## APPROPRIATIONS*

For the 1990 Legislative Session, the major work products of the Committee on Appropriations are the 1990-91 General Appropriations Act, HOUSE BILL 3701 (CHAPTER 90-209) and its companion the implementing act, HOUSE BILL 3703 (CHAPTER 90-340).

The General Appropriations Act for 1990-91 provides for total expenditures of $27.5 billion. From this amount, $11.4 billion comes from the General Revenue Fund, $14.7 billion from trust fund sources, $922.6 million from the Educational Enhancement Trust Fund (Lottery), and $506.2 million from the State Infrastructure Fund.

The state budget comprises five major areas: Education, General Government, Criminal Justice, Department of Health and Rehabilitative Services (DHRS), and Public Education Capital Outlay (PECO). Following is a breakdown of the total appropriations for the fiscal year: Education and PECO received 34.6 percent of the total appropriations, General Government received 32.6 percent, Criminal Justice 5.8 percent, and DHRS 27.2 percent. The appropriation for General Government includes agency budgets such as the departments of Transportation, Revenue, Natural Resources, Lottery, and the Game and Fresh Water Fish Commission.

Budget reductions in the current year combined with those in the Appropriations Act total $333.7 million. In an effort to cut spending, it was necessary to authorize the deletion of 2,698 positions that have been vacant for at least 180 days.

The 1990-91 General Appropriations Act provides a state employee salary compensation package totaling approximately $145.1 million. The package includes salary increases averaging 3 percent for state employees with a guaranteed minimum of $600 effective January 1, 1991. Furthermore, law enforcement employees who are assigned to a step-pay plan will receive a one-step increase on their anniversary dates. Correctional officers and institutional security specialists will receive a 5 percent increase on base rates of pay effective January 1, 1991. Funding was also provided to increase the monthly salaries of selected law enforcement classes in the Department of Law Enforcement and the State University System by $250 per month effective July 1, 1990.

Public Education Capital Outlay (PECO), the funding for public school construction, includes all maintenance as recommended by the State Board of Education and an additional $20 million maintenance enhancement, $34 million for asbestos abatement, $25 million for science facilities, funds for community education facilities; joint-use facilities and special facilities construction at the levels recommended by the State Board of Education, $99.7 million for new construction at community colleges, $99.7 million for new construction for the State University System, and $206.3 million for new construction for public schools.

Again this year, Education received the largest portion of the state budget. Additional funding to public schools includes an increase of $384.5 million for the Florida Education Finance Program (FEFP), an additional $1.51 million for instructional materials, $500,000 for library media materials, and an increase of $10.4 million for student transportation. Public school teachers received a 6 percent teacher salary increase and 3 percent increase was provided for other employees all of which was included in the FEFP.

Funding for the state's community colleges was $601.9 million, 2.2 percent of this year's total appropriation. Included was $30.4 million for enrollment growth, $2 million for quality enhancements, a 5 percent increase in student matriculation fees, a 4 percent salary increase plus 1 percent bonus for faculty, and a 3 percent salary increase for nonfaculty beginning in January 1991.

Florida's State University System is appropriated $1.45 billion for fiscal year 1990-91 (5.3 percent of the total appropriation). Funding at this level was partially accomplished with a 10 percent increase in tuition for resident students, a 20 percent increase for out-of-state students, and a 25 percent increase for professional students. Funding for private colleges and universities is decreased by 19 percent over last year. Enhancements to the State University System this year include: (in millions)

| | |
|---|---|
| $ 20.62 | faculty salary increases |
| 1.75 | the Taylor Plan |
| 1.27 | Funds Prepaid Tuition Scholarships |
| 5.6 | Florida Undergraduate Scholars' Program is increased by (26 percent) |
| 5.8 | Student Assistance Grants are increased by (30 percent) |

The Department of Health and Rehabilitative Services' operating budget for fiscal year 1990-91 contains a 2.9 percent increase over the Department's 1989-90 appropriation. Enhancements to the DHRS operating budget include: (in millions)

| | |
|---|---|
| $ 91.1 | expansion of Medicaid Services per OBRA (federal Ommibus Budget Reconciliation Act of 1989, P.L. 101-239) |
| 52.0 | Juvenile Justice Reform Package |
| 44.0 | Indigent/Charity Care |
| 272.7 | PMATF (Public Medical Assistance Trust Fund) |
| 37.4 | child care/child abuse package |
| 11.0 | court-ordered mandates for the Mental Health System |
| 24.0 | trauma services |
| 8.7 | to restore the AFDC (Aid to Families with Dependent Children) payment |
| 6.5 | services for the elderly |

Environmental issues were given a high priority in the area of General Government. With the passage of the Florida Preservation 2000 Act (CHAPTER 90-217), the state recognized

*Prepared by House Appropriations Committee

the need for an aggressive program of land acquisition based on protecting the integrity of ecological systems. For debt service to implement the act $30 million was provided. Other environmental issues that were funded include: $64 million for the Save Our Rivers program, $15 million for the SWIM (surface water improvement management) program, $3.2 million and 44 new positions for enhanced marine law enforcement, and $12.3 million from the Saltwater Fishing License Fund for enhanced marine research fish habitat, fisheries research, and artificial reefs. Other enhancements in General Government are: (in millions)

- $ 10.0 grants to develop and construct facilities
- 9.5 to acquire and restore historic properties
- 8.0 additional grants to local governments for public libraries
- 7.0 local recreational and parks projects

Transportation issues were another high priority during the 1990 Legislative Session. With the passage of the Florida Intrastate Highway System, the state recognized the need to improve and fund transportation needs including, but not limited to, the interstate highways, the Florida Turnpike System, interregional and intercity limited-access facilities and new limited-access facilities necessary to complete a balanced statewide network. Some of the transportation-related appropriations issues contained in the 1990-91 Budget were: (in millions)

- $ 297.1 to continue the Turnpike Program (including additional bonding of toll revenues to expand and improve the turnpike)
- 248.4 for right-of-way funding
- 58.7 to continue aviation match grants
- 29.0 to continue mass transit match grants
- 13.3 to continue Public Transit Operating Assistance
- 6.9 to provide a grant program for Transportation Disadvantaged Program
- 1.7 to Disadvantaged Business Enterprise Program
- 2.1 and 49 positions for Commercial Driver License Program
- 1.3 and 26 positions for Administrative Suspension Program
- 1.1 and 24 positions for Emissions Control Program

Criminal Justice received $878.9 million in this year's allocation. This will fund 9,476 prison beds, including 7,404 adult beds, 800 Youth Corrections Program beds, 1,272 beds in Secure Drug Treatment and Rehabilitation facilities for alternative sentencing options and 1,364 beds which will come online from 1989-90 appropriations. Overall, $99.9 million was spent for correctional beds. The total provided for operating costs for beds and drug facilities was $27.7 million. Other recommendations in the area of Criminal Justice include the following: (in millions)

- $ 5.0 improved medical services
- 2.3 additional staff for Attorney General to represent state agencies
- 2.8 implementation of control release
- 2.1 Circuit (22) and County (6) Judges
- 5.6 State Attorney workload
- 3.4 Public Defender workload
- 2.3 Appellate Backlog Workload

The final component to the legislative process affecting the General Appropriations Act was the Governor's vetoes. The Governor exercised his veto on 85 specific items which totaled $81.6 million.

The following pages are extracted from the annual publication *Fiscal Analysis in Brief*, publish cooperatively by the House and Senate Appropriations Committees to provide an abbreviated look at government spending at the state level in Florida.

SUMMARY OF 1990-91
TOTAL EFFECTIVE APPROPRIATIONS
(Millions of Dollars)

| GENERAL APPROPRIATIONS ACT | GENERAL REVENUE FUND | INFRASTRUCTURE FUND | LOTTERY FUND | OTHER TRUST FUNDS | TOTAL FUNDS |
|---|---|---|---|---|---|
| Operations (Section 01): | | | | | |
| Education | | | | | |
| Public Schools | 4,478.1 | - | 693.4 | 633.2 | 5,804.7 |
| Universities | 1,033.7 | - | 109.2 | 310.6 | 1,453.5 |
| Community Colleges | 521.6 | - | 80.4 | - | 602.0 |
| All Other Education | 159.7 | 150.0 | 20.0 | 339.2 | 668.9 |
| HRS | 3,148.2 | - | - | 4,270.8 | 7,419.0 |
| Transportation | - | - | - | 656.3 | 656.3 |
| General Government | 595.1 | 3.4 | - | 4,332.0 | 4,930.5 |
| Criminal Justice | 1,234.7 | 79.0 | - | 108.1 | 1421.8 |
| Natural Resources & Environmental Regulation | 83.3 | - | - | 350.5 | 433.8 |
| Salary Increases & Fringe Benefits | 54.0 | - | 13.6 | 37.5 | 105.1 |
| Fixed Capital Outlay (Sections 2A-2G): | 40.8 | 273.8 | 6.0 | 3,653.6 | 3,974.2 |
| Total General Appropriations Act | 11,349.2 | 506.2 | 922.6 | 14,691.7 | 27,469.7 |
| Special Appropriations Bills & Claims Bills | 19.7 | 30.0 | - | 374.8 | 424.5 |
| Total Appropriations | 11,368.9 | 536.2 | 922.6 | 15,066.5 | 27,894.2 |
| Less: | | | | | |
| Failed Contingent Items | .2 | -- | -- | .7 | .9 |
| Vetoed Items (See Veto List on Page 139) | 9.6 | 2.0 | 5.3 | 64.7 | 81.6 |
| Total Effective Appropriations* | 11,359.1 | 534.2 | 917.3 | 15,001.1 | 27,811.7 |

(*) Does not include contingencies related to Specific Appropriations 515 and 2090F, nor does it include contingent appropriations provided in Section 3 and Section 6 of the General Appropriations Act.

HOUSE BILL 3701
VETOED APPROPRIATIONS
1990-91

| ITEM NO. | ITEM | AMOUNT | FUND |
|---|---|---|---|
| 2 | SALARY INCREASES - DUPLICATE APPROPRIATION | 1,126,000 | TF |
| 141A | CITIZENS FRAUD AND EDUCATION FOUNDATION | 100,000 | GR |
| 206A | CIGARETTE TAX ENFORCEMENT - DUPLICATE APPROP | 1,100,000 | GR |
| 232A | COOPERATIVE ADVERTISING PROGRAM | 1,850,000 | TF |
| 233A | FLORIDA STRATEGIC FUND ACT ADMINISTRATION | 234,200 | GR |
| 300 | COMMUNITY DEVELOPMENT CORPORATIONS FOR DAYTONA BEACH AND JACKSONVILLE | 160,000 | GR |
| 359A | TAMPA CROSSROADS/LOCAL DIVERSIONARY PROGRAM | 210,093 | GR |
| 367A | LEON COUNTY SHERIFF'S OFFICE/LOCAL DIVERSIONARY PROGRAM | 49,411 | GR |
| 367C | GADSDEN COUNTY DRUG ABUSE TASK FORCE/LOCAL DIVERSIONARY PROGRAM | 850,000 | GR |
| 367D | MASTERS PRISON MINISTRY/LOCAL DIVERSIONARY PGM | 100,000 | GR |
| 380 | FEASIBILITY STUDY FOR FLORIDA/AFRICA LINKAGE INSTITUTE - DUPLICATE APPROPRIATION | 10,000 | LOT |
| 459B | INTERNATIONAL OCEANOGRAPHIC FOUNDATION | 250,000 | GR |
| 508A | ARTS IN EDUCATION GRANTS - DUPLICATION APPROP | 250,000 | LOT |
| 517A | GENERAL DEVELOPMENT CORPORATION GUARANTEE | 3,600,000 | LOT |
| 565 | SCHOOL TRANSPORTATION SAFETY IN OKALOOSA AND SANTA ROSA COUNTIES - UPGRADE ROAD IN BLACKWATER NATIONAL FOREST | 1,000,000 | LOT |
| 605 | LAKE CITY COMMUNITY COLLEGE GOLF COURSE AND LANDSCAPE OPERATIONS | 250,000 | LOT |
| 615B | LANNON MUSEUM | 38,162 | LOT |
| 643A | FLORIDA A&M UNIVERISTY/MIAMI-DADE 2+2 PROGRAM | 100,000 | GR |
| 664 | SITE SURVEY AND PLANNING FOR RESEARCH FACILITY - GADSDEN COUNTY | 50,000 | GR |
| 688 | FLORIDA ENDOWMENT FUND FOR HIGHER EDUCATION | 100,000 | LOT |
| 708A | SOUTHEAST FLORIDA HIGHER EDUCATION CONSORTIUM | 225,800 | GR |
| 710 | DIVERSION OF PHYSICIAN CLINICAL PRACTICES FEES | 188,000 | TF |
| 861A | SWAP PROGRAM - DEBT-FOR-EDUCATION | 10,000 | GR |
| 915 | CITY OF NORTH MIAMI - STUDY OF ALTERNATIVE USES FOR MEDICAL FACILITY | 30,000 | GR |
| 981 | TURNING POINT, INC. - ORANGE AND PALM BEACH COUNTIES - ADULT SUBSTANCE ABUSE PROGRAMS | 541,980 | TF |
| 1033 | LURRIE GROUP HOME | 15,000 | GR |
| 1068 | SAFE DRINKING WATER PROGRAM - DUPLICATE APPROP | 714,000 | TF |
| 1071 | AMERICAN BURN SURVIVAL FOUNDATION | 30,000 | GR |
| 1282A | TEEN COURT - SARASOTA COUNTY/LOCAL DIVERSIONARY PROGRAM | 30,000 | GR |
| 1642 | ADMINISTRATIVE COST FOR OVERSIGHT OF THE PUBLIC SERVICE COMMISSION | 292,030 | TF |
| 1644 | JOINT HOUSE/SENATE STUDY COMMITTEE ON THE LOTTERY | 47,000 | GR |
| 1661 | TRANSFER TO THE DEPARMENT OF GENERAL SERVICES FOR LOTTERY BUILDING | 1,218,248 | TF |
| 1717A | HYDRILLA RESEARCH | 317,000 | TF |
| 1833A | NATIONAL HISTORIC PUBLICATION MATCH | 37,500 | GR |
| 1847A | WOLFSON MEDIA HISTORY CENTER | 50,000 | GR |
| 1854A | SOUTH FLORIDA CULTURAL CONSORTIUM | 50,000 | GR |
| 1854A | INDIAN RIVER COMMUNITY CONCERT | 1,400 | GR |
| 2011A | POLK OPPORTUNITY SCHOOL PURCHASE | 1,000,000 | SIF |
| 2038A | ADDITION - DRIVERS LICENSE OFFICE - ALACHUA | 250,000 | TF |

HOUSE BILL 3701
VETOED APPROPRIATIONS
1990-91

| ITEM NO. | ITEM | AMOUNT | FUND |
|---|---|---|---|
| 2063A | UNION SOIL AND WATER CONSERVATION DISTRICT | 10,000 | GR |
| 2070A | BRADFORD SOIL AND WATER CONSERVATION DISTRICT | 10,000 | GR |
| 2076B | PURCHASE OF PROBATION AND RESTITUTION CENTER - ESCAMBIA COUNTY | 450,000 | GR |
| 2090H | EDWARD WATERS COLLEGE - DUPLICATE APPROP | 500,000 | GR |
| 2113B | BEACH REVEGETATION - LAMAR CONDOMINIUM TO DADE COUNTY LINE | 82,500 | SIF |
| 2113C | DUNE REVEGETATION - HOLLYWOOD - HALLANDALE BEACH | 100,000 | TF |
| 2113F | BEACH WALKWAY - SURFSIDE | 80,000 | SIF |
| 2113I | DUNE PROTECTION - BETHUNE BEACH | 50,000 | TF |
| 2115B | DUNE RESTORATION/PROTECTION PROJECTS - EXPERIMENTAL PROJECTS | 250,000 | TF |
| 2138A | RELOCATION OF DOCTORS INLET MAINTENANCE FACILITY - CLAY COUNTY | 300,000 | GR |
| 2159 | CHIPOLA COMMUNITY COLLEGE - LAND ACQUISITION | 200,000 | PCO |
| 2160 | FLORIDA INTERNATIONAL UNIVERSITY - NORTH MIAMI CONFERENCE CENTER | 400,000 | PCO |
| 2171G | OFFICE BUILDING (NUMBER TWO-A - LOTTERY) SATELLITE CENTER - LEON COUNTY | 1,218,248 | TF |
| 2171H | INFRASTRUCTURE CONSTRUCTION - SATELLITE CENTER - LEON COUNTY | 9,953,327 | TF |
| 2171K | REGIONAL SERVICE CENTER - ALACHUA COUNTY | 18,548,873 | TF |
| 2171M | OFFICE BUILDING (NUMBER TWO) - SATELLITE CENTER - LEON COUNTY | 535,296 | SIF |
| 2172 | DEPARTMENT OF THE LOTTERY BUILDING | 1,218,248 | TF |
| 2172A | ROYAL TRUST TOWER | 13,627,907 | TF |
| | | 1,372,093 | WCF |
| 2172B | DEBT SERVICE - ROYAL TRUST TOWER | 2,200,907 | WCF |
| 2195 | MIAMI INTERNATIONAL MASTER PLAN UPDATE | 500,000 | TF |
| 2195 | MIAMI INTERNATIONAL CARGO AREA DEVELOPMENT OF REGIONAL IMPACT | 250,000 | TF |
| 2195 | MIAMI INTERNATIONAL EASTSIDE MULTI-MODAL TRANSPORTATION CENTER STUDY | 200,000 | TF |
| 2195 | OPA-LOCKA WESTSIDE DEVELOPMENT OF REGIONAL IMPACT | 100,000 | TF |
| 2195 | KENDALL-TAMIAMI/NEIGHBORHOOD COMPATIBILITY STUDY | 75,000 | TF |
| 2195 | HOMESTEAD GENERAL AVIATION AIRPORT DEVELOPMENT OF REGIONAL IMPACT | 75,000 | TF |
| 2195 | MIAMI INTERNATIONAL AIRPORT CONCOURSE A PHASE II DESIGN | 1,500,000 | TF |
| 2195 | MIAMI INTERNATIONAL AIRPORT CARGO BUILDING 2205 DESIGN | 600,000 | TF |
| 2195 | MIAMI INTERNATIONAL AIRPORT CARGO BUILDINGS 2161 and 2162 | 800,000 | TF |
| 2223B | CITY OF NORTH MIAMI BEACH REBEAUTIFICATION AND REDEVELOPMENT | 178,280 | SIF |
| 2223E | SAFE NEIGHBORHOOD WATCH - VOLUSIA COUNTY | 10,000 | GR |
| 2228B | NAVARRE SOUND SIDE PARK - SANTA ROSA - DUPLICATE APPROPRIATION | 100,000 | SIF |
| 2230B | GADSDEN COUNTY DRUG ABUSE TASK FORCE/LOCAL DIVERSIONARY PROGRAM | 400,000 | GR |
| 2241A | CITY OF SURFSIDE STORMWATER DRAINAGE SYSTEM | 2,500,000 | TF |

HOUSE BILL 3701
VETOED APPROPRIATIONS
1990-91

| ITEM NO. | ITEM | AMOUNT | FUND |
|---|---|---|---|
| 2241E | CITY OF NORTH MIAMI - GRAVES TRACT | 6,000,000 | TF |
| 2242BZ | HEALTH DEPARTMENT - SANTA ROSA COUNTY | 350,000 | GR |
| 2242CE | OCEANWAY COMPREHENSIVE HEALTH CLINIC - DUVAL COUNTY | 50,000 | GR |
| 2248A | LAKE WALES PARK (POLK) - DUPLICATE APPROP | 20,000 | TF |
| 2248A | ROUND LAKE PARK (SEMINOLE) - DUPLICATE APPROP | 60,000 | TF |
| 2249A | OLD HAMILTON JAIL | 30,000 | GR |
| 2249A | OLD CARLISLE BUILDING RENOVATION | 14,891 | GR |
| 2249A | ZORA NEAL HURSTON MEMORIAL | 18,750 | GR |
| 2249A | SANTA ROSA HISTORICAL TRAIN DEPOT | 18,750 | GR |
| 2249A | CANAL STREET RENOVATION - NEW SMYRNA BEACH | 50,000 | GR |
| 2249A | BUCKEYE SCHOOL RENOVATION | 37,500 | GR |
| 2251A | HOMESTEAD CENTER FOR THE ARTS | 50,000 | SIF |
| | | 81,571,394 | TOT. |
| | | 5,980,295 | GR |
| | | 2,026,076 | SIF |
| | | 5,248,162 | LOT |
| | | 3,573,000 | WCF |
| | | 64,143,861 | TF |
| | | 600,000 | PECO |

FINANCIAL OUTLOOK STATEMENT
FY 1989-90 and 1990-91
GENERAL REVENUE AND WORKING CAPITAL FUNDS
(MILLIONS OF DOLLARS)

DATE: 12-Jul-90
TIME: 04:23 PM

| | GENERAL REVENUE FUND | WORKING CAPITAL FUND | TOTAL ALL FUNDS | RECURRING FUNDS | NON-RECURRING FUNDS |
|---|---|---|---|---|---|
| FUNDS AVAILABLE 1989-90 | | | | | |
| BALANCE FORWARD FROM 88-89 | 41.7 | 157.3 | 199.0 | 0.0 | 199.0 |
| ESTIMATED REVENUES | 9,755.9 | 0.0 | 9,755.9 | 9,824.0 | (68.1) |
| EFT SALES TAX SPEED-UP | 186.8 | 0.0 | 186.8 | 0.0 | 186.8 |
| MIDYEAR REVERSIONS | 21.3 | 0.0 | 21.3 | 0.0 | 21.3 |
| FIXED CAPITAL OUTLAY REVERSIONS | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CANCELLATION OF WARRANTS | 2.0 | 0.0 | 2.0 | 0.0 | 2.0 |
| REPAYMENT OF LOANS | 0.3 | 4.5 | 4.8 | 0.0 | 4.8 |
| TRANSFER TO WORKING CAPITAL FUND | (41.7) | 41.7 | 0.0 | 0.0 | 0.0 |
| TRANSFER FROM WORKING CAPITAL FUND | 89.2 | (89.2) | 0.0 | 0.0 | 0.0 |
| WORKING CAPITAL FUND INTEREST | 0.0 | 12.7 | 12.7 | 0.0 | 12.7 |
| TRANSFER FROM STATE INFRA. FUND SB 31D | 0.0 | 45.0 | 45.0 | 0.0 | 45.0 |
| TOTAL 89-90 FUNDS AVAILABLE | 10,055.5 | 172.0 | 10,227.5 | 9,824.0 | 403.5 |
| EFFECTIVE APPROPRIATIONS 1989-90 | | | | | |
| OPERATIONS | 5,287.9 | 7.8 | 5,295.7 | 5,251.0 | 44.7 |
| AID TO LOCAL GOVERNMENT | 4,710.4 | 0.0 | 4,710.4 | 4,703.1 | 7.3 |
| FCO-AID TO LOCAL GOVERNMENT | 18.8 | 10.0 | 28.8 | 0.0 | 28.8 |
| FIXED CAPITAL OUTLAY | 0.3 | 0.0 | 0.3 | 0.0 | 0.3 |
| SUPPLEMENTAL APPROPRIATIONS HB 3695 | 13.0 | 0.0 | 13.0 | 0.0 | 13.0 |
| TOTAL 89-90 EFF. APPROPRIATIONS | 10,030.4 | 17.8 | 10,048.2 | 9,954.1 | 94.1 |
| UNENCUMBERED RESERVES | 25.1 | 154.2 | 179.3 | (130.1) | 309.4 |
| FUNDS AVAILABLE 1990-91 | | | | | |
| BALANCE FORWARD FROM 89-90 | 25.1 | 154.2 | 179.3 | 0.0 | 179.3 |
| ESTIMATED REVENUES | 10,420.5 | 0.0 | 10,420.5 | 10,502.1 | (81.6) |
| ADDITIONAL REVENUE | 729.3 | 0.0 | 729.3 | 703.8 | 25.5 |
| SIF VETO TRANSFER | 0.0 | 2.0 | 2.0 | 0.0 | 2.0 |
| GR/WCF TRANSFER | (25.1) | 25.1 | 0.0 | 0.0 | 0.0 |
| WCF/GR TRANSFER | 26.9 | (26.9) | 0.0 | 0.0 | 0.0 |
| MIDYEAR REVERSIONS | 13.8 | 0.0 | 13.8 | 0.0 | 13.8 |
| UNUSED APPROPRIATIONS | 25.6 | 7.8 | 33.4 | 0.0 | 33.4 |
| UNUSED APPROPRIATION/FEFP SURPLUS | 50.4 | 0.0 | 50.4 | 0.0 | 50.4 |
| CANCELLATION OF WARRANTS | 2.0 | 0.0 | 2.0 | 0.0 | 2.0 |
| LOAN REPAYMENT - DEPT. B&F | 0.4 | 0.0 | 0.4 | 0.4 | 0.0 |
| WORKING CAPITAL FUND INTEREST | 0.0 | 18.3 | 18.3 | 0.0 | 18.3 |
| TOTAL 90-91 FUNDS AVAILABLE | 11,268.9 | 180.5 | 11,449.4 | 11,206.3 | 243.1 |
| APPROPRIATIONS 1990-91 | | | | | |
| OPERATIONS | 6,082.4 | 0.0 | 6,082.4 | 6,033.0 | 49.3 |
| VETOES - OPERATIONS | (3.6) | 0.0 | (3.6) | (2.9) | (0.7) |
| AID TO LOCAL GOVERNMENT | 5,102.3 | 0.0 | 5,102.3 | 5,100.0 | 2.3 |
| VETOES - ALG | (0.1) | 0.0 | (0.1) | (0.1) | 0.0 |
| FIXED CAPITAL OUTLAY-SECTION 2a | 4.7 | 0.0 | 4.7 | 0.0 | 4.7 |
| FIXED CAPITAL OUTLAY-SECTION 2b | 11.4 | 0.0 | 11.4 | 0.0 | 11.4 |
| VETOES - FCO SECTION 2b | (1.3) | 0.0 | (1.3) | 0.0 | (1.3) |
| FIXED CAPITAL OUTLAY-SECTION 2b proviso | 0.0 | 3.9 | 3.9 | 0.0 | 3.9 |
| FIXED CAPITAL OUTLAY-SECTION 2d | 0.0 | 3.6 | 3.6 | 0.0 | 3.6 |
| VETOES - FCO SECTION 2d | 0.0 | (3.6) | (3.6) | 0.0 | (3.6) |
| FIXED CAPITAL OUTLAY-SECTION 2g | 24.7 | 0.0 | 24.7 | 0.0 | 24.7 |
| VETOES - FCO SECTION 2g | (1.0) | 0.0 | (1.0) | 0.0 | (1.0) |
| SECTION 3 | 0.0 | 1.0 | 1.0 | 0.0 | 1.0 |
| SECTION 6 | 30.0 | 0.0 | 30.0 | 0.0 | 30.0 |
| FAILED CONTINGENCY ITEMS | (0.2) | 0.0 | (0.2) | 0.0 | (0.2) |
| SPECIAL ACTS | 19.7 | 0.0 | 19.7 | 8.0 | 11.7 |
| TOTAL 90-91 APPROPRIATIONS | 11,268.9 | 4.8 | 11,273.7 | 11,138.0 | 135.8 |
| UNENCUMBERED RESERVES | 0.0 | 175.7 | 175.7 | 68.3 | 107.3 |

FINANCIAL OUTLOOK STATEMENT, CONTINUED
FY 1991-92
GENERAL REVENUE AND WORKING CAPITAL FUNDS
(MILLIONS OF DOLLARS)

DATE: 12-Jul-90
TIME: 04:23 PM

| | GENERAL REVENUE FUND | WORKING CAPITAL FUND | TOTAL ALL FUNDS | RECURRING FUNDS | NON-RECURRING FUNDS |
|---|---|---|---|---|---|
| FUNDS AVAILABLE 1991-92 | | | | | |
| BALANCE FORWARD FROM 90-91 | 0.0 | 175.7 | 175.7 | 0.0 | 175.7 |
| ESTIMATED REVENUES | 11,260.6 | 0.0 | 11,260.6 | 11,260.6 | 0.0 |
| ADDITIONAL REVENUE | 698.6 | 0.0 | 698.6 | 731.4 | (32.8) |
| MIDYEAR REVERSIONS | 15.0 | 0.0 | 15.0 | 0.0 | 15.0 |
| UNUSED APPROPRIATIONS | 52.5 | 0.0 | 52.5 | 0.0 | 52.5 |
| CANCELLATION OF WARRANTS | 2.0 | 0.0 | 2.0 | 0.0 | 2.0 |
| WORKING CAPITAL FUND INTEREST | 0.0 | 12.2 | 12.2 | 0.0 | 12.2 |
| TOTAL 91-92 FUNDS AVAILABLE | 12,028.7 | 187.9 | 12,216.6 | 11,992.0 | 224.6 |
| APPROPRIATIONS BASE FROM 1990-91 | | | | | |
| OPERATIONS | 6,030.1 | 0.0 | 6,030.1 | 6,030.1 | 0.0 |
| AID TO LOCAL GOVERNMENT | 5,099.9 | 0.0 | 5,099.9 | 5,099.9 | 0.0 |
| SPECIAL ACTS | 8.0 | 0.0 | 8.0 | 8.0 | 0.0 |
| OTHER | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL 90-91 APPROPRIATIONS BASE | 11,138.0 | 0.0 | 11,138.0 | 11,138.0 | 0.0 |
| UNENCUMBERED RESERVES | 890.7 | 187.9 | 1,078.6 | 854.0 | 224.6 |
| | | | | 7.7% | |

FOOTNOTES

(A) THIS FINANCIAL 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. THE ATTORNEY GENERAL ISSUES A QUARTERLY UPDATE ON THE STATUS OF SUCH LITIGATION.

# GENERAL APPROPRIATIONS ACT FOR 1990-91
# CONTINGENCY ITEMS

| SPECIFIC APPROPRIATION | POS. | APPROPRIATION | FUND | CONTINGENCY | STATUS |
|---|---|---|---|---|---|
| SECTION 1 | | | | | |
| 2 | | 1,400,000 | T | HB 1207 or similar legislation | Became law |
| 2 | | 1,126,000 | T | HB 3293 or similar legislation | SB 1516 became law |
| 26 | 1 | 30,000 | G | HB 967 or similar legislation | HB 2549 became law |
| 86 | 1 | 500,000 | G | SB 1042 or similar legislation | HB 2549 became law |
| 86 | | 200,000 | T | SB 1042 or similar legislation | HB 2549 became law |
| 182, 187, 188 | | 700,000 | T | SB 1808 or similar legislation | Failed to become law |
| 202, 206 | | 700,000 | T | SB 2552 or similar legislation | CS/HB 3695 became law |
| 206A | 23 | 1,100,000 | G | HB 3695 or similar legislation | Became law |
| 226A | 5 | 1,100,303 | G | HB 3471 or similar legislation | CS/HB 3809 became law |
| 233A | 3 | 234,200 | G | HB 2365 or similar legislation | Died on calendar |
| 233C | 6 | 1,146,000 | G | HB 3471 or similar legislation | CS/HB 3809 became law |
| 380 | | 10,000 | L | HB 3471 or similar legislation | Vetoed in Gen. Appr. Act |
| 422A | | 112,500 | L | SB 1428 or similar legislation | Became law |
| 426 | | 500,000 | G | CS/HB 931 or similar legislation | Became law |
| 465A | | 1,750,000 | G | HB 805 or similar legislation | SB 1556 became law |
| 465B | | 1,272,000 | L | HB 3117 or similar legislation | Became law |
| 688 | | 100,000 | L | SB 1098 or similar legislation | Vetoed in Gen. Appr. Act |
| 719, 721, 731 | 5 | 192,785 | T | HB 2081 or similar legislation | SB 1278 became law |
| 719,720,721 731, 754 | 3 | 310,456 | T | HB 2081 or similar legislation | HB 3065 became law |
| 719, 720, 721 731, 754 | 18 | 777,252 | T | HB 1001 or similar legislation | HB 3065 became law |
| 839 | | 65,200 | G | HB 2599 or similar legislation | Became law |
| 861A | 4 | 370,000 | G | HB 3471 or similar legislation | HB 3809 became law |
| 891 | 4 | 0 | | CS/CS/HB 619 | Became law |
| 901A | | 20,000,000 | G | CS/CS/HB 619 | Became law |
| 958 | | 180,000 | G | HB 2559 or similar legislation | Became law |
| 962 | | 75,000 | G | HB 2527 or similar legislation | Became law |
| 1007 | | 125,000 | G | HB 1929 or similar legislation | HB 1453 became law |
| 1068 | 2 | 714,000 | T | Legislation establishing fees for increased compliance | HB 3065 became law |
| 1113B | | 123,800,000 | G | Failure of passage of CS/HB 3695 or similar legislation | Became law |
| 1171A | | 750,000 | T | HB 3181 or similar legislation | CS/HB 3695 became law |
| 1177A | | 750,000 | T | HB 3181 or similar legislation | CS/HB 3695 became law |
| 1264 | | 168,000 | G | Passage of legislation authorizing new judgeships | HB 703 became law |
| 1275 | 44 | 1,593,757 | G | Passage of legislation authorizing new judgeships | HB 703 became law |
| 1277 | | 20,944 | G | Passage of legislation authorizing new judgeships | HB 703 became law |
| 1284 | 12 | 392,000 | G | Passage of legislation authorizing new judgeships | HB 703 became law |
| 1285 | | 2,196 | G | Passage of legislation authorizing new judgeships | HB 703 became law |
| 1602, 1603 | | 250,000 | T | HB 2611 or similar legislation | Became law |
| 1625 | 2 | 47,789 | T | HB 3307 or similar legislation | HB 1453 became law |
| 1627 | | 25,966 | T | HB 3307 or similar legislation | HB 1453 became law |
| 1628 | | 5,783 | T | HB 3307 or similar legislation | HB 1453 became law |

# GENERAL APPROPRIATIONS ACT FOR 1990-91
# CONTINGENCY ITEMS

| SPECIFIC APPROPRIATION | POS. | APPROPRIATION | FUND | CONTINGENCY | STATUS |
|---|---|---|---|---|---|
| 1642 | | 292,030 | T | CS/SB 2960 or similar legislation | Became law (vetoed in GAA) |
| 1734A | 3 | 129,882 | T | SB 1068 or similar legislation | Became law |
| 1750, 1752, 1753 | 6 | 401,030 | G | Legislation increasing number of parole commissioners | HB 3711 became law |
| 1758A | 23 | 890,695 | T | SB 2524 or similar legislation | Became law |
| 1779 | | 3,000,000 | G | HB 2967 or similar legislation | CS/CS/SB 2074 became law |
| 1836 | | 1,500,000 | T | HB 777 or similar legislation | SB 538 became law |
| 1838, 1839, 1840, 1841 | 17 | 777,472 | T | HB 777 or similar legislation | SB 538 became law |
| 1857 | | 1,500,000 | T | HB 777 or similar legislation | SB 538 became law |
| 1890, 1891, 1892, 1893, 1897 | 10 | 3,265,045 | T | CS/SB 1316 or similar legislation | Became law |
| 1908, 1910, 1914 | | 6,225,000 | T | CS/SB 1316 or similar legislation | Became law |
| 1916 thru 1921, 1924 | 10 | 5,735,045 | T | CS/SB 1316 or similar legislation | Became law |
| 1933, 1934, 1935 | | 505,000 | T | CS/SB 1316 or similar legislation | Became law |
| 1943, 1944, 1945 1946A | | 820,000 | T | CS/SB 1316 or similar legislation | Became law |
| 1950 thru 1954 | | 2,567,000 | T | CS/SB 1316 or similar legislation | Became law |
| 1958 | | 9,000,000 | T | CS/SB 1316 or similar legislation | Became law |
| 1960 thru 1964, 1965A | 80 | 4,426,196 | T | CS/SB 1316 or similar legislation | Became law |
| 1969-1972, 1977-1979,1981 | | 9,750,000 | T | CS/SB 1316 or similar legislation | Became law |
| SECTION 2B | | | | | |
| 2108A | | 30,000,000 | T | HB 1911 or similar legislation | Became law |
| 2134 | | 1,221,780 | T | CS/SB 1316 or similar legislation | Became law |
| 2141A | | 3,000,000 | T | CS/SB 1316 or similar legislation | Became law |
| SECTION 2C | | | | | |
| 2157-2171 | | 232,882,889 | T | CS/HB 3695 or similar legislation | Became law |
| SECTION 2F | | | | | |
| 2188-2193 | | 297,106,796 | T | CS/SB 1316 or similar legislation | Became law |
| 2195, 2197-2201 | | 36,095,255 | T | CS/SB 1316 or similar legislation | Became law |
| 2203-2209 | | 573,372,819 | T | CS/SB 1316 or similar legislation | Became law |
| 2211-2219 | | 214,763,239 | T | CS/SB 1316 or similar legislation | Became law |
| 2220A, 2221 | | 19,282,257 | T | CS/SB 1316 or similar legislation | Became law |
| SECTION 2G | | | | | |
| 2238 | | 5,000,000 | T | HB 1911 or similar legislation | Became law |
| 2239 | | 2,351,000 | T | HB 1911 or similar legislation | Became law |
| 2240 | | 5,000,000 | T | HB 1911 or similar legislation | Became law |

FUND CODE KEY:

T = Trust
G = GR
L = Lottery
I = Infrastructure
W = Working Capital Fund

# GENERAL APPROPRIATIONS ACT FOR 1990-91
# CONTINGENCY ITEMS DEPENDENT ON ACTION OTHER THAN LEGISLATION

| SPECIFIC APPROPRIATION | POS. | APPROPRIATION | FUND | CONTINGENCY |
|---|---|---|---|---|
| SECTION 1 | | | | |
| 109, 110 | | 950,000 | G | Confirmation of required federal protocol |
| 109, 110 | | 3,408,669 | T | Confirmation of required federal protocol |
| 259 | | 2,591,820 | T | Reversion of prior year appropriation |
| 276 | | 1,081,759 | T | Reversion of prior year appropriation |
| 277 | | 1,424,495 | T | Reversion of prior year appropriation |
| 278 | | 787,520 | T | Reversion of prior year appropriation |
| 292 | | 32,014,278 | T | Reversion of prior year appropriation |
| 301 | | 1,675,000 | T | Reversion of prior year appropriation |
| 302 | | 101,229 | T | Reversion of prior year appropriation |
| 303 | | 305,394 | T | Reversion of prior year appropriation |
| 326, 327, 328, 329 | 4 | 357,685 | G | Federal Court order RE: Costello V. Dugger Case |
| 326, 328, 329, 329B 332, 335, 343, 345 346, 347, 352B | | 23,045,639 | G | Constitutionality of CS/HB 3695 or similar legislation |
| 360A | | 4,266,039 | G | Constitutionality of CS/HB 3695 or similar legislation |
| 601B | | 475,000 | L | Action of State Board of Community Colleges |
| 605 | | 250,000 | L | Action of State Board of Community Colleges (vetoed in GAA) |
| 924 | | 13,783,016 | T | Receipt of matching federal funds |
| 978 | | 4,238,771 | T | Approval of pilot test/implementation plan by IRC |
| 1059A | | 1,400,000 | G | Agreement by provider to service 150 indigent persons per year with AIDS or ARC |
| 1266 | | 767,312 | G | Matching contributions by counties |
| 1426A | | 326,925 | G | Approval of implementation plan |
| 1701A | | 1,000,000 | T | Development and submission of plan |
| 1701B | | 1,000,000 | T | Development and submission of plan |
| SECTION 2A | | | | |
| 2020C | | 322,701 | G | Reversion of prior years appropriation |
| SECTION 2B | | | | |
| 2070 | | 3,932,080 | G | Evidence of proper deed restrictions |
| 2080, 2082, 2084 2088, 2089 | | 96,595,000 | I | Constitutionality of CS/HB 3695 or similar legislation |
| 2090F | | 3,850,000 | W | Receipt of matching federal funds |
| 2090H | | 500,000 | G | Receipt of matching funds |
| SECTION 2C | | | | |
| 2160 | | 10,000,000 | T | Florida being awarded the National Magnet Laboratory and receipt of clear title to property |
| 2160 | | 750,000 | T | Receipt of matching federal funds |
| 2160 | | 7,000,000 | T | Actions by Board of Regents and by the University of South Florida and receipt of a clear title to the property. |
| 2170 | | 3,600,000 | T | Receipt of matching funds |
| 2171A | | 1,200,000 | T | Action by State Board of Education |

# GENERAL APPROPRIATIONS ACT FOR 1990-91
# CONTINGENCY ITEMS DEPENDENT ON ACTION OTHER THAN LEGISLATION

| SPECIFIC APPROPRIATION | POS. | APPROPRIATION | FUND | CONTINGENCY |
|---|---|---|---|---|
| SECTION 2D | | | | |
| 2172A | | 13,627,907 | T | Action by Royal Trust Tower Owner |
| 2172A | | 1,372,093 | W | Action by Royal Trust Tower Owner |
| SECTION 2G | | | | |
| 2242O | | 1,400,000 | G | Agreement between Dept. of HRS and provider agency |
| 2242CB | | 1,500,000 | G | Agreement by provider to provide a minimum of 30% of total positive emission tomography services to indigent persons |
| 2248B | | 1,100,000 | I | Selection of a screening committee |
| SECTION 3 | | | | |
| | | Up to 1,000,000 | W | Florida being awarded the National Magnet Laboratory |
| SECTION 6 | | | | |
| | | 30,044,453 | G | CS/CS/HB 1911 or similar legislation; transfer of funds; |
| | | (30,044,453) | I | and sale of revenue bonds. |

FUND CODE KEY:

T = Trust
G = GR
L = Lottery
I = Infrastructure
W = Working Capital Fund

## SPECIAL APPROPRIATIONS ACTS 1990 SESSION

| | | | GENERAL REVENUE | | TRUST |
|---|---|---|---|---|---|
| | | | Recurring | Nonrecurring | |
| H | 121 | Relief of Mary & Richard Avon | | 1,126,279 | |
| H | 145 | Relief of Stella Yamuni | | 1,925,000 | |
| H | 191 | Relief of Richard J. Scheuer | | 4,109 | |
| H | 269 | African-American history | | 14,000 | |
| H | 363 | Relief of Mirtha Schlussler | | | 63,706 |
| H | 619 | State sponsored trauma centers | | | 1,400,000 |
| H | 657 | Parimutuel wagering | | 25,000 | 125,000 |
| H | 935 | Florida Columbus Hemisphere Commission | | 150,000 | 450,000 |
| H | 951 | Air pollution control equipment | | | 149,865 |
| H | 967 | State Employee Telecommuting Act | 30,000 | | |
| H | 1115 | AIDS/Victims' rights | 202,174 | | |
| H | 1209 | Health care | | | 297,681 |
| H | 1437 | Emergency telephone system 911 | | 50,000 | |
| H | 1739 | Health care & education | 5,900,000 | | |
| H | 1911 | Florida Preservation Act 2000 | 392,668 | 400,000 | 332,963,436 |
| H | 2033 | Saltwater products license | 75,000 | | |
| H | 2503 | Spiny lobster traps | | | 120,000 |
| H | 2509 | Victims of crimes | | | 1,272,853 |
| H | 2599 | Small disadvantaged manufacturers | 65,200 | | |
| H | 2621 | Relief of Allen, Auer, Goodrich, Nivens | 100,000 | | |
| H | 2669 | Citrus canker | | 7,837,031 | 32,982,273 |
| H | 3041 | Condo Study Commission | | | 100,000 |
| H | 3049 | Black College & University Library TF | | 200,000 | |
| H | 3059 | Disabled persons | | | 75,692 |
| H | 3065 | Power plant transmission line siting | | | 1,951,371 |
| H | 3137 | Solid, special and biohazardous waste | | | 2,070,000 |
| H | 3695 | Taxation | | | 4,600,000 |
| H | 3741 | Elections | | | 324,146 |
| H | 3809 | Workers' compensation revision | | | 11,025,219 |
| H | 3821 | Lodging & food service | | | 4,072,657 |
| S | 70 | Relief of A. H. Kinsey | | | 160,000 |
| S | 114 | Mobile home & RV restitution | | | 45,032 |
| S | 394 | Relief of Sharon L. Firesheets | | | 476,308 |
| S | 458 | Professional regulation | | | 23,065 |
| S | 482 | Professional regulation | | | 620,555 |
| S | 484 | Relief of Lori Bishop | | | 1,025,000 |
| S | 538 | Department of State/fictitious names | | | 261,900 |
| S | 760 | Regulation of waterways | | | 324,300 |
| S | 1516 | Law enforcement officer pay adjustments | | | 1,336,320 |
| S | 1730 | Trial & appellate proceedings/fees | 1,113,236 | | |
| S | 2196 | Florida Healthy Kids Corporation Act | 83,500 | | |
| S | 2450 | Farm labor registration | | | 144,743 |
| S | 2702 | Petroleum storage systems | | | 6,318,280 |
| | | TOTAL SPECIAL ACTS (90-91) | 7,961,778 | 11,731,419 | 404,779,402 |
| S | 3695 | 1989-90 Supplemental Appropriation | | 12,990,775 | |

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

12-Jul-90

| Chapter Law | Bill Number | | | Description | 1990-91 General Revenue 1st Year | 1990-91 General Revenue Recurring | 1990-91 General Revenue Non-Recurring | 1990-91 Trust 1st Year | 1990-91 Local 1st Year | 1991-92 General Revenue Recurring | 1991-92 General Revenue Non-Recurring | 1991-92 Trust | 1991-92 Local |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| HOUSE BILLS | | | | | | | | | | | | | |
| 90-276 | CS/HB | 33 | | Alcohol and Drug Treatment for Minors | -- | -- | -- | ** | -- | -- | -- | ** | -- |
| 90-110 | CS/CS/HB | 149 | 1 | Agency Budget Review/Service Charge | -- | -- | -- | 5.5 | -- | -- | -- | 5.7 | -- |
| | | | 2 | Other Trust Fund Impacts | (0.6) | (0.6) | -- | (2.3) | (2.6) | (0.6) | -- | (2.4) | (2.7) |
| 90-57 | HB | 171 | | Ad Valorem Tax Exemption for Econ. Dev. | -- | -- | -- | -- | -- | -- | -- | -- | ** |
| 90-141 | CS/HB | 229 | | Epilepsy Prevention and Education/Fine Surcharge | * | 0.1 | (0.1) | 0.6 | -- | 0.1 | -- | 0.9 | -- |
| 90-143 | CS/HB | 317 | | Solicitation Calls/HRS Fee | -- | -- | -- | ** | -- | -- | -- | ** | -- |
| Vetoed | CS/HB | 345 | | Driving Under the Influence/Add. Fine | -- | -- | -- | ** | -- | -- | -- | ** | -- |
| 90-282 | CS/HB | 475 | | Infrastructure Surtax/School Board Participation | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| 90-283 | CS/HB | 607 | | Motor Vehicles/Certificate of Destruction | 0.1 | 0.1 | -- | -- | 0.2 | 0.1 | -- | -- | 0.2 |
| 90-352 | CS/ | | | | | | | | | | | | |
| | CS/CS/HB | 657 | | Intertrack Wagering | 3.2 | (1.9) | 5.1 | 0.8 | -- | (2.5) | 1.2 | 0.8 | -- |
| 90-353 | CS/HB | 691 | | Mortgage Lending Act/Fees | -- | -- | -- | ** | -- | -- | -- | ** | -- |
| 90-286 | HB | 733 | | Saltwater Fishing/Confiscation Funds | -- | -- | -- | (*) | * | -- | -- | (*) | * |
| 90-288 | HB | 931 | | Ad Valorem Tax/Childrens Districts/Uses | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| 90-289 | CS/HB | 935 | | Quincentennial Trust License Plates | -- | -- | -- | ** | -- | -- | -- | ** | -- |
| 90-290 | HB | 951 | | MV Air Conditioner Certification Fees | -- | -- | -- | 0.2 | -- | -- | -- | 0.2 | -- |
| 90-194 | HB | 993 | 1 | Prestige Plates--Restore to STTF | -- | -- | -- | 1.3 | -- | -- | -- | 1.3 | -- |
| | | | 2 | Prestige Plates--Fla. Communities TF | -- | -- | -- | (1.3) | -- | -- | -- | (1.3) | -- |
| | | | 3 | Trucks Hauling Ag Products--Reduced Tag Fees | -- | -- | -- | (0.1) | -- | -- | -- | (0.1) | -- |
| 90-163 | CS/HB | 1137 | | Disability Access Vehicles/Fees | -- | -- | -- | * | -- | -- | -- | * | -- |
| 90-17 | CS/HB's 1143, 1581 | | | | | | | | | | | | |
| | | 1583 | 1 | Forfeitures/DABT & GFWFC | (*) | (*) | -- | * | (*) | (*) | -- | * | (*) |
| | | | 2 | American Legion Liquor Licenses | -- | -- | -- | * | -- | -- | -- | * | -- |
| Vetoed | CS/HB | 1189 | 1 | Local Option Tourist Dev. Tax--Palm Beach Co. | -- | -- | -- | -- | ** | -- | -- | -- | ** |
| | | | 2 | Convention Dev. Tax/Additional Counties | -- | -- | -- | -- | ** | -- | -- | -- | ** |
| 90-299 | CS/HB | 1245 | | Ad Valorem Tax Exemptions--Disabled Income | -- | -- | -- | -- | -- | -- | -- | -- | (0.4) |
| 90-305 | CS/HB | 1437 | | Emergency Tel. Sys./Increase Time for Levy | -- | -- | -- | -- | ** | -- | -- | -- | ** |
| 90-306 | CS/CS/HB | 1453 | | Subsidized Day Care/Fees | -- | -- | -- | 0.9 | -- | -- | -- | 1.8 | -- |
| 90-150 | CS/HB | 1679 | | Highway Safety/I.D. Cards | ** | ** | -- | -- | -- | ** | -- | -- | -- |
| 90-358 | CS/ | | | | | | | | | | | | |
| | CS/CS/HB | 1739 | | Recreational Facilities/Sales Tax | 6.2 | 14.3 | (8.1) | * | 0.7 | 15.1 | -- | * | 1.7 |
| 90-217 | CS/CS/HB | 1911 | | Florida Preservation 2000 | | | | | | | | | |
| | | | 1 | Transfer from SIF | -- | -- | -- | (30.0) | -- | -- | -- | (30.0) | -- |
| | | | 2 | Transfer to LATF | -- | -- | -- | 30.0 | -- | -- | -- | 30.0 | -- |

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

12-Jul-90

| Chapter Law | Bill Number | | | Description | 1990-91 General Revenue 1st Year | 1990-91 General Revenue Recurring | 1990-91 General Revenue Non-Recurring | 1990-91 Trust 1st Year | 1990-91 Local 1st Year | 1991-92 General Revenue Recurring | 1991-92 General Revenue Non-Recurring | 1991-92 Trust | 1991-92 Local |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 90-65 | CS/HB | 1991 | | Pesticides/Adiministrative Fines | -- | -- | -- | ** | -- | -- | -- | ** | -- |
| 90-310 | CS/HB | 2033 | 1 | Marine Life Fisheries Endorsement | -- | -- | -- | * | -- | -- | -- | * | -- |
| | | | 2 | Restricted Species Endorsement | -- | -- | -- | (*) | -- | -- | -- | (*) | -- |
| | | | 3 | Shrimp Boat License Credit | -- | -- | -- | (*) | -- | -- | -- | (*) | -- |
| | | | 4 | Appalachicola Oyster License Credit | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| 90-366 | CS/HB | 2107 | | Exempt Annuity Reserves from Intangibles Tax | -- | (0.7) | 0.7 | -- | -- | (0.7) | -- | -- | (0.4) |
| 90-312 | CS/HB | 2185 | | Health Studios/Fees | -- | -- | -- | * | -- | -- | -- | * | -- |
| 90-317 | CS/HB | 2503 | | Spiny Lobster Trap Tag Fee | -- | -- | -- | * | -- | -- | -- | 0.1 | -- |
| 90-318 | CS/HB | 2511 | | Secondhand Property Dealers/Fees | -- | -- | -- | (*) | -- | -- | -- | (*) | -- |
| Vetoed | CS/HB | 2515 | | Transportation Taxes | | | | | | | | | |
| | | | 1 | Rental Car Fee—$1.50 Increase in Fee (STTF) | -- | -- | -- | 39.5 | -- | -- | -- | 45.2 | -- |
| | | | 2 | New Wheels—$70 Increase in Fee (STTF) | -- | -- | -- | 62.7 | -- | -- | -- | 62.4 | -- |
| | | | 3 | Title Fee—$21 Increase in Fee (STTF) | -- | -- | -- | 35.8 | -- | -- | -- | 74.7 | -- |
| | | | 4 | Repeal Frac. License Tags and Most Refunds (STTF) | -- | -- | -- | 31.5 | -- | -- | -- | 33.1 | -- |
| | | | 5 | MTA Fuel Tax—4 Cents Indexed | -- | -- | -- | 102.7 | -- | -- | -- | 259.8 | -- |
| | | | 6 | 6% Tax on Fuel—Highway and Off-Highway (STTF) | -- | -- | -- | 83.3 | -- | -- | -- | 112.1 | -- |
| | | | 7 | 6% Tax on Aviation Fuel (STTF) | -- | -- | -- | 7.4 | -- | -- | -- | 11.3 | -- |
| | | | 8 | Sales Taxes on Rental Car Fees | 3.1 | 3.3 | (0.2) | * | 0.3 | 3.5 | -- | * | 0.3 |
| | | | 9 | Service Charges | 22.0 | 36.0 | (14.0) | -- | -- | 37.0 | -- | -- | -- |
| | | | 10 | License Tag Fee—50 Cents Air Pollution TF | -- | -- | -- | 5.0 | -- | -- | -- | 7.0 | -- |
| | | | 11 | Other Trust Fund Impacts | -- | -- | -- | 7.4 | -- | -- | -- | 11.1 | -- |
| 90-166 | HB | 2519 | | Public Service Comm./Application Fee | -- | -- | -- | * | -- | -- | -- | * | -- |
| 90-321 | HB | 2543 | | Animal Industry Reorg./Fines and Fees | -- | -- | -- | * | -- | -- | -- | * | -- |
| 90-322 | HB | 2545 | | Product Labeling/Organic Foods/Fees | -- | -- | -- | * | -- | -- | -- | * | -- |
| 90-323 | HB | 2549 | | Fla. Agricultural Promotional Campaign/Fees | -- | -- | -- | ** | -- | -- | -- | ** | -- |
| 90-111 | CS/HB | 2771 | | Drug Related Fines | -- | -- | -- | ** | -- | -- | -- | ** | -- |
| 90-329 | CS/HB | 2843 | | Truck and Trailer Fractional Tags | -- | -- | -- | * | -- | -- | -- | * | -- |
| 90-330 | CS/HB | 3059 | 1 | Handicapped Parking Permits | -- | -- | -- | 3.1 | 0.3 | -- | -- | 1.9 | 0.4 |
| | | | 2 | Vocational Rehab/Non-speeding Moving Violations | -- | -- | -- | 0.5 | * | -- | -- | 2.1 | 0.1 |
| 90-331 | CS/HB | 3065 | | Power Plant Transmission Line Siting/Fees | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| | | | 1 | Air Pollution Control TF/Auto License Fees | 0.5 | 0.5 | -- | 6.2 | -- | 0.5 | -- | 6.5 | -- |
| | | | 2 | Increased Power Plant Siting Fees | -- | -- | -- | 0.3 | -- | -- | -- | 0.3 | -- |
| | | | 3 | Asbestos Removal Permits | -- | -- | -- | 0.6 | -- | -- | -- | 0.6 | -- |
| 90-197 | CS/HB | 3167 | | Dept. of Banking and Finance/Costs & Fines | -- | -- | -- | 0.5 | -- | -- | -- | 0.5 | -- |
| 90-161 | HB | 3607 | | Agricultural Products Dealers/Fees | -- | -- | -- | 0.1 | -- | -- | -- | 0.1 | -- |
| 90-363 | CS/HB | 3621 | | Insurance/Fines and Fee Increases | -- | -- | -- | * | -- | -- | -- | * | -- |
| 90-364 | HB | 3657 | | Priv. Investigator, Security & Repo./Fees | 0.1 | 0.1 | -- | 1.9 | -- | 0.1 | -- | 1.8 | -- |

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

12-Jul-90

| Chapter Law | Bill Number | Description | 1990-91 General Revenue 1st Year | 1990-91 General Revenue Recurring | 1990-91 General Revenue Non-Recurring | 1990-91 Trust 1st Year | 1990-91 Local 1st Year | 1991-92 General Revenue Recurring | 1991-92 General Revenue Non-Recurring | 1991-92 Trust | 1991-92 Local |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 90-132 | CS/HB 3695 | 1 Intangibles Tax | | | | | | | | | |
| | | a. Increase Rate | 153.2 | 153.2 | -- | -- | 4.3 | 162.3 | -- | -- | 4.4 |
| | | b. Exempt Charitable Trusts from Add. Tax | (0.4) | (0.4) | -- | -- | (0.3) | (0.4) | -- | -- | (0.3) |
| | | c. Impose Tax on Registered Limited Partnerships | 2.5 | 2.5 | -- | -- | 1.7 | 2.7 | -- | -- | 1.8 |
| | | d. Increased Exemption for Financial Institutions and Insurance Companies | (6.8) | (14.9) | 8.1 | -- | -- | (15.8) | -- | -- | (0.7) |
| | | 2 Documentary Stamp Tax | | | | | | | | | |
| | | a. Increase Rate | 132.4 | 136.3 | (3.9) | (0.2) | (0.4) | 145.7 | -- | 1.3 | 0.1 |
| | | b. Close Loopholes | 14.7 | 15.4 | (0.7) | -- | -- | 16.4 | -- | -- | -- |
| | | 3 Gross Receipts Tax | | | | | | | | | |
| | | a. Increase Rate | -- | -- | -- | 78.9 | -- | -- | -- | 132.4 | -- |
| | | b. Tax Additional Cogeneration | -- | -- | -- | * | -- | -- | -- | * | -- |
| | | c. Exempt Pay Phones from Add. Tax (1990-91) | -- | -- | -- | (1.0) | -- | -- | -- | -- | -- |
| | | d. Sales Tax on Increased Rates | 2.3 | 5.2 | (2.9) | * | 0.2 | 5.3 | (1.0) | * | 0.4 |
| | | 4 Sales Tax | | | | | | | | | |
| | | a. Tax Wireless Television Services | 0.3 | 0.4 | (0.1) | * | * | 0.4 | -- | * | * |
| | | b. Speedup in Estimated Payments (Est. 1989-90 revenues = $186.8 m GR increase and a $5.7 m local loss) | 69.5 | 12.2 | 57.3 | 0.2 | 7.0 | 13.2 | (38.6) | (0.1) | (2.6) |
| | | c. Increased Dealer Collection Allow. (1-1-92) | -- | (10.2) | 10.2 | -- | -- | (10.8) | 5.4 | (*) | (0.6) |
| | | d. Mail Order Sales | 1.5 | 3.0 | (1.5) | * | -- | 3.2 | -- | * | -- |
| | | e. Exemption for Disposable Contact Lens Molds | -- | (0.8) | 0.8 | -- | -- | (0.8) | 0.4 | (*) | (*) |
| | | f. Exempt Dade Co. Airport Ad Space (1990-91) | (0.1) | 0.0 | (0.1) | (*) | (*) | -- | (*) | (*) | (*) |
| | | g. Exempt Shoppers and Other Free Papers (7/91) | -- | (2.3) | 2.3 | -- | -- | (2.5) | -- | (*) | (0.2) |
| | | 5 Insurance Premium Tax | | | | | | | | | |
| | | a. Incr. Tax on Surplus Lines & IPC; Chg. Dist. | 9.7 | 10.6 | (0.9) | (3.1) | -- | 10.6 | -- | (2.1) | -- |
| | | b. Reduce FIGA and FLHIGA Credits | 6.8 | 4.6 | 2.2 | -- | -- | 5.0 | -- | -- | -- |
| | | 6 Cigarette Tax | | | | | | | | | |
| | | a. Increased Rate--PMATF Distribution | (3.4) | (3.7) | 0.3 | 123.8 | (6.1) | (3.7) | -- | 125.4 | (6.6) |
| | | b. DBR Ddistribution | -- | -- | -- | 3.9 | -- | -- | -- | 4.2 | -- |
| | | c. Service Charges | 8.2 | 8.9 | (0.7) | 0.4 | -- | 9.0 | -- | 0.4 | -- |
| | | d. Sales Tax | 3.8 | 4.1 | (0.3) | * | 0.4 | 4.1 | -- | * | 0.4 |
| | | 7 Highway Safety Fees | | | | | | | | | |
| | | a. Increase Replacement Tag Fee from $3 to $10 | -- | -- | -- | 30.3 | -- | -- | -- | 32.1 | -- |
| | | b. Incr. Dup. Drivers Lic. Fee from $5 to $10 | -- | -- | -- | 3.7 | -- | -- | -- | 3.8 | -- |
| | | c. Incr. Repl. Drivers Lic. Fee from $1 to $10 | -- | -- | -- | 6.9 | -- | -- | -- | 7.1 | -- |
| | | d. Automatic Vending Facility Surcharge | -- | -- | -- | * | -- | -- | -- | * | -- |

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

12-Jul-90

| Chapter Law | Bill Number | | Description | 1990-91 General Revenue 1st Year | 1990-91 General Revenue Recurring | 1990-91 General Revenue Non-Recurring | 1990-91 Trust 1st Year | 1990-91 Local 1st Year | 1991-92 General Revenue Recurring | 1991-92 General Revenue Non-Recurring | 1991-92 Trust | 1991-92 Local |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 8 | Increase Corporate Filing Fees | 23.4 | 25.5 | (2.1) | -- | -- | 26.3 | -- | -- | -- |
| | | 9 | Vehicle Registration Impact Fee of $295 | 82.3 | 84.7 | (2.4) | -- | -- | 84.2 | -- | -- | -- |
| | | 10 | General Revenue Service Charge | | | | | | | | | |
| | | | a. Increase Rate from 6% to 7% | 16.2 | 16.2 | -- | (7.4) | (8.8) | 16.7 | -- | (7.6) | (9.1) |
| | | | b. Expansion of Base | 27.2 | 27.2 | -- | (27.2) | -- | 28.0 | -- | (28.0) | -- |
| | | 11 | Alcoholic Beverage Surcharge | | | | | | | | | |
| | | | a. Surcharge--GR | 129.8 | 140.1 | (10.3) | 2.4 | -- | 142.2 | -- | 3.0 | -- |
| | | | b. Surcharge--Ch. & Adol. Sub. Abuse TF | -- | -- | -- | -- | -- | -- | -- | 14.7 | -- |
| | | | c. Sales Tax | 7.3 | 8.8 | (1.5) | * | 0.8 | 9.0 | -- | * | 0.9 |
| | | | d. Service Charge | 0.2 | 1.3 | (1.1) | * | -- | 1.3 | -- | * | -- |
| | | 12 | Rental Car Surcharge Redistribution | | | | | | | | | |
| | | | a. Ch. & Adol. Sub. Abuse TF | -- | -- | -- | -- | -- | -- | -- | (15.9) | -- |
| | | | b. Tourism Promotion TF | -- | -- | -- | -- | -- | -- | -- | 12.5 | -- |
| | | | c. Fla. Int. Trade and Prom. TF | -- | -- | -- | -- | -- | -- | -- | 3.4 | -- |
| | | 13 | Corp. Income Tax--Internal Revenue Code Update | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| 90-209 | HB 3701 | | General Appropriations Act | | | | | | | | | |
| | | 1 | University Tuition Increases | -- | -- | -- | 18.8 | -- | -- | -- | 18.8 | -- |
| | | 2 | DOR Audit and Admin. Positions | 12.8 | 23.0 | (10.2) | 0.6 | 1.4 | 23.0 | -- | 1.3 | 2.4 |
| | | 3 | State Employee Health Insurance Assessments | -- | -- | -- | 1.0 | -- | -- | -- | 2.0 | -- |
| 90-340 | HB 3703 | | General Appropriations Implementing Bill | | | | | | | | | |
| | | 1 | Shift of Funds Out of Lottery Admin. TF | -- | -- | -- | (9.9) | -- | -- | -- | -- | -- |
| | | 2 | Shift of Funds to Ed. Enh. TF | -- | -- | -- | 9.9 | -- | -- | -- | -- | -- |
| | | 3 | Miccosukee Tribe/Tax Exemptions | (*) | -- | (*) | (*) | -- | -- | -- | -- | -- |
| 90-365 | HB 3709 | | Education/University Fee Waivers | -- | -- | -- | (**) | -- | -- | -- | (**) | -- |
| 90-337 | HB 3711 | | Electronic Monitoring Devices/Fees | 0.1 | 0.1 | -- | 0.7 | -- | 0.1 | -- | 1.4 | -- |
| 90-339 | HB 3821 | 1 | Lodging and Food Service/Increased Fees | -- | -- | -- | -- | -- | -- | -- | 2.5 | -- |
| | | 2 | Hospitality Education Fee Increases | -- | -- | -- | 0.2 | -- | -- | -- | 0.2 | -- |
| SENATE BILLS | | | | | | | | | | | | |
| 90-102 | CS/CS/SB 60 | | Drivers' License Reinstatement for DUI | * | * | -- | -- | -- | * | -- | -- | -- |
| 90-342 | CS/SB 74 | | Cholesterol Screening Centers/Fees | -- | -- | -- | * | -- | -- | -- | 0.1 | -- |
| 90-221 | CS/ CS/CS/SB 114 | | MH and RV/Title Fees and Lic. Renewals | -- | -- | -- | 0.2 | -- | -- | -- | 0.2 | -- |
| 90-212 | CS/SB 178 | | Charges of Worthless Checks | 0.3 | 0.4 | (0.1) | * | -- | 0.4 | -- | * | -- |
| 90-103 | CS/SB 218 | | Installment Sales/License Fees | -- | -- | -- | ** | -- | -- | -- | ** | -- |
| 90-227 | SB 348 | | Transportation | | | | | | | | | |

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

12-Jul-90

| Chapter Law | Bill Number | | | Description | 1990-91 General Revenue 1st Year | 1990-91 General Revenue Recurring | 1990-91 General Revenue Non-Recurring | 1990-91 Trust 1st Year | 1990-91 Local 1st Year | 1991-92 General Revenue Recurring | 1991-92 General Revenue Non-Recurring | 1991-92 Trust | 1991-92 Local |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | Joint Public-private Trans./DOT Leases | -- | -- | -- | -- | -- | -- | -- | ** | -- |
| | | | 2 | Temporary Use Right-of-Way Permits | -- | -- | -- | -- | ** | -- | -- | -- | ** |
| | | | 3 | Commercial Motor Vehicles--Increased Penalties | -- | -- | -- | ** | -- | -- | -- | ** | -- |
| | | | 4 | Fla Seaport Transportation TF/Seaport Fees | -- | -- | -- | ** | -- | -- | -- | ** | -- |
| 90-343 | CS/SB | 362 | | Property Taxes and Assessment | -- | -- | -- | -- | ** | -- | -- | -- | ** |
| 90-228 | CS/SB | 458 | | Professional Regulation/Various Fees | -- | -- | -- | ** | -- | -- | -- | ** | -- |
| 90-345 | CS/SB | 482 | | Prof. Reg./Speech Language Pathology Fees | -- | -- | -- | 0.4 | -- | -- | -- | 0.5 | -- |
| 90-341 | CS/SB | 510 | | Prof. Reg./Dentists and Hygenists | 0.1 | -- | 0.1 | 1.3 | -- | -- | -- | -- | -- |
| 90-101 | SB | 518 | | Home Health Care/License Fees | -- | -- | -- | * | -- | -- | -- | * | -- |
| 90-267 | CS/CS/SB | 538 | | Department of State/Fictious Names | | | | | | | | | |
| | | | 1 | Corporate Trust Fund Reversions | (0.3) | (0.3) | * | 0.3 | -- | (0.3) | -- | 0.3 | -- |
| | | | 2 | Fictious Names/Filings and Refilings | -- | ** | (**) | 2.5 | (**) | ** | -- | 5.0 | (**) |
| 90-49 | CS/SB | 612 | | Retailer Security/Compliance Fees | -- | -- | -- | -- | ** | -- | -- | -- | ** |
| 90-219 | CS/SB | 760 | | Manatee Protection/Local Vessel Registration | -- | -- | -- | ** | ** | -- | -- | ** | ** |
| 90-136 | CS/SB | 862 | 1 | Non-Prof. Cont. Ed. Schools--Sales Tax Exempt. | (0.5) | (0.5) | * | (*) | (*) | (0.5) | -- | (*) | (*) |
| | | | 2 | DOR Revenue Laws--Confidentiality Requirements | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| | | | 3 | Internal Revenue Code Update--Corp. Inc. Taxes | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| | | | 4 | CIT--Alt. Min. Tax Clarification | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| | | | 5 | Gross Rcpt. Tax--Interstate Computer Exchange | -- | -- | -- | (*) | -- | -- | -- | (*) | -- |
| | | | 6 | Intangible Tax--Bonds Secured by Real Property | 0.1 | 0.1 | -- | -- | 0.1 | 0.1 | -- | -- | 0.1 |
| | | | 7 | Lemon Law Fee--Audit Authority | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| | | | 8 | Worthless Checks--Venue | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| | | | 9 | Electronic Funds Transfer--Reference Year | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| | | | 10 | DOR Fees--Certification Programs | -- | -- | -- | * | -- | -- | -- | * | -- |
| | | | 11 | Sales Tax Exempt. on Certain Commercial Leases | (3.2) | (3.6) | 0.4 | (*) | (0.3) | (3.8) | -- | (*) | (0.4) |
| | | | 12 | DOR Study on Short-Term Rental Transactions | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| | | | 13 | Cert. of Registration--Convention Exhibitors | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| | | | 14 | World Cup Soccer Sales Tax Exemption | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| | | | 15 | Educational Prop. under Const.--Ad Val. Exempt. | -- | -- | -- | -- | (**) | -- | -- | -- | (**) |
| | | | 16 | Insurance Premium Tax--MEWA Exemption | (0.8) | (0.8) | -- | -- | -- | (0.8) | -- | -- | -- |
| | | | 17 | Aviation Fuel Tax--Extension of Optional Calc. | (0.2) | -- | (0.2) | (2.3) | -- | -- | (0.2) | (2.6) | -- |
| | | | 18 | State Infra. Fund--Operation of Corr. Facilities | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| | | | 19 | Appropriation Reversions--Jointly Funded Programs | -- | ** | (**) | -- | -- | ** | -- | (**) | -- |
| | | | 20 | Comptroller--Master Equip. Financing Agreements | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| | | | 21 | Tax and Budget Reform Commission Admin. Language | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| | | | 22 | Ad Valorem Exemption--Certain Edu. Property | -- | -- | -- | -- | (**) | -- | -- | -- | (**) |
| 90-82 | SB | 928 | | Hazardous Materials/Non-compliance Fees | -- | -- | -- | 0.2 | -- | -- | -- | 0.3 | -- |

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

12-Jul-90

| Chapter Law | Bill Number | | Description | 1990-91 General Revenue 1st Year | 1990-91 General Revenue Recurring | 1990-91 General Revenue Non-Recurring | 1990-91 Trust 1st Year | 1990-91 Local 1st Year | 1991-92 General Revenue Recurring | 1991-92 General Revenue Non-Recurring | 1991-92 Trust | 1991-92 Local |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 90-43 | CS/SB | 940 | Public Record Copies/Minimum Fee | ** | ** | -- | ** | ** | ** | -- | ** | ** |
| 90-53 | CS/SB | 982 | Family Arbitration Fees | -- | -- | -- | * | -- | -- | -- | 0.1 | -- |
| 90-233 | CS/SB | 984 | Bottle Club License Fees | -- | -- | -- | * | -- | -- | -- | * | -- |
| 90-54 | CS/CS/SB's | 1068 & 22 | Off-Shore Oil Drilling/Catastrophic Discharge | -- | -- | -- | ** | -- | -- | -- | ** | -- |
| 90-29 | SB | 1072 | Podiatrists/Licensure/Fees | -- | -- | -- | * | -- | -- | -- | * | -- |
| 90-30 | CS/SB | 1082 | Physicians/Registration/Education Programs | -- | -- | -- | ** | -- | -- | -- | ** | -- |
| 90-117 | CS/SB | 1278 | Asbestos Removal Inspection Fees See HB 3065 | | | | | | | | | |
| 90-136 | CS/SB | 1316 | Transportation Taxes | | | | | | | | | |
| | | 1 | Rental Car Fee--$1.50 Increase in Fee (STTF) | -- | -- | -- | 52.2 | -- | -- | -- | 59.7 | -- |
| | | 2 | New Wheels--$70 Increase in Fee (STTF) | -- | -- | -- | 60.4 | -- | -- | -- | 61.7 | -- |
| | | 3 | Title Fee--$21 Increase in Fee (STTF) | -- | -- | -- | 35.4 | -- | -- | -- | 73.9 | -- |
| | | 4 | Repeal Frac. License Tags and Most Refunds (STTF) | -- | -- | -- | 31.5 | -- | -- | -- | 33.1 | -- |
| | | 5 | State Comp. Enh. Trans. Sys. Tax (STTF) | -- | -- | -- | 99.8 | -- | -- | -- | 253.1 | -- |
| | | 6 | 6% Tax on Fuel--Highway and Off-Highway (STTF) | -- | -- | -- | 81.6 | -- | -- | -- | 109.9 | -- |
| | | 7 | Fuel Use Tax (STTF) | -- | -- | -- | 0.5 | -- | -- | -- | 0.7 | -- |
| | | 8 | 6% Tax on Aviation Fuel (STTF) | -- | -- | -- | 6.2 | -- | -- | -- | 7.4 | -- |
| | | 9 | Loc. Opt. Special Fuel/Retroactive Apportionment | -- | -- | -- | -- | (3.6) | -- | -- | -- | -- |
| | | 10 | Sales Taxes | 3.1 | 3.3 | (0.2) | * | 0.3 | 3.5 | -- | * | 0.3 |
| | | 11 | Service Charges | 25.1 | 39.5 | (14.4) | 0.6 | -- | 43.1 | -- | 1.2 | -- |
| | | 12 | Other Trust Fund Impacts | -- | -- | -- | (5.1) | (0.4) | -- | -- | (3.9) | (0.3) |
| 90-269 | CS/SB | 1322 | Civil Actions/Increased Filing Fee | -- | -- | -- | -- | ** | -- | -- | -- | ** |
| 90-175 | SB | 1354 | County Mental Health Care Services in MSTU's | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| Vetoed | CS/SB | 1422 | CRA's/Exclude Juv. Welfare Board | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| 90-34 | CS/SB | 1520 | Optometry/Faculty Certificate/Fee | -- | -- | -- | ** | -- | -- | -- | ** | -- |
| 90-45 | CS/SB | 1562 | Harness Racing/Additional Take-Out | (*) | (*) | -- | -- | -- | (*) | -- | -- | -- |
| Vetoed | CS/CS/SB | 1578 | Local Option Tourist Dev. Tax--Palm Beach Co. | -- | -- | -- | -- | ** | -- | -- | -- | ** |
| 90-349 | SB | 1624 | Convention Development Tax/Add. Counties | -- | -- | -- | -- | ** | -- | -- | -- | ** |
| 90-180 | CS/SB | 1644 | Dangerous Dogs/Registration Fees | -- | -- | -- | -- | * | -- | -- | -- | * |
| 90-238 | SB | 1658 | Drug Testing Labs/License Fees | -- | -- | -- | 0.2 | -- | -- | -- | 0.2 | -- |
| 90-181 | SB | 1730 | Trial and Appellate Proceedings/Fees | 1.2 | 1.2 | -- | 0.6 | -- | 1.3 | -- | 0.6 | -- |
| 90-107 | CS/SB | 1882 | High Tourism Impact Tax/Osceola County | -- | -- | -- | -- | ** | -- | -- | -- | ** |
| 90-92 | SB | 1918 | Freshwater Fish Dealers Licenses/Fees | -- | -- | -- | * | -- | -- | -- | * | -- |
| 90-243 | CS/CS/SB | 2194 1 | Saltwater Fishing Licenses | -- | -- | -- | (0.5) | -- | -- | -- | (1.0) | -- |
| | | 2 | Replacement of Freshwater Lic./Fees | -- | -- | -- | * | * | -- | -- | * | * |
| 90-187 | CS/SB | 2316 | Health Care Utilization Review/Fees | -- | -- | -- | ** | -- | -- | -- | ** | -- |
| 90-222 | CS/SB | 2320 | Trademarks and Service Marks/Filing Fee | -- | -- | -- | 0.1 | -- | -- | -- | 0.1 | -- |

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

12-Jul-90

| Chapter Law | Bill Number | | | Description | 1990-91 General Revenue 1st Year | 1990-91 General Revenue Recurring | 1990-91 General Revenue Non-Recurring | 1990-91 Trust 1st Year | 1990-91 Local 1st Year | 1991-92 General Revenue Recurring | 1991-92 General Revenue Non-Recurring | 1991-92 Trust | 1991-92 Local |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 90-188 | CS/SB | 2350 | | Mediation & Arbitration Cert./Fees | -- | -- | -- | ** | ** | -- | -- | ** | ** |
| 90-244 | CS/SB | 2398 | | Phone Company Application Fees | -- | -- | -- | * | -- | -- | -- | * | -- |
| 90-245 | CS/SB | 2450 | | Farm Labor Registration Fees | -- | -- | -- | 0.2 | -- | -- | -- | 0.4 | -- |
| 90-134 | CS/SB | 2524 | | Speech Pathology & Audio Regulation/Fees | -- | -- | -- | ** | -- | -- | -- | ** | -- |
| 90-215 | CS/SB | 2568 | | LP Gas License Fee Increase | -- | -- | -- | 0.5 | -- | -- | -- | 0.7 | -- |
| Vetoed | CS/SB | 2684 | | Local Option Fuel Equalization | 0.1 | 0.6 | (0.5) | 0.6 | 0.8 | 0.6 | -- | 2.2 | 4.3 |
| 90-98 | CS/CS/SB | 2702 | 1 | Registration Fees/Above Ground Storage Tanks | -- | -- | -- | ** | -- | -- | -- | ** | -- |
| | | | 2 | Inland Protection Tax/Threshold Changes | 1.4 | 1.5 | (0.1) | 18.2 | -- | 1.5 | -- | 20.0 | -- |
| 90-99 | CS/SB | 2746 | | Education/Private Examination Fees | -- | -- | -- | * | -- | -- | -- | * | -- |
| 90-271 | CS/SB | 2770 | | Public Guardianships/Civil Court Filing Fee | -- | -- | -- | -- | ** | -- | -- | -- | ** |
| 90-249 | CS/SB | 2794 | | Health Insurance/Intangibles Tax Exemption | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| 90-351 | CS/SB | 2984 | | Local Option Special Fuel Equalization | * | 0.1 | (0.1) | -- | 0.4 | 0.1 | -- | -- | 1.5 |
| 90- | SB | 3202 | | Gill Net Licenses | -- | -- | -- | * | -- | -- | -- | * | -- |
| | | | | TOTAL (excludes vetoed bills) | 729.3 | 703.8 | 25.5 | 636.7 | (4.7) | 731.4 | (32.8) | 955.3 | (9.6) |

NOTES:
1. GR service charge impacts not shown where insignificant or indeterminate.
2. University tuition and state employee health insurance issues not included in Fiscal Analysis in Brief tables in prior years.

* = Insignificant < $50,000
** = Indeterminate
( ) = Negative

ADMINISTERED FUNDS

| | | | |
|---|---|---|---|
| 2 | LUMP SUM<br>SALARY INCREASES<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 13,622,408 | |

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

OFFICE OF THE COMMISSIONER

| | | | |
|---|---|---|---|
| 371 | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - EDUCATIONAL IMPROVEMENT GRANTS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 100,000 | |
| 377 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - EDUCATION/BUSINESS COOPERATION<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 1,860,000 | |
| 379 | SPECIAL CATEGORIES<br>FEDERAL EQUIPMENT MATCHING GRANT<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 375,025 | |
| 380 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - INTERNATIONAL EDUCATION PROGRAMS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 560,000 | (VETOED $10,000) |
| 385 | SPECIAL CATEGORIES<br>MATH/SCIENCE COMPUTER EDUCATION-COMPREHENSIVE PLAN<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 300,000 | |
| 386 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - PUBLIC BROADCASTING<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 489,011 | |
| 390A | SPECIAL CATEGORIES<br>GRANTS AND AIDS - HUMANITIES OUTREACH - TAMPA<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 250,000 | |

OFFICE OF DEPUTY COMMISSIONER AND DIVISION OF ADMINISTRATION

| | | | |
|---|---|---|---|
| 404 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - AUXILIARY LEARNING AIDS FOR POSTSECONDARY HANDICAPPED STUDENTS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 1,328,978 | |
| 404A | SPECIAL CATEGORIES<br>GRANTS AND AIDS - COLLEGE REACH OUT PROGRAM<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 1,200,000 | |
| 405 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 100,000 | |

SECTION 1

SPECIFIC
APPROPRIATION

| | | | |
|---|---|---|---|
| 410 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - NEW WORLD SCHOOL OF THE ARTS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 179,603 | |
| 412 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - RESTRUCTURING FOR INCREASED STUDENT LEARNING AND SCHOOL PRODUCTIVITY<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 1,000,000 | |

SECTION 1

HUMAN RESOURCE DEVELOPMENT, DIVISION OF

| | | |
|---|---|---|
| 422A | SPECIAL CATEGORIES<br>GRANTS AND AIDS - PRE-TEACHER AND TEACHER EDUCATION PILOT PROGRAMS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 112,500 |
| 424 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - TEACHER EDUCATION CENTERS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 2,572,281 |
| 425 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - TEACHER STIPEND/SUMMER MATH AND SCIENCE STUDY<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 500,000 |
| 426 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - SUMMER INSERVICE INSTITUTES<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 812,500 |

PRIVATE COLLEGES AND UNIVERSITIES

| | | |
|---|---|---|
| 441 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE CHALLENGER PROGRAM<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 300,000 |
| 442 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE OF EDUCATION<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 300,000 |
| 449 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - EDWARD WATERS UPGRADE<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 250,000 |
| 453A | SPECIAL CATEGORIES<br>UNIVERSITY OF MIAMI - COMPREHENSIVE DRUG PREVENTION<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 100,000 |
| 459A | SPECIAL CATEGORIES<br>EDWARD WATERS - BUILDING RESTORATION MATCH<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 500,000 |

OFFICE OF STUDENT FINANCIAL ASSISTANCE

| | | |
|---|---|---|
| 465B | SPECIAL CATEGORIES<br>PREPAID TUITION SCHOLARSHIPS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 1,272,000 |
| 467 | SPECIAL CATEGORIES<br>TRANSFER PUBLIC STUDENT ASSISTANCE GRANT FINANCIAL ASSISTANCE PAYMENT<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 4,000,000 |
| 468 | SPECIAL CATEGORIES<br>TRANSFER PRIVATE STUDENT ASSISTANCE GRANT FINANCIAL ASSISTANCE PAYMENT<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 976,200 |
| 479 | FINANCIAL ASSISTANCE PAYMENTS<br>NICARAGUAN/HAITIAN SCHOLARSHIPS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 10,000 |
| 484 | FINANCIAL ASSISTANCE PAYMENTS<br>PUBLIC SCHOOL WORK EXPERIENCE PROGRAM<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 500,000 |

EDUCATIONAL ENHANCEMENT TRUST FUND (LOTTERY)
FROM FY 1990-91 GENERAL APPROPRIATIONS ACT

SECTION 1

PUBLIC SCHOOLS, DIVISION OF

| | | | |
|---|---|---|---|
| 508A | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - ARTS IN EDUCATION GRANTS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 250,000 | (VETOED) |
| 513 | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - ELEMENTARY SCHOOL FOREIGN LANGUAGE<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 2,754,396 | |
| 515 | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - FLORIDA EDUCATIONAL FINANCE PROGRAM<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 480,035,433 | |
| 516 | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - INSTRUCTIONAL MATERIALS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 22,622,442 | |
| 517 | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - LIBRARY MEDIA MATERIALS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 11,285,614 | |
| 517A | AID TO LOCAL GOVERNMENTS<br>GENERAL DEVELOPMENT CORPORATION GUARANTEE<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 3,600,000 | (VETOED) |
| 518 | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - GRADES K - 3 IMPROVEMENT PROGRAM<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 15,230,461 | |
| 523 | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - SCHOOL VOLUNTEER PROGRAM<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 102,070 | |
| 525 | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - STUDENT DEVELOPMENT SERVICES<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 672,831 | |
| 527 | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - TEACHERS AS ADVISORS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 678,439 | |
| 528 | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - WRITING SKILLS ENHANCEMENT<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 603,446 | |
| 531 | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - INSTRUCTIONAL STRATEGIES ENHANCEMENT<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 21,550,000 | |
| 531A | AID TO LOCAL GOVERNMENTS<br>SCHOOL RESOURCE OFFICERS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 5,000,000 | |
| 540 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 34,100 | |
| 541 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - DROPOUT PREVENTION<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 5,234,267 | |
| 545 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - PRE-SCHOOL PROJECTS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 49,187,748 | |

SECTION 1

| | | | |
|---|---|---|---|
| 546 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - IN SCHOOL CHILD CARE<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 1,500,000 | |
| 549 | SPECIAL CATEGORIES<br>GOVERNOR'S SUMMER COLLEGES PROGRAM<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 250,000 | |
| 549A | SPECIAL CATEGORIES<br>GRANTS AND AIDS - HIGH PERFORMANCE INCENTIVES PROGRAM<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 10,000,000 | |
| 552 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - MIDDLE CHILDHOOD<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 33,755,539 | |
| 560 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - MIDDLE SCHOOL ADVISEMENT<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 2,846,800 | |
| 565 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - SCHOOL BUS REPLACEMENT FOR PUBLIC SCHOOLS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 20,000,000 | (VETOED $1,000,000) |
| 569 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - REGIONAL CENTERS OF EXCELLENCE<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 600,000 | |
| | VOCATIONAL, ADULT, AND COMMUNITY EDUCATION, DIVISION OF | | |
| 580 | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - COMPUTER INTEGRATED MANUFACTURING<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 150,000 | |
| 581 | AID TO LOCAL GOVERNMENTS<br>CENTERS OF AGRICULTURE ENHANCEMENT<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 62,067 | |
| 582 | AID TO LOCAL GOVERNMENTS<br>CENTERS OF AUTOMOTIVE ENHANCEMENT<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 600,000 | |
| 583 | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - COMMUNITY SCHOOLS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 1,300,000 | |
| 584 | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - ADULT LITERACY CENTERS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 300,000 | |
| 591 | SPECIAL CATEGORIES<br>BLUEPRINT FOR CAREER PREPARATION<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 2,329,736 | |
| 593 | SPECIAL CATEGORIES<br>HEALTH OCCUPATIONS EDUCATION ENHANCEMENT<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 289,000 | |
| 594 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - INDUSTRY SERVICES<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 405,702 | |
| 595 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - VOCATIONAL BUSINESS EXCHANGE PROGRAM<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 150,000 | |

SECTION 1

COMMUNITY COLLEGES, DIVISION OF

| | | | |
|---|---|---|---|
| 600 | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - COMMUNITY COLLEGES PROGRAM FUND<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 55,233,981 | |
| 600A | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - INSTRUCTIONAL EQUIPMENT<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 4,841,689 | |
| 601A | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - LEARNING RESOURCE CENTER MATERIALS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 6,000,000 | |
| 601B | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - PROGRAM REVIEWS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 475,000 | |
| 601C | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - DEFERRED MAINTENANCE<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 2,500,000 | |
| 601D | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - QUALITY IMPROVEMENTS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 2,000,000 | |
| 602 | AID TO LOCAL GOVERNMENTS<br>GRANTS AND AIDS - SUNSHINE STATE SKILLS PROGRAM<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 1,506,881 | |
| 602A | AID TO LOCAL GOVERNMENTS<br>MICROCOMPUTER EDUCATION FOR THE DISABLED<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 50,000 | |
| 603 | OPERATING CAPITAL OUTLAY<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 160,000 | |
| 605 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - COMMUNITY COLLEGE ENDOWMENT MATCHING FUND<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND .<br>(*VETOED $250,000 - Lake City Community College) | 3,000,000 | (VETOED $250,000) |
| 608 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - LITERACY CENTERS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 500,000 | |
| 609 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - LIBRARY AUTOMATION<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 3,000,000 | |
| 613 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - NURSING EDUCATION CHALLENGE GRANT FUND<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 800,000 | |
| 613A | SPECIAL CATEGORIES<br>MIAMI BOOK FAIR INTERNATIONAL<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 100,000 | |
| 615A | SPECIAL CATEGORIES<br>APPLETON MUSEUM - CENTRAL FLORIDA COMMUNITY COLLEGE<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 194,287 | |
| 615B | SPECIAL CATEGORIES<br>LANNON MUSEUM - PALM BEACH COMMUNITY COLLEGE<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 38,162 | (VETOED) |

SECTION 1

FLORIDA SCHOOL FOR THE DEAF AND THE BLIND

| | | |
|---|---|---|
| 616 | SALARIES AND BENEFITS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 17,847 |
| 619 | OPERATING CAPITAL OUTLAY<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 7,450 |

UNIVERSITIES, DIVISION OF
EDUCATIONAL AND GENERAL ACTIVITIES

| | | |
|---|---|---|
| 635 | SALARIES AND BENEFITS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 3,195,234 |
| 636 | OTHER PERSONAL SERVICES<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 153,341 |
| 637 | EXPENSES<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 1,079,165 |
| 641 | LUMP SUM<br>INSTRUCTION AND RESEARCH<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 62,081,626 |
| 643 | LUMP SUM<br>SALARY INCREASES<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 1,756,194 |
| 649 | SPECIAL CATEGORIES<br>INSTITUTE OF GOVERNMENT<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 250,000 |
| 656A | SPECIAL CATEGORIES<br>SCIENTIFIC AND TECHNICAL INSTRUCTIONAL EQUIPMENT<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 8,702,200 |
| 657 | SPECIAL CATEGORIES<br>STUDENT FINANCIAL AID<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 9,000,000 |
| 658A | SPECIAL CATEGORIES<br>WARM MINERAL SPRINGS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 264,109 |
| 661 | DATA PROCESSING SERVICES<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 308,054 |

INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES

| | | |
|---|---|---|
| 662 | SALARIES AND BENEFITS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 336,105 |
| 663 | OTHER PERSONAL SERVICES<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 91,964 |
| 664 | EXPENSES<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 188,286 |
| 665 | OPERATING CAPITAL OUTLAY<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 101,107 |
| 666A | SPECIAL CATEGORIES<br>SCIENTIFIC AND TECHNICAL INSTRUCTIONAL EQUIPMENT<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 919,915 |

UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER

| | | |
|---|---|---|
| 672 | SALARIES AND BENEFITS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 183,974 |
| 673 | OTHER PERSONAL SERVICES<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 23,494 |

EDUCATIONAL ENHANCEMENT TRUST FUND (LOTTERY)
FROM FY 1990-91 GENERAL APPROPRIATIONS ACT

SECTION 1

| | | | |
|---|---|---|---|
| 674 | EXPENSES<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 295,804 | |
| 675 | OPERATING CAPITAL OUTLAY<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 2,864 | |
| 677 | SPECIAL CATEGORIES<br>LIBRARY RESOURCES<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 51,472 | |
| 679A | SPECIAL CATEGORIES<br>SCIENTIFIC AND TECHNICAL INSTRUCTIONAL EQUIPMENT<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 391,753 | |
| 681 | DATA PROCESSING SERVICES<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 9,998 | |
| BOARD OF REGENTS GENERAL OFFICE | | | |
| 682 | SALARIES AND BENEFITS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 6,211 | |
| 687 | SPECIAL CATEGORIES<br>CHALLENGE GRANTS - EMINENT SCHOLARS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 5,000,000 | |
| 688 | SPECIAL CATEGORIES<br>CHALLENGE GRANTS - MAJOR GIFTS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 5,728,000 | (VETOED $100,000) |
| 692 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 300,000 | |
| 698A | SPECIAL CATEGORIES<br>GRANTS AND AIDS - HIGH TECHNOLOGY RESEARCH AND DEVELOPMENT<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 6,327,851 | |
| 708 | SPECIAL CATEGORIES<br>AIDS RESEARCH ENDOWMENT - UNIVERSITY OF MIAMI<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 500,000 | |
| UNIVERSITY OF FLORIDA HEALTH CENTER - EDUCATIONAL AND GENERAL | | | |
| 710 | SALARIES AND BENEFITS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 843,649 | |
| 711 | OTHER PERSONAL SERVICES<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 112,222 | |
| 712 | EXPENSES<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 162,564 | |
| 715A | SPECIAL CATEGORIES<br>SCIENTIFIC AND TECHNICAL INSTRUCTIONAL EQUIPMENT<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 847,413 | |
| | TOTAL OF SECTION 1 . . . . . | 916,590,463 | |

SECTION 2B

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

OFFICE OF EDUCATIONAL FACILITIES

| | | |
|---|---|---|
| 2090D | FIXED CAPITAL OUTLAY<br>KINDERGARTEN THROUGH TWELFTH - CAPITAL OUTLAY PROJECTS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 2,405,000 |
| 2090E | FIXED CAPITAL OUTLAY<br>STATE UNIVERSITY SYSTEM FACILITY ENHANCEMENT CHALLENGE GRANT PROGRAM<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 2,065,000 |
| 2090F | FIXED CAPITAL OUTLAY<br>UNIVERSITY OF FLORIDA BIO TECH MATCHING FUNDS<br>FROM EDUCATIONAL ENHANCEMENT TRUST FUND . | 1,550,000 |
| | TOTAL OF SECTION 2B. . . . . | 6,020,000 |
| | TOTAL LOTTERY FUND . . . . . | 922,610,463 |

SECTION 1

COMMUNITY AFFAIRS, DEPARTMENT OF

RESOURCE PLANNING AND MANAGEMENT, DIVISION OF

| | | |
|---|---|---|
| 261 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - REGIONAL POLICY PLANNING<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 445,000 |
| 262 | SPECIAL CATEGORIES<br>TRANSFER TO GROWTH MANAGEMENT TRUST FUND<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 1,954,000 |
| 264 | SPECIAL CATEGORIES<br>GRANTS AND AIDS - LOCAL PLAN REVIEW<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 1,055,000 |

CORRECTIONS, DEPARTMENT OF

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

MAJOR INSTITUTIONS

| | | |
|---|---|---|
| 343 | SALARIES AND BENEFITS<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 78,961,254 |

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

OFFICE OF EDUCATIONAL FACILITIES

| | | |
|---|---|---|
| 398 | SPECIAL CATEGORIES<br>TRANSFER TO PUBLIC EDUCATION CAPITAL OUTLAY TRUST FUND<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 150,000,000 |
| | TOTAL OF SECTION 1<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 232,415,254 |

SECTION 2A

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

MARKETING, DIVISION OF

| | | |
|---|---|---|
| 1992A | FIXED CAPITAL OUTLAY<br>LAND PURCHASE, RECONSTRUCT AND RENOVATE FLORIDA CITY STATE FARMERS' MARKET<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 200,000 |
| 1992B | FIXED CAPITAL OUTLAY<br>ADDITIONS AND REPLACEMENT, GADSDEN COUNTY STATE FARMERS' MARKET<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 165,000 |

FRUIT AND VEGETABLE INSPECTION, DIVISION OF

| | | |
|---|---|---|
| 1992C | FIXED CAPITAL OUTLAY<br>RENOVATIONS/REPAIRS/ADDITIONS/PAVING - FLORIDA CITRUS BUILDING - WINTER HAVEN<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 1,000,000 |

PLANT INDUSTRY, DIVISION OF

| | | |
|---|---|---|
| 1993 | FIXED CAPITAL OUTLAY<br>REROOF PLANT INSPECTION WING, DOYLE CONNER BUILDING, GAINESVILLE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 17,000 |

SECTION 2A

| SPECIFIC APPROPRIATION | | | |
|---|---|---|---|
| 1995 | FIXED CAPITAL OUTLAY<br>REPLACEMENT OF CHILLER UNITS, DOYLE CONNER BUILDING, GAINESVILLE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 90,000 |
| 1998 | FIXED CAPITAL OUTLAY<br>FIRE HYDRANT SYSTEM - DOYLE CONNER COMPLEX<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 38,446 |
| | CORRECTIONS, DEPARTMENT OF | | |
| | OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS | | |
| | MAJOR INSTITUTIONS | | |
| 2000 | FIXED CAPITAL OUTLAY<br>NEW INSTITUTIONS - PROTOTYPE SINGLE CELL<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 18,700,000 |
| | GENERAL SERVICES, DEPARTMENT OF | | |
| | FACILITIES MANAGEMENT, DIVISION OF | | |
| 2010A | FIXED CAPITAL OUTLAY<br>ADDITION - PARKING GARAGE NUMBER TWO - CAPITOL CENTER<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 1,635,913 |
| 2011A | FIXED CAPITAL OUTLAY<br>POLK OPPORTUNITY SCHOOL PURCHASE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | (VETOED) | 1,000,000 |
| | SURPLUS PROPERTY, DIVISION OF | | |
| 2013A | FIXED CAPITAL OUTLAY<br>SURPLUS PROPERTY WAREHOUSE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 515,391 |
| | HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF | | |
| | OFFICE OF THE DEPUTY SECRETARY FOR ADMINISTRATION | | |
| 2016 | FIXED CAPITAL OUTLAY<br>LIFE SAFETY CODE COMPLIANCE PROJECTS STATEWIDE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 1,470,000 |
| 2017 | FIXED CAPITAL OUTLAY<br>DRAINAGE SYSTEMS MAINTENANCE AND REPAIR STATEWIDE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 350,000 |
| 2018 | FIXED CAPITAL OUTLAY<br>INSTITUTIONAL/CAMPUS UTILITY SYSTEMS MAINTENANCE AND REPAIR, STATEWIDE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 1,104,253 |
| | DEPUTY SECRETARY FOR OPERATIONS | | |
| | OFFICE OF THE DEPUTY SECRETARY FOR OPERATIONS | | |
| 2019 | FIXED CAPITAL OUTLAY<br>ADDITION - CENTRAL LABORATORY - JACKSONVILLE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 1,000,000 |

STATE INFRASTRUCTURE FUND
FROM FY 1990-91 GENERAL APPROPRIATIONS ACT

SECTION 2A

| SPECIFIC APPROPRIATION | | |
|---|---|---|
| | MENTAL HEALTH - INSTITUTIONS | |
| 2020 | FIXED CAPITAL OUTLAY<br>REPLACE STEAM AND POWER PLANT - FLORIDA STATE HOSPITAL<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 3,000,000 |
| 2020A | FIXED CAPITAL OUTLAY<br>NEW MENTAL HEALTH RESIDENTIAL JUVENILE TREATMENT FACILITY - UNION COUNTY<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 1,000,000 |
| | CHILDREN, YOUTH AND FAMILY SERVICES | |
| 2021 | FIXED CAPITAL OUTLAY<br>REPLACE JUVENILE DETENTION CENTER - LEON<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 383,000 |
| 2023 | FIXED CAPITAL OUTLAY<br>REPLACE - JUVENILE DETENTION CENTER - PINELLAS<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 5,500,000 |
| | DEVELOPMENTAL SERVICES - INSTITUTIONS | |
| 2023A | FIXED CAPITAL OUTLAY<br>MEDICAL FACILITY - SUNLAND TRAINING CENTER - GAINESVILLE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 200,000 |
| | CHILDREN'S MEDICAL SERVICES | |
| 2024 | FIXED CAPITAL OUTLAY<br>NEW CHILDREN'S MEDICAL SERVICES CLINIC - BREVARD<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 50,000 |
| 2024A | FIXED CAPITAL OUTLAY<br>CHILDREN'S MEDICAL SERVICES CLINIC - PENSACOLA<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 100,000 |
| | JUDICIAL BRANCH | |
| | DISTRICT COURTS OF APPEAL | |
| 2044 | FIXED CAPITAL OUTLAY<br>COMPLETION - FIFTH DISTRICT COURT OF APPEAL BUILDING<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 187,188 |
| 2045 | FIXED CAPITAL OUTLAY<br>BASEMENT COMPLETION AND FIRE CODE CORRECTIONS - FIRST DISTRICT COURT OF APPEAL<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 374,840 |
| 2045A | FIXED CAPITAL OUTLAY<br>ADDITIONAL JUDGES SUITES - FOURTH DISTRICT COURT OF APPEAL<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 151,340 |
| | MILITARY AFFAIRS, DEPARTMENT OF | |
| | GENERAL ACTIVITIES | |
| 2048 | FIXED CAPITAL OUTLAY<br>UNDERGROUND TANK REPLACEMENTS, AGENCYWIDE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 175,000 |

SECTION 2A

| SPECIFIC APPROPRIATION | | |
|---|---|---|
| 2048A | FIXED CAPITAL OUTLAY<br>EXTERIOR REPAIRS, PAINTING, AND WATERPROOFING AGENCYWIDE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 275,000 |
| 2048B | FIXED CAPITAL OUTLAY<br>ROOF INSPECTION/REPAIRS - AGENCYWIDE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 315,000 |
| 2048C | FIXED CAPITAL OUTLAY<br>NATIONAL GUARD ARMORY, BROOKSVILLE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 930,041 |
| 2048D | FIXED CAPITAL OUTLAY<br>ARMORY KITCHEN EXPANSION - CHIPLEY<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 65,000 |
| 2048E | FIXED CAPITAL OUTLAY<br>EXPANSION/ALTERATION, NATIONAL GUARD ARMORY, TALLAHASSEE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 950,000 |
| STATE, DEPARTMENT OF, AND SECRETARY OF STATE | | |
| HISTORIC PRESERVATION BOARDS<br>HISTORIC ST AUGUSTINE PRESERVATION BOARD | | |
| 2059 | FIXED CAPITAL OUTLAY<br>WATERPROOF/REPAIR EXTERIOR STUCCO - GOVERNMENT HOUSE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 37,230 |
| VETERANS' AFFAIRS, DEPARTMENT OF | | |
| 2062 | FIXED CAPITAL OUTLAY<br>STATE NURSING HOME FOR VETERANS<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 1,739,422 |
| | TOTAL OF SECTION 2A<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 42,719,064 |

SECTION 2B

| | | |
|---|---|---|
| AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE | | |
| OFFICE OF THE COMMISSIONER AND DIVISION OF ADMINISTRATION | | |
| 2063 | FIXED CAPITAL OUTLAY<br>FIRE DEFICIENCIES - MAYO BUILDING<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 160,000 |
| 2064 | FIXED CAPITAL OUTLAY<br>EXTERIOR PAINTING, WAREHOUSE BUILDING, LABORATORY COMPLEX<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 13,255 |
| 2067 | FIXED CAPITAL OUTLAY<br>REPLACE AIR CONDITIONING SYSTEM - ADMINISTRATION BUILDING<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 170,000 |
| 2068 | FIXED CAPITAL OUTLAY<br>REPLACE CONDENSING UNITS - LABORATORY COMPLEX<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 40,000 |

SECTION 2B

| SPECIFIC APPROPRIATION | | |
|---|---|---|
| 2070 | FIXED CAPITAL OUTLAY<br>GRANTS AND AIDS - NON-POINT SOURCE POLLUTION<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 3,932,080 |
| | MARKETING, DIVISION OF | |
| 2070C | FIXED CAPITAL OUTLAY<br>GRANTS AND AIDS -<br>EXPANSION/RENOVATION/CONSTRUCTION - WASHINGTON COUNTY AGRICULTURAL CENTER<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 158,400 |
| 2070D | FIXED CAPITAL OUTLAY<br>GRANTS AND AIDS - RENOVATION/CONSTRUCTION - SOUTHEASTERN LIVESTOCK PAVILION - MARION COUNTY<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 165,000 |
| 2070E | FIXED CAPITAL OUTLAY<br>GRANTS AND AIDS -<br>ADDITIONS/RENOVATIONS/NEW CONSTRUCTION - POLK COUNTY LIVESTOCK PAVILION<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 200,000 |
| 2070F | FIXED CAPITAL OUTLAY<br>GRANTS AND AIDS -<br>CONSTRUCTION/PAVING/LANDSCAPE - YOUTH LEADERSHIP TRAINING CENTER<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 1,000,000 |
| 2070G | FIXED CAPITAL OUTLAY<br>GRANTS AND AIDS - CONSTRUCTION/RENOVATION - GREATER JACKSONVILLE AGRICULTURAL FAIRGROUNDS<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 165,000 |
| 2070H | FIXED CAPITAL OUTLAY<br>GRANTS AND AIDS - YOUTH FAIR<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 195,000 |
| 2070I | FIXED CAPITAL OUTLAY<br>GRANTS AND AIDS - CITRUS COUNTY FAIR ASSOCIATION<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 165,000 |
| 2070J | FIXED CAPITAL OUTLAY<br>GRANTS AND AIDS - CENTURY AGRICULTURAL MARKET<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 165,000 |
| | COMMUNITY AFFAIRS, DEPARTMENT OF | |
| | HOUSING FINANCE AGENCY | |
| 2074 | FIXED CAPITAL OUTLAY<br>TRANSFER TO STATE APARTMENT INCENTIVE LOAN TRUST FUND<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 9,750,000 |
| 2076 | FIXED CAPITAL OUTLAY<br>TRANSFER TO HOMEOWNERSHIP ASSISTANCE TRUST FUND<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 2,000,000 |

SECTION 2B

| SPECIFIC APPROPRIATION | | |
|---|---|---|
| | CORRECTIONS, DEPARTMENT OF | |
| | OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS | |
| | MAJOR INSTITUTIONS | |
| 2076A | FIXED CAPITAL OUTLAY<br>COMPLETE JACKSON/CENTURY<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 3,398,000 |
| 2077 | FIXED CAPITAL OUTLAY<br>CORRECTION OF FIRE SAFETY DEFICIENCIES, STATEWIDE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 1,000,000 |
| 2078 | FIXED CAPITAL OUTLAY<br>IMPROVEMENTS TO WATER SYSTEMS AND WASTEWATER TREATMENT PLANTS<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 2,335,000 |
| 2078A | FIXED CAPITAL OUTLAY<br>SITE PLANNING AND/OR LAND ACQUISITION<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 500,000 |
| 2079A | FIXED CAPITAL OUTLAY<br>MAJOR REPAIRS, RENOVATIONS AND IMPROVEMENTS TO MAJOR INSTITUTIONS<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 4,000,000 |
| 2080 | FIXED CAPITAL OUTLAY<br>ADDITIONAL CAPACITY, EXISTING FACILITIES<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 22,120,000 |
| 2081 | FIXED CAPITAL OUTLAY<br>PLANNING FOR NEW INSTITUTIONS<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 570,000 |
| 2082 | FIXED CAPITAL OUTLAY<br>DRUG INTERVENTION CENTERS<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 8,044,000 |
| 2084 | FIXED CAPITAL OUTLAY<br>REQUEST FOR PROPOSALS FOR PRIVATE ADULT CORRECTIONAL FACILITY<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 400,000 |
| 2087 | FIXED CAPITAL OUTLAY<br>REPLACE DETERIORATED FOOD SERVICE FACILITIES<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 876,000 |
| 2088 | FIXED CAPITAL OUTLAY<br>NEW QUICK CONSTRUCTION COMBINATION INSTITUTION WITH DORMITORY HOUSING AND SINGLE CELL HOUSING<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 40,222,000 |
| 2089 | FIXED CAPITAL OUTLAY<br>NEW QUICK CONSTRUCTION RECEPTION ANNEX - INCLUDING EXPANSION OF RECEPTION FACILITIES<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 25,809,000 |
| | HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF | |
| | OFFICE OF THE DEPUTY SECRETARY FOR ADMINISTRATION | |
| 2100 | FIXED CAPITAL OUTLAY<br>REPAIR AND MAINTENANCE, CENTRALLY MANAGED STATEWIDE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 2,655,000 |

STATE INFRASTRUCTURE FUND
FROM FY 1990-91 GENERAL APPROPRIATIONS ACT

SECTION 2B

| SPECIFIC APPROPRIATION | | |
|---|---|---|
| 2101 | FIXED CAPITAL OUTLAY<br>HANDICAPPED CODE COMPLIANCE PROJECTS<br>STATEWIDE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 100,000 |
| 2102 | FIXED CAPITAL OUTLAY<br>PAVED SURFACE MAINTENANCE AND REPAIR<br>STATEWIDE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 320,000 |
| 2103 | FIXED CAPITAL OUTLAY<br>ROOF REPAIRS/REPLACEMENT STATEWIDE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 1,555,700 |
| 2103A | FIXED CAPITAL OUTLAY<br>COURT MANDATED IMPROVEMENTS - SOUTH<br>FLORIDA STATE HOSPITAL (SFSH)<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 450,000 |
| 2103B | FIXED CAPITAL OUTLAY<br>COURT MANDATED IMPROVEMENTS - G. PIERCE<br>WOOD MEMORIAL HOSPITAL<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 1,000,000 |
| DEPUTY SECRETARY FOR OPERATIONS | | |
| CHILDREN, YOUTH AND FAMILY SERVICES | | |
| 2103C | FIXED CAPITAL OUTLAY<br>ADDITIONAL LIVING MODULE - DUVAL DETENTION<br>CENTER<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 200,000 |
| HEALTH SERVICES | | |
| 2104B | FIXED CAPITAL OUTLAY<br>CONSTRUCTION - PUBLIC HEALTH UNIT -<br>HERNANDO COUNTY<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 500,000 |
| 2104C | FIXED CAPITAL OUTLAY<br>CONSTRUCTION - LEON COUNTY PUBLIC HEALTH<br>UNIT (SATELLITE)<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 1,430,000 |
| JUDICIAL BRANCH | | |
| DISTRICT COURTS OF APPEAL | | |
| 2104E | FIXED CAPITAL OUTLAY<br>MINOR IMPROVEMENTS - SECOND DISTRICT COURT<br>OF APPEAL BUILDING<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 51,354 |
| NATURAL RESOURCES, DEPARTMENT OF | | |
| STATE LANDS, DIVISION OF | | |
| 2109 | FIXED CAPITAL OUTLAY<br>DEBT SERVICE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 13,399,198 |
| 2109A | FIXED CAPITAL OUTLAY<br>ACQUISITION - ALLEN DAVID BROUSSARD<br>MEMORIAL RESERVE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 150,000 |

SECTION 2B

SPECIFIC
APPROPRIATION

BEACHES AND SHORES, DIVISION OF

| | | | |
|---|---|---|---|
| 2109C | FIXED CAPITAL OUTLAY<br>DELRAY BEACH RENOURISHMENT<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 2,007,236 |
| 2112A | FIXED CAPITAL OUTLAY<br>BEACH RESTORATION - MID TOWN, PALM BEACH<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 3,197,000 |
| 2113A | FIXED CAPITAL OUTLAY<br>BEACH RENOURISHMENT - JACKSONVILLE, DUVAL COUNTY<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 1,650,000 |
| 2113B | FIXED CAPITAL OUTLAY<br>BEACH REVEGETATION - LAMAR CONDOMINIUM TO DADE COUNTY LINE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | (VETOED) | 82,500 |
| 2113D | FIXED CAPITAL OUTLAY<br>DUNE PROTECTION AND ACCESS DEVELOPMENT - INDIAN ROCKS BEACH<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 187,500 |
| 2113F | FIXED CAPITAL OUTLAY<br>BEACH WALKWAY - SURFSIDE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | (VETOED) | 80,000 |
| 2113H | FIXED CAPITAL OUTLAY<br>HAULOVER INLET SAND BYPASSING STUDY<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 112,125 |
| 2113J | FIXED CAPITAL OUTLAY<br>DUNE REVEGETATION - FORT LAUDERDALE BEACH<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 125,000 |
| 2113K | FIXED CAPITAL OUTLAY<br>REVEGETATION - KEY BISCAYNE<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 70,000 |
| 2113L | FIXED CAPITAL OUTLAY<br>BEACH RESTORATION MONITORING - JUPITER/CARLIN BEACH<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 48,750 |
| 2115A | FIXED CAPITAL OUTLAY<br>DUNE PROTECTION - PALM BEACH COUNTY<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 77,250 |
| 2115D | FIXED CAPITAL OUTLAY<br>DUNE PROTECT - COLLIER COUNTY<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 71,532 |
| 2115E | FIXED CAPITAL OUTLAY<br>BEACH RESTORATION - SAND KEY PHASE III - INDIAN SHORES<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 4,173,513 |
| 2115G | FIXED CAPITAL OUTLAY<br>INLET FEEDER BEACH/ENVIRONMENTAL SAND SOURCE AND ENGINEERING STUDY - SOUTH LAKE WORTH<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 75,000 |
| 2115H | FIXED CAPITAL OUTLAY<br>ENVIRONMENTAL/SAND SOURCE STUDY - SOUTH PALM BEACH<br>FROM STATE INFRASTRUCTURE FUND . . . . . | | 56,250 |

SECTION 2B

SPECIFIC APPROPRIATION

RESOURCE MANAGEMENT, DIVISION OF

2118 FIXED CAPITAL OUTLAY
CRITICAL REPAIRS AND CODE CORRECTIONS
FROM STATE INFRASTRUCTURE FUND . . . . . 17,500

LAW ENFORCEMENT, DIVISION OF

2126A FIXED CAPITAL OUTLAY
INTERIOR MAINTENANCE - MARJORY STONEMAN DOUGLAS ANNEX BUILDING
FROM STATE INFRASTRUCTURE FUND . . . . . 32,700

2127 FIXED CAPITAL OUTLAY
RENOVATION/REPAIR FLORIDA MARINE PATROL DISTRICT (4) OFFICE, TAMPA
FROM STATE INFRASTRUCTURE FUND . . . . . 20,000

2128 FIXED CAPITAL OUTLAY
RENOVATION/REPAIR FLORIDA MARINE PATROL DISTRICT (8) OFFICE, JACKSONVILLE
FROM STATE INFRASTRUCTURE FUND . . . . . 20,000

2129 FIXED CAPITAL OUTLAY
COMMUNICATIONS TOWER REPAIRS - STATEWIDE
FROM STATE INFRASTRUCTURE FUND . . . . . 20,000

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

HISTORICAL RESOURCES, DIVISION OF

2130 FIXED CAPITAL OUTLAY
SAN LUIS LIFE SAFETY CORRECTIONS
FROM STATE INFRASTRUCTURE FUND . . . . . 120,000

TOTAL OF SECTION 2B

FROM STATE INFRASTRUCTURE FUND . . . . . 161,607,843

SECTION 2D

GENERAL SERVICES, DEPARTMENT OF

FACILITIES MANAGEMENT, DIVISION OF

2171F FIXED CAPITAL OUTLAY
DEBT SERVICE 1990-91 BONDS
FROM STATE INFRASTRUCTURE FUND . . . . . 9,235,800

2171I FIXED CAPITAL OUTLAY
DUVAL REGIONAL SERVICE CENTER
FROM STATE INFRASTRUCTURE FUND . . . . . 1,784,107

2171M FIXED CAPITAL OUTLAY
OFFICE BUILDING (NUMBER TWO) - SATELLITE CENTER - LEON COUNTY
FROM STATE INFRASTRUCTURE FUND . . . . . (VETOED) 535,296

2174 FIXED CAPITAL OUTLAY
DEBT SERVICE 87-88 BONDS
FROM STATE INFRASTRUCTURE FUND . . . . . 6,065,230

2175 FIXED CAPITAL OUTLAY
DEBT SERVICE 89-90 BONDS
FROM STATE INFRASTRUCTURE FUND . . . . . 607,400

TOTAL OF SECTION 2D

FROM STATE INFRASTRUCTURE FUND . . . . . 18,227,833

SECTION 2G

| SPECIFIC APPROPRIATION | | |
|---|---|---|
| | AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE | |
| | MARKETING, DIVISION OF | |
| 2222A | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - NASSAU COUNTY AGRICULTURE MULTIPURPOSE BUILDING<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 50,000 |
| 2222B | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - EXPANSION/RENOVATIONS - LAFAYETTE COUNTY LIVESTOCK PAVILION<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 66,000 |
| 2222C | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - PLANNING/CONSTRUCTION - COLLIER COUNTY AGRICULTURAL CENTER<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 99,000 |
| 2222D | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - CONSTRUCTION/RENOVATION/PAVING - WAKULLA COUNTY LIVESTOCK PAVILION<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 165,000 |
| 2222E | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - CONSTRUCTION/PAVING - HENDRY COUNTY AGRICULTURAL CENTER<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 99,000 |
| 2222F | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - MULTI-PURPOSE AGRICULTURAL FACILITY - SUMTER FAIR ASSOCIATION<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 132,000 |
| 2222G | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - LAND ACQUISITION/PAVING/LANDSCAPING - CHIPLEY FARMERS' MARKET<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 66,000 |
| 2222H | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - PLANNING/CONSTRUCTION/RENOVATION/REPAIR/PAVING - WALTON COUNTY FAIR<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 50,000 |
| | COMMERCE, DEPARTMENT OF | |
| | ECONOMIC DEVELOPMENT, DIVISION OF | |
| 2222I | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - LAND ACQUISITION - MULTI-USE CIVIC CENTER - PANAMA CITY BEACH<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 1,200,000 |

SECTION 2G

| SPECIFIC APPROPRIATION | | | |
|---|---|---|---|
| 2223A | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS AQUATIC COMPLEX - BROWARD FROM STATE INFRASTRUCTURE FUND . . . . . | | 2,000,000 |
| | COMMUNITY AFFAIRS, DEPARTMENT OF | | |
| | OFFICE OF THE SECRETARY | | |
| 2223B | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - CITY OF NORTH MIAMI BEACH REBEAUTIFICATION AND REDEVELOPMENT FROM STATE INFRASTRUCTURE FUND . . . . . | (VETOED) | 178,280 |
| 2223C | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - KEATON BEACH/BALBOA ROAD BRIDGE FROM STATE INFRASTRUCTURE FUND . . . . . | | 200,000 |
| | RESOURCE PLANNING AND MANAGEMENT, DIVISION OF | | |
| 2223D | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - SPECIAL CATEGORY - SAFE NEIGHBORHOOD IMPROVEMENTS FROM STATE INFRASTRUCTURE FUND . . . . . | | 1,600,000 |
| | HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF | | |
| 2225 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS TRANSFER TO HOUSING PREDEVELOPMENT TRUST FUND FROM STATE INFRASTRUCTURE FUND . . . . . | | 500,000 |
| 2228B | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - NAVARRE SOUND SIDE PARK - SANTA ROSA FROM STATE INFRASTRUCTURE FUND . . . . . | (VETOED) | 100,000 |
| 2229 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS TRANSFER TO FLORIDA ELDERLY HOUSING TRUST FUND FOR FLORIDA ELDERLY HOUSING REHABILITATION PROGRAM FROM STATE INFRASTRUCTURE FUND . . . . . | | 1,000,000 |
| | CORRECTIONS, DEPARTMENT OF | | |
| | OFFICE OF THE ASSISTANT SECRETARY FOR PROGRAMS | | |
| 2230A | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - HILLSBOROUGH COUNTY COMPREHENSIVE COORDINATING OFFICE, INCORPORATED (DACCO) - TAMPA FROM STATE INFRASTRUCTURE FUND . . . . . | | 2,192,570 |
| | ENVIRONMENTAL REGULATION, DEPARTMENT OF | | |
| 2234 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - TRANSFER TO SURFACE WATER IMPROVEMENT AND MANAGEMENT TRUST FUND FROM STATE INFRASTRUCTURE FUND . . . . . | | 3,000,000 |

SECTION 2G

| SPECIFIC APPROPRIATION | | |
|---|---|---|
| 2237 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>TRANSFER TO DEPARTMENT OF ENVIRONMENTAL REGULATION SEWAGE TREATMENT LOAN TRUST FUND<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 12,000,000 |
| 2241D | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - WATER AND SEWAGE PROJECTS<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 200,000 |

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

DEPUTY SECRETARY FOR OPERATIONS

HEALTH SERVICES

| | | |
|---|---|---|
| 2242CA | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>PUBLIC HEALTH CLINICS - OVERTOWN/LITTLE HAVANA AND LIBERTY CITY - DADE COUNTY<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 1,500,000 |

NATURAL RESOURCES, DEPARTMENT OF

RECREATION AND PARKS, DIVISION OF

| | | |
|---|---|---|
| 2248B | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - VETERANS' MEMORIAL PARK/WALL SOUTH - ESCAMBIA COUNTY<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 1,100,000 |
| 2248C | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - NAVARRE SOUND SIDE PARK - SANTA ROSA<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 100,000 |
| 2248D | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - OKALOOSA ISLAND WAYSIDE PARK, JOHN C. BEASLEY PARK AND 7TH BEACH ACCESS FREEWAY - OKALOOSA COUNTY<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 700,000 |
| 2248E | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - DADE COUNTY TENNIS COMPLEX<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 1,000,000 |
| 2248F | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - RECREATIONAL - COMMUNITY PROJECTS<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 902,500 |

SECTION 2G

| SPECIFIC APPROPRIATION | | |
|---|---|---|
| | STATE, DEPARTMENT OF, AND SECRETARY OF STATE | |
| | HISTORICAL RESOURCES, DIVISION OF | |
| 2249 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - SPECIAL CATEGORIES - ACQUISITION, RESTORATION OF HISTORIC PROPERTIES<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 8,944,450 |
| | LIBRARY AND INFORMATION SERVICES, DIVISION OF | |
| 2250 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - LIBRARY CONSTRUCTION GRANTS<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 2,039,302 |
| | CULTURAL AFFAIRS, DIVISION OF | |
| 2251 | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - SPECIAL CATEGORIES - CULTURAL FACILITIES DEVELOPMENT PROGRAM<br>FROM STATE INFRASTRUCTURE FUND . . . . . | 9,100,003 |
| 2251A | GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS<br>GRANTS AND AIDS - SPECIAL CATEGORIES - CULTURAL GRANTS<br>FROM STATE INFRASTRUCTURE FUND . . . . . (VETOED $50,000) | 955,000 |
| | TOTAL OF SECTION 2G | |
| | FROM STATE INFRASTRUCTURE FUND . . . . . | 51,239,105 |
| | TOTAL STATE INFRASTRUCTURE FUND . . . . . | 506,209,099 |

FINANCIAL OUTLOOK STATEMENT
STATE INFRASTRUCTURE FUND
FY 1989-90, 1990-91 and 1991-92
($ MILLIONS)

DATE: 12-Jul-90
TIME: 04:10 PM

| | TOTAL | RECURRING | NON-RECURRING |
|---|---|---|---|
| FUNDS AVAILABLE 1989-90 | | | |
| BALANCE FORWARD FROM 1988-89 | 23.1 | 0.0 | 23.1 |
| ESTIMATED REVENUES | 500.0 | 350.0 | 150.0 |
| MIDYEAR REVERSIONS | 0.4 | 0.0 | 0.4 |
| FIXED CAPITAL OUTLAY REVERSIONS | 4.9 | 0.0 | 4.9 |
| TOTAL 89-90 FUNDS AVAILABLE | 528.4 | 350.0 | 178.4 |
| EFFECTIVE APPROPRIATIONS 89-90 | | | |
| OPERATIONS | 208.2 | 0.0 | 208.2 |
| AID TO LOCAL GOVERNMENT | 8.8 | 0.0 | 8.8 |
| FIXED CAPITAL OUTLAY | 232.6 | 0.0 | 232.6 |
| FCO/AID TO LOCAL GOVERNMENT | 75.3 | 0.0 | 75.3 |
| TOTAL 89-90 EFF. APPROPRIATIONS | 524.9 | 0.0 | 524.9 |
| AVAILABLE RESERVES | 3.5 | 350.0 | (346.5) |
| FUNDS AVAILABLE 1990-91 | | | |
| BALANCE FORWARD FROM 1989-90 | 3.5 | 0.0 | 3.5 |
| ESTIMATED REVENUES | 500.0 | 350.0 | 150.0 |
| TRANSFER FROM TRUST (#740A) | 2.0 | 0.0 | 2.0 |
| VETO TRANSFER TO GENERAL REVENUE | (2.0) | 0.0 | (2.0) |
| MIDYEAR REVERSIONS | 0.5 | 0.0 | 0.5 |
| FIXED CAPITAL OUTLAY REVERSIONS | 1.2 | 0.0 | 1.2 |
| UNUSED APPROPRIATIONS | 1.5 | 0.0 | 1.5 |
| TOTAL 90-91 FUNDS AVAILABLE | 506.7 | 350.0 | 156.7 |
| APPROPRIATIONS FOR 1990-91 | | | |
| OPERATIONS | 232.4 | 79.0 | 153.5 |
| FCO - SECTION 2a | 42.7 | 0.0 | 42.7 |
| FCO - SECTION 2b | 161.6 | 0.0 | 161.6 |
| FCO - SECTION 2d | 18.2 | 0.0 | 18.2 |
| FCO - SECTION 2g | 51.2 | 0.0 | 51.2 |
| VETOES | (2.0) | 0.0 | (2.0) |
| FCO - SECTION 6 | (30.0) | 0.0 | (30.0) |
| PRESERVATION 2000 (HB 1911) | 30.0 | 30.0 | 0.0 |
| FAILED CONTINGENCY (#2075, #2076) | (2.0) | 0.0 | (2.0) |
| TOTAL 90-91 APPROPRIATIONS | 502.2 | 109.0 | 393.2 |
| AVAILABLE RESERVES | 4.5 | 241.0 | (236.5) |
| FUNDS AVAILABLE 1991-92 | | | |
| BALANCE FORWARD FROM 1990-91 | 4.5 | 0.0 | 4.5 |
| ESTIMATED REVENUES | 500.0 | 500.0 | 0.0 |
| MIDYEAR REVERSIONS | 0.5 | 0.0 | 0.5 |
| FIXED CAPITAL OUTLAY REVERSIONS | 1.2 | 0.0 | 1.2 |
| UNUSED APPROPRIATIONS | 1.5 | 0.0 | 1.5 |
| ADJUSTMENT PER S1525 | (150.0) | (150.0) | 0.0 |
| TOTAL 91-92 FUNDS AVAILABLE | 357.7 | 350.0 | 7.7 |
| APPROPRIATIONS BASE FROM 90-91 | | | |
| OPERATIONS | 109.0 | 109.0 | 0.0 |
| AID TO LOCAL GOVERNMENT | 0.0 | 0.0 | 0.0 |
| OTHER | 0.0 | 0.0 | 0.0 |
| TOTAL 90-91 APPROPRIATIONS BASE | 109.0 | 109.0 | 0.0 |
| AVAILABLE RESERVES | 248.7 | 241.0 | 7.7 |

FINANCIAL OUTLOOK STATEMENT
EDUCATIONAL ENHANCEMENT (LOTTERY) TRUST FUND
FY 1989-90, 1990-91 and 1991-92
($ MILLIONS)

DATE: 12-Jul-90
TIME: 04:04 PM

| | TOTAL | RECURRING | NON-RECURRING |
|---|---|---|---|
| FUNDS AVAILABLE 1989-90 | | | |
| BALANCE FORWARD FROM 1988-89 | 440.9 | 0.0 | 440.9 |
| ESTIMATED REVENUES | 740.7 | 740.7 | 0.0 |
| MIDYEAR REVERSIONS | 1.1 | 0.0 | 1.1 |
| FIXED CAPITAL OUTLAY REVERSIONS | 0.2 | 0.0 | 0.2 |
| TRANSFER OF RETAINED EARNINGS | 52.6 | 0.0 | 52.6 |
| INTEREST EARNINGS | 22.2 | 9.5 | 12.7 |
| TOTAL 89-90 FUNDS AVAILABLE | 1,257.7 | 750.2 | 507.5 |
| EFFECTIVE APPROPRIATIONS 1989-90 | | | |
| OPERATIONS | 534.3 | 185.3 | 349.0 |
| AID TO LOCAL GOVERNMENT | 604.6 | 528.6 | 76.0 |
| FIXED CAPITAL OUTLAY | 12.9 | 0.0 | 12.9 |
| BASE STUDENT ALLOCATION GUARANTEE | 20.0 | 0.0 | 20.0 |
| TOTAL 89-90 EFF. APPROPRIATIONS | 1,171.8 | 713.9 | 457.9 |
| AVAILABLE RESERVES | 85.9 | 36.3 | 49.6 |
| FUNDS AVAILABLE 1990-91 | | | |
| BALANCE FORWARD FROM 1989-90 | 85.9 | 0.0 | 85.9 |
| ESTIMATED REVENUES | 743.6 | 743.6 | 0.0 |
| RETAINED EARNINGS | 32.2 | 0.0 | 32.2 |
| TRANSFER FROM ADMIN TF | 14.0 | 0.0 | 14.0 |
| CHANGE IN DISTRIBUTION (HB 3703) | 9.9 | 0.0 | 9.9 |
| MIDYEAR REVERSIONS | 0.5 | 0.0 | 0.5 |
| FIXED CAPITAL OUTLAY REVERSIONS | 0.2 | 0.0 | 0.2 |
| UNUSED APPROPRIATIONS | 22.2 | 0.0 | 22.2 |
| INTEREST EARNINGS | 14.1 | 12.0 | 2.1 |
| TOTAL 90-91 FUNDS AVAILABLE | 922.6 | 755.6 | 167.0 |
| APPROPRIATIONS FOR 1990-91 | | | |
| OPERATIONS | 277.1 | 193.2 | 83.9 |
| AID TO LOCAL GOVERNMENT | 639.5 | 572.3 | 67.2 |
| VETOES | (5.3) | (0.3) | (5.0) |
| FIXED CAPITAL OUTLAY | 6.0 | 0.0 | 6.0 |
| BASE STUDENT ALLOCATION GUARANTEE | 10.0 | 0.0 | 10.0 |
| TOTAL 90-91 EFF. APPROPRIATIONS | 927.4 | 765.2 | 162.1 |
| AVAILABLE RESERVES | (4.8) | (9.6) | 4.9 |
| FUNDS AVAILABLE 1991-92 | | | |
| BALANCE FORWARD FROM 1990-91 | (4.8) | 0.0 | (4.8) |
| ESTIMATED REVENUES | 766.6 | 766.6 | 0.0 |
| MIDYEAR REVERSIONS | 0.5 | 0.0 | 0.5 |
| FIXED CAPITAL OUTLAY REVERSIONS | 0.2 | 0.0 | 0.2 |
| UNUSED APPROPRIATIONS | 2.2 | 0.0 | 2.2 |
| INTEREST EARNINGS | 12.0 | 12.0 | 0.0 |
| TOTAL 90-91 FUNDS AVAILABLE | 776.7 | 778.6 | (1.9) |
| APPROPRIATIONS BASE FROM 1990-91 | | | |
| OPERATIONS | 192.9 | 192.9 | 0.0 |
| AID TO LOCAL GOVERNMENT | 572.3 | 572.3 | 0.0 |
| FIXED CAPITAL OUTLAY | 0.0 | 0.0 | 0.0 |
| OTHER | 0.0 | 0.0 | 0.0 |
| TOTAL 90-91 APPROPRIATION BASE | 765.2 | 765.2 | 0.0 |
| AVAILABLE RESERVES | 11.5 | 13.4 | (1.9) |

## BUSINESS REGULATION*

### Alcoholic Beverages and Tobacco

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 1143, 1581 AND 1583 (CHAPTER 90-17) creates two trust funds, the Alcoholic Beverage and Tobacco Forfeiture and Investigative Support Trust Fund and the Wildlife Law Enforcement Trust Fund (Section 561.026, F.S.), for the receipt of funds received by the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation and the Game and Fresh Water Fish Commission, respectively, pursuant to the provisions of the Florida Contraband Forfeiture Act and similar federal laws. It authorizes the Division to deny a temporary beverage license, in the case of a license transfer, to an applicant whose application on its face indicates that the requirements for a license have not been met (Subsection 561.331(1), F.S.). It also allows for a temporary license to be extended while the Division is involved in a lengthy investigation prior to issuance of a beverage license. A special alcoholic beverage license is authorized for historic American Legion Posts (those chartered prior to September 16, 1919) which will allow them to sell alcoholic beverages for on-premises consumption. The act repeals two sections of the beverage code which are no longer applicable, one relating to revenue stamps and the other which relates to price affirmation (Sections 561.506 and 565.15, F.S., respectively). Also deleted from the code is the now inapplicable reference to the federal requirement of tax strip stamps on alcoholic beverage containers (Section 562.452, F.S.). Unless otherwise provided in the law, these provisions take effect October 1990.

COMMITTEE SUBSTITUTE FOR SENATE BILL 984 (CHAPTER 90-233) amends Section 561.14, F.S., to provide for the licensing of bottle clubs which are defined in Subsection 561.01(15), F.S., as a commercial establishment operated for profit wherein patrons consume alcoholic beverages which are brought onto the premises and which is located in a building or permanent structure. Specifically, exempted from being considered as a bottle club are sporting facilities which hold events sanctioned by nationally recognized regulatory athletic or sports associations. Also exempted are hotels, motels and restaurants licensed by the Division of Hotels and Restaurants. The act also subjects bottle clubs to all general, special and local laws. These provisions become effective January 1, 1991.

### Public Lodging and Food Service Establishments

HOUSE BILL 3821 (CHAPTER 90-339) relates to Part I of Chapter 509, F.S., public lodging and food service establishment regulation. These provisions were under legislative review pursuant to the Regulatory Sunset and Sundown Acts. This legislation re-enacts the statute with several substantive changes.

The law clearly distinguishes the duties of the Division of Hotels and Restaurants of the Department of Business Regulation (Subsection 509.032(1) and (2), F.S.), as well as the duties of the Department of Health and Rehabilitative Services (DHRS), (Subsection 509.032(3), F.S.) in the regulation of the hospitality industry. Language has been rewritten for the purpose of improving clarity and facilitating the correct interpretation of the prescribed duties by both agencies including a simplified inspection schedule of establishments licensed by the Division.

Several concepts are introduced in the legislation for the purpose of improving statewide uniformity and consistency in food service inspections. First, the measure authorizes the creation of an Office of Restaurant Programs within DHRS to strengthen communication lines among the governmental entities and to provide focus on the restaurant inspection program (Subsection 20.19(4)(c), F.S.). Second, DHRS and Division employees who inspect restaurants are required to complete uniform education and standardization training for the purpose of improving consistency in the inspections of food service establishments (Section 509.036, F.S.).

A specific procedure for the public health safety emergency closure of establishments is adopted in this act. The Department of Health and Rehabilitative Services and the respective county health units are granted additional authority in the event of a health emergency or epidemiological condition to declare a certain licensed establishment a public health threat (Section 509.035, F.S.). A location may be required to stop food service by DHRS for up to 12 hours while the Division processes the legal paperwork necessary to suspend a license. The Division is required to adopt special procedures to be sure closure can be effected 24 hours a day, 7 days a week.

The measure also creates a mechanism for tracking scheduled events that offer temporary food service to the public. The Department is authorized to administer a notification process for any organization or sponsor that is planning temporary food service at scheduled public events (Subsection 509.032(3)(c), F.S.). The Department is not required to inspect these events for food sanitation, but merely keep a record of all received notifications specifying the time and location of events and, for the protection of the public health, distribute educational materials addressing safe food storage, preparation, and service procedures (Subparagraph 509.032(3)(c)2., F.S.). Certain organizations are exempt from being charged a fee by DHRS (Subparagraph 509.032(3)(c)3., F.S.).

Provisions relating to the fire safety of licensed establishments are addressed in the enactment. The date for complete compliance with the installation of a fire safety system in establishments remains the same as in current law and is contingent upon whether extensions have been approved by the Division of State Fire Marshal (Subsection 509.215(3), F.S.). However, the standards for which the State Fire Marshal may

*Prepared by House Regulated Industries Committee

grant extensions to individuals are tightened in this law. Also, any establishment that has been granted an extension is required to post a sign, in a conspicuous place on the premises, indicating that the sprinkler system has not yet been installed.

The Fire Safety Committee, subject to review by the Regulatory Sundown Act, is retained with some revisions. Currently, hotel structures listed on the National Register of Historic Places as determined by the United States Department of the Interior or that are of historical significance to Florida as determined by a committee are given special exception to the fire-safety regulations set forth in section 509.215, F.S. For such structures of historical significance, a commission is instructed to approve provisions for a system of fire protection and life safety support that meets the intent of National Fire Protection Association (NFPA) standards. The commission to oversee fire protection for these structures is composed of the director of the Division of Hotels and Restaurants, the director of the Division of State Fire Marshal (designated chairperson of the commission), and the State Historic Preservation Officer.

The Advisory Council, subject to review by the Regulatory Sundown Act, is also retained with some revisions (Section 509.291, F.S.). The Council membership is increased from 11 to 15 members. Association representatives and agency representatives will serve as nonvoting members. The designated member representing a hospitality administration educator will not be allowed to serve consecutive terms in order to provide a system of rotation among the state universities affiliated with the Hospitality Education Program. The Division is required to maintain all minutes and records of the Council and make such information available to the public upon request.

The Hospitality Education Program (HEP) is expanded in this measure to affiliate with two additional state universities and the fee charged to licensees will be increased to fund the expanded program (Section 509.302, F.S.). [Presently, HEP is housed at the Florida State University, Department of Hospitality Administration.] The Program is entirely funded by the $3 fee added to each public lodging and public food service establishment license to provide the hospitality industry with educational resources and approximately 85 training seminars held annually throughout the state. This act will increase the HEP fee to $6 per license for the purpose of expanding HEP to two other state universities that provide hospitality education programs for the students of the university. Florida International University and the University of Central Florida are qualified for affiliation with HEP.

Numerous other revisions are contained in the law. Current law states that license fees cannot exceed $200 for public food service establishments; this act increases the cap to $400 for the food service industry (Subsection 509.251(2), F.S.). Operators of licensed establishments will be required to keep a copy of the public lodging and food service law available to the public upon request. Theft of personal property belonging to the establishment or to a guest and committed by any person or employee of the establishment will be susceptible to more stringent penalties (Subsection 509.162(4), F.S.). The Division is given additional authority in the enforcement area such as pursuing illegally operating establishments and imposing a combination of penalties on licensees violating the laws or rules (Section 509.261, F.S.).

This enactment also provides for future review and repeal on October 1, 2000, pursuant to the Regulatory Sunset and Sundown Acts. Finally, the measure takes effect on October 1, 1990, except that two sections of the bill became effective July 3, 1990.

COMMITTEE SUBSTITUTE FOR SENATE BILL 2052 (CHAPTER 90-242) directs the Division of Hotels and Restaurants of the Department of Business Regulation to provide rules requiring hotels and motels which are three or more stories high to file a certificate stating that all balconies, platforms, stairways and railways have been inspected by a competent person and are safe, secure and free of defects. The certificate of inspection must be filed with the Division and the county or municipal authority responsible for building and zoning permits. Filing commences on January 1, 1991, and is required every 3 years thereafter. The Division is required to impose administrative sanctions if the certificate is not filed. The legislation is effective October 1, 1990.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1260 (CHAPTER 90-73) implements changes to Chapter 399, F.S., which were requested by the Division of Hotels and Restaurants of the Department of Business Regulation and are designed to conform the statute to the updated "Safety Code for Elevators and Escalators ANSI/ASME A17.1 (1987 and Supplements) commonly referred to as "ANSI" (American National Standards Institute) and the code of the National Elevator Industry, Inc., commonly known as the "NEI code". The NEI code specifies elevator standards for the physically handicapped. The new language defining "elevator," (Subsection 399.01(3), F.S.) clarifies what the State of Florida means by the term which differs from the ANSI definition. Elevator companies are required to register with the Division and provide proof of liability insurance coverage (Paragraph 399.02(5)(d), F.S.). Additionally, the definition for "service maintenance contract" (Subsection 399.07(5), F.S.) is revised to authorize the Division to require testing of elevator equipment to ensure it is receiving the attention the existence of a maintenance contract would suggest. Braille symbols are also required on certain elevators (Paragraph 399.035(1)(b), F.S.). A building constructed after October 1, 1990, with only two floors but having a distance between the top floor and the ground exceeding 25 feet is now required to have at least one elevator as an accommodation for the physically handicapped (Subsection 399.035(2), F.S.). The act also requires a "NO SMOKING" sign or the international symbol for no smoking to be posted within the elevator (Subsection 399.07(4), F.S.). These provisions have an effective date of October 1, 1990.

### Pari-Mutuels

COMMITTEE SUBSTITUTE FOR SENATE BILL 1562 (CHAPTER 90-45) amends Sections 550.16 and 550.262, F.S., by increasing from 7 1/2 to 8 percent the amount withheld by harness racing permitholders from the handle. It further provides

that this additional amount also be placed into the purse pool and allows for the use of the additional one-half percent for the payment of health insurance premiums for certain track employees. The act provides procedures for implementing the insurance plan and payment of premiums from the purse pool by the Standardbred Breeders and Owners Association.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 657 AND COMMITTEE SUBSTITUTE FOR HOUSE BILL 1541 (CHAPTER 90-352) addresses a broad range of issues in the pari-mutuel industry. The act authorizes intertrack wagering (ITW) (Section 550.61, F.S.). Intertrack wagering is "a wager taken at a licensed pari-mutuel track or fronton on a race or game conducted live at another track or fronton" (Subsection 550.60(1), F.S.) and is allowed for all pari-mutuel permitholders: horses, dogs and jai alai (Subsections 550.61(1) and (2), F.S.). The tax rate is 3 percent for horses and 6 percent for greyhounds and jai alai (Subparagraph 550.09(3)(e)1., F.S.). There is a tax credit mechanism in the law to lower the effective tax rate to 5.6 percent and 5.1 percent for dogs and jai alai (Subparagraph 550.09(3)(e)2., F.S.). It establishes purse levels for the horse owners at 7 percent and gives the horse breeders 1 percent (Subsections 550.62(1) and (2), F.S.). In the greyhound area it gives 1 percent to the dog owners.

The enactment creates a "use it or lose it" requirement for quarterhorse permitholders. It requires a dormant quarterhorse permitholder to begin construction of a facility within 18 months or lose the racing permit (Paragraph 550.33(2)(a), F.S.). It authorizes dog tracks and jai alai frontons to operate on Sunday (Section 550.51, F.S.). A greyhound "Race of Champions" is created (Section 550.1635, F.S.) where races will be conducted over a period of 4 days and be exempted from paying taxes as well as receiving additional tax benefits. The law increases the number of days authorized for racing in Volusia (Paragraph 550.0121(2)(a), F.S.) and Seminole counties. Provisions of the legislation prevent the 1 year "Sunset" of the additional 2 percent take-out on exotic wagers for greyhounds and jai alai (Paragraph 550.162(3)(d), F.S.). It allows the special use of capital improvement funds for projects located away from the racing facility or fronton and for advertising and promotions (Subsection 550.162(4), F.S.). The measure extends the period for filing an amended racing application for thoroughbred racing dates which would allow Hialeah race track and the other thoroughbred tracks in Dade County to negotiate a new racing schedule and file an amended joint application with the Division. If a joint application is not filed by July 31, 1990, Hialeah will be allowed to cancel its currently approved racing dates and remain dormant but retain its basic racing permit (Subsection 550.52(7), F.S.).

The law establishes an "Off-Track and Inter-Track Study Commission" (Section 55.167, F.S.) consisting of 17 members appointed by the Governor, the Speaker of the House of Representatives and the President of the Senate. House and Senate Regulated Industries Committees will staff the study group.

## COMMERCE*

### Workers' Compensation

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 3809, 2671, 1099, 1499, 1611, 2265, 2871, 2957, 3007 AND 3135 (CHAPTER 90-201) creates the Comprehensive Economic Development Act of 1990. In order to curtail the rising costs of workers' compensation insurance in the state, the act significantly revises various aspects of the workers' compensation system. Though some reduction in benefit levels was necessary to bring about the desired reduction in rates, benefit levels were cut only as a last resort. An enumeration of some of the act's major provisions follows:

Effective September 1, 1990, every insurer, commercial self-insurance fund, and group self-insurer shall reduce its rate by 25 percent of the January 1, 1990 manual rate. Such revised rates shall remain in effect until January 1, 1992.

A five-member Industrial Relations Commission is created within the Department of Labor and Employment Security to review orders of judges of compensation claims. Commission members must possess the same qualifications as judges of the District Courts of Appeal and must be substantially experienced in the field of workers' compensation (Subsection 20.171(5), F.S.). Review of Industrial Relations Commission orders shall be by appeal to the First District Court of Appeal (Section 440.272, F.S.).

Various key terms are more narrowly defined, including the term "wages," which is defined so that it excludes wages earned from concurrent employment and includes only limited fringe benefits--employer contributions for housing and group health insurance and gratuities reported as taxable income (Subsection 440.02(24), F.S.).

Employers other than those in the construction industry are required to purchase coverage only if they employ four or more employees rather than the current three or more (Section 440.02(15), F.S.). Sole proprietors, partners and corporate officers in the construction industry must provide coverage for themselves as well as for all of their employees (Subsection 440.02(13), F.S.).

A 24-hour health insurance provision is added which would allow employers to comply with coverage requirements by obtaining a 24-hour health insurance policy along with a policy that also provides for the payment of indemnity benefits (Paragraph 440.38(1)(e), F.S.).

A drug-free workplace program is created (Section 440.102, F.S.) which would allow employers who implement a drug-free workplace program that complies with rules of the Division of Workers' Compensation to be eligible for rate discounts (Section 627.0915, F.S.).

The indemnity benefit threshold is amended so that benefits are not payable unless the injury results in disability of more than 21 days rather than the current 14 days (Subsection 440.12(1), F.S.).

To control reimbursement levels and contain costs, the three-member panel (Insurance Commissioner and two gubernatorial appointees) is required to adopt fee schedules for hospital, ambulatory surgical center, and work hardening program charges (Paragraphs 440.13(4)(b), (c) and (d), F.S.).

The rate at which wage-loss benefits are paid is revised from a 95/85 formula to an 80/80 formula (Paragraph 440.15(3)(b), F.S.). Wage-loss benefits will be provided according to a graduated scale based on an employee's permanent impairment rating, with allowances for greater benefits for more seriously injured workers (Subparagraph 440.15(3)(b)4., F.S.).

The duration of temporary total benefits is reduced from 350 weeks to 260 weeks (Paragraph 440.15(2)(a), F.S.).

Death benefits paid to a surviving spouse who remarries will now be paid in a single lump sum in lieu of further indemnity benefits, the lump sum to equal 26 weeks of indemnity benefits. Benefits payable to other dependents are not affected (Subparagraph 440.16(1)(b)2., F.S.).

The Workers' Compensation Oversight Board is restructured so that members are appointed by the Governor, the Senate President, and the Speaker of the House. Appointments are made to reflect a cross section of carriers, employers, and employees. A legal counsel is housed in the Board to represent the public before the Department of Insurance in rate filing proceedings (Section 440.4415, F.S.).

### International Affairs Commission

In order to enhance Florida's international economic development, the Comprehensive Economic Development Act of 1990 (CHAPTER 90-201) also creates the Florida International Affairs Commission (FIAC) which will consist of 26 members with the Governor as chair. The Commission will recommend to the Legislature an international strategic plan for Florida for adoption into law, based upon significant private sector input. Two advisory councils are created to advise FIAC. The Florida International Trade and Investment Council consists of 28 members who will advise state entities on international business matters. The International Language Institute Advisory Council comprised of 9 members will form a plan for the creation of a world-class language institute in Florida.

The Florida International Affairs Commission will promote international education programs with an emphasis on international economic development and will oversee existing Linkage Institutes between Florida higher education institutions and those in other countries. The Commission will also review requests for state grants for international promotion and will make funding recommendations to the Legislature; will oversee and support the expansion of Florida foreign office operations in London and Toronto and new offices in Germany, Korea, Japan and Brazil; and will perform and sponsor research on international matters of priority concern to Florida as well

*Prepared by House Commerce and Small Business and Economic Development Committees

as gather and freely share information, becoming a convenient "one-stop" international information resource.

By the addition of Paragraph 20.17(2)(c), F.S., the existing Bureau of International Trade and Development in the Department of Commerce is raised to division status. The act also provides through a revised Subsection 20.17(4), F.S., expanded authority to the Economic Development Advisory Council within the Department of Commerce to make policy recommendations on improving the quality of the business climate in Florida.

Finally, a new international linkage institute, The Florida West-Africa Institute, is created by Paragraph 240.137(4)(i), F.S., to be co-directed by Florida A & M University, the University of North Florida, and the Florida Community College at Jacksonville.

**Abandoned Property**

COMMITTEE SUBSTITUTE FOR SENATE BILL 272 (CHAPTER 90-113) provides by addition of Subsection 717.106(5), F.S., that financial institutions must notify the beneficiary of an abandoned account opened on or after October 1, 1990, prior to depositing the assets with the Department of Banking and Finance. The law alters the Department's responsibilities to owners of certain abandoned securities sold by the state so that the state is only responsible to pay the claimant the proceeds of the sale pursuant to revised Subsections 717.122(4) and 717.124(2), F.S. The act creates Section 717.1035, F.S., to further provide that the state will have the responsibility for possessing intangible assets which are issued by the state or a political subdivision thereof, or issued by a corporation incorporated in Florida. Finally, the enactment authorizes law enforcement authorities by amending Subsection 717.105(1), F.S., to dispose of abandoned property seized pursuant to a lawful investigation in the same manner as clerks of the court dispose of abandoned evidence. These changes become effective October 1, 1990.

**Audit of Commercial Accounts**

COMMITTEE SUBSTITUTE FOR SENATE BILL 340 (CHAPTER 90-41) creates Section 658.491, F.S., to authorize banks to charge customers for audits of customer accounts for commercial loans secured by accounts or other receivables. This audit charge will not be included in calculating usurious interest. The act has an effective date of October 1, 1990.

**Consumer Finance**

COMMITTEE SUBSTITUTE FOR SENATE BILL 248 (CHAPTER 90-104) raises the incremental limits on interest rates which a consumer finance company may charge on its loans (Subsection 516.031(1), F.S.) as well as the consumer finance loan limitation (Subsection 516.01(2) and Paragraph 516.02(2)(a), F.S.). The law provides that if two or more interest rates would apply to the principal amount of the loan, the licensee may charge a single rate to the entire principal that would result in the same total amount of interest as would be produced at maturity from the application of the graduated interest rates (Subsection 516.031(1), F.S.). The measure also allows for the borrower of a loan or line of credit of more than $10,000 to be assessed a brokerage fee (Subparagraph 516.031(3)(a)1., F.S.). An effective date of October 1, 1990 is provided.

**Fictitious Names**

COMMITTEE SUBSTITUTE FOR SENATE BILL 538 (CHAPTER 90-267) transfers authority for registration of fictitious names (Section 865.09, F.S.) from Clerks of the Circuit Courts to the Division of Corporations of the Department of State (and provides for a transition period). The act specifies filing and renewal fees.

Sections 265.2861 and 267.0617, F.S., are amended to provide for the transfer of a portion of funds collected pursuant to the Fictitious Name Statute to the State Major Cultural Institution Trust Fund and the Historic Preservation Trust Fund, respectively. The Asolo Performing Arts Center (Sarasota), the Coconut Grove Playhouse (Miami), the Caldwell Theater Company (Boca Raton) and the Hippodrome Theater (Gainesville) are recognized as State Theater Programs which qualify for moneys collected as Fictitious Name Statute fees.

Section 15.09, F.S., is revised to designate all fees collected by the Department of State as processing fees for the examination and handling of documents submitted for recordation and to increase such fees. The Public Access Data Systems Trust Fund is created within the Department to purchase information systems and equipment to permit greater public access. The Fund is to receive revenues from the trust funds of the Department's Divisions of Corporations, Elections and Licensing as prescribed in the act. Additional provisions in this law are summarized in the article on PROFESSIONAL REGULATION.

**Financial Institutions Payment of Assessments and Fees**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3167 (CHAPTER 90-197) authorizes the Department of Banking and Finance through revision of Paragraph 655.045(1)(b), F.S., to recover from a financial institution the actual costs of any examination and corresponding supervisory actions which revealed that the institution was engaged in an unsafe or unsound practice. The law also standardizes the period of time for the payment of semiannual assessments pursuant to new Section 655.047, F.S., and provides that the assessments have a prospective effect (Subsections 657.053(2), 658.73(1) and 665.082(2), F.S.). Finally, the penalty provisions have been increased for the intentional late payment of assessments or the late filing of reports (new Section 655.047, F.S.).

**Limited Partnerships**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 873 (CHAPTER 90-162) amends Part I of Chapter 620, F.S., the Uniform Limited Partnership Act to make the administration of the Act easier for the Department of State.

**Money Laundering**

Effective October 1, 1990, COMMITTEE SUBSTITUTE FOR SENATE BILL 916 (CHAPTER 90-51) authorizes the Department of Banking and Finance to prohibit persons convicted of money laundering from participating in the affairs of a financial institution by revision of various provisions of Chapters 655, 657, 658, 663 and 665, F.S. The act further authorizes the Department to disallow illegally obtained assets from the capitalization requirements for financial institutions.

**Mortgage Lenders**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 691 (CHAPTER 90-353) creates Sections 521.201-521.231, F.S., to establish a separate regulatory scheme for mortgage lenders apart from the regulation of mortgage brokers. The act also creates a task force to examine both the new Mortgage Lending Act and the Mortgage Brokerage Act and to make recommendations to the Legislature and the Governor. Except as otherwise provided, this act takes effect on January 1, 1991.

**Securities and Investor Protection Act**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3429 (CHAPTER 90-362) re-enacts Chapter 517, F.S., the Securities and Investor Protection Act, pursuant to the statutory Sunset Review process. The act conforms the state law with corresponding federal law, updates the state law to reflect recent enforcement actions by the Department of Banking and Finance and clarifies the law to reflect historic departmental interpretations of certain provisions. Additionally, the legislation provides that an aggrieved person be given the choice of arbitration before and pursuant to the rules of an industry forum, an independent nonindustry forum or the American Arbitration Association. These provisions take effect October 1, 1990.

**Trademarks and Service Marks**

COMMITTEE SUBSTITUTE FOR SENATE BILL 2320 (CHAPTER 90-222) amends Chapter 495, F.S., to authorize the Department of State to reserve trademarks and service marks. The act specifies when a trademark or service mark may be considered abandoned (Paragraph 495.101(4)(a), F.S.). The law has an effective date of October 1, 1990.

**Game Promotions**

SENATE BILL 1728 (CHAPTER 90-36) amends Section 849.094, F.S., to revise the deadline for game operators to file rules and prize schedules with the Department of State from 30 days to 7 days in advance of the start of the game promotion. This change becomes effective October 1, 1990.

**Limiting Disabilities Program**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3059 (CHAPTER 90-330) pertains to persons who have disabilities. The legislation creates the limiting disabilities program within the Division of Vocational Rehabilitation of the Department of Labor and Employment Security (Section 413.70, F.S.). The purpose of the program will be to provide rehabilitation services to persons who have a limiting physical disability when such persons are unable to obtain rehabilitation services through other state or local agencies. Additionally, the Florida Endowment Foundation for Vocational Rehabilitation (Section 413.614, F.S.) is established as a direct support organization of the Division of Vocational Rehabilitation. Finally, the act defines "transitional living facility" within the context of nursing homes and vocational rehabilitation programs and requires the Department of Health and Rehabilitative Services to develop rules for the licensing of such facilities. Except as otherwise specified, the act shall take effect October 1, 1990.

**Motor Fuel Marketing**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 821 (CHAPTER 90-354) amends Section 526.303, F.S., to codify several definitions for the purpose of calculating refiner and nonrefiner costs by motor fuel marketers.

**Retail Installment Sales**

COMMITTEE SUBSTITUTE FOR SENATE BILL 218 (CHAPTER 90-103) re-enacts and modifies the regulations set out in Chapter 520, F.S., which govern retail installment sales. The act eliminates obsolete language, consolidates into a single section provisions that are duplicated throughout Chapter 520, F.S., deletes provisions that constitute an unlawful delegation of legislative authority, allows for increases in license and examination fees and makes Chapter 520, F.S., subject to further Sunset review. These changes become effective October 1, 1990.

**Telecommunications**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 317 (CHAPTER 90-143) amends Section 501.059, F.S., to revise the method by which telemarketers can identify consumers who do not wish to receive telephone solicitations. The legislation provides that consumers may avoid sales solicitation calls by subscribing to a listing to be kept by the Division of Consumer Services of the Department of Agriculture and Consumer Services. Sections 365.165 and 365.1655, F.S., are repealed. The effective date of this act is October 1, 1990.

**Uniform Commercial Code**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 107 (CHAPTER 90-278) creates a new article in Florida's version of the Uniform Commercial Code. The new article, Article 2A, governs the leasing of personal property. It is a single, complex body of law governing the various aspects of leases of personal property, including formation, construction, effect and performance. The purpose of the legislation is to revise, clarify and make uniform the law relating to leases. The act does not preclude the development of consumer protection statutes or products liability case law. The legislation becomes effective on January 1, 1991.

**Charitable Solicitations**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1135 (CHAPTER 90-293) mandates that the Division of Consumer Services of the Department of Agriculture and Consumer Services work in conjunction with the Department of State, the Department of Legal Affairs and local governments to forge a consensus report on the effects of deregulation of charitable solicitors.

**Cultural Affairs**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 935 (CHAPTER 90-289) amends Chapter 84-232, Laws of Florida, as amended by Chapter 88-179, Laws of Florida, which pertains to Florida's Columbus Hemispheric Commission and the celebration in Florida of the 500th anniversary of the discovery of America. The act provides a revenue source for the Commission through the creation and sale of "Florida--The Quincentennial State" license plates.

**Museum of Florida History/Funds**:

SENATE BILL 860 (CHAPTER 90-115) amends Paragraph 267.072(2)(a), F.S., to provide that funds in excess of the amount required to pay management employees of the Museum of Florida History may be deposited into the bank account of a citizen-support organization.

**Not-For-Profit Corporations**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1460 (CHAPTER 90-179) revises the Florida Not-For-Profit Corporation Act (CHAPTER 617, F.S., 1989). The act is closely modeled after the recently revised Florida General Corporation Act and includes primarily technical changes tailored specifically for application to not-for-profit corporations. The legislation also contains provisions which correct "glitches" in the 1989 revision of the Florida General Corporation Act (CHAPTER 607, F.S., 1989). Sections 1-129 of the act have a delayed effective date of July 1, 1991.

**Small Disadvantaged Businesses**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2599 (CHAPTER 90-325) amended provisions in Section 229.8053, F.S., relating to the Florida High Technology and Industry Council. The act authorizes the creation of a nonprofit corporation to assist the Florida High Technology and Industry Council in performing its current directives and implementing a program to assist small disadvantaged manufacturers. The corporation will have 12 directors appointed by the Governor from a list of nominees submitted by the Council and will be authorized to receive and expend private donations.

A "small disadvantaged manufacturer" means a small business as defined in Subsection 288.703(1), F.S., which is primarily organized for the manufacturing of goods and which requests assistance from the Council.

The program developed by the corporation is to be a joint effort between the state and the private sector. After initial administrative startup funding by the state, the corporation will raise cash and in-kind contributions from the private sector to match any funds appropriated to the program by the state.

The aim of the corporation will be to bring small disadvantaged manufacturers to a level of competence where they can compete to obtain military and other high technology manufacturing contracts based on quality of product, cost and reliability. It will also develop manufacturing curricula, urge their adoption in community colleges and vocational schools, and design and implement training and other programs to aid small disadvantaged manufacturers in competing for manufacturing contracts in the military and civilian marketplace.

**Convenience Store Security**

COMMITTEE SUBSTITUTE FOR SENATE BILL 612 (CHAPTER 90-346) creates the "Convenience Store Security Act." This act increases nighttime security for clerks at convenience stores that are regularly open for business between the hours of 10:00 p.m. and 5:00 a.m., and which have only one employee on duty during those hours. Convenience stores which are staffed only by their owners and families are exempt from this legislation.

Local governments in which a death, serious injury or sexual battery has occurred during the commission of a theft or robbery at a convenience store within its jurisdiction during the preceding 12 months must adopt an ordinance within 90 days which: prohibits window tinting on the windows of the establishment, requires the installation of height markers at the entrance door and establishes a policy to reduce the amount of cash available between 9:00 p.m. and 6:00 a.m. The ordinance must be sent within 30 days after its adoption to the Attorney General and must provide for a "noncompliance fee" of up to $5,000.

Each convenience store located within a jurisdiction adopting an ordinance must also be equipped with lighted parking lots illuminated at a specified intensity, and with surveillance cameras, a silent alarm and a drop safe.

No later than June 30, 1991, the owner or principal operator of a convenience store must provide robber deterrence and safety training to at least its nighttime employees. The Attorney General must approve the training programs.

The Attorney General is authorized to conduct a study of at-risk-businesses and if such a study is made, make recommendations to the presiding officers of the Legislature no later than December 31, 1991. The provisions of the Convenience Store Security Act take effect September 1, 1990.

**Regulation of Commercial Enterprises**

SENATE BILL 706 (CHAPTER 90-231) re-enacts the statutory provision pertaining to the regulation of receptive tour operators (Section 559.925, F.S.). The law provides for a type-seven transfer, as defined in Section 20.06, F.S., of power and duties relating to the registration of receptive tour operators from the Department of Business Regulation to the Department of Agriculture and Consumer Services. The act also clarifies that sellers of business opportunities must provide guar-

antees in writing and that the selling of laundry and dry cleaning equipment are not considered "business opportunities" for the purpose of statutory regulation (Section 559.801, F.S.). Paragraph 559.927(8)(g), F.S., is added to provide a punishable activity by sellers of travel.

The provisions of Section 817.36, F.S., relating to the resale of specific types of tickets are refined. An effective date of October 1, 1990 is provided.

**Tourism Advisory Council**

Any member of the Tourism Advisory Council located within the Division of Tourism of the Department of Commerce who fails to attend three consecutive meetings is to be removed by the secretary of the Department pursuant to Subsection 288.123(2), F.S., as revised by HOUSE BILL 1917 (CHAPTER 90-64).

**Official Florida State Band**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1247 (CHAPTER 90-146) creates Section 15.049, F.S., to designate the St. Johns River City Band as an official Florida state band.

## CONSERVATION AND NATURAL RESOURCES*

### Land Acquisition

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILLS 1911, 1039, 1815 and 3141 (CHAPTER 90-217) authorizes a 10-year, $3 billion bonding program (Section 375.045, F.S.) to increase funding for acquiring recreation and conservation lands. Under the act's provisions, the Legislature may authorize a new bond issue each fiscal year through 1999-2000.

The debt service for the first year's bonds is to be paid for with annual $30 million transfers from the State Infrastructure Fund to the Land Acquisition Trust Fund (Subsection 212.235(5), F.S.). The debt service for subsequent bond issues will be transferred from the General Revenue Fund portion of the Documentary Stamp Tax to the Land Acquisition Trust Fund (Paragraph 201.15(1)(a), F.S.). Bond proceeds will be deposited into the newly created Preservation 2000 Trust Fund to be distributed by the Department of Natural Resources (DNR) as follows: Conservation and Recreation Lands (CARL) program, 50 percent; Save Our Rivers (SOR) program, 30 percent; Florida Communities Trust land acquisition, 10 percent; state park inholdings and additions, 2.9 percent; state forest inholdings and additions, 2.9 percent; fish and wildlife habitat, 2.9 percent; and the Florida Rails to Trails Program, 1.3 percent (Subsection 259.10(3), F.S.).

The Legislature will decide each year whether to authorize a new bond issue (Subsection 212.235(2), F.S.). The act implementing the General Appropriations Act for Fiscal Year 1990-91 authorizes the first issue of bonds for $300 million. Costs of issuance will be deducted from that amount before the proceeds are deposited into the Preservation 2000 Trust Fund and distributed by DNR.

Projects purchased with Preservation 2000 bond proceeds under the CARL and SOR programs must contain a significant portion of land which pursuant to Subsection 259.101(4), F.S.:

1) is in danger of development;
2) is in danger of subdivision which would make the project more expensive or more difficult to purchase;
3) is likely to appreciate at a rate that makes using bond proceeds cost effective;
4) serves to protect or recharge ground water, while protecting other valuable natural resources or providing space for natural resource-based recreation;
5) can be purchased at 80 percent of appraised value or less; or
6) serves as habitat for endangered or threatened species or endangered natural communities.

The law contains various other provisions which will assist state agencies in acquiring, managing, and keeping records of public lands. Among other things, the enactment:

1. Directs the Land Acquisition Advisory Council to recommend to the Legislature a process for a state land acquisition needs assessment and provides guidelines to the Council (Subsection 259.035(3), F.S.).
2. Directs DNR to initiate an ongoing computerized information systems program to modernize its state lands records (Section 253.0325, F.S.).
3. Authorizes the Board of Trustees of the Internal Improvement Trust Fund to use eminent domain to acquire land upon a majority vote of its members, under certain circumstances (Subsection 253.025(12), F.S.).
4. Creates the Fish and Wildlife Habitat Trust Fund within the Game and Fresh Water Fish Commission, for the purpose of acquiring and managing lands important to the conservation of fish and wildlife (Section 372.074, F.S.).
5. Directs the water management districts to identify and plan to acquire lands which serve to protect or recharge groundwater (Paragraph 373.59(2)(a), F.S.).
6. Authorizes the Board of Trustees of the Internal Improvement Trust Fund to waive normal land acquisition and competitive bid procedures in order to purchase more quickly land which is about to be developed or which the state can acquire from the Resolution Trust Corporation's sale of lands from failed savings and loan institutions (Subsection 253.025(15), F.S.).

### Coastal Protection

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILLS 1068 AND 22 (CHAPTER 90-54) amends the Pollutant Spill Prevention and Response Act in Chapter 376, F.S.

The law contains provisions for the prevention of pollutant spills. It requires the Department of Environmental Regulation to adopt rules and regulate the structural integrity, construction, and maintenance of coastal waterfront pollutant storage tanks at terminal facilities (Paragraph 376.303(3)(d), F.S.). Ports are required to develop standards for vessel and harbor safety, including guidelines for minimum bottom clearances for vessels (Sections 313.21-313.24, F.S.). Certification procedures, stronger disciplinary provisions, and expanded authority for state pilots, who navigate vessels in and out of ports and within harbors, are also provided (Sections 310.071, 310.101 and 310.141, F.S.).

In addition, the measure includes provisions for spill response and cleanup. It requires terminal facilities to obtain spill prevention and response certificates from the Department of Natural Resources (Section 376.065, F.S.). The placement of containment equipment is required around the area adjacent to a terminal facility and vessel while transferring heavy oil, which is especially toxic to the environment (Paragraph 376.07(2)(a), F.S.). After December 31, 1990, certain vessels operating in state waters will be required to maintain written ship-specific spill prevention and control contingency

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plans (Section 376.071, F.S.). Penalties are provided for violations of these requirements.

The legislation also increases the financial responsibility and liability of spillers, pollutant transporters and cargo owners (Section 376.12, F.S.). It increases the liability limits for cleanup costs of pollutant spills by terminal facilities and vessels. Liability limits and the defenses of an act of war, government, God or a third party will not apply if a spiller does not report a spill or does not reasonably cooperate with state or federal on-scene coordinators (Subsection 376.12(7), F.S.). The law creates penalties for persons who chronically spill pollutants in state waters. The act also requires owners and operators of vessels transporting pollutants to maintain financial security equal to or in excess of applicable liability limits (Subsection 376.12(2), F.S.). Additionally, owners of pollutants transported as cargo on a vessel are liable for cleanup costs related to a discharge from the vessel unless the owner of the vessel has complied with financial security requirements (Subsection 376.12(4), F.S.). The law requires spillers to pay for the cost of damages to nonrestorable natural resources and to restore natural resources when technically feasible (Section 376.121, F.S.). The Department of Natural Resources is directed to adopt rules for assessing such damages (Subsection 376.121(2), F.S.). The measure also increases the cap of the Florida Coastal Protection Trust Fund to $100 million from $50 million, if oil drilling is permitted in federal waters off the coast of Florida (Paragraph 206.9935(1)(c), F.S.).

SENATE BILL 1642 (CHAPTER 90-72) relates to offshore oil and gas drilling activities. The act amends Sections 253.61, 377.24 and 377.242, F.S., to prohibit leasing of lands and issuance of permits for drilling and construction of related structures in state coastal waters. This ban does not apply to oil or gas leases entered into before the effective date of the act, August 1, 1990.

**Manatee Protection**

COMMITTEE SUBSTITUTE FOR SENATE BILL 760 (CHAPTER 90-219) amends Florida statutes to enhance manatee protection. This act authorizes any county (current law provides for only counties of 100,000 persons or more) to impose a vessel registration fee equal to one-half the state fee (Subsection 327.22(2), F.S.). This law also provides for $1 of the registration fee of a vessel registered in Florida to be available for manatee and marine mammal research, protection and recovery (Subsection 327.25(12), F.S.). The legislation also directs the Department of Natural Resources to adopt rules regarding the expansion of existing or the construction of new marina facilities and mooring or docking slips in manatee areas (Paragraph 370.12(2)(f), F.S.).

The measure authorizes the Department to adopt rules to protect manatee habitat, such as seagrass beds, from destruction by boats or other human activity (Paragraph 370.12(2)(n), F.S.), and also empowers the Department to designate by rule areas as safe havens for manatees to rest, feed, reproduce or nurse undisturbed by human activity (Paragraph 370.12(2)(o), F.S.). The act provides for boat access to private residences through such areas as long as boating activity is conducted at idle speed with no wake. The law authorizes local governments to regulate by ordinance motorboat speed and operation in their jurisdictions where manatees are frequently sighted and are assumed to inhabit (Paragraph 370.12(2)(p), F.S.). No ordinance will take effect until it has been reviewed and approved by the Department. This local authority will not apply in the marked navigation channel or within 100 feet of the marked navigation channel of the Florida Intracoastal Waterway. [This area may only be regulated by Department rule.]

The measure provides for the Department to evaluate the need for the use of fenders in ports to prevent the crushing of manatees (Paragraph 370.12(2)(q), F.S.). In areas where there is evidence of manatee crushings, the Department is directed to adopt rules requiring the use of fenders for construction of future bulkheads or wharves and to implement a plan and time schedule to require retrofitting of existing bulkheads or wharves consistent with port repair or replacement schedules.

The legislation provides for each inland navigation district to be responsible for the posting and maintenance of regulatory markers for manatee protection speed zones (Section 374.977, F.S.). The enactment also directs the Department of Natural Resources to conduct a study to determine the underwater decibel level, if one exists, which will deter manatees from traveling in the path of powered vessels (Section 7).

**Deauthorization of the Cross Florida Barge Canal**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2753 (CHAPTER 90-328) relates to the deauthorization of the Cross Florida Barge Canal. This act, which mirrors the federal deauthorization bill currently in Congress, provides the state law to implement a plan for canal deauthorization and disposition of canal lands. Primarily, the law:

1. Creates the Cross Florida Greenbelt State Recreation and Conservation Area to be composed of ecologically and recreationally significant lands along the canal route (Section 253.781, F.S.).
2. Requires the Canal Authority of the State of Florida to develop a management plan for former canal lands and provides that the management plan will be implemented when legislation specifically directing its implementation is enacted (Section 253.7829, F.S.).
3. Provides that a total of $32 million will be paid to Duval, Clay, Putnam, Marion, Levy and Citrus counties for their contribution of ad valorem taxes to the canal project (Paragraph 253.783(2)(e), F.S.).

**Invasive Nonnative Plant Species**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2273 (CHAPTER 90-313) requires that a person have a Department of Natural Resources (DNR) permit to sell, transport, collect, cultivate or possess any Melaleuca, Brazilian Pepper, Australian Pine, or Catclaw Mimosa. Any person violating this requirement is guilty of a second-degree misdemeanor, punishable

by a fine of up to $10,000. The law also requires DNR to study methods of controlling these exotic plant species and directs the South Florida Water Management District to eradicate these species from Water Conservation Areas I, II and III of the district.

The act directs DNR to adopt rules necessary to implement the measure's provisions and provides exceptions for possession or transportation of the listed exotic species in cases of: natural dispersion, mulching operations, control and disposal, use in education or research institutions, or other reasons DNR determines are consistent with the legislation and where there is no danger of or intent to disperse any plant species listed in the law.

**Fish and Wildlife**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 2194 (CHAPTER 90-243) amends provisions of the law relating to recreational saltwater fishing licenses and environmental education. This act requires an annual report on environmental educational activities, adds a representative of the Department of Commerce to the Interagency Coordinating Committee for Environmental Education (Paragraph 229.8059(1)(l), F.S.) and modifies the grant process of the Save Our State Environmental Education Trust Fund to allow the Department of Natural Resources to review and select projects for aquatic education activities (Subsection 229.8064(2), F.S.). The law also provides language that assents to the provisions of the Federal Aid in Fish Restoration Act (16 U.S.C. 777 et seq., 1988), thereby insuring that the state will continue to receive funds from the federal government pursuant to the federal (Wallop-Breaux) law (Section 8 of the act).

This enactment revises the definition of "resident" as it relates to recreational saltwater fishing licenses to conform it with the definition of "resident" used for freshwater fishing licenses (Subparagraph 370.0605(2)(a)3., F.S.). "Resident" will include: (1) any person who has continually resided in this state for 6 months, (2) any person who has established a domicile in this state and who has proof of his domicile, (3) any member of the United States Armed Forces who is stationed in this state, or (4) any student enrolled in a college or university.

This legislation provides for a saltwater fishing license to be issued, for a $200 fee, in the name of a purchaser who has a license to operate any vessel carrying six or fewer customers but who operates a vessel carrying only four or fewer customers for hire (Subparagraph 370.0605(2)(b)2., F.S.). This license may be applied to any such vessel operated by the purchaser. The measure also clarifies current language relating to issuance of structure licenses by substituting the word "pier" for the word "structure" (Subparagraph 370.0605(2)(b)4., F.S.).

The law also directs the Department of Natural Resources and the Game and Fresh Water Fish Commission to develop a plan for the management of funds received from a 5-year and lifetime license for recreational salt water and fresh water fishing and hunting. The act provides $3,000 recreational saltwater fishing licenses for people who operate recreational vessels, not for hire, which cover guests fishing from the vessels (Subparagraph 370.0605(2)(b)5., F.S.), and also provides for a 3-day nonresident license which cost $5 (Subparagraph 370.0605(2)(a)2., F.S.).

This enactment exempts licensed providers of services to the state through contract with the Department of Health and Rehabilitative Services from recreational saltwater fishing license requirements if such services are part of a court-ordered rehabilitation program which involves training in Florida's aquatic resources (Paragraph 370.0605(3)(g), F.S.). The measure provides penalties and procedures for persons cited for violating the licensure requirements of Subsection 370.0605(1), F.S., or the stamp requirements of Paragraphs 370.1111(1)(a) or 370.14(11)(a), F.S. Violations are made noncriminal infractions punishable by a $35 fine plus the cost of the license or stamp involved in the infraction (Paragraph 370.0605(13)(a), F.S.). The law further provides for stamps issued for the taking of snook and crawfish to be valid for a 12-month period from the date of issuance (Paragraphs 370.1111(1)(a) and 370.14(11)(a), respectively). All provisions of the act take effect July 2, 1990, except those relating to saltwater fishing license fees which are given a January 1, 1991, effective date and those relating to the regulation of snook and crawfish which take effect July 1, 1991.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2033 (Chapter 90-310) provides for a marine life fishery endorsement on saltwater products licenses for the harvest of marine life species, as defined by rule of the Marine Fisheries Commission (Paragraph 370.06(2)(d), F.S.). The fee for a marine life fishery endorsement will be $75. The act provides for 50 percent of the endorsement fees to be deposited in the Motorboat Revolving Trust Fund for the purchase and installation of vessel mooring buoys at coral reef sites. The remaining 50 percent of the endorsement fees are to be deposited in the Marine Biological Research Trust Fund to be used by the Department of Natural Resources for research on marine life fisheries.

The law provides for the issuance of a restricted species endorsement to people who: (1) have owned a retail seafood market or restaurant at a fixed location for at least 3 years, and have had an occupational license for 3 years prior to January 1, 1990; (2) have harvested saltwater products to supply their retail stores; and (3) have had a saltwater products license for 2 of the past 3 years prior to January 1, 1990 (Paragraph 370.06(2)(a), F.S.). The legislation also names the 2-day sport season for the harvest of spiny lobster the "Bob Hector Sport Fishermen's Crawfish Season" (Subsection 370.14(13), F.S.). These provisions take effect October 1, 1990.

This act also amends Section 370.25, F.S., to create a saltwater artificial fishing reef program within the Department of Natural Resources and direct the Department to establish criteria for reef construction, including what materials are permissible to use for construction and guidelines for management, monitoring and assessment of the productivity of artificial reefs. The enactment also prohibits the use of material in reef construction that has not been found to be safe for ma-

rine life and human health by the Department of Environmental Regulation.

The definition of "restricted species" in Subsection 370.01(20), F.S., is amended to include a species of saltwater products designated by the Marine Fisheries Commission as restricted within a geographical area or during a particular time period of each year. This law also modifies current language (Paragraph 370.06(2)(a), F.S.) specifying income requirements that must be met to make a person, firm or corporation eligible for a restricted species endorsement as follows:

1. Restricted species endorsements may be issued to persons or firms that can show that over 25 percent or $5,000 of their income, whichever is less, is attributable to the sale of saltwater products.
2. Restricted species endorsements may be issued to for-profit corporations that can show that at least $5,000 of their income is attributable to the sale of saltwater products.
3. If persons, firms or for-profit corporations receive at least 50 percent of their annual income from charter fishing, such persons, firms or for-profit corporations must show that at least $2,500 of their income is attributable to the sale of saltwater products to qualify for a restricted species endorsement. Various provisions of the law take effect either July 3 or October 1, 1990.

This act also changes current law (Paragraph 370.06(5)(h), F.S., to allow anyone holding an Apalachicola Bay oyster harvesting license to receive credit for the license fee toward the purchase of a saltwater products license. This legislation also authorizes in Subsection 370.153(10), F.S., a credit for live bait and dead shrimp production license fees toward the purchase of the saltwater products license (only in the St. Johns River).

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2503 (CHAPTER 90-317) creates Section 370.142, F.S., which directs the Department of Natural Resources to establish a trap tagging program by August 1, 1991, to verify the number of spiny lobster traps which are used or are in place in state waters and adjacent federal waters. After August 1, 1991, it will be unlawful for a person to use spiny lobster traps in state waters or adjacent federal waters without a tag issued by the Department. The Department is authorized to assess a fee of not more than 15 cents per tag to cover the costs of the trap tagging program.

HOUSE BILL 733 (CHAPTER 90-286) creates Subsection 370.061(3), F.S., which entitles any municipal or county law enforcement agency which assists the Department of Natural Resources in enforcing saltwater fishing provisions (Chapter 370, F.S.) to all or a share of any property that is retrieved, based on their participation in such enforcement. In addition, the act gives municipal or county law enforcement agencies the authority to retain or sell forfeited property turned over to them as a result of their participation in the enforcement of saltwater fishing laws. Such proceeds are to be used to supplement their marine enforcement units. If such agencies do not have marine enforcement units, then the proceeds are to be disposed of pursuant to the Florida Contraband Forfeiture Act (Section 932.701, F.S.). The law also provides for any such funds received by municipal or county law enforcement agencies to be supplemental funds and not to be used as replacement funds by a municipality or county.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1918 (CHAPTER 90-92) combines the current resident freshwater retail, resident wholesale and exotic fish dealer's licenses into a resident freshwater fish dealer's license for a fee of $40 (Paragraph 372.65(1)(b), F.S.). In addition, this enactment increases from $50 to $100 the fee for a nonresident commercial freshwater fishing license; increases the fee for a nonresident retail freshwater fish dealer's license from $50 to $100; maintains the fee of $500 for a nonresident wholesale freshwater fish dealer's license, which permits nonresidents to buy and sell freshwater fish or frogs within the state; and creates a nonresident wholesale freshwater fish buyer's license for a fee of $50.

The measure amends Subsection 1.01(12), F.S., to include aquaculture within terms related to agriculture and revises various provisions of the Florida Aquaculture Policy Act, Chapter 597, F.S. Funds appropriated to the Department of Agriculture and Consumer Services for aquacultural research are to be used to address the purposes designated in the state aquaculture plan (Section 597.002, F.S.). The legislative intent of the Act is broadened to make clear aquaculture is subject to the regulatory authority of state agencies and state law, that it is to receive the same marketing treatment as other agricultural products and that the Aquaculture Review Council and Aquaculture Interagency Coordinating Council are to be means of communication between the aquaculture industry and regulatory agencies (Section 597.0021, F.S.). Changes are made in the composition, meeting frequency and responsibilities of these two councils (Sections 597.005 and 597.006, F.S., respectively). Section 597.007, F.S., is created to provide for the delegating of permitting of aquacultural facilities from the Department of Environmental Regulation to the water management districts of the state.

Subparagraph 812.014(2)(c)5., F.S., is revised to include aquacultural species raised at a permitted aquaculture facility within the definition of grand theft of the third degree which is a felony of the third degree.

SENATE BILL 1962 (CHAPTER 90-39) deletes the requirement, effective October 1, 1990, that boards of county commissioners must approve Game and Fresh Water Fish Commission rules relating to the protection, control, operation, management or development of lands or waters owned by, leased by, or assigned to the Commission for fish and wildlife management purposes (Subsection 372.121(1), F.S.).

By amending Paragraph 316.640(1)(a), F.S., COMMITTEE SUBSTITUTE FOR SENATE BILL 1396 (CHAPTER 90-177) provides the Division of Law Enforcement of the Game and Fresh Water Fish Commission and the Division of Law Enforcement of the Department of Natural Resources with the authority to enforce all traffic laws of this state. The enforcement powers of university police officers with respect to state traffic laws is limited to areas under the control of the State University System except in cases of hot pursuit which originated on campus.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1950 (CHAPTER 90-220) provides for review by the state of activities associated with permits required for the taking of marine mammals under the Marine Mammal Protection Act of 1972, for consistency with the state's coastal zone management program (Subparagraph 380.23(3)(c)14., F.S.).

COMMITTEE SUBSTITUTE FOR HOUSE BILL 223 (CHAPTER (90-58) creates Section 683.18, F.S., to designate the third Saturday of March of each year as "Save the Florida Panther Day." In addition, this act authorizes the Governor to issue annually a proclamation designating the third Saturday of March as "Save the Florida Panther Day" and calling upon public schools and citizens of the state to observe the occasion.

SENATE BILL 820 (CHAPTER 90-170) adds Paragraph 372.072(4)(c), F.S., which authorizes the Department of Natural Resources, the Marine Fisheries Commission or the Game and Fresh Water Fish Commission in consultation with the departments of Agriculture and Consumer Services, Commerce, Community Affairs, Environmental Regulation or Transportation to establish reduced speed zones along roads, streets and highways to protect endangered or threatened species.

Section 372.705, F.S., is created to prohibit interfering with or attempting to prevent the lawful taking of fish, game or nongame animals or attempting to disturb or affect the behavior of same in order to prevent the lawful taking of them within a public or private wildlife or fish management area or on any state-owned body of water. Violation is made a second-degree misdemeanor.

**River Protection**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1318 (CHAPTER 90-173) implements the recommendations of the Myakka River Coordinating Council to create a protection zone along the river and to require regulatory agencies to notify the lead agency (Department of Natural Resources) of permit applications in the protection zone and river area (Subsection 258.501(11), F.S.). Activities in the protection zone are to be regulated by affected local governments through their comprehensive plans and land development regulations and other ordinances (Subparagraph 258.501(5)(c)12., F.S.). The departments of Natural Resources and Community Affairs will review and monitor local government regulation in the protection zone (Subsection 258.501(6), F.S.). These provisions take effect October 1, 1990.

COMMITTEE SUBSTITUTE FOR SENATE BILL 890 (CHAPTER 90-81) creates Section 369.309, F.S., to define the term "airboat" and prohibits the operation of airboats on the Wekiva River System. The act exempts employees of a city, county, state or federal agency or their agents who are on official government business from the provisions of this act. Persons violating the provisions of this law will be guilty of a second-degree misdemeanor (punishable by imprisonment not exceeding 60 days or a fine not exceeding $500, or both). The effective date of this act is October 1, 1990.

**Savannas State Reserve**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1725 (CHAPTER 90-258) directs the Department of Natural Resources to place notices along the boundary of the Savannas State Reserve. The act makes it unlawful for any person except an on-duty law enforcement officer or conservation officer to operate a vehicle or all-terrain vehicle (A.T.V.) in the reserve, unless the person is: using provided access to private property within the reserve, transporting a boat to a public boat ramp accessible only through reserve property or using the vehicle or A.T.V. in conjunction with a permitted or supervised educational field trip, a wildlife survey, or natural resources management activities.

The measure also makes it unlawful for any person except a law enforcement or conservation officer to possess a firearm while in the Reserve except when the person is complying with Game and Fresh Water Fish Commission regulations applying to lands within reserve boundaries. The Commission currently does not participate in the management of the Reserve and this provision was included in case the Commission does so in the future. The legislation makes violation of the act a second-degree misdemeanor punishable by up to 60 days imprisonment and up to a $500 fine. October 1, 1990, is the effective date for this act.

## CONSTITUTIONAL AMENDMENTS*

Only one proposed constitutional amendment was adopted by the 1990 Regular Session of the Legislature to be placed on the November General Election ballot along with the three amendments adopted last year. Thus, voters will have four proposals to consider.

SENATE JOINT RESOLUTIONS 1990 AND 2 would amend Article III, Section 4 of the Florida Constitution to require the recording of each vote of a member of a legislative committee or subcommittee on any legislation before the committee or subcommittee as well as the vote of each committee member on any other question before those bodies upon the request of any two members of same. The proposed change would further require each chamber to provide, by rule, for committee and subcommittee meetings open and noticed to the public and that prearranged meetings on legislation between the Governor and Presiding Legislative Officers be reasonably open to the public. Each house would be the sole judge for the interpretation, implementation and enforcement of these provisions. All meetings would be subject to order and decorum and rules would control admission to the floor of each body and would permit meeting closure for security reasons.

The 1989 amendments deal with a waiting period to purchase a handgun, restrictions on legislative mandates to local government and changing the convention date for annual sessions of the Legislature.

*Prepared by Legislative Library

## CORRECTIONS*

Drug treatment, health care, education of offenders, probation services, early release, youthful offenders, Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE) and construction of prison beds are some of the major corrections issues addressed during the 1990 Legislative Session. Included in this report are several corrections measures of major significance which were introduced by the Committee on Corrections. Additional legislation initiated by other committees will have a tremendous impact on the correctional system and is also included in this report.

### Alternative Sentencing Placement/Drug Treatment

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILLS 833 AND 3635 (CHAPTER 90-287) creates the "Florida Drug Punishment Act of 1990." This act targets nonviolent, nonhabitual community controlees and probationers whose criminality is directly related to drug abuse, who have been found to possess a "dirty urine," and for whom rehabilitation is determined to be feasible. To be eligible for placement in the drug punishment program, a nonviolent offender must have been convicted of, or had adjudication withheld for, at least one but not more than two felony drug offenses; have voluntarily admitted to drug abuse and have requested treatment; and who, if not for this program, would be sent to state prison. Eligible offenders may be placed in the 18-month, three-phased drug punishment program following modification of their probation by the court. Phase I is up to 6 months of intensive residential treatment, Phase II is up to 3 months of employment experience and transition work in a community reentry residential setting, and Phase III is at least 9 months of supervised community outpatient treatment.

The Department of Corrections is required to contract with a statewide program manager experienced in drug abuse programming and treatment of offenders involved with drugs. The program manager is charged with ensuring the quality and appropriateness of the delivery of services within the drug punishment program. The Department is also required to contract with licensed alcohol and drug assessment and treatment providers who are responsible for providing, among other things, drug abuse treatment, mental health services, prevocational and vocational services, educational services, individual therapy, and case management services. In order to determine the effectiveness of the drug punishment program, the Department is also required to contract with a program evaluator to conduct an ongoing comprehensive evaluation of the program.

The program manager and the Department of Corrections shall be advised by a 12-member Drug Offender Advisory Board who shall represent the geographical and ethnic diversity of the state. Unless otherwise provided in the act, the provisions take effect October 1, 1990.

The General Appropriations Act HOUSE BILL 3701 (CHAPTER 90-209) provides $4,266,039 for the operation of 1,080 contracted drug treatment beds.

### Correctional Medical Authority

SENATE BILL 934 (CHAPTER 90-83) is the Legislature's attempt to end an 18-year federal lawsuit against the State of Florida and the Department of Corrections.

This legislation enables the Correctional Medical Authority (CMA) located within the Department of Corrections to assume the oversight and monitoring functions in the case of *Costello v. Dugger*, currently being performed for the U.S. District Court by the Special Master, the Monitor, the Medical Survey Team and associated support personnel. Reinstated in Section 945.602, F.S., is the requirement that at least two members of the CMA have at least 5 years' experience in health care administration. Also added is a new requirement that at least two other members of the CMA be physicians. No current employee of the Department may be a member of the Authority and the single position on the Authority permitted a former employee may not be filled within one year of last departmental employment. Revised Section 945.603, F.S., requires the CMA to advise the Governor and the Legislature on the status of the health care delivery system in the state correctional system. The CMA is empowered by new Section 945.6031, F.S., to conduct at least biennial comprehensive surveys of the health care system at each correctional institution. A medical review committee is required to be appointed to ensure coordination between the Department and the Authority with regard to issues of quality management and to enhance the authority's oversight of the Department's quality management system.

The General Appropriations Act HOUSE BILL 3701 (CHAPTER 90-209) provides four positions and $357,685 for the expansion of duties by the Correctional Medical Authority.

### Correctional Education School Authority

HOUSE BILL 3711 (CHAPTER 90-337) revises Section 242.68, F.S., to require the director of Correctional Education to develop a compensation and classification plan to be reviewed and approved by the State Board of Education and the Department of Administration. Guidelines are required to be developed for a more effective distribution of educational resources and the identification of inmates who would most likely benefit from correctional education.

The legislation also requires the Commissioner of Education to conduct a comprehensive review of correctional education with a plan to be submitted to the Legislature by January 1, 1991, detailing the transfer of correctional education to the Department of Education, effective July 1, 1991. Unless the

*Prepared by House Corrections, Probation & Parole Committee

act otherwise provides, the effective date for this measure is October 1, 1990.

**Private Probation Services**

Through revision of Subsection 948.01(1), F.S., HOUSE BILL 3711 (CHAPTER 90-337) prohibits private probation entities from providing probationary or supervisory services to felony offenders placed on probation by the circuit court.

The law also modifies Subsection 948.01(3), F.S., to specify that all private entities supervising misdemeanants on probation shall contract for these services.

**Parole Commission/Control Release Authority**

HOUSE BILL 3711 (CHAPTER 90-337) revises Paragraph 947.01(1)(a), F.S., to augment the size of the Parole Commission from seven to nine members, and increases the length of members' terms from 4 to 6 years through amendment of Subsection 947.03(1), F.S. This legislation adds Paragraph 947.146(6)(f), F.S., to direct the Control Release Authority to contract with private attorneys or public defenders to represent indigent offenders charged with violating conditions of control release supervision.

The enactment requires the Florida Parole Commission pursuant to revised Section 947.06, F.S., to hold meetings in designated counties throughout the state to make proceedings more accessible to victims, their families and the families of offenders who wish to testify before the Commission.

The General Appropriations Act provides $401,030 for two additional Parole Commissioners and four support staff.

**Control Release/Provisional Release**

HOUSE BILL 3711 (CHAPTER 90-337) enacts changes in Sections 947.146 and 947.277, F.S., relative to the early-release processes of control release and provisional release. The control release eligibility criteria have been altered to conform precisely with the eligibility criteria for provisional release credits. Also, offenders who have been convicted of certain nonviolent, indecent acts (such as indecent exposure) will not be automatically excluded from consideration for provisional or control release. Furthermore, the Department of Corrections is directed to contract for support services for those inmates on provisional release supervision as well as those on control release supervision for up to 90 days.

In addition, the legislation mandates random, intermittent drug testing for every drug offender who is on any form of supervision other than regular probation. Specifically, revised Paragraph 948.01(4)(b) and Subparagraph 948.03(1)(j)2., F.S., require drug testing for drug offenders on supervision pursuant to provisional or control release, parole, community control or a "split sentence" of incarceration followed by probation.

SENATE BILL 2146 (CHAPTER 90-186) amends Section 944.277, F.S., to prohibit an offender serving concurrent sentences in another state or federal jurisdiction from receiving provisional release credits in Florida. Provisional credits are awarded when the prison population reaches lawful capacity. The law is to take effect October 1, 1990.

**Electronic Monitoring**

HOUSE BILL 3711 (CHAPTER 90-337) revises Subsection 948.03(10), F.S., to give the Department of Corrections more flexibility when bidding for new electronic monitoring devices and mandates that all electronic devices be tamper-alert. The act also amends Subsection 945.30, F.S., to provide for the collection of a one dollar-a-day surcharge from those offenders sentenced to wear electronic monitors (anklets and bracelets). The surcharge shall be deposited into the Electronic Monitoring Recovery Trust Fund to be used for purchasing and maintaining electronic devices.

**Medical Expenses - State Prisoners in County Jails**

HOUSE BILL 3711 (CHAPTER 90-337) requires a study to be conducted by the Department of Corrections regarding medical expenses paid by the counties for state prisoners. The Florida Association of Counties and the Florida Sheriffs Association are required to work in conjunction with the Department in the completion of the study. A report of the findings and recommendations of this study must be submitted to the Legislature by February 1, 1991.

**Youth Corrections Program**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 3681 (CHAPTER 90-208) creates Section 958.19, F.S., to establish a Youth Corrections Program within the Department of Corrections for youthful offenders who are 13 but less than 18 years of age and who have not succeeded in juvenile justice placements under the jurisdiction of the Department of Health and Rehabilitative Services.

Funds are provided in the General Appropriations Act to add 800 youth corrections beds to the prison system maximum capacity. Of the 800 beds, 50 are to be contracted for and designed on a military school model. The remaining 750 beds are to be planned and designed by the Department or contracted for, consistent with the requirements of the legislation. No single youth corrections facility shall have more than 50 beds. The effective date of these provisions is October 1, 1990.

**Prison Industry**

HOUSE BILL 3577 (CHAPTER 90-335) revises Section 283.31, F.S., to require the Auditor General to conduct a performance and financial-related audit of Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE) every 3 years with the first audit due prior to the 1991 Legislative Session. The provisions of this legislation also requires competitive bidding by PRIDE on printing contracts pursuant to modified Section 283.33, F.S. Unless otherwise provided in the act, the provisions are effective October 1, 1990.

**Inmate Postage**

HOUSE BILL 3711 (CHAPTER 90-337) amends Section 944.09, F.S., to require the Department of Corrections to establish a rule specifying the circumstances under which an in-

mate of the state correctional system must pay the postage cost of mail sent by the inmate, except for any postage costs that the state is constitutionally required to pay. The Department is also authorized, under certain conditions, to use moneys from an inmate's trust account to pay the postage cost of mail the inmate sends pursuant to new Paragraph 944.516(1)(g), F.S.

**Prison Beds**

Funds are provided in the General Appropriations Act, HOUSE BILL 3701 (CHAPTER 90-209) to add 7,404 new adult offender prison beds to the prison system maximum capacity at a fixed capital cost of $97,665,000 and operating cost of $23,073,055 for Fiscal Year 1990-91. In addition, 1,272 alternative sentencing placement beds (contracted drug treatment and therapeutic drug treatment) are funded at a fixed capital cost of $2,192,570 and operating cost of $4,266,039.

Included in the 7,404 bed count are two Drug Intervention Centers (work camps) to be operated by the Department of Corrections with a combined capacity of 768 beds. Two new close-security, single-cell facilities of no less than 896 beds each are to be constructed and operated by private vendors. One of these private facilities will be contracted through the Board of County Commissioners of Gadsden County and will be built in close proximity to the City of Gretna.

The Department of Corrections is allocated $450,000 to contract for no more than 50 beds for youthful offenders under the Youth Corrections Program. The sum of $200,000 is also provided for the Department to plan and design or develop a request for proposals to contract for up to 750 beds for youth corrections offenders with no single facility having more than 50 beds.

PRISON BEDS FOR FISCAL YEAR 1990-91

| Total beds | Total fixed capital | Total operating cost |
|---|---|---|
| 9,476 | $99,857,570 | $27,989,094 |

**County or Municipal Detention Facility**

SENATE BILL 2698 (CHAPTER 90-97) amends Section 951.23, F.S., to authorize the sheriff or other correctional officer of any county or municipality to utilize as temporary housing, "reduced custody housing" for sentenced or nonsentenced misdemeanants, nondangerous felons or such other inmates who are determined to not present a risk of escape or a threat to the staff, other inmates or themselves. Reduced custody housing is defined as exterior walls constructed of canvas, cloth or other material similarly flexible or woven, which is flame-resistant and supported by a structural frame of metal or similar durable material. Inmates may not be confined in this type housing for more than 90 consecutive days. Reduced custody housing shall be governed by fire and life safety standards and must comply with rules of the State Fire Marshal for correctional facilities.

## COURTS AND CIVIL LAW*

Subjects covered under the Courts and Civil Law Section include, judicial certification, landlord and tenant, procurement of attorney services, real and personal property, contracts in restraint of trade, estates, guardianship, courts, adoption, mobile homes, lien law, statutes of limitation, wrongful death, parental rights, legal advertisements, mediation and arbitration, eminent domain, and the evidence code. The Legislature, during the 1990 session, made substantial revisions to the Mechanic's Lien Law, now the Construction Lien Law, mobile home tenancy, mediation and arbitration funding and procedures as well as the requirements for legal advertisement.

### Judicial Certification

COMMITTEE SUBSTITUTE FOR HOUSE BILL 703 (CHAPTER 90-206) implements the certification order of the Supreme Court by creating 28 new judgeships.

The act amends Sections 26.031 and 34.022, F.S., to add the following judgeships: 22 additional circuit judges, 2 each for the 1st, 4th, 6th, 7th, 9th, 11th, 13th, 15th and 18th circuits and 1 each for the 5th, 10th, 19th and 20th circuits; and 6 county judges, 1 each for Broward, Lee, Monroe, Orange, Palm Beach and Volusia. All of the judges filling new offices created by the act will be elected in the nonpartisan elections held in 1990 to take office in January 1991.

### Landlord and Tenant

COMMITTEE SUBSTITUTE FOR SENATE BILL 228 (CHAPTER 90-133) amends Section 83.51, F.S., to require that, unless otherwise agreed to in writing, the landlord of a single-family home or duplex must install working smoke detection devices at the commencement of the tenancy. Section 83.62, F.S., currently prohibits residential landlords from removing a tenant's personal property from the rented dwelling unit except upon surrender, abandonment or lawful eviction. The act provides that if a landlord does remove personal property after surrender or abandonment, the landlord is not liable or responsible for storage or disposition of the property if a separate written agreement so provides. These provisions take effect October 1, 1990.

### "Firefighter Rule" Abolished

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1915 (CHAPTER 90-308) creates Section 112.182, F.S., to abolish the common law rule that a firefighter or law enforcement officer who lawfully enters upon the premises of another occupies the status of a *licensee*. Hereafter such persons will occupy the status of *invitee* which requires a higher duty of care by the owner or occupant of the premises. The act further provides that the level of care with respect to invitees is not increased or diminished by this section.

### Agency Procurement of Legal Services

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1443 (CHAPTER 90-147) revises Section 287.059, F.S., dealing with agency procurement of private legal services.

It allows the Attorney General to adopt by rule a form on which agencies requesting private legal counsel are to provide information that will assist the Attorney General in evaluating the request. Such information would include: the nature of the legal services and controversy involved; the reason for using private counsel rather than agency counsel; the selection criteria used by the agency; competitive fee information; the estimated numbers of hours the case will require; which partners, associates or other personnel of the private firm will be used and how their time will be billed; and any other information that the agency deems appropriate. The law requires agencies hiring outside counsel to use a standard fee schedule which the Attorney General is to adopt by rule. The act takes effect October 1, 1990.

### Lost Property

In revising Section 705.103, F.S., COMMITTEE SUBSTITUTE FOR HOUSE BILL 1787 (CHAPTER 90-307) provides that a law enforcement agency taking custody of lost property must retain the property for 90 days and publish notice of the intended disposition of the property for the first 45 days. After this, title would vest in the finder if notice requirements were met and the rightful owner did not claim the property during this time pursuant to amended Section 705.104, F.S. These amendments take effect October 1, 1990.

### Estates

HOUSE BILL 3005 (CHAPTER 90-129) amends Section 733.617, F.S, to provide that a corporate personal representative is entitled to compensation in accordance with a decedent's will if the will provides that the compensation is to be based upon specific criteria such as rates, amounts, commissions or reference to the corporation's regularly published schedule of fees.

SENATE BILL 602 (CHAPTER 90-23) amends Section 733.212, F.S., to clarify that a notice of administration may be served on devisees under a known prior will or heirs and makes other technical amendments. The act also amends Section 732.507, F.S., to provide that any provisions of a married testator's will which affects the testator's spouse become void upon divorce, dissolution, or annulment. An effective date of October 1, 1990 is provided.

### Witnesses

SENATE BILL 2112 (CHAPTER 90-185) creates Section 92.57, F.S., to provide that a person who testifies in a judicial

*Prepared by Senate Judiciary-Civil Committee

proceeding pursuant to a subpoena may not be dismissed from employment because of the nature of the testimony or the absences from employment while testifying. In an action for unlawful dismissal under this section, the court could award attorney's fees and punitive damages to the employee in addition to actual damages. The effective date of the law is October 1, 1990.

**Guardian Ad Litem**

COMMITTEE SUBSTITUTE FOR SENATE BILL 110 (CHAPTER 90-226) creates Sections 61.401-61.403, F.S., to provide that, in an action for dissolution of marriage, modification, parental responsibility, custody or visitation, the court can appoint a guardian ad litem to represent the child if it is found to be in the best interests of the child to do so. A person must be either a citizen certified by the State of Florida Guardian Ad Litem Program to act in family law cases or a member of The Florida Bar in good standing to be appointed as a guardian ad litem.

The guardian ad litem would have the powers, privileges, and responsibilities to the extent necessary to advance the best interests of the child. The guardian ad litem could investigate the allegations of the pleadings affecting the child and, after proper notice and subject to conditions set by the court could interview the child, witnesses or any other person having information. He could, through counsel, petition the court for an order to a specified person or agency, such as a doctor, psychiatrist or hospital, directing that the guardian ad litem be allowed to inspect and copy records. He could, through counsel, petition the court for an order for expert examination of the child, the child's parents or other interested parties in the action. The guardian ad litem could, through counsel, file motions, pleadings or petitions and request and provide discovery.

The guardian ad litem must file a written report with the court including the guardian ad litem's recommendations and a statement of the wishes of the child. The report would have to be filed and served on all parties at least 20 days prior to the hearing at which it will be presented unless the court waived this time limit. These provisions take effect October 1, 1990.

**Adoption**

SENATE BILL 1174 (CHAPTER 90-55) amends Section 63.102, F.S., to provide that a proceeding for prior approval of adoption fees and costs can be commenced at any time after an agreement is reached between the natural mother and the adoptive parents by filing a petition for declaratory statement on the agreement in circuit court.

The act amends Sections 63.097 and 63.212, F.S., to provide that an intermediary can charge up to $2,500 for actual prenatal care and living expenses of the mother and for actual living and medical expenses after the birth if medical needs require without obtaining prior approval from the court.

The measure amends Section 63.212, F.S., to prohibit any person other than those specified from advertising that a child is available for adoption or that a child is sought for adoption. The enactment further prohibits any person, including those listed, from publishing such an advertisement without including a Florida license number of the agency, attorney or physician placing the advertisement. The law has an effective date of October 1, 1990.

**Condominiums**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1823 (CHAPTER 90-151) is a general "clean up" of the Condominium Act. It provides for a number of technical changes to the law, implements court decisions, and puts existing practice into statute. Some of the more significant changes include: a provision which clarifies the association's power to acquire and hold property (Subsection 718.111(7), F.S.), prohibits dual usage of facilities by a unit owner and a tenant (Subsection 718.110(4), F.S.), requires the association to be a Florida corporation (Paragraph 718.111(1)(a), F.S.), prohibits directors from voting by proxy at board meetings (Paragraph 718.111(1)(b), F.S.), gives the association powers of a corporation unless limited by the condominium law (Subsection 718.111(2), F.S.), amends provisions on insurance which the association is to obtain (Subsection 718.111(11), F.S.), allows the association to maintain limited common elements (Subsection 718.113(1), F.S.), allows the association to conduct bingo games on condominium property (Section 718.114, F.S.), allows the Board of Administration to vote to make cable TV a common expense (Subsection 718.115(1), F.S.), provides authority for the association to charge a late fee when assessments are not paid (Subsection 718.116(3), F.S.), requires the association to be joined in a mortgage foreclosure action on a unit (Subsection 718.116(7), F.S.), requires the developer to turn over additional information to the association and requires that information to be provided when the control of the association is transferred from the developer to the association (Subsection 718.301(4), F.S.), and requires the prospectus to disclose certain amenities that will be used in common with other community association or planned developments (Subsection 718.504(7), F.S.). The act is to take effect October 1, 1990.

**Condominium Study Commission**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3041 (CHAPTER 90-218) creates a 10-member Condominium Study Commission to conduct public hearings throughout the state and take testimony on condominium issues of concern and receive recommended changes in condominium law, specifically but not exclusively addressing: the rights and responsibilities of unit owners vis-a-vis the rights and responsibilities of the association, transfer fees and the priority of association liens. The Speaker of the House of Representatives and the President of the Senate are each to appoint three members, one of whom is to be a legislator; the Governor is to name three nonlegislators; and the director of the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business Regulation is to serve ex offico. The Com-

mission is to make its report to the Legislature no later than February 1, 1991, and to terminate June 30, 1991. An appropriation of $100,000 from the Division's Trust Fund to the Department is provided to fund this law.

**Mobile Homes**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 230 (CHAPTER 90-198) amends Chapter 723, F.S., the Florida Mobile Home Act. The act provides that the chapter continues to apply to a tenancy in a mobile home park in which the number of lots offered for rent has been reduced to below 10 if the tenancy was subject to the chapter prior to the reduction. Section 723.010, F.S., is created to require a mobile home park owner to deliver to a prospective mobile home owner a written disclosure as to potential lot rental increases if the park lot rental amount is currently less than market rate or based on an introductory offer.

The act amends Section 723.033, F.S., to provide that if the court, as a matter of law, finds a mobile home lot rental amount, rent increase, or change or any provision of the rental agreement, to be unreasonable, the court may:

1. Refuse to enforce the lot rental agreement.
2. Refuse to enforce the rent increase or change.
3. Enforce the remainder of the lot rental agreement without the unreasonable provision.
4. Limit the application of the unreasonable provision so as to avoid any unreasonable result.
5. Award a refund or a reduction in future rent payments.
6. Award such other equitable relief as deemed necessary.

The measure amends Section 723.038, F.S., to provide that either party can petition the Division of Florida Land Sales, Condominiums, and Mobile Homes to initiate mediation of a dispute. Each party must pay a filing fee of $250. The Division is to promulgate rules of procedure.

After mediation, either party can file an action in the circuit court. Upon the filing of such an action, the court is to refer the action to a panel of three arbitrators for nonbinding arbitration pursuant to new Section 723.0381, F.S. The act takes effect October 1, 1990.

**Liens**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1330 (CHAPTER 90-109) makes numerous changes to Chapter 713, Part I, the Florida Mechanics' Lien Law, based primarily on the recommendations of the Mechanics' Lien Law Study Commission. The act creates Section 713.001, F.S., to redesignate the law as the Construction Lien Law.

The enactment creates through revision of Section 713.135, F.S., a building permit application form which requires much of the same information as is contained in the notice of commencement. The permit card is to contain a new warning to the owner, advising him to record a notice of commencement or be at risk of paying twice for the improvement. The issuing authority is required to provide notice of commencement forms to the applicant.

The law revises Section 713.13, F.S., to create a statutory notice of commencement form which contains the same information as is currently required. The notice of commencement will be effective upon the filing of the notice in the clerk's office.

The act further amends Section 713.13, F.S., to require the lender to record the notice of commencement in all loan financed improvements. "Lender" means any person who loans money to an owner for construction of an improvement to real property, who secures that loan by recording a mortgage on the real property, and who periodically disburses portions of the proceeds of that loan for the payment of the improvement as provided in revised Section 713.01, F.S. Additionally, any lender receiving a notice to owner and making payment to the contractor is required to make proper payments pursuant to amended Section 713.06, F.S. If no notice of commencement is recorded, a lienor not in privity can rely on the information contained in the building permit application form in serving his notice to owner. A new warning to owner will be placed on the statutory notice to owner form. This warning would advise the owner to obtain a written release from the lienor serving notice each time that the owner makes a payment to the contractor. The act deletes existing language providing that payments made before the notice of commencement is recorded are improper.

The measure creates a conditional payment bond under new Section 713.245, F.S., which would cover claims only to the extent the contractor has been paid for the labor, services or materials provided by the claimant. The conditional payment bond would not exempt the owner's property from liens except to the extent of payment made. The enactment provides for notices and penalties.

The act revises Section 713.345, F.S., to make it a felony to misapply any payment received on account of improving real property. Those provisions relating to conditional payment bonds and misapplied payments take effect October 1, 1990. All other provisions have a January 1, 1991 effective date.

**Paternity**

HOUSE BILL 155 (Chapter 90-139) substitutes the phrase "the child of the husband and wife" for references to "legitimate" child in Sections 742.091 and 742.11, F.S. The act also provides that under Section 742.11, F.S., a child born within wedlock who has been conceived by the means of in vitro insemination is irrebuttably presumed to be the child of the husband and wife. This language is effective October 1, 1990.

**Statute of Limitations**

COMMITTEE SUBSTITUTE FOR SENATE BILL 662 (CHAPTER 90-105) amends Section 95.051, F.S., to provide that the running of the time under certain statutes of limitations is tolled by the minority or previously adjudicated incapacity of the person entitled to sue during any period of time in which a parent, guardian or guardian ad litem does not exist, has an interest adverse to the minor or incapacitated person or is adjudicated to be incapacitated to sue, except with respect to

the statute of limitations for a claim for medical malpractice as provided in Section 95.11, F.S. In any event, the action must be begun within 7 years after the act, event or occurrence giving rise to the cause of action.

**Prejudgment Interest**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1259 (CHAPTER 90-300) amends Section 57.105, F.S., effective October 1, 1990, to provide for the award of prejudgment interest in addition to the award of attorney's fees when the court finds there was a complete absence of a justiciable issue of either law or fact raised by the defense.

**Deaf Persons**

HOUSE BILL 1467 (Chapter 90-123) amends Section 90.6063, F.S., to provide that an interpreter appointed by the court for a deaf person in a civil matter is entitled to a reasonable fee to be paid out of general county funds.

**Commission on Family Courts**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 3006 (CHAPTER (90-273) creates the Commission on Family Courts within the Office of the State Courts Administrator. The Commission membership is spelled out as well as its charges and duties, including the development of guidelines for the implementation of a family law division within each judicial circuit. A final report on Commission activities is to be submitted no later than February 1, 1991, to the Governor, Chief Justice of the Supreme Court, President of the Senate, Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives. The Commission is scheduled to expire June 30, 1991.

**Termination of Parental Rights**

HOUSE BILL 1977 (CHAPTER 90-309) amends several provisions relating to procedures for termination of parental rights.

The act restricts the withdrawal of a voluntary written surrender and consent to a court order giving custody of the child to the Department of Health and Rehabilitative Services (DHRS) or a licensed child-placing agency for purposes of adoption. Under the act, such surrender and consent pursuant to Section 39.464, F.S., can be withdrawn only if the court finds that they were obtained by fraud or duress. In conjunction with this change, the act deletes from Section 39.01(10), F.S., language providing that the signing of the consent is prima facie evidence of the voluntary placement of the child with a licensed child-placing agency. With respect to children in foster care after termination of parental rights, the court, under revised Section 39.453, F.S., now retains jurisdiction over a child until such child is placed for adoption.

Under the act, through revision of Section 39.473, F.S., the district court of appeal is to give an appeal from an order terminating parental rights priority in docketing. The court is to render a decision on the appeal as expeditiously as possible.

The law amends Section 63.152, F.S., to provide that when an adoption is completed through a child-placing agency licensed by DHRS, the agency will prepare for the state registrar of vital statistics the certified statement that a judgment of adoption has been entered. Provision is made for the act to take effect October 1, 1990.

**Grandparental Visitation Rights**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 3006 (CHAPTER 90-273) amends Section 752.01, F.S., to require the court to grant grandparents of a minor child visitation rights upon petition, if it is determined to be in the best interests of the child. Criteria are provided for the court to use when determining the child's best interests. Sections 39.4105, 752.015 and 752.07, F.S., are also created to provide for the mediation of any visitation disputes and to spell out grandparents' rights regarding the visitation of a grandchild who has been adjudicated a dependent child and has been taken from the custody of his or her parent or guardian.

**Legal Advertisements and Public Notices**

HOUSE BILL 211 (CHAPTER 90-279) amends Section 50.061, F.S., to provide for competitive bidding for publishing official notices or legal advertisements.

For 26 different sections of the Florida Statutes, the act establishes a uniform length of time of "at least one each week for 2 consecutive weeks" that the applicable public notice or legal advertisement must be published in a newspaper. In most instances, the new uniform length of time of publication reduces the length of time the public notice or legal advertisement must be published.

With respect to contracts to construct municipal utilities (Section 180.24, F.S.) the act raises from $1,000 to $2,000 the threshold which must be met before newspaper publication of a notice is required. With respect to forfeiture of property seized in connection with violations of certain wildlife and gambling laws, Sections 372.12 and 849.38, F.S., respectively, the $400 threshold for newspaper publication is raised to $1,000. The act takes effect October 1, 1990.

**Mediation and Arbitration**

COMMITTEE SUBSTITUTE FOR SENATE BILL 2350 (CHAPTER 90-188) revises Chapter 44, F.S., relating to mediation and arbitration. The act also provides for Supreme Court regulation of court reporters.

Under the law, mediation of custody, visitation, or other parental responsibility issues is mandatory in those circuits in which a family mediation program has been established.

The responsibility for certifying mediators and arbitrators is placed with the Supreme Court. The Supreme Court also is responsible for establishing procedures for qualification and discipline of mediators and arbitrators appointed pursuant to the chapter. The court is authorized to charge a fee for certification and renewal of certification. Revenues generated from

the fees will be used to offset the cost of administration of the certification process.

In order to fund mediation and arbitration services, the act permits a board of county commissioners to levy service charges in addition to those levied on cases filed in circuit court. The funds are to be deposited in local court trust funds to be supervised by the chief judge of the circuit. The additional authorized service charges are as follows: no more than $45 on any petition for modification of a final judgment of dissolution, funds to be used exclusively to fund family mediation services; no more than $5 on any circuit court proceeding; and no more than $5 on any county court proceeding, the funds to be used exclusively to fund county civil mediation services.

If an additional service charge is levied, $1 of each charge is forwarded to the state court administrator to be deposited in a state mediation and arbitration trust fund. The trust fund will be used by the Supreme Court to carry out the certification and disciplinary responsibilities it acquires under the act.

The Supreme Court is authorized to adopt rules governing compensation of nonvolunteer mediators. If a mediation program is funded by levying the additional service charges, a mediator may be compensated by the county or by the parties. The county is required to pay a party's pro rata share of a mediator's compensation, if the party has been declared indigent or insolvent. The chief judge of the circuit sets the rate of compensation in such cases. If a mediation program is funded by levying the additional service charges, volunteer mediators would be entitled to reimbursement for per diem and travel expenses.

With respect to court reporters, the law requires the Supreme Court to establish minimum standards and procedures for qualifications, certification, disciplining and training. The court is authorized to set fees to be charged to applicants for certification. The effective date of this act is October 1, 1990.

**Real Property Documents**

SENATE BILL 1890 (CHAPTER 90-183) creates Section 695.26, F.S., to provide that the clerk of the circuit court cannot record instruments which convey, assign, encumber or otherwise dispose of title to real property, or any interest therein, unless certain requirements are met with respect to persons' names or addresses appearing on the instrument. Names or addresses, or both, must be printed, typewritten or stamped in certain places on the instrument.

If a name or address is not printed, typewritten or stamped in the required position, the clerk has the discretion to accept the instrument for recordation if he finds the connection between the signature and the name or the name and address is apparent. The act further provides that if a clerk recorded an instrument which did not meet the requirements, neither the validity of the recordation nor the constructive notice imparted thereby would be impaired.

The requirements under the act do not apply to the following: an instrument executed before July 1, 1991; a decree, order, judgment or writ of any court; an instrument executed, acknowledged or proved outside of this state; a will; a plat; or an instrument prepared or executed by any public officer other than a notary public.

The law would take effect July 1, 1991 and would repeal Sections 695.21 and 695.24, F.S.

**Eminent Domain**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1357 (CHAPTER 90-303) revises various provisions relating to attorney's fees in eminent domain proceedings.

The act amends Section 73.092, F.S., to require that in assessing attorney's fees in eminent domain proceedings, the court must give greatest weight to the "benefits" resulting to the client from the services rendered. The legislation removes the prohibition which states that the court cannot base its award of attorney's fees solely on a percentage of the award.

"Benefits" are defined as the difference between the final judgment or settlement and the last written offer made by the condemning authority before the defendant hires an attorney. If no offer is made before the defendant hires an attorney, benefits would be measured from the first written offer after an attorney is hired.

In determining attorney's fees in prelitigation negotiations, benefits would not include amounts awarded for business damages unless the business owner provided financial records to the condemning authority, upon written request, prior to litigation. In determining attorney's fees subsequent to the filing of litigation, if financial records are not provided prior to litigation, benefits for amounts awarded for business damages are to be based upon the first written offer made by the condemning authority within 120 days after the filing of an eminent domain action. Benefits are calculated differently if no written offer for business damages was made within 120 days after the filing of the eminent domain action.

The act requires the property owner's attorney to submit to the condemning authority and the court his time records and statement of services rendered at least 30 days before a hearing to assess attorney's fees. In assessing attorney's fees, the court is to be guided by the fees the defendant would ordinarily be expected to pay if the petitioner was not responsible for the payment of fees and costs. The amount of attorney's fees to be paid by the defendant pursuant to a fee agreement entered into between the defendant and his attorney must be reduced by the amount of any attorney's fees awarded by the court.

The law amends Section 337.271, F.S., to authorize the Department of Transportation and the property owner to submit the compensation and business damage claims to nonbinding mediation. In Section 73.032, F.S., the law establishes procedures for an offer of judgment in eminent domain proceedings.

The act takes effect October 1, 1990 and applies only to fee arrangements entered into or actions filed after that date.

**Evidence**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1350 (CHAPTER 90-174) amends several provisions of the Florida Evi-

dence Code, and it makes a technical amendment to a statute providing special rules of evidence in sexual battery cases.

The act: amends Section 90.608, F.S., to permit any party, including the party calling the witness, to attack the credibility of a witness; clarifies the applicability of the hearsay exception found in Subsection 90.803(23), F.S., for statements of a child victim; deletes an unnecessary sentence from the hearsay exception for statements against interest contained in Paragraph 90.804(2)(c), F.S.; applies to prosecutions for sexual activity with a child, the special rules of evidence that apply in sexual battery cases, Section 794.022, F.S.; and creates Section 90.616, F.S., to provide for the exclusion of witnesses, but exempts certain persons such as a party or someone necessary to the presentation of the case. The provisions of this law take effect on October 1, 1990.

HOUSE BILL 155 (CHAPTER 90-139) which takes effect October 1, 1990, substitutes the term "parentage" for the term "legitimacy" in the hearsay exception for records of religious organizations in Subsection 90.803(11), F.S. The act makes the same substitution in the hearsay exception for statements of personal or family history in Paragraph 90.804(2)(d), F.S. Under revised Subsection 90.803(19), F.S., evidence of reputation among certain persons concerning a person's legitimacy is no longer admissible under the hearsay exception for reputation concerning personal or family history.

**Guardianship**

SENATE BILL 2770 (CHAPTER 90-271) resolves "glitches" resulting from the 1989 comprehensive rewrite of Florida's guardianship law, Chapter 744, F.S. Most importantly, the act amends Section 744.309, F.S., to permit certain nonresidents to be appointed as guardian.

The act amends the applicability of the auditing fee provisions of the chapter. The $50 fee for auditing the annual accounting is not to apply when the value of the ward's property is less than $25,000 pursuant to revised Sections 744.365 and 744.3678, F.S. The law also provides a sliding scale of fees for auditing the annual accounting depending upon the value of the ward's estate. The $50 fee for auditing of the verified inventory will only apply in cases where the value of the ward's property exceeds $25,000.

The act contains special provisions for guardianship of minors in new Section 744.3021, F.S. A guardian of a minor may be appointed without the necessity of an examining committee or adjudication if a parent, or certain other persons, petitions for appointment as guardian. A guardian of a minor is a plenary guardian.

Under the act, which amends Section 28.241, F.S., each county is authorized to impose an additional fee of up to $10 for each civil action filed, contingent upon the county matching such funds from county general revenue, for payment of the costs associated with public guardianships.

Pursuant to revised Section 744.3145, F.S., expenses incurred by a guardian to meet his education requirement may be paid from the ward's estate, unless the court directs that such expenses be paid by the guardian individually. The act also provides for filing of guardianship reports on a fiscal year or calendar year basis and for annual judicial review of the appropriateness and extent of a guardianship under amended Section 744.367, F.S. The law has an effective date of October 1, 1990.

**Omnibus Court System**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1322 (CHAPTER 90-269) amends several provisions affecting the court system.

The act raises the county court jurisdictional amount in increments. Section 34.01, F.S., is amended to provide that on or after July 1, 1990, county courts may hear cases in which the dollar amount is $10,000 or less. On or after July 1, 1992, county courts may hear cases involving $15,000 or less. Under the law, county courts also will be permitted to hear simple dissolution of marriage cases.

The measure also amends Section 86.011, F.S., to provide that county courts may issue declaratory judgments in cases within its jurisdictional amount.

The act raises by $5 the county court filing fee for all claims of more than $2,500, through revision of Section 34.041, F.S. The act further provides that all county court filing fees are to be retained as fee income of the clerk of the circuit court.

Under the act, the chief judge of each judicial circuit is authorized to designate Rosh Hashanah and Yom Kippur as legal holidays for the courts within the circuit.

The legislation amends Section 895.05, F.S., to provide that a defendant convicted in any criminal proceeding under state law, not just in a criminal Racketeer Influenced and Corrupt Organization (RICO) proceeding, is precluded from litigating in a subsequent civil RICO proceeding or in a subsequent proceeding for civil remedies for criminal practices under Section 772.104, F.S., those issues giving rise to the criminal conviction. The law takes effect October 1, 1990, and will apply to civil causes of action accruing on or after that date.

**Real Property Trespass**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 215 (CHAPTER 90-140) amends Section 768.075, F.S., to provide civil immunity from damages to a person, organization, or their agent who owns or controls an interest in real property with respect to a trespasser, when the trespasser is in violation of Section 810.08 or 810.09, F.S., or when the trespasser is under the influence of a chemical substance as set forth in Section 877.111, F.S., or if the trespasser is illegally under the influence of a controlled substance as defined in Chapter 893, F.S. Voluntary intoxication does not excuse a party bringing an action from proving the elements of trespass. The immunity provided in the act does not apply in the event the person, organization or agent committed an act of gross negligence which was the proximate cause of the injury alleged. The law has an effective date of October 1, 1990.

### Real Property Sales Information

COMMITTEE SUBSTITUTE FOR SENATE BILL 234 (CHAPTER 90-46) amends Subparagraph 498.037(1)(a)4., F.S., to require a public offering statement to include the name and address of each special taxing district in which the subdivided land is located and certain information relating to the public financing and maintenance of improvements to real property undertaken by a community development district if the subdivided lands are located in a community development district.

The act revises Section 190.009, F.S., to require the community development district to furnish to each developer of a residential development within the district information relating to the public financing and maintenance of improvements to real property undertaken by the district. The district must supply the developer with enough copies to provide each prospective purchaser with a copy of the information. The developer is required to include a copy of the information with the public offering statement.

Section 190.048, F.S., is amended to modify the language that is required on contracts for sale of real property which is located within a community development district. The language is to notify purchasers of the taxes and assessments that may be imposed by the district. The language clarifies that both taxes and assessments may be imposed and adds language that provides that taxes and assessments are set annually by the governing board of the district and that these taxes and assessments are in addition to county and all other taxes and assessments provided for by law. The law has an effective date of October 1, 1990.

### Torts Claims

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1451 (CHAPTER 90-122) creates the Florida Tort Claims Study Commission which is to be composed of 15 members appointed as follows: one Justice of the Florida Supreme Court, who would serve as Chairman, appointed by the Chief Justice; two Senators appointed by the President; two Representatives appointed by the Speaker; three attorneys, one appointed by the Attorney General, one appointed by The Florida Bar, and one appointed by the Florida Academy of Trial Lawyers; one representative of the Division of Risk Management of the Department of Insurance, appointed by the Insurance Commissioner; four lay members, one appointed by the President, one appointed by the Speaker, one appointed by the Association of Counties, and one appointed by the Florida League of Cities; and two members representing minority interests appointed by the Chief Justice.

The Commission is assigned, for administrative purposes, to the Office of State Courts Administrator which will provide staff for the Commission. Commission members are authorized to incur per diem and travel expenses pursuant to Section 112.061, F.S.

The Commission is directed to examine state law regarding tort claims against the state and current federal law regarding tort claims against the United States Government and make recommendations, including suggested legislation, in a written report. The report is to be submitted to the Governor, President of the Senate and the Speaker of the House of Representatives by January 1, 1991.

The measure requires the Commission to examine the following specific areas: just compensation for victims of torts committed by the state; whether the federal system is preferable to Florida's current system, whether the current $100,000/$200,000 cap is justified, whether the current claims bill system is efficient, whether the current scope of the waiver of sovereign immunity is appropriate and whether the current extent of immunity for state employees is desirable.

### Concealing Public Hazards

SENATE BILL 278 (CHAPTER 90-20) creates the Sunshine in Litigation Act, Section 69.081, F.S. The act defines a public hazard as an instrumentality, including a device, instrument, person, procedure or product, or a condition of a device, instrument, person, procedure or product, that has caused and is likely to cause injury. The measure prohibits, with certain exceptions, a court from sealing records of court proceedings if it would have the effect of concealing a public hazard. The enactment also renders void any contract which has the effect of concealing a public hazard. Exceptions are made for trade secrets which are not pertinent to public hazards.

Any substantially affected person, including the news media, has standing to contest an order or contract which violates the prohibitions of the act. The measure also provides for an in-camera proceeding to address situations in which there is a dispute concerning the disclosure of information or materials associated with or public hazard.

### Covenants Not To Compete

COMMITTEE SUBSTITUTE FOR SENATE BILL 2642 (CHAPTER 90-216) restricts the ability of a party to a covenant not to compete to obtain an injunction for violation of the covenant pursuant to Section 542.33, F.S. The act provides that a court may not enter an injunction contrary to the public health, safety or welfare, or in a case in which the injunction enforces an unreasonable covenant not to compete or absent a showing of irreparable injury. The use of specific trade secrets, customer lists or direct solicitation of existing customers, however, will continue to be presumed to cause irreparable injury. In addition, such injury will be presumed in connection with the sale of a business.

### Court Filing Fees

SENATE BILL 1730 (CHAPTER 90-181) amends Section 28.241, F.S., to increase filing fees in civil actions by a total of $3 per action. One dollar of this increase is earmarked for the Court Education Trust Fund which provides education for current and new judges. [One dollar is for enhancement of judicial salaries, and one dollar is for the implementation of the State Courts System Pay Plan.]

County court civil filing fees are increased by $2 per case in a revision of Section 34.041, F.S., to fund court costs.

The act also establishes the salary rate for justices and judges and appropriates $498,602 to fund it effective January 1, 1991. It also appropriates $614,354 to implement the State Courts System Pay Plan effective January 1, 1991.

**Wrongful Death**

SENATE BILL 324 (CHAPTER 90-14) allows children of a deceased person, regardless of age, to maintain an action for lost parental companionship, instruction, guidance and for mental pain and suffering from the date of the injury, provided no spouse survived the decedent.

[A survivor is entitled to recover the value of lost support and services from the decedent's date of injury to his death as well as the future loss of support and services reduced to their present value.] Children are defined as survivors regardless of age by amendment to Section 768.18, F.S. Parents can recover for mental pain and suffering for the loss of a child, regardless of age, if there are no other survivors.

The act prohibits collection of damages, as specified in Subsection 768.21(3), F.S., by adult children and by parents of adult children, as specified in Subsection 768.21(4), F.S., in cases of medical malpractice as defined in Subsection 766.106(1), F.S. [This prohibition on the collection of damages extends to include: hospitals licensed under Chapter 395, F.S.; hospital subsidiary corporations; physicians licensed under Chapter 458, F.S.; osteopaths licensed under Chapter 459, F.S.; pharmacists licensed under Chapter 465, F.S.; dentists licensed under Chapter 466, F.S.; any agent or employee of such health care providers or the Board of Regents.] The measure takes effect on October 1, 1990 and applies to all causes of action accruing on or after that date.

**Deceptive and Unfair Practices**

COMMITTEE SUBSTITUTE FOR SENATE BILL 2834 (CHAPTER 90-190) amends Subsection (4) of Section 501.203, F.S., by striking "and if a complaint of such violation has been referred to the state attorney by the Department of Legal Affairs." This amendment permits the state attorney's office to enforce the act without requiring referral of the complaint from the Department of Legal Affairs.

The law revises Subsection 501.204(2), F.S., by striking "as amended and in effect on April 1, 1983." This change amended and in effect on April 1, 1983." This change clarifies that current versions and interpretations of federal law are to be given great weight in construing the statute.

Section 501.207, F.S., is amended by striking Subsection (a), removing the requirement that the enforcing authority notify any party or parties being investigated of the substance of the alleged violation and providing a reasonable opportunity to respond. The measure also adds Subsection 501.207(7), F.S., which allows affidavits from injured consumers to be introduced into evidence at trial, even through the declarant is available as a witness, provided the affidavits meet the following criteria: the statement is sufficiently trustworthy, material, probative, in the interests of justice, and given to opposing parties with proper notice.

The legislation creates Section 501.2065, F.S., which provides that whenever criminal intelligence or investigative information held by any state or federal agency is available to the Department of Legal Affairs on a confidential basis, the Department, in the course of investigating any violation of this act, may obtain and use such information. Any such criminal intelligence that is exempt from public inspection pursuant to Section 119.07, F.S., retains its exempt status. An effective date of October 1, 1990, is provided.

## EDUCATION K-12*

The 1990 Legislature passed several measures addressing the education and education-related needs of Florida's children and youth and their families. The topics covered range from prekindergarten programs to education programs for the elderly, and include such things as student testing, teacher licensing, and school facilities.

### Elementary Schools

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) creates Section 230.23115, F.S., establishing the "Florida Innovations in Elementary Schools Program," to allow school districts to apply for waivers of the laws governing elementary education in order to conduct innovative programs. Each school or district intending to start such a program would have to submit a plan to the Department of Education for approval. Annual reports from innovative programs to the Commissioner of Education would be incorporated in her recommendations to the Legislature to improve elementary education. Section 230.2312, F.S., is amended to define the basic subjects in the Primary Education Program to include language arts, mathematics, problem solving, science, social studies, physical education, music, and fine arts.

In order to encourage continuous progress elementary programs, the legislation amends Section 232.01, F.S., to restrict the requirement that a student satisfactorily complete kindergarten before entering first grade to students who attend nonpublic kindergarten. Section 236.013, F.S., is amended to increase eligibility of students for summer school, and Section 233.34, F.S., is amended to increase school districts' flexibility in purchasing instructional materials for kindergarten and first grade.

### High School and Adult Education

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) mandates instruction in the content of the Declaration of Independence and the Federalist Papers as foundations of our government by amending Section 233.061, F.S.

The act requires the Department of Education to develop a curriculum standard for each sequence of courses required for high school graduation. A single standard must be developed for English, mathematics, science, and social studies. [These standards would prevent students from taking all their required courses at the basic level and could address sequential content.]

In developing the standards, the Commissioner must involve teachers, administrators, postsecondary educators, and lay people. Each course currently offered will be reviewed and its level of skill development determined. The Department of Education will offer technical assistance to any school in which more than 30 percent of the students in grades 9-12 are in courses at the lowest level of skill.

Finally, the legislation creates a grant program for elderly people that will allow school districts and community colleges to conduct nonclassroom educational activities for people over 65.

HOUSE BILL 1233 (CHAPTER 90-298) amends Section 233.067, F.S., the Comprehensive Health Education and Substance Abuse Prevention Act, to authorize school districts to offer students in grades 9-12 the opportunity to be certified in the technique of cardiopulmonary resuscitation.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1287 (CHAPTER 90-356) amends Section 232.246, F.S., to direct high school students to take their required credit in vocational education and art in the ninth grade. However, the law will now allow them to take either a full year of vocational education or art, or half a year of each, to complete the requirement.

### Student Testing

COMMITTEE SUBSTITUTE FOR SENATE BILL 2746 (CHAPTER 90-99) amends Section 229.57, F.S., to substantially revise the state student testing program for public schools. The state student assessment tests at grades 3, 5, 8, and 11 are to be replaced by tests at grades 4, 7, and 10, and the functional literacy test will be replaced by a new competency test to measure minimum student performance skills in reading, writing, and mathematics. Tests at grades 4 and 7 will be commercially produced, nationally normed tests that the school districts will select from a list approved by the State Board of Education. The tenth grade test will also be a nationally norm referenced achievement test; however, it will be selected by the state through an appropriate bidding process. Current state tests are criterion referenced and measure only whether or not a student demonstrates mastery of basic skills. The new tests will have minimum score levels as well as standards for high achievement. Student scores below the minimums will be deemed inadequate and the districts will be required to initiate remedial instruction measures for students falling into this category.

The replacement for the functional literacy test is to be developed by the State Board of Education, and the Board will designate passing scores for each of the three parts. A student must pass all three parts to receive a regular high school diploma. Students seeking an adult high school diploma will have to meet the same testing requirements as regular high school students. When establishing the passing scores, the Board must take into consideration any possible negative impact the tests may have on minority students.

The Commissioner of Education is required to obtain or have developed a career planning assessment test that will be administered in grades 7 and 10. The test will be optional for the students. The stated purpose of the assessment is to assist students in preparing for further education or entering the work force. The career planning assessment must be of-

*Prepared by Senate Education Committee

fered as a free service to schools through the statewide student assessment program.

Other provisions in the legislation: amend Section 228.301, F.S., to increase test security measures at state and local levels; revise Section 229.555, F.S., to require school districts to consider student achievement data in planning and budgeting activities; modify Section 229.565, F.S., to require the Commissioner of Education to consider the advice of a broad cross section of citizens when developing student performance standards; amend Section 232.2454, F.S., to authorize the school districts to conduct the subject area testing necessary to satisfy the provisions of the Florida Accountability in Curriculum, Education, Instructional Materials and Testing (FACET) law; authorize the state to continue participating in the National Assessment of Educational Progress, and authorize the Department to develop and employ new procedures in testing and the analysis and reporting of test results.

Section 240.107, F.S., is amended to provide a procedure whereby a student who has failed a portion of the College Level Academic Skills Test (CLAST) four times may petition for a waiver of the passing score requirement, if he can demonstrate competency in the area of test difficulty through past coursework achievements. Each community college and public university is to establish a committee to deal with such requests.

Other CLAST-related changes authorize the State Board to set fees for the administration of the examination to private postsecondary students other than those receiving state financial aid, and for administering the examination on other than regularly scheduled test dates.

COMMITTEE SUBSTITUTE FOR SENATE BILL 2746 (CHAPTER 90-99) also amends the following sections of law to ensure that statutory cross-references are correct, and that provisions in the laws are consistent with the changes enacted in the state student assessment program: Section 229.575, F.S., pertaining to the Commissioner of Education's annual report; Section 232.245, F.S., dealing with pupil progression; Section 232.246, F.S., which provides the general requirements for high school graduation; Section 233.0641, F.S., to provide that the appraisal of the free enterprise and consumer education program shall be administered as part of the statewide assessment program; and Section 236.088, F.S., that establishes the state compensatory education program. An effective date of October 1, 1990 is provided.

**Children's Services**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 3006 (CHAPTER 90-273) creates a new section of law that requires the Department of Health and Rehabilitative Services (DHRS) and the Department of Education (DOE) jointly to establish full-service schools. These schools will provide a central point for dispensing interagency services to school children defined as being "at risk." The term "at-risk" includes students identified as having a high risk of needing medical and social services based on the results of demographic evaluations. The Department of Health and Rehabilitative Services is further required to designate an executive staff director to serve as a liaison with DOE to coordinate the provision of health and rehabilitative services in the educational facilities. The full-service school program is to be initiated during the 1990-91 school year, and by 1995-96 it is to be implemented fully in all schools whose student population is demographically determined to be at risk.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) amends Section 230.2303, F.S., to create model schools for coordinated children's services in conjunction with the Florida First Start Program beginning in 1991. The model schools would have a parent resource center, child care services, educational services to help parents obtain a high school diploma, and a resource and referral service to help the family meet its other child care needs.

**English for Speakers of Other Languages (ESOL)**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) amends Section 233.058, F.S., to expand services to Limited English Proficient (LEP) students, requiring that they receive, in addition to English for Speakers of Other Languages (ESOL) instruction in English, ESOL or home language instruction in the academic subjects of math, science, social studies and computer literacy. The present 3-year limit for funding LEP students at the ESOL cost factor could be extended 1 year at a time up to a total of 6 years with appropriate documentation of the student's need for continued participation in the program. The legislation repeals Subsection 228.121(5), F.S., so that school districts can no longer establish entrance criteria and tuition fees for foreign, nonimmigrant students.

**Dropout Prevention**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) enacts a number of changes recommended by the state Discipline Task Force and the Office of the Auditor General. The major ones are: an amendment to Section 228.041, F.S., providing a new statutory definition of the term "dropout"; an amendment to Section 230.2316, F.S., delineating required components of in-school suspension programs and providing that students in such programs will earn dropout prevention weighted funding for their districts; a separate code of conduct that is required for elementary and secondary school students by an amendment to Section 230.23, F.S.; creation of a grant program for alternatives to out-of-school suspension through an amendment to Section 230.2316, F.S.; an amendment to Section 232.26, F.S., authorizing superintendents to determine whether or not to expel a student convicted of a felony; and an amendment to Section 232.2462, F.S., enabling students to earn half a credit if they pass only half of a year-long course.

A specific program for dropout prevention is described by amending Section 230.2316, F.S., to encourage the use of college and university students to retrieve high school dropouts.

**Job Training**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 3006 (CHAPTER 90-273) creates the "Florida Youth-At-Risk 2000 Pilot Program," to set up eight pilot projects to provide intensive mentoring, education, and training programs to youth of ages 14-20. To participate, a young person must meet at least one of four characteristics of being at risk, must enter on-the-job-training, and must participate in other educational and training programs as determined and arranged by his or her mentor.

The State Job Training Coordinating Council will have primary administrative responsibility, although coordination with a number of agencies and the private sector is required. If no state funding is allocated, the program may be funded through federal Job Training Partnership Act (JTPA) youth initiative funds.

The legislation also creates a law to provide for an incentive program for children of people in programs sponsored by the JTPA. The children will receive an award from JTPA every semester they make progress towards their high school diplomas.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) creates Section 230.23165, F.S., the "Florida Constructive Youth Act," that is modeled after the Youth Action Program in the well-known East Harlem Schools Project. The legislation requires extensive planning, budgeting, evaluation, and coordination reports and activities to provide employment in the construction industry, education, and training as needed for young people ages 16-24 who are unemployed and economically disadvantaged. School dropouts are eligible whether or not they are economically disadvantaged. Program administrators must procure funding from a number of existing potential sources; no state grant program is created.

**Teacher Preparation and Certification**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) amends Section 231.096, F.S., to provide that, pending Department of Education approval, school districts may now include programs of instruction in summer inservice institutes that address locally identified areas of critical teacher shortage.

In the first of a series of modifications to Section 231.17, F.S., by COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288), applicants for teacher certification will be allowed to substitute National Teachers Examination (NTE) scores from tests of subject areas and professional knowledge for similar Florida tests that are required for licensure. However, the applicants' NTE results will have to meet scoring standards set by the State Board of Education. The beginning teacher program is redefined as the professional orientation program, and school districts are authorized to extend the program for a second and third year.

Section 231.17, F.S., as amended by the COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) requires the State Board of Education to promulgate new rules for the initial certification of teachers by January 1, 1991. These rules must specifically provide for licensure for the teaching areas covering birth through age 4, prekindergarten or age 3 through grade 3, grades 5-9, and any other coverages that may be designated by the Board.

The final change in Section 231.17, F.S., provided by COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) allows a person who teaches less than 99 days during his first year of employment to receive a 1-year extension of his 2-year temporary teaching certificate. Along those same lines, a change provided by COMMITTEE SUBSTITUTE FOR HOUSE BILLS 623 AND 739 (CHAPTER 90-285) authorizes the State Board of Education to adopt rules to allow the issuance of one nonrenewable 2-year temporary certificate and one nonrenewable 5-year professional certificate to an individual with a bachelor's degree in the area of speech-language impaired to enable him to complete a master's degree program in that field. [A master's degree is required to receive regular professional certification as a teacher of the speech-language impaired.]

Section 231.172, F.S., is amended by COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) to authorize alternate teacher preparation programs to provide training for prospective elementary teachers as well as those persons interested in teaching at the secondary school level. Prior to this change, alternate preparation centers were limited to training secondary school teachers.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) creates Section 231.1725, F.S., which provides that substitute teachers, adult education teachers, and nondegreed teachers of vocational education will no longer be certified by the state. Applicants for positions in these fields will be required to be fingerprinted as a condition of employment; however, the fingerprinting will be processed at the district level and submitted from there to the Florida Department of Law Enforcement and the Federal Bureau of Investigation for background checks. Except for some educational and job experience requirements for the nondegreed vocational teachers, all other conditions of employment will be locally determined. [This portion of the new Section 231.1725, F.S., is also contained in COMMITTEE SUBSTITUTE FOR HOUSE BILLS 623 AND 739 (CHAPTER 90-285).]

The version of the new Section 231.1725, F.S., contained in COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) also changes the procedure for licensing teachers with college degrees. Once an applicant for a certificate has met the education and testing requirements specified in law, he will be issued a statement of eligibility to be certified. The eligibility statement will have a 2-year life span, and when the holder is employed it may be exchanged for a 2-year temporary certificate. Beginning October 1, 1990, fingerprinting will be done at the district level as a condition of employment, just as it is with noninstructional employees, substitute, adult education, and nondegreed vocational teachers.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) creates a new Section 231.173, F.S., that provides that out-of-state teachers with at least 5 years of successful experience, two of which must have been continuous

during the 5-year period immediately preceding application for a Florida certificate, may be issued a professional certificate upon employment. However, the certification of such teachers will be limited to the area of teaching assignment in their new jobs.

Another new law created by COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288), Section 231.74, F.S., authorizes school districts to establish alternate preparation programs to assist already certificated teachers in adding additional coverages to their certificates in areas of critical teacher shortage.

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 623 AND 739 (CHAPTER 90-285) amends Section 231.24, F.S., to provide a definition of the term "instructional position" as it is used in the process of renewing professional teaching certificates. Persons in "instructional positions" will now include those certificate holders classified as: district-level personnel, district-level personnel on special assignment, nonpublic school area administrators and supervisors, school principals, assistant school principals, school board members, instructional personnel on special assignment, instructional personnel on leave by virtue of collective bargaining agreements or school board policy, and any other positions so specified in State Board of Education rule. [The effect of the change will be to offer employees in the designated "instructional positions" the option of renewing their teaching certificates by earning inservice training points. The old law limited allowable renewal efforts for the new designees to achieving passing scores on subject area tests or earning college course credit.]

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) made extensive changes in Section 240.529, F.S., to provide that by July 1, 1995, a revised state teacher education program approval process will be implemented for public universities that will combine state program approval with that of the National Council on the Accreditation of Teacher Education (NCATE). Private institution programs may be approved using the same process as the public universities, or they may use an alternate process developed by the Department of Education that does not include NCATE accreditation criteria. The Education Standards Commission, with the approval of the State Board of Education, is authorized to develop additional program approval criteria that emphasize student outcome measures. Also, beginning July 1, 1995, all postsecondary institution faculty members who supervise teacher internships or field experiences must have specialized training in clinical supervision, a valid teaching certificate, or at least 3 years of teaching experience in grades K-12. Those who don't must agree to spend a period of time to be specified in State Board rule in teaching in the public schools. Universities offering teacher preparation programs are encouraged to develop articulation agreements with community colleges that provide for a common liberal arts core curriculum and that allow community colleges to offer introductory professional courses.

The amended Section 240.529, F.S., also authorizes community colleges and universities to establish preteacher education and teacher education pilot projects to encourage minority students to enter teaching. Teacher education program admission requirements may be waived for students in approved pilot programs. Students in these programs who fail the state teacher certification examination will not be included in the calculation of the passing rate required for continued program approval.

Though different to these amendments to Section 240.529, F.S., COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) and SENATE BILL 1428 (CHAPTER 90-178) contain identical amendatory language for this section.

Section 240.5291, F.S., was created by COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) to establish a teaching profession enhancement program that will make competitive grants available to public and private colleges and universities for proposals to improve teacher education.

Finally, COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) made several other changes in the laws affecting the preparation and licensure of teachers. Those changes include: amending Section 231.546, F.S., to require the Education Standards Commission to recommend to the State Board of Education critical state priorities for preservice and inservice teacher preparation; amending Section 231.603, F.S., to require teacher education centers to offer competency based staff development programs leading to middle grades certification, and training in clinical education that includes skills for working with preservice and beginning teachers; amending Section 231.609, F.S., to clarify that community colleges are authorized to be included in the allocation of teacher education center funds; amending Section 231.62, F.S., to require the State Board of Education to consider teacher characteristics such as ethnic background, race, and sex in determining critical teacher shortage areas, and authorize the Board to designate school grade levels as critical teacher shortage areas; and amending Section 236.081, F.S., to provide a formula for determining the percentage of the base student allocation that must be devoted to staff development purposes.

**School Counselors**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288), COMMITTEE SUBSTITUTE FOR SENATE BILL 1238 (CHAPTER 90-172), AND COMMITTEE SUBSTITUTE FOR SENATE BILL 1898 (CHAPTER 90-91) all amend Section 231.15, F.S., to add school counselors to the list of school positions for which a professional teaching certificate is required.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) AND COMMITTEE SUBSTITUTE FOR SENATE BILL 1238 (CHAPTER 90-172) amend Section 233.0681, F.S., to eliminate obsolete language pertaining to a grant for training occupational specialists.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1898 (CHAPTER 90-91) amends Section 231.165, F.S., to require prevention counselors to be either certified or otherwise qualified. It

also creates a Florida Council on Student Services to review and make recommendations for improvements in the services that schools provide for student health, occupational and educational guidance, counseling, and follow-up. The Council membership will be 13 members with specific knowledge and experience in the needs of students for these types of services. The members will be appointed by the Governor, Commissioner of Education, President of the Senate, and the Speaker of the House of Representatives. This act takes effect on October 1, 1990.

**School Finance**

SENATE BILL 1956 (CHAPTER 90-240) AND COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) amend Section 236.081, F.S., to permit school districts to provide group instruction for students who are hospitalized because of mental health impairment, at a cost factor equal to that for physically impaired students. Students instructed under this section would be those in need of short-term care who would not be eligible for the emotionally handicapped program.

SENATE BILL 1956 (CHAPTER 90-240) creates Section 236.1224, F.S., to establish a categorical fund for science laboratory courses in secondary schools. The Department of Education is directed to develop procedures for awarding the categorical funds based on the number of full-time equivalent students.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) AND COMMITTEE SUBSTITUTE FOR SENATE BILL 1238 (CHAPTER 90-172) also amend Section 236.081, F.S., to provide a full-time equivalent student accounting procedure for "year-round school" programs so that such programs can meet school funding requirements. In addition, these same acts: amend Section 236.083, F.S., to provide that transported students in all state prekindergarten programs are eligible for state transportation funding, amend Section 236.25, F.S., to clarify that the 2-mill discretionary ad valorem tax levy that is available to school boards for capital outlay purposes may be used to repay loans made pursuant to Sections 237.161 and 237.162, F.S.--this provision is also contained in COMMITTEE SUBSTITUTE FOR SENATE BILL 1958 (CHAPTER 90-241)--and exonerate school districts for pre-1989 failures to meet maintenance of effort standards required by former Paragraphs 235.435(1)(c) and 236.25(2)(b), F.S.

**Accountability and Reporting**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 3006 (CHAPTER 90-241) amends Section 229.575, F.S., to require the Commissioner of Education to include in her annual report to the public information about the demographics and service needs of children in each school in each district, operating costs, and recommendations for policy and actions to implement them. The report will also have to compare individual schools with regard to their students' scores on a nationally normed achievement test. The State Board of Education is to use the information in the report to approve the annual public education budget request to the Legislature.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) amends Section 232.2468, F.S., to change the definitions and methods of calculating dropout, graduation, and truancy rates. The graduation rate will be increased and the dropout rate will be reduced by subtracting from the total number of dropouts the number of people 19 years old or younger who receive a GED or adult high school diploma, and by including as dropouts only those over 16. Children under 16 who drop out of school will be classified as habitual truants and will not affect the dropout rate. Another section of the legislation amends Section 229.575, F.S., to require the Commissioner of Education to report separately people who drop out to attend adult education programs. They must be counted as dropouts until they complete the program and earn either a GED or an adult high school diploma.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) creates a new program designed to develop outcome measures and goals for education, to review and revise rules and laws requiring reports, and to identify and provide resources to assist schools in which student learning is inadequate.

An 11-member Commission to Improve Schools and Simplify Education Reports will advise the Commissioner regarding ways to improve educational reports. The Commission will expire in 1994, subject to Sundown Review (Section 11.611, F.S.).

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) amends Section 240.118, F.S., the "Postsecondary Feedback to High Schools" law, to require the Commissioner of Education to compile reports of postsecondary students' progress and send them to the school districts from which the students graduated from high school. Formerly, each university and college sent separate reports. Section 229.575, F.S., is amended to require the Commissioner, the districts, and the schools to report the information in their annual reports to parents and the press.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) also creates Section 229.559, F.S., to require school districts to use student social security numbers as key identifiers in the management information system. Students will not be required to give their social security numbers, and alternate identifiers will be assigned to those who choose not to use them.

**School Facilities**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1958 (CHAPTER 90-241) establishes a full-school utilization program--to include year-round school and extended day programs--with grants for planning and implementation. The grants will be awarded and the program will be monitored and evaluated by the Department of Education. An amendment to Section 235.211, F.S., requires an architect's plans for construction or renovation of educational facilities. The law encourages reuse

of the plans, with the architect's permission and subject to the bidding process established in Section 287.055, F.S.

The act amends Section 235.011, F.S., to define "satellite facility" and creates Section 235.198, F.S., to provide for cooperative use of such facilities by private industry and school boards. School districts annually may request funds from the Public Education Capital Outlay and Debt Service Trust Fund (PECO) to construct, remodel, or renovate facilities in the industrial environment. All satellite facilities are exempt from ad valorem taxes.

Section 235.15, F.S., is amended to require Department of Education school plant surveys to include an inventory of the utilization of school facilities based on extended day or year-round operation. In addition, relocatable facilities will only be rated at one-half of actual student capacity for purposes of the inventory and determining future need.

The legislation amends Section 235.435, F.S., to require the Department of Education to establish an Increased Utilization Account in PECO. The same section is also amended to: authorize school boards to lease relocatable facilities for up to 3 years using local capital outlay millage and nonbonded PECO funds, authorize community college boards of trustees to lease relocatable facilities for up to 3 years using nonbonded PECO funds, and require school boards to levy the maximum discretionary capital outlay millage authorized by law for a continuous period of 3 years if the board is participating in the Special Facility Construction Account.

Sections 200.065 and 236.25, F.S., are amended to conform to the authorization for school boards to use discretionary capital outlay millage to lease relocatable facilities for up to 3 years.

Section 235.195, F.S., pertaining to facilities jointly used by two or more boards, including school boards, community college boards of trustees, the Board of Trustees for the Florida School for the Deaf and the Blind, and the Board of Regents is amended to provide that none of these governing entities shall receive funding for more than one joint use facility in any 5-year period. In addition, Section 235.196, F.S., is amended to apply the same "one project per 5-year period" to community educational facilities.

Section 235.44, F.S., is created to authorize school boards to award multiyear capital improvement contracts using voter authorized but unissued bonds as collateral, provided that funds are available and budgeted to meet each fiscal year's contract obligations. [Prior to this new law, the school board was required to have the entire amount to cover the cost of the project on hand before a contract was let.] This section is to be repealed July 1, 1995, pending legislative review.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) AND COMMITTEE SUBSTITUTE FOR SENATE BILL 1238 (CHAPTER 90-172) contain technical changes in statutes affecting school construction and school facilities in general. Section 235.04, F.S., is amended to authorize school boards to dispose of real property if the property has been determined to be unnecessary by an educational plant survey. Also, Section 235.212, F.S., is amended to remove the restriction on the number of windows that can be placed in an air-conditioned school.

Finally, an amendment to Section 235.26, F.S., authorizes the Office of Educational Facilities to develop standards on accessibility for children to educational facilities. These standards shall be part of the Uniform Building Code for Public Educational Facilities Construction, and shall take precedence over accessibility standards contained in Section 553.48, F.S.

**School Administration And Organization**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 3006 (CHAPTER 90-273) creates the Small School Task Force. A seven-member group appointed by the Governor, the Task Force is charged with the responsibility of examining and making recommendations on the optimum public school size. In making its recommendations, the Task Force is to give consideration to schools-within-schools, the various school grade levels, and the issue of management and administrative structure as it relates to school size. A final report of the Task Force is to be submitted to the Governor, State Board of Education, and the Legislature no later than January 15, 1991.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 281 (CHAPTER 90-16) amends Section 228.041, F.S., to allow graduating seniors to attend school up to four days less than required in law, if the school district authorizes the practice. No portion of state funding will be withheld for those days, and the law is retroactive, so any school district that had already allowed graduating seniors days off for graduation in 1990 will be included in the law's provisions and will not risk losing state funds.

**Department of Education Technical Revisions**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) AND COMMITTEE SUBSTITUTE FOR SENATE BILL 1238 (CHAPTER 90-172) enact several identical technical changes in the statutes that were requested by the Department of Education. Those revisions are as follows: Section 200.001, F.S., pertaining to school millages, is amended to correct an erroneous statutory cross-reference; Section 228.195, F.S., is amended to clarify that only certain elementary schools are subject to mandatory school breakfast programs; Section 230.2305, F.S., is amended to authorize mainstreaming of handicapped preschool children into the prekindergarten early intervention program, and to allow use of up to $1 million of the prekindergarten early intervention program funds for the transportation of students during the 1990-91 school year; Section 230.2316, F.S., is amended to set minimum participation in educational alternatives programs at two instructional periods per day for students in grades 6-12 while the minimum participation for other students remains at three instructional periods per day; Section 234.02, F.S., is amended to authorize the transportation of any student in a school board owned passenger car when necessary, whereas the former law limited the authority to the transportation of physically handicapped or isolated students; and

Section 234.091, F.S., is amended to authorize the driving of a Florida public school bus by an out-of-state resident who has a valid chauffeur's (until March 31, 1991) or commercial (after April 1, 1991) driver's license from his home state.

**Instructional Technology**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 3006 (CHAPTER 90-273) AND COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (90-288) create the Florida Instructional Technology Grant Act, a competitive grant program intended to promote school restructuring and expand the use of computers as teaching tools in the classroom. The act is also intended to foster public and private-sector partnerships in support of the increased use of technology for instruction, and priority is given to those grant proposals that focus on elementary schools and that include a local match of state dollars. Provisions in the act describe the procedures to be used for grant proposal submission, review, and selection. Eighty percent of any program funds will be available for grants, the remaining 20 percent will be used for research and development, the creation of an instructional technology information clearinghouse, and to cover the costs to the Department of Education of administering the program.

COMMITTEE SUBSTITUTE FOR SENATE BILL 998 (CHAPTER 90-86) amends Section 228.086, F.S., to authorize museums of science to be designated as regional centers of excellence in mathematics, science, computers, and technology. The legislation also increases the number of centers from five to six, by dividing the current south region into two parts.

**Florida School for the Deaf and the Blind**

SENATE BILL 1094 (CHAPTER 90-31) contains two provisions that pertain to the Florida School for the Deaf and the Blind. The first amends Section 230.23, F.S., adding to the duties of local school boards the requirement that they provide the parent or guardian of every sensory impaired child with information about the Florida School for the Deaf and the Blind, and all other programs and methods of instruction available to children with these special needs.

The second change amends Section 242.335, F.S., and authorizes the Florida School for the Deaf and the Blind to pay the costs of the fingerprinting and background checks of prospective employees. [The law that has been in effect for the past year required the job applicant to pay such costs.]

**Intergenerational Volunteers**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) creates Section 230.71, F.S., to provide an intergenerational school volunteer program to recruit persons over the age of 50 to volunteer in programs for public school students. The Intergenerational School Volunteer Trust Fund is created to fund the program. A 22-member advisory board will assist the Commissioner of Education in creating and improving the program. The Department of Education is directed to establish a clearinghouse to disseminate information on intergenerational programs.

**Nonpublic Schools**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 2993 (CHAPTER 90-100) amends Section 229.808, F.S., to require owners of nonpublic schools to submit fingerprints to the Department of Law Enforcement for screening of criminal records. The results of the screening will have to be available for public inspection in the school office. It is a first-degree misdemeanor for a person convicted of a crime of moral turpitude to own or operate a nonpublic school. The act authorizes owners of nonpublic schools to require their employees to file a set of their fingerprints for screening.

## EDUCATION, POSTSECONDARY*

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) and COMMITTEE SUBSTITUTE FOR HOUSE BILL 3709 (CHAPTER 90-365) became the major vehicles for the substantive postsecondary legislation that passed during the 1990 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 Articulation

The COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) amends Section 240.115, F.S., to place in statute a requirement for the articulation agreement to ensure that every associate of arts degree graduate of a Florida community college is granted admission to the upper division of a state university. Universities must include an explanation of the articulation agreement in their orientation programs and student handbooks. In addition, the Board of Regents' powers and duties are amended in Section 240.209, F.S., to require the Board to report to the Legislature on limited access programs and applicants. A systemwide counseling manual will be developed by the Board of Regents for distribution to each public community college.

### State University System Management and Operations

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3709 (CHAPTER 90-365) deletes a repealer clause relating to various powers and duties of the Board of Regents and state university presidents which were scheduled to "sunset" effective October 1, 1990. As a result of the abrogation of this repealer, the Board will continue to be authorized to manage its own personnel and facility construction programs. State universities will continue to be authorized to carry forward up to 5 percent of any unexpended operating funds into the next fiscal year. The Auxiliary Enterprises and Contracts grants and donations budgets will continue to be exempt from specified budgeting and reporting requirements, and university presidents will retain their authority to enter into installment and lease-purchase contracts under specified conditions.

### Articulated Acceleration

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3709 (CHAPTER 90-365) amends Section 240.116, F.S., to authorize nonpublic secondary school students to participate in dual enrollment programs.

Section 240.116, F.S., is further amended to provide that International Baccalaureate examinations and cut-off scores, which may be used to grant postsecondary credit, will be specified in State Board of Education rule rather than in statute.

### State University System Presidential Selection

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3709 (CHAPTER 90-365) amends Section 240.209, F.S., to modify the State University System presidential selection process by deleting the Chancellor's involvement in the evaluation of candidates. The Board of Regents may appoint a search committee to assist in such evaluations.

### State University System Personnel

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3709 (CHAPTER 90-365) amends Section 240.209, F.S., to authorize the Board of Regents to permit state university employees who have 6 continuous months of state government service and who meet academic requirements to enroll in university courses on a fee-waived, space-available basis.

In addition, through a substantive revision of Section 240.2111, F.S., modifications are made to the State University System Employee Recognition Program to differentiate it from the Employee Incentive Efficiency Program created in 1989.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1207 (CHAPTER 90-294) provides a competitive pay adjustment of $250 per month for state university law enforcement officers, effective July 1, 1990.

### State University System Admission

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3709 (CHAPTER 90-365) amends Section 240.233, F.S., to allow the Board of Regents to admit to state universities a limited number of students who have not satisfied the foreign language admission requirement. The total number of such students may not exceed 5 percent of the total number of freshmen who entered the State University System during the previous year. However, any student admitted to a state university without having satisfied the foreign language requirement must meet the requirement prior to graduating from the university.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2997 (CHAPTER 90-18) amends Section 240.233, F.S., to exempt students from the foreign language requirement for admission to a state university if they have completed the equivalent of two high school credits in American sign language. This enactment also amends Section 240.233, F.S., to allow Florida high schools to offer American sign language as a for-credit elective or as a substitute for any already authorized foreign language requirement.

### State University System Major Gifts and Eminent Scholars Program

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3709 (CHAPTER 90-365) modifies the Major Gifts Program to provide for a maximum state match of $50,000 for every $100,000 contrib-

*Prepared by Senate Higher Education Committee

uted from private sources through revision of Section 240.2605, F.S. Combined, unrelated private contributions may be used to qualify for a state matching grant.

Sections 240.2605 and 240.257, F.S., are amended to authorize the Board of Regents to transfer excess unencumbered funds between the Eminent Scholars and Major Gifts Trust Funds.

**State University Sponsored Research**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3709 (CHAPTER 90-365) amends Section 240.241, F.S., to enable personnel from outside Florida who are traveling under a sponsored research contract with a state university to be reimbursed for travel and per diem expenses in an amount which may be in excess of the maximum amounts allowed for Florida state agency personnel.

**State University System Sale of IFAS Lands**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1553 (CHAPTER 90-148) authorizes the Board of Regents to sell agricultural research land and facilities used by the Institute of Food and Agricultural Sciences and to deposit the proceeds from such sales in a special trust fund. Trust fund proceeds may be used to purchase new sites and to relocate, renovate, or construct new agricultural research and education facilities. Facility construction and renovation projects must appear on the 3- and 5-year PECO priority lists and must be authorized by the Legislature. An effective date of October 1, 1990, is provided.

**State University Facility Construction Program**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) authorizes the use of State University System Facility Enhancement Challenge Grant Program funds for the construction of common areas connecting instructional and research facilities through a revision of Section 240.2601, F.S. Private donors are authorized to donate all of the funds required to construct a university facility that is included in the State University System 5-Year Capital Improvement Plan pursuant to amended Section 240.295, F.S.

**State University System Lease-Purchase Agreements**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3709 (CHAPTER 90-365) creates a new Section 240.294, F.S., to require the purchase of insurance in an amount sufficient to cover the principal and interest payable under any lease-purchase agreement entered into between a state university direct-support organization and the Board of Regents or a state university.

**University Presidents' Participation in Senior Management**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3709 (CHAPTER 90-365) amends Section 121.055, F.S., to extend participation in the senior management service class to state university presidents, effective January 1, 1991.

**College Preparatory Instruction**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3709 (CHAPTER 90-365) makes a technical change in Section 228.072, F.S., to clarify that state universities may continue to offer college preparatory instruction under certain conditions.

**Moffitt Cancer Center**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1498 (CHAPTER 90-56) makes a series of changes related to the administration of the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida. The composition of the Center's board of directors is placed in statute, amending Section 240.512, F.S. In addition, the position of Cancer Center director is created in law, and the powers and duties of the director are defined. The Center is authorized to enter into affiliation agreements with other accredited medical schools or research institutes. The Center board of directors is required to create a council of scientific advisors to review programs and recommend research priorities to the Center director.

**Community College Campus Safety**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) amends Section 240.319, F.S., to eliminate restrictions on law-enforcement operations policy and authorizes community colleges to employ police officers to maintain order on campus and to report on-campus crime statistics.

**Community College Facilities**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) amends Section 240.327, F.S., to require that the Legislature approve all facilities constructed by community colleges or community college direct-support organizations which require general revenue to operate or maintain.

**Community College Dormitories**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) amends Section 240.331, F.S., to authorize community college direct-support organizations to construct dormitories; however, the Community College Program Fund and Capital Outlay funds may not be used.

**Community College Board of Directors**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-273) amends Section 2 of Chapter 78-94, Laws of Florida, as amended by Section 45 of Chapter 84-336, Laws of Florida, to increase the number of members on the Manatee County Community College Board of Trustees from five to nine, with the members to be appointed by the Governor, pursuant to the rules of the State Board of Education.

### Education Success Incentive Programs

COMMITTEE SUBSTITUTE FOR SENATE BILLS 1556, 618, AND COMMITTEE SUBSTITUTE FOR SENATE BILL 1514 (CHAPTER 90-236) creates Section 240.4085, F.S., establishing the Florida Student Tuition Scholarship Grant Program to encourage high school students to take a college preparatory curriculum. Scholarship grants will be awarded to financially needy students who obtain a 2.5 grade point average and take a prescribed college or vocational preparatory curriculum in high school. Grant recipients must begin their postsecondary education at a Florida community college or public vocational school but may transfer to a state university and continue to receive the grant.

This act also creates the Education Success Incentive Program to encourage at-risk students to prepare for college. School districts will submit to the Department of Education proposals for high-density urban or low-density rural schools in which the proportion of disadvantaged students is higher than the state average. At least one pilot project within each state education region will be funded during the 1990-91 school year. At least one of these projects must be at a rural high school.

Eligible students will be identified by the time they reach the eighth grade. To receive a full scholarship, they must sign an agreement to maintain a 2.5 grade point average, attend school regularly and pass, refrain from using drugs and alcohol, and obey the law. School administrators will monitor students' progress.

Finally, through a revision to Section 240.408, F.S., this act provides a second deadline date for community college applicants to the Florida Public Student Assistance Grant Program.

### Public School Work Experience Program

COMMITTEE SUBSTITUTE FOR SENATE BILL 1592 (CHAPTER 90-71) amends Section 240.604, F.S., to authorize students who participate in the Public School Work Experience Program to work for local agencies as reading tutors for adults. Community colleges and universities participating in the program are encouraged to participate in the Florida Literacy Corps to enable students to receive college credit for tutoring. Participating institutions may use up to 25 percent of program funds to employ students as mentors to freshmen.

### Financial Aid Fees

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) amends university and community college financial aid fee policies in Sections 240.209 and 240.35, F.S., to require quick disbursement of funds generated from the 5 percent matriculation and tuition fee assessment and to limit to 40 percent the amount of unexpended funds an institution may carry forward in a fiscal year.

### Financial Aid for Vocational Students

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) creates Section 240.4093, F.S., to establish the Vocational Student Assistance Grant program to provide grants for eligible students at public vocational technical centers or community colleges and certain nonpublic vocational, technical, trade, or business schools. However, grants will be limited to the students' tuition and fees, and no other type of student assistance will be allowed. [Since all public postsecondary adult vocational programs have very low tuition and fees, most of these grant funds will probably go to nonpublic schools where tuition and fees are higher.] Eligible institutions do not have to offer a degree program.

A nonpublic school is eligible to receive the grant money only for students who met the same basic skills requirements as students in public postsecondary education institutions, and who were enrolled in programs that were comparable and compatible with programs in public postsecondary education institutions. Priority for the grants will be given to applicants with the fewest resources, including any Pell grant award, family contributions, and the students' own contributions. A student who receives another state educational grant will not be eligible to receive a Vocational Student Assistance Grant. The amount of any one grant may be up to $1,000, but not more than the student's demonstrated unmet need for tuition and fees.

### Florida Academic Scholars' Certificates

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) revises Section 232.2465, F.S., to provide that students who have not taken the required curriculum for a Florida Academic Scholars' certificate will still qualify if the principal or superintendent verifies in writing that the school guidance counselor provided inaccurate information.

### Florida Student Assistance Grant Audit

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) requires the Auditor General to conduct a program and financial audit of the Florida Public, Private and Postsecondary Student Assistance Grant Programs and to make recommendations concerning the feasibility of decentralizing administration of the Florida Public Student Assistance Grant Program.

### Financial Aid Task Force

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) establishes a Florida Student Financial Aid Task Force consisting of 13 members to plan for the improvement of the state's student financial assistance programs. The issues to be addressed by the task force include but are not limited to the following: consolidation of existing financial aid programs to simplify the application and award process; assessment of the feasibility of

electronic transfer of student record information, reduction of student loan indebtedness, improvement of financial aid preservice and inservice staff training opportunities, assessment of how financial aid fee revenues and Educational Enhancement Funds are used to offset student loan indebtedness, and development of a pilot project to implement a decentralized student assistance grant program among a sample of public and private colleges and universities.

**Use of Financial Aid for Study Abroad**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) provides that students enrolled in public or private colleges or universities in this state may apply state student financial aid toward the cost of a study program abroad or in another state.

**Prepaid Tuition**

HOUSE BILL 3117 (CHAPTER 90-130) creates Section 240.552, F.S., to establish the Florida Prepaid Tuition Scholarship Program to provide prepaid postsecondary tuition scholarships for economically disadvantaged students. Participating students will be certified by the school district as meeting minimum economic, behavioral, and educational requirements. The program will be administered by the Florida Prepaid College Foundation. Scholarships will be funded by private contributions matched with state funds. Section 220.183, F.S., is amended to enable companies that make contributions to the scholarship program to qualify for community contribution tax credits. Section 240.551, F.S., is also amended to allow prepaid tuition contracts to be purchased without a specific beneficiary being designated at the time of purchase.

**"Chappie" James Most Promising Teacher Scholarship**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) amends Section 240.4068, F.S., to require that a portion of "Chappie" James Most Promising Teacher scholarship loans be reserved for nonpublic secondary schools. The number of nonpublic scholarship loans will represent the ratio of the number of nonpublic to public schools in Florida.

**African and Afro-Caribbean Scholarships**

HOUSE BILL 3201 (CHAPTER 90-261) amends Subsection 240.4145(3), F.S., to increase from $5,000 to $10,000 the amount of each scholarship per year per student provided from the African & Afro-Caribbean Scholarship Trust Fund.

**Osteopathy**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 571 (CHAPTER 90-254) amends Section 459.0077, F.S., to extend the period of effectiveness for osteopathic faculty certificates from one to two years, or until termination of the certificate holder's affiliation with an accredited school of osteopathic medicine, whichever occurs first. Provisions in current law providing for renewal of osteopathic faculty certificates are deleted.

In addition, a recommended order by a hearing officer for a violation under Chapter 459, F.S., must state the kind of malpractice involved. A plea of nolo contendere to a crime which directly relates to the practice of osteopathic medicine in any jurisdiction will create a rebuttal presumption of guilt to the underlying criminal charges through revisions to Section 459.015, F.S.

Any person holding a degree of Doctor of Osteopathy who desires to serve as a resident or intern in an osteopathic hospital is required to register with the Department of Professional Regulation, rather than apply for a certificate through revisions to Section 459.021, F.S. Intern and resident registration is effective for one year but can be renewed.

**Criminal Justice Executive Institute**

HOUSE BILL 2611 (CHAPTER 90-157) creates Section 943.1755, F.S., to establish the Florida Criminal Justice Executive Institute to train criminal justice executives. Established within the Florida Department of Law Enforcement, the institute will be affiliated with a state university and will cooperate with the Criminal Justice Standards and Training Commission. A policy board will establish administrative procedures and operational guidelines to ensure quality instruction. This act takes effect October 1, 1990.

**Uniform Management of Institutional Funds**

HOUSE BILL 1229 (CHAPTER 90-297) provides standard principles and procedures to be used by public and private colleges and universities in managing institutional funds resulting from endowment gifts. Institutions are authorized to spend the net appreciation, as well as interest and dividends which result from the investment of an endowment, unless the donor specifically prohibits the expenditure of net appreciation. Institutions are also authorized to employ a variety of professionals to assist them in managing endowments and may delegate management and investment responsibilities to these professionals. Institutions may be released from restrictions placed on the use of endowments if those restrictions become obsolete or impractical. This release may be obtained either directly from the donor, or, if the donor is dead, incapacitated or unavailable, from the circuit court. The act takes effect October 1, 1990.

**Public Education Capital Outlay**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1958 (CHAPTER 90-241) makes a series of substantive and technical changes to several sections of law contained in Chapters 235 and 236, F.S., relating to the state education facilities construction program.

The major change relates to the planning and construction of joint-use and community education facilities. Sections 235.195 and 235.196, F.S., are amended to require that any joint-use or community education facility for which Public Education Capital Outlay funding is requested must appear on

the three-year PECO priority lists of both, rather than either, the state university or community college systems. Section 235.196, F.S., is amended to provide that public, community, and educational broadcasting systems are no longer eligible to receive funding for community education facilities. Educational and governmental agencies seeking funding for community education facilities are required by law, rather than rule, to submit a board-approved description of the facility to be constructed. Language is added to clarify that PECO funds may be used to remodel or renovate community education facilities only if such facilities were originally constructed as approved community education facilities.

Section 235.435, F.S., is amended to authorize community colleges, universities, and school districts to lease relocatable facilities for up to three years using nonbonded PECO funds.

Section 235.211, F.S., is amended to encourage school districts, community colleges, and universities to reuse existing architectural plans.

**Taxation Exemption for Educational Institutions**

COMMITTEE SUBSTITUTE FOR SENATE BILL 862 (CHAPTER 90-203) amends Section 196.198, F.S., to provide that property owned by an educational institution is considered to be used for an educational purpose, and exempt from ad valorem taxation, if affirmative steps have been taken to prepare the property for educational use. "Affirmative steps" are defined as including the creation of architectural plans, land use permitting activities, site preparation, or construction and renovation activities.

Section 196.198 is further amended to clarify that property used for an educational purpose shall be deemed to be owned by an educational institution if the same person or persons own both the real property and all of the educational institution.

**Developmental Research Schools**

SENATE BILL 714 (CHAPTER 90-49) creates Section 230.015, F.S., to provide funding for the state's four developmental research schools through the Florida Education Finance Program beginning with the 1991-92 fiscal year. Developmental research schools will also be eligible to receive a proportional share of all categorical funds provided for public schools pursuant to revised Section 236.0817, F.S.

The legislation creates Section 228.053, F.S., which defines the mission of the developmental research schools, provides student admission policies, requires each school to have an advisory board, and creates a state-level advisory and coordinating committee for the research schools. Developmental research schools are added to the definition of public schools in Section 228.041, F.S.

**Linkage Institutes**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) amends Section 240.137, F.S., to create two linkage institutes between Florida postsecondary institutions and foreign countries: the Florida-Soviet Union Institute (University of Central Florida and Lake Sumter Community College) and the Florida-West Africa Institute (University of North Florida, Florida A & M University, and Florida Community College at Jacksonville).

**Department of General Services Bidding**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) amends Section 120.53, F.S., to set time limits for protesting the specifications contained in an invitation to bid on a contract or in a request for proposals. The current policy of the Department of General Services is placed in statute.

**Proposed Educational Facility Construction Projects**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3709 (CHAPTER 90-365) creates through a substantive revision of Section 235.193, F.S., a process in statute for the review of proposed educational facility construction projects by local governing bodies which regulate land use. School boards are required to submit a notice of intent to bid a construction project to the local board regulating land use 90 days prior to the award of the construction contract. The local land use board must determine whether the proposed project meets local comprehensive plan and development regulations within 90 days.

**Florida Endowment Fund**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3709 (CHAPTER 90-365) amends Section 240.498, F.S., to provide a $1 state match for every $2 in private contributions raised for the Florida Endowment Fund for Higher Education. In addition, the Endowment's board of directors is authorized to appoint five additional voting members to the board who represent the private sector.

**High School Dropout Re-entry**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3709 (CHAPTER 90-365) creates a pilot dropout re-entry program to assist black students who have dropped out of high school. Fifteen students will be selected to participate in each of the four pilot projects which will be coordinated by Florida A & M University, Bethune-Cookman College, Florida Memorial College, and Edward Waters College. A student mentor will be assigned to each participant and an alumnus to each pair of participants. Participants will be enrolled in high school, a GED program, a vocational-technical school, or an alternative school. Supplemental counseling and tutoring will also be provided for each student.

**Psychology Training Programs**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3709 (CHAPTER 90-365) adds a new subsection to Section 240.235, F.S., to provide that graduate students enrolled in approved school psychology training programs may have their fees waived for internship credit-hours applicable to an internship in a public school which is supervised by a certified school psychologist.

**Collegiate Athletic Association Study**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3709 (CHAPTER 90-365) directs the Postsecondary Education Planning Commission to conduct a study of collegiate athletic associations with specific attention given to the provision of due process in the case of penalties and violations of collegiate athletic association rules.

**Campus Anti-Hazing Policy**

HOUSE BILL 2687 (CHAPTER 90-327) requires public and private colleges and universities whose students receive state student financial aid to adopt a written anti-hazing policy comparable to that already required for state universities and community colleges. The policy must include rules, procedures, and penalties for violations. The legislation provides a definition of activities that constitute hazing.

**Library Improvement Trust Fund**

HOUSE BILL 3049 (CHAPTER 90-260) creates a Historically Black College and University Library Improvement Trust Fund administered by the Department of Education. Florida A & M University, Bethune-Cookman College, Edward Waters College, and Florida Memorial College are eligible to receive funds to purchase 500 to 1,000 new books per year and to provide inservice training for librarians. At least 50 percent of new acquisitions must be in the humanities, and no acquisitions may be periodicals or nonprint media.

**College-Level Academic Skills Test**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) through a revision to Section 240.107, F.S., requires students attending state universities and community colleges to complete at least 18 semester-hours of college courses before taking the College-Level Academic Skills Test (CLAST).

**Teacher Education Pilot Projects**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) amends Section 240.529, F.S., to authorize universities and community colleges to establish preteacher education and teacher education pilot programs to encourage promising minority students to prepare for a teaching career. These same provisions are also found in SENATE BILL 1428 (CHAPTER 90-178). Different amendments to this section appear in COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288).

**College Reach-Out Program**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) amends Section 240.61, F.S., to extend participation in the College Reach-Out Program to private postsecondary institutions. The State Board of Education is given authority to approve proposals. The membership of the College Reach-Out Advisory Committee is reconfigured.

**Regional Centers of Excellence**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) extends eligibility for the establishment of regional centers of excellence in mathematics, science, computers, and technology to science museums that provide related educational services through several revisions to Section 228.086, F.S. The number of these centers will increase from five to six by dividing the southern educational reporting and coordinating region into the upper and lower southern regions.

**Postsecondary Feedback Reports**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) amends Section 240.118, F.S., pertaining to postsecondary feedback to require all public postsecondary institutions to report information on the performance of their students by high school. The reporting requirement is extended to public postsecondary vocational schools. The reports must include the ratio of the numbers referred to remediation and must draw comparisons among the schools in the districts. District and school reports must show separately the number of students who drop out of school to attend adult education programs.

**Elderly Education Programs**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) directs the Department of Education to develop and maintain a statewide system of noncredit instructional activities for adults who are 65 years of age or older. District school boards, community college boards of trustees, and the Board of Trustees of the Florida School for the Deaf and the Blind are authorized to submit proposals for an elderly education program grant to provide courses and activities based on a needs assessment. Funded activities and courses may not grant academic credit or teach basic skills.

**Use of Social Security Numbers for Student Identification**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 90-302) creates Section 229.559, F.S., to authorize public school districts to require that students under 18 present their social security card or a notarized statement by a parent that a social security card is not available. By becoming part of students' permanent records through a revision to Section 228.093, F.S., the social security numbers will be protected from public scrutiny. The state's automated student data base will use social security numbers as the key to all system records beginning with the 1991-92 school year.

## ENVIRONMENTAL REGULATION*

### Indian River Lagoon

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3247 (CHAPTER 90-262) requires the elimination of all existing sewage treatment facility discharges into the Indian River Lagoon System and Basin before July 1, 1995, and also prohibits new discharges or increased loadings from existing sewage treatment facilities. The Department of Environmental Regulation may grant exemptions to these prohibitions if the applicant demonstrates that no other practical alternative exists and that the discharge will receive advanced waste treatment or a higher level of treatment, or if the applicant demonstrates that the proposed discharge will not result in violation of state water quality standards and will not hinder efforts to restore the water quality of the Indian River Lagoon System, or if the discharge is intermittent surface water discharge during wet weather conditions subject to Department rules.

This act also requires Marion County commissioners to fix and assess a schedule of rates, fees or other charges to finance the cost of providing water and sewer services within the Rainbow River Management Plan Area by January 1, 1998.

### Asbestos Control Inspection and Notification Fee

COMMITTEE SUBSTITUTE FOR SENATE BILL 1278 (CHAPTER 90-117) authorizes the Department of Environmental Regulation to charge an inspection and notification fee for asbestos removal projects. The fee may not exceed $50 for a residential dwelling, $300 for a small business (as defined in Subsection 288.703(1), F.S.), or $1,000 for any other project. These fees are to be deposited into the asbestos program account in the Air Pollution Control Trust Fund for use by the Department in administering its asbestos removal program. The Department is allowed to contract with local governments to conduct asbestos removal within local jurisdictions. Public school districts and private schools would be exempt from the fees. Identical language appears in Section 59 of COMMITTEE SUBSTITUTE FOR HOUSE BILL 3065 (CHAPTER 90-331) summarized below.

### Clean Outdoor Air

HOUSE BILL 951 (CHAPTER 90-290) amends Paragraph 318.18(2)(c), F.S., to provide for a mandatory reduction in penalty if a cited violation for tampering with motor vehicle pollution control equipment is corrected. This means that emission control equipment violations will be handled in the same manner as other defective vehicle equipment violations. Persons with emission control violations will be subject to a $32 fine, rather than $50, and the $32 will be automatically reduced to $9 upon completion of an affidavit-of-compliance by a law enforcement officer. The affidavit-of-compliance form will be issued to the violator along with the citation and must be completed and filed with the clerk of the court within 10 days of the issuance of the citation.

Additional provisions in the law relate to the emission of chlorofluorocarbons (CFCs) used in refrigerants and their release to the atmosphere from leaking vehicle air conditioners and during vehicle air conditioner repair. This act prohibits the release of CFCs to the atmosphere and requires businesses dealing in vehicle air conditioner repair or service to use approved recycling equipment to recapture CFCs emitted or vented during repair operations. The Department of Environmental Regulation (DER) will implement a program of training and certification in the installation and use of refrigerant recycling equipment. The DER is authorized to establish fees (not to exceed $50) for the issuance and renewal of certificates. Fee assessments will be used to offset the cost of implementing and administering the act. Penalties are provided for violations.

### Electrical Power Plant and Transmission Line Siting

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3065 (CHAPTER 90-331) updates the Florida Electrical Power Plant Siting (PPSA) and Transmission Line Siting (TLSA) acts and conforms the definitions, timing, and procedural provisions of the acts to each other. Similar duties and responsibilities are created for applicants under each act and the powers and duties of the Department of Environmental Regulation are revised (Sections 403.504 and 403.523, F.S.). Costs associated with distribution of copies of applications, newspaper notices for hearings, and conducting hearings and proceedings are shifted to the applicant (Subsection 403.5115(3) and Paragraph 403.527(1)(f), F.S.). Application fees under both acts are substantially increased for the first time in over a decade (Sections 403.518 and 403.5365, F.S.). A process for determination of completeness and sufficiency of information provided in applications is included (Sections 403.5066, 403.5067, 403.5252 and 403.5253, F.S.). A common group of mandatory parties to be involved in application review and hearing is established, with local governments, Regional Planning Councils, the Game and Fresh Water Fish Commission, and the Department of Natural Resources being added as required participants (Paragraphs 403.508(4)(a) and 403.527(4)(a), F.S.). The Department of Environmental Regulation receives three full time equivalent (FTE) positions and an appropriation of $126,371 to implement the provisions of the act.

This act also directs the Department of Health and Rehabilitative Services (DHRS) to require persons operating or constructing public drinking water systems to obtain approval from DHRS (Subsection 381.261(2), F.S.). Suppliers of water must submit samples to a DHRS certified laboratory for analysis (Subsection 381.261(4), F.S.). Noncompliance fees can be assessed against water suppliers by the Department of Environmental Regulation (DER) for recordkeeping and monitoring

*Prepared by House Environmental Regulation Committee

violations (Subsection 403.860(5), F.S.). Procedures for collection and disposition of fees are described in the act (Subsection 403.860(6), F.S.). Criteria are provided for DER approval of public health unit drinking water programs (Subsection 403.862(6), F.S.). The DER receives an appropriation of 18 positions and $1 million, and DHRS receives 2 positions and $500,000 to carry out the Florida Safe Drinking Water Act. Funds are appropriated from the Water Quality Assurance Trust Fund. An appropriation of $75,000 is provided to the DER to contract with a vocational school or a community college to develop water and wastewater operator examinations and curriculum for water and wastewater operator training.

This law requires the DER to develop a hazardous waste information grant program to enable counties and municipalities to implement hazardous waste information programs at the local level (Section 403.7227, F.S.). For fiscal year 1990–91, $250,000 is appropriated to the DER from the Water Quality Assurance Trust Fund to establish the program. Grants are limited to $25,000 each.

This measure amends Subsection 320.03(6), F.S., to provide a 50–cent increase in the air pollution control fee charged on motor vehicle license registrations. The total fee will be $1 per registration. Counties with DER approved air pollution control programs will receive 50 cents for each $1 fee collected in their counties for use in local air pollution control programs. Beginning in fiscal year 1992–93, approved local programs will receive 75 cents of each dollar fee collected in their county.

Also under Section 59 of this legislation, the DER is authorized to charge an inspection and notification fee for asbestos removal projects. The fee cannot exceed $50 for a residence, $300 for a small business, nor $1,000 for any other asbestos removal project. Schools, both public and private, are exempt from the fees. Identical language is provided in COMMITTEE SUBSTITUTE FOR SENATE BILL 1278 (CHAPTER 90–117) summarized above.

Other provisions of this act include: a requirement that certain biological waste incinerator facilities meet certain minimum air quality standards by July 1, 1991, (Section 403.7083, F.S.) a requirement that landfill operators complete an approved DER training course or be qualified as an interim operator pursuant to DER rules (Subsection 403.716(3), F.S.), a requirement that owners or operators of hazardous waste facilities prove financial responsibility (Section 403.724, F.S.), and a modification of the definition of "land disposal" for hazardous waste to include placement in a concrete vault or bunker intended for disposal purposes (Subsection 403.703(33), F.S.).

**Storage Tanks Above and Below Ground**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 2702 (CHAPTER 90–98) amends Chapter 376, relating to pollutant discharge prevention and removal. The act requires registration of aboveground mineral acid storage tanks containing hydrobromic, hydrochloric, hydrofluoric, phosphoric, and sulfuric acids. The owner of each tank must have a containment and integrity plan (CIP) certified by a professional engineer that incorporates procedures and requirements designed to minimize the risk of spills, releases, and discharges. As an alternative to the CIP, a facility may choose to provide the Department of Environmental Regulation with certification of each tank's secondary containment system by a professional engineer. The inspection and maintenance program of these facilities must be reviewed and updated every 2 years. All tanks must be registered with the Department no later than July 1, 1991, and must be renewed annually. The registration fee will not exceed $1,000 per facility.

The act also authorizes the Department of Environmental Regulation to establish an abandoned tank restoration program to assist in situations where citizens face a tremendous cleanup cost for a tank they might not have even known was on their property (Paragraph 376.305(7)(c), F.S.). It authorizes the Department to redetermine the eligibility of petroleum storage systems for which a timely application for the Early Detection Incentive Program was filed (Subparagraph 376.3071(9)(b)3., F.S.). The bill establishes that it is the intent of the Legislature that the responsible persons who have adequate financial ability should conduct site cleanup and seek reimbursement rather than allow the state to conduct the cleanup (Paragraph 376.3071(12)(c), F.S.).

**Warning Signs/Contaminated Sites**

COMMITTEE SUBSTITUTE FOR SENATE BILL 426 (CHAPTER 90–15) directs the Department of Environmental Regulation (DER) to adopt rules no later than January 1, 1991, establishing requirements and procedures for placement of signs no smaller than 2 feet square at sites which may have been contaminated by hazardous wastes. These sites include any site in the state listed or proposed for listing on the Superfund Site List of the United States Environmental Protection Agency or any site identified by the DER as a suspected or confirmed contaminated site where there may be a risk of exposure to the public. Sites reported pursuant to the Inland Protection Trust Fund (Section 376.3071, F.S.) and the Florida Petroleum Liability Insurance and Restoration Program (Section 376.3072, F.S.) are exempt from the requirements of this act.

**Hazardous Material and Noncompliance Fees**

SENATE BILL 928 (CHAPTER 90–82) amends Subsection 252.85(1), F.S., to delay the effective date for changing the method of calculating hazardous materials fees established under the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988 (Sections 252.81–252.89, F.S.). The Department of Community Affairs will now have until July 1, 1992 to gather data and install the computer hardware and software needed to develop a fee structure based on toxicity, volatility, and potential hazard to the community. The current fee formula, based on the number of employees working at a facility, will continue in effect until June 30, 1992.

The act also amends Chapter 376, F.S., relating to pollutant discharge prevention and removal, and Chapter 403, F.S., relating to environmental control. The legislation authorizes the Department of Environmental Regulation to establish non-compliance fees to deal with the many relatively minor violations of environmental law relating to the pollutant tanks law (Section 376.3074, F.S.), wastewater treatment facilities (Subsection 403.121(3), F.S.), and resource management and recovery (Paragraph 403.727(3)(c), F.S.). Class II violations of hazardous waste discharge that do not warrant time-consuming enforcement procedures. The fees are capped at $250 per offense, with a limit of $1,000 on a facility for the same repeat violation.

**Human Waste Disposal**

COMMITTEE SUBSTITUTE FOR SENATE BILL 198 (CHAPTER 90-76) adds Subsection 403.413(5) F.S., to prohibit any person from dumping raw human waste from any aircraft, motor vehicle, or vessel upon the public or private lands of the state unless it is authorized by law or permit.

The act establishes pursuant to Paragraph 403.413(6)(j), F.S., that violators dumping less than 500 pounds or 100 cubic feet of human waste are guilty of a misdemeanor of the second degree and violators dumping more than the stated amount are guilty of a felony of the third degree. An October 1, 1993, effective date is given.

## ETHICS AND ELECTIONS*

Only one ethics bill became law. The act subjects medical examiners to the standards of conduct for public employees. One major elections bill passed. This legislation makes several technical and clarifying changes to the Election Code. The measure also makes many substantive changes highlighted by changes effecting candidates and changes to campaign financing by committees.

### Ethics Legislation

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 300 (CHAPTER 90-169) amends Chapters 112 and 406, F.S. This act establishes district and associate medical examiners as public officers subject to the standards of conduct as provided in the State Code of Ethics (Section 112.313, F.S.). District medical examiners will be required to file limited disclosure of financial interests and to report the receipt of gifts, from people other than certain relatives, when the aggregate value from each source exceeds $100 pursuant to Section 112.3145, F.S. Medical examiners will also be required to provide a quarterly listing of any clients represented for a fee or commission at their level of government. District medical examiners will be required, in accordance with revised Section 406.06, F.S., to file affidavits assuring that associate medical examiners they appoint have no conflicting financial interests or clients represented before said agencies.

[This legislation was enacted because some district and associate medical examiners, especially in smaller districts, were receiving state and county funds to operate laboratory facilities they either own or in which they have a financial interest. Often, these testing and analysis facilities are the only ones available to the district, and it was felt that such situations raised the potential for violations of Section 112.313, F.S.]

### Elections Legislation

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2403 (CHAPTER 90-315) provides numerous changes to the Election Code. The law modifies the definition of absent elector in Section 97.021, F.S., to provide that a registered voter may vote an absentee ballot if he will not be in the precinct, rather than the county, of his residence during the hours the polls are open.

This measure also includes provisions in Section 98.081, F.S., which will allow the supervisors of elections, as alternatives to maintaining the original registration forms, to microfilm the voter registration forms, or to store the voter registration information digitally or on electronic, magnetic or optic media and to destroy the originals in accordance with a schedule approved by the Bureau of Archives and Records Management.

Other provisions in this enactment: supply different qualifying dates for federal candidates during reapportionment years (Section 99.061, F.S.), remove the undue burden oath for major party candidates qualifying by petition (Section 99.095, F.S.) and provide for a reduced number of signatures for candidates qualifying by petition in special elections (Section 100.111, F.S.). The act further provides for provisional approval of electronic and electromechanical voting systems and procedures for the use of such systems (Section 101.015, F.S.).

Provisions are included which relate to mail ballot election (Section 101.6102, F.S.). These changes will allow mail ballot elections to be held for the purpose of approving the levy of taxes or the issuance of bonds.

Several changes were made to the campaign financing portion of the Election Code dealing with committees. A revision to the definition of political committee (Subsection 106.011(1), F.S.) will allow certain business entities to use business funds to engage in political activities without registering as political committees. The filing exemption (Subsection 106.03(1), F.S.) for federal committees who file copies of their federal reports was removed. Committees of continuous existence will no longer be required to file the charter and bylaws each year, if there have been no changes since the last filing (Subsection 106.04(4), F.S.). The measure also sets forth the dates for committees participating in the special elections to file reports (Paragraph 106.07(1)(c), F.S.).

The enactment makes numerous changes to sections relating to candidates. Each candidate will be required by new Section 106.023, F.S., to sign a statement indicating that he has read and understands the requirements of Chapter 106, F.S. All candidates and committees who file with the Division of Elections will be required to file the original and a duplicate copy of each campaign treasurer's report pursuant to revised Subsections 106.07(2) and (3), F.S. However, no fine will be assessed for failure to file a copy of a report (Subsection 106.07(8), F.S.). Under the provisions of this law as it amends Subsection 106.08(4), F.S., a candidate will be allowed to continue membership in and contributions to political party groups of which he is a member, if paid from personal or business funds, but can use campaign funds to purchase tickets, admission to events or advertisements from political party groups.

Several changes were made to the provisions relating to late filing fines. The caps on fines were amended in Subsection 106.07(8), F.S., to clarify fines of $50 per day for each late day may not exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the report. In addition, provisions were included to provide that fines will be based upon when the report is postmarked or otherwise sent if earlier than the date of receipt by the filing officer.

A number of changes were also made to sections dealing with advertisements. Pursuant to revised Section 106.143,

*Prepared by House Ethics and Elections Committee

F.S., only incumbents may use the word "re-elect" on political advertisements and any advertisement for a nonincumbent must include the word "for" between the candidate's name and the office for which he is running. An exemption from the disclaimer on political advertisements is provided for novelty items of nominal value ($10 or less) which support a candidate or issue. A new provision (Section 106.1437, F.S.) is added to provide that certain advertisements which are intended to influence public policy or the vote of a public official must clearly designate the sponsor of the advertisement.

This act creates Subsection 166.031(6), F.S., which requires each municipality to provide procedures for filling a vacancy in office and a vacancy in candidacy. In addition, amended Subsection 100.361(9), F.S., provides that the members of the governing body of each municipality and charter county will be subject to recall by the electors. The state law will prevail if in conflict with local recall provisions or if municipalities or charter counties have not adopted local recall provisions.

Under revised Section 256.011, F.S., the supervisor of elections will now be responsible for providing a flag at each polling place on election day, but provisions are included to allow a picture or representation of the flag in lieu of an actual flag. All provisions of this law are to take effect January 1, 1991, except for the exemption from disclaimer on political advertisements accorded novelty items which took effect July 3, 1990.

This measure also provides numerous technical and clarifying changes to the Election Code.

HOUSE BILL 735 (CHAPTER 90-145) relates to Section 101.72, F.S., and exempts a county as of January 1, 1991, from providing the minimum number of voting booths if the county uses a voting system which does not require the use of such booths as an integral part of the voting system.

SENATE BILL 526 (CHAPTER 90-229) reduces the number of signatures necessary for a minor party to obtain ballot position by eliminating the need for the minor party to obtain statewide ballot position before getting their local candidates on the ballot, as heretofore required in Sections 99.096 and 99.097, F.S. The act, in amending Section 100.111, F.S., also provides for a reduced number of signatures on petitions for candidates in special elections and in other vacancy situations where the timeframe is much shorter than for regular elections. This law has an effective date of January 1, 1991.

**Florida Elections Commission**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3741 (CHAPTER 90-338) is the result of a Sundown Review (Section 11.611, F.S.) which reenacts the Florida Elections Commission statutes. The law amends Subsection 106.24(1), F.S., to provide that the Commission is not subject to the control or direction of the Department of State in the performance of its duties and to limit members to two terms on the Commission.

The Division of Elections of the Department of State is directed to employ the necessary staff for the Commission to fulfill its responsibilities. [This reflects legislative intent enacted in 1989 establishing a funding source for operation of the Commission.] The Division is authorized six positions and $324,146 for Fiscal Year 1990-91 to carry out the responsibilities of the Commission. The Division is to assist the Commission in preparing a biennial budget request to the Legislature.

Section 106.25, F.S., is amended to provide that the Division has the authority to conduct random audits and investigations of campaign reports. The Division is empowered to make preliminary investigations of complaints and may dismiss any complaint for which it finds no probable cause. Such a decision may be appealed to the Commission.

Sections 106.28 and 106.29, F.S., relating to limitation of actions for violations of Chapter 106, F.S., and reports of political parties, respectively, are not to be subject to future Sundown Review with the Commission which is scheduled for such review in the year 2000.

The measure makes it clear that committees of continuous existence may contribute to political committees or parties subject to the same criteria as contributions to individual candidates pursuant to revised Section 106.04, F.S.

The enactment repeals the limitation stated in Subsection 106.08(8), F.S., which provided that a candidate for a legislative office or a statewide office may not accept or solicit any campaign contributions during a regular or special session of the legislature.

Various other changes to Chapter 106, F.S., contained in this measure include: the stipulation that candidates and committees who file financial reports with the Division file duplicate copies (Paragraphs 106.04(4)(b) and 106.07(2)(a), F.S.); the requirement that political committees and committees of continuous existence which participate in special elections file treasurer reports with the Department of State (Paragraph 106.07(1)(c), F.S.) and the provision that no separate fine will be levied for failure to file the duplicate copy of a report (Paragraphs 106.04(8)(a) and 106.07(8)(a), F.S.). Sections 106.265 and 106.27, F.S., are amended to make political parties subject to civil penalties imposed by the Commission and to civil actions brought by the Commission.

## FINANCE AND TAXATION*

The search for a way to provide the necessary revenues for the state that was a central focus of the 1990 Session finally culminated in the passage of an "omnibus" tax bill, COMMITTEE SUBSTITUTE FOR HOUSE BILL 3695 (CHAPTER 90-132). This act increases the intangible personal property tax, the documentary excise tax, gross receipts taxes on utility services and the tax on cigarettes. It also imposes a surcharge on liquor, wine and beer sold at retail for consumption on the premises. It increases fees associated with motor vehicle license replacement and driver license replacement and imposes a surcharge on the initial registration of certain motor vehicles. It also increases certain insurance taxes and numerous filing and other fees charged by the Department of State.

A "speed-up" of sales tax collections was also included in this act as a revenue-raising measure. Other acts affecting the sales tax area modified existing exemptions, created new exemptions, and made various administrative revisions.

The funding package for transportation needs, COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136), which includes increases in motor and special fuel taxes and motor vehicle fees, is discussed in the MOTOR VEHICLES AND TRANSPORTATION article.

In the area of ad valorem taxation, requirements relating to some existing exemptions were modified, and various administrative changes were adopted with respect to both ad valorem taxes and non-ad valorem assessments. Numerous references in the corporate income tax code were updated, and obsolete language was removed.

Other laws adopted this session dealt with the structure of the Department of Revenue and its duties in the administration and enforcement of various taxes. In the general area of state financial matters, provisions relating to the deduction of a service charge from trust funds for the cost of general government were revised, and the service charge was increased.

### Intangible Personal Property Tax

The annual intangible personal property tax imposed by Section 199.032, F.S., is increased by COMMITTEE SUBSTITUTE FOR HOUSE BILL 3695 (CHAPTER 90-132) from 1 to 1.5 mills per dollar of just valuation. Amendments to Sections 199.103 and 199.185, F.S., provide for application of the tax to an interest of a limited partner in a limited partnership and revise the personal exemption from the tax. The present exemption of $20,000 of the value of property subject to the tax ($40,000 for a husband and wife filing jointly) is retained for the first mill of the tax; for the last 0.5 mill of the tax these amounts are increased to $100,000 and $200,000, respectively. Also, an exemption from 0.5 mill of the tax is provided for charitable trusts, 95 percent of the income of which is paid to organizations exempt from federal income tax pursuant to Section 501(c)(3) of the Internal Revenue Code (26 U.S.C.).

New Section 199.104, F.S., provides that any bank or savings association is entitled to a credit against the intangible tax in an amount equal to 33 percent of the intangible tax paid by such bank or savings association in the immediately preceding taxable year, less the credit allowed against the franchise tax for such bank or savings association for such year. Section 220.68, F.S., which provides for the franchise tax credit based on the amount of intangible tax paid, is amended to increase the limit on such credit from 40 to 65 percent of the franchise tax due. Finally, Section 199.292, F.S., is amended to revise the distribution of intangible taxes; 41.3 percent will be distributed to the counties and 58.7 percent to the General Revenue Fund.

COMMITTEE SUBSTITUTE FOR SENATE BILL 862 (CHAPTER 90-203) also includes provisions relating to intangible taxes. An amendment to Section 199.032, F.S., provides for levy of the annual intangible tax on bonds which were formerly exempt. Also, Subsection 199.282(7), F.S., is amended to prescribe the duties of the Department of Revenue with respect to assessment and collection of interest and penalties on intangible personal property taxes.

### Excise Tax on Documents

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3695 (CHAPTER 90-132) amends Sections 201.05, 201.07 and 201.08, F.S., to increase the documentary excise tax on stock certificates, bonds, debentures, certificates of indebtedness, promissory or nonnegotiable notes, written obligations to pay money and assignments of wages or other compensation from 15 to 32 cents on each $100 of value. Distribution of these taxes as specified in Section 201.15, F.S., is revised to provide for deposit of virtually all of the increase in the General Revenue Fund. The Department of Revenue is exempted from purchasing requirements in order to expedite initial implementation of this tax increase. Section 201.02, F.S., which imposes the documentary excise tax on deeds and other instruments relating to real property, is amended to define "consideration" and to provide conditions under which conveyances of real property to a partner from a partnership are taxable. Also, an amendment to Subsection 201.09(1), F.S., specifies that in order to be exempt from taxation a renewal note for an existing promissory note shall not be executed by any person other than the original obligor and must renew and extend only the unpaid balance of the original contract and obligation.

### Gross Receipts Taxes

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3695 (CHAPTER 90-132) amends Section 203.01, F.S., to phase in an increase in the gross receipts tax on utility services. The present 1.5 percent rate is increased to 2 percent for July 1, 1990-June 30, 1991; to 2.25 percent for July 1, 1991-June 30, 1992;

*Prepared by House Bill Drafting

and to 2.5 percent thereafter. Present provisions which provide for application of the tax to electricity produced by cogeneration which is transmitted and distributed by a public utility between two locations of a customer are extended to apply to electricity produced by small power producers. Also, any electricity produced by such entities which is in excess of the amount of electricity which was not taxable under such provisions during the 12-month period ending June 30, 1990, will be taxable in the future (except for electricity generated as part of an industrial manufacturing process which manufactures products from phosphate rock, raw-wood fiber, paper, citrus or any agricultural product). Any person other than a cogenerator or small power producer who produces for his own use electrical energy which is a substitute for electrical energy produced by an electric utility will also be subject to the tax.

This act further provides that the tax on all utility services, rather than just telecommunication services, may be separately stated on the bill, but that any increase in the tax which is effective after December 31, 1989, must be separately stated on the customer's bill and shall not be subject to regulatory approval. With respect to utility services regularly billed on a monthly cycle basis, each increase in the gross receipts tax provided for in this act applies to any bill dated on or after July 1 in the year in which the increase becomes effective. Subsections 203.012(9) and (10), F.S., are created to provide definitions of "utility service" and "person" for purposes of imposition of the gross receipts tax on utility services. Finally, this enactment provides that revenues collected onsite from the provision of local pay telephone service shall be subject to a 1.5 percent gross receipts tax; this provision expires July 1, 1991.

COMMITTEE SUBSTITUTE FOR SENATE BILL 862 (CHAPTER 90-203) includes provisions relating to the gross receipts tax on interstate telecommunication services. Subsection 203.013(2), F.S., which contains special provisions for application of the tax to interstate teletypewriter or computer exchange services, is deleted, so that the tax will be applied to such services in the same manner as other telecommunication services. Sections 203.62 and 203.63, F.S., are amended to conform.

**Fuel Taxes**

For a discussion of the increases in the taxes on motor and special fuel contained in this session's major transportation bill, COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136), see the article MOTOR VEHICLES AND TRANSPORTATION.

COMMITTEE SUBSTITUTE FOR SENATE BILL 2984 (CHAPTER 90-351) deals with the taxation of special fuel and with administrative provisions applicable to fuel taxes. This legislation creates Subsection 336.021(6), F.S., and requires that the 1-cent voted gas tax authorized by that section must be levied by every county on special fuel beginning January 1, 1994. A similar provision is added with respect to the local option gas tax of up to 6 cents for county transportation purposes, authorized pursuant to Section 336.025, F.S. Each county is required to levy that tax on special fuel at the higher of the following rates: the rate being levied by the county on special fuel pursuant to said section; or a rate of 4 cents per gallon for calendar year 1991, 5 cents per gallon for calendar year 1992, and 6 cents per gallon thereafter. Sections 207.003, 207.005 and 207.026, F.S., relating to the tax for the privilege of operating a commercial motor vehicle on the highways of this state, are amended to include these new statewide tax rates in the computation of that tax. Also, the taxes levied under Sections 336.021, 336.025 and 336.026, F.S., are included in the scope of the following sections: Section 72.041, F.S., relating to enforcement of tax liabilities arising under the laws of other states; Section 213.05, F.S., relating to authority of the Department of Revenue over revenue laws; and Section 213.29, F.S., relating to a penalty for the failure to collect taxes or for attempting to evade or defeat taxes.

This law also repeals Section 206.19, F.S., and amends Sections 206.945, 206.97, 206.9915 and 213.21, F.S., removing a prohibition against the settlement or compromise of fuel taxes. An amendment to Section 206.12, F.S., allows the Department of Revenue to test or make a reasonable examination of available records or other information when the records of a refiner, importer, wholesaler, jobber or dealer are inadequate. If the records are adequate but voluminous, the Department is authorized to use a representative sample and estimate audit findings for the entire period. Finally, this act amends Paragraph 206.87(3)(g), F.S., which provides an exemption from the excise tax on special fuel for fuel used in a motor vehicle regularly engaged in interstate travel and used on the highways of another state; a condition that requires that a "similar tax" have been paid in another state is revised to include both the excise tax and sales tax on special fuel.

With respect to the taxation of aviation fuel, 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. COMMITTEE SUBSTITUTE FOR SENATE BILL 862 (CHAPTER 90-203) extends the repeal date for such provisions from July 1, 1990, to July 1, 1992.

**Cigarette Tax**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3695 (CHAPTER 90-132) increases the tax on cigarettes 9.9 cents per standard pack. The revised tax rates provided under Section 210.02, F.S., are as follows: for cigarettes weighing not more than 3 pounds per thousand, the rate increases from 12 to 16.95 mills; for cigarettes weighing more than 3 pounds per thousand and not more than 6 inches long, the rate increases from 24 to 33.9 mills; and for cigarettes weighing more than 3 pounds per thousand and more than 6 inches long, the rate increases from 48 to 67.8 mills. Paragraph 210.05(3)(a), F.S., is amended to provide that the discount allowed to wholesale purchasers of stamps shall continue to be computed on the

basis of 24 cents per pack. The distribution of cigarette tax revenues under Paragraph 210.20(2)(a), F.S., is revised, and there are additional distributions of 0.9 percent to the Alcoholic Beverage and Tobacco Trust Fund and 29.3 percent to the Public Medical Assistance Trust Fund for the funding of indigent health care. The Division of Alcoholic Beverages and Tobacco is provided an appropriation and additional positions to enforce the collection of cigarette taxes. Provision is also made for imposition of a 9.9 cent-per-pack tax on cigarettes in inventory on July 1, 1990, to be paid by July 20, 1990.

**Alcoholic Beverage Surcharge**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3695 (CHAPTER 90-132) creates Section 561.501, F.S., imposing a surcharge of 10 cents on each ounce of liquor, 10 cents on each 4 ounces of wine and 4 cents on each 12 ounces of beer sold at retail for consumption on the premises. Vendors are required to remit payments of the surcharges monthly to the Division of Alcoholic Beverages and Tobacco, and a 1 percent collection allowance is allowed. Provision is made for administration, recordkeeping and penalties. Two percent of the surcharge is deposited into the Alcoholic Beverage and Tobacco Trust Fund. For fiscal year 1990-1991, the remainder is deposited in the General Revenue Fund. Thereafter, 90 percent of the remainder is deposited in the General Revenue Fund, and 10 percent is deposited in the Children and Adolescents Substance Abuse Trust Fund of the Department of Health and Rehabilitative Services to fund programs directed at reducing and eliminating substance abuse problems among children and adolescents. Vendors are allowed to make a permanent election, before July 20, 1990, to pay the surcharges based on purchases for consumption on the premises. If such election is made, the vendor must inventory those alcoholic beverages on hand on July 1, 1990, that have been purchased for consumption on the premises and, within 20 days, remit to the Division the lesser of the amount of the surcharges due upon such inventory or the amount of surcharges that would have been due on purchases during the month of June 1990. The Division is provided an appropriation and additional positions to administer the surcharges.

**Motor Vehicle Fees**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3695 (CHAPTER 90-132) increases several fees associated with motor vehicle registration and licensing and driver licenses. Amendments to Sections 320.06 and 320.0607, F.S., increase the following fees from $3 to $10: the fee for replacing license plates bearing a graphic symbol; the fee for replacing plates, stickers or decals for motor vehicles and mobile homes which have been lost, stolen or destroyed; and the fee levied upon issuance of an original license plate. These fees are deposited in the Motor Vehicle License Plate Replacement Trust Fund.

An additional impact fee of $295 is imposed on the initial application for registration of an automobile for private use, truck, motor home or truck camper, pursuant to an amendment to Section 320.072, F.S. This additional fee does not apply to vehicles 25 model years old or older or to vehicles on which state sales or use tax and applicable local option taxes have been paid; if use tax has been paid at a rate of less than 6 percent, the additional impact fee is reduced by that amount. An amendment to Paragraph 320.04(1)(a), F.S., authorizes a service charge of up to $1 for each license plate validation sticker and mobile home sticker issued from an automated vending facility to be used to provide for such automated vending facilities in tax collectors' or license tag agents' offices.

The fee for issuance of a duplicate instruction permit or driver's license when the original is lost or destroyed is increased from $5 to $10 pursuant to an amendment to Section 322.17, F.S., and the fee for issuance of a replacement license to make a change in name, address or restrictions is increased from $1 to $10. The amount of each fee increase is to be deposited in the Accident Reports Trust Fund.

For other increases in motor vehicle fees, see the discussion of COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) in the MOTOR VEHICLES AND TRANSPORTATION article.

**Other Fee Increases**

Numerous fee increases are included in COMMITTEE SUBSTITUTE FOR HOUSE BILL 3695 (CHAPTER 90-132), most of them associated with fees charged by the Department of State. Amendments to Sections 15.09, 15.091 and 679.402, F.S., increase fees charged by the Department for searching records, providing certificates and furnishing information and copies, and for filing fees under the Uniform Commercial Code. Subsection 48.161(1), F.S., is amended to increase the fee for substituted service of process on a nonresident. Amendments to Sections 495.031, 495.071 and 506.08, F.S., increase fees for registering trademarks, service marks and other forms of advertisement. Filing and other fees associated with the formation of rural electric cooperatives, limited agricultural associations and agricultural cooperative marketing associations are increased by amendments to Sections 425.28, 604.11, 618.04, and 618.26, F.S. Amendments to Sections 607.0122, 617.002, 608.452, 608.453, 609.02, 609.08 and 620.182, F.S., increase the fees charged corporations, limited liability companies, declarations of trust and partnerships for filing various documents with the Department of State; for obtaining copies of documents; and for certain service of process. Finally, Subsection 607.1901(2), F.S., relating to the Corporations Trust Fund, is amended to reduce the amount transferred to the Corporation Tax Administration Trust Fund and provide for transfer of 43 percent of the moneys deposited in the Trust Fund to the General Revenue Fund.

**Insurance Taxes and Assessments**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3695 (CHAPTER 90-132) includes several insurance-related provisions. Section 624.429, F.S., which provides retaliatory provisions with respect to insurers, is reenacted and renumbered as Section 624.5091, F.S., thus transferring these provisions to Part

IV of Chapter 624, F.S., which is not subject to 1991 Sunset Review (Section 11.61, F.S.). Various statute sections are amended to conform to this transfer. Amendments to Sections 626.932, 626.938 and 624.523, F.S., increase the insurance premium receipts tax on surplus lines coverage and the tax on independently procured coverages from 3 to 5 percent and provide that 45 percent of the tax revenues will be deposited in the General Revenue Fund.

Sections 631.705 and 631.719, F.S., authorize member insurers to offset against their premium or income tax liabilities assessments under the Insurers Rehabilitation and Liquidation Act (Section 631.001, F.S.), the Florida Insurance Guaranty Association Act (Section 631.50, F.S.), and the Florida Life and Health Insurance Guaranty Association Act (Section 631.711, F.S.). These sections are amended to revise the amount offset from 5 percent of the assessment for each of the 20 years following the year of assessment to 0.1 percent for each year following the assessment year. Also, a July 1, 1994, repeal is provided for each of these sections. Subsection 624.509(10), F.S., provides an exemption from the insurance premium tax for certain commercial motor vehicle insurance premiums and was scheduled to expire on July 1, 1990. This act delays that expiration until July 1, 1991.

Finally, in the area of insurance taxes the multiple-employer welfare arrangement premium tax imposed by Section 624.4425, F.S., is repealed by COMMITTEE SUBSTITUTE FOR SENATE BILL 862 (CHAPTER 90-203).

**Sales Tax**

COMMITTEE SUBSTITUTE FOR SENATE BILL 862 (CHAPTER 90-203) revises the definition of "educational institutions" provided by Sub-subparagraph 212.08(7)(o)2.d., F.S., for purposes of the sales tax exemption granted to such institutions. The revision deletes from this definition schools which conduct classes accepted for continuing education credit by the American Dental Association and adds nonprofit private schools which conduct classes accepted for continuing education credit by a board of the Division of Medical Quality Assurance of the Department of Professional Regulation. An amendment to Paragraph 212.04(2)(a), F.S., exempts from the admissions tax admissions to games of the 1994 World Cup Soccer Tournament.

Section 212.0598, F.S., which allows air carriers that utilize mileage apportionment for corporate income tax purposes to elect to be subject to sales tax based on their ratio of Florida mileage to total mileage, is also amended by this act; the limitation which prohibits a change in such ratio by more than 10 percent is removed.

An amendment to Subsection 212.02(2), F.S., exempts from the scope of the term "business" for sales tax purposes the leasing, subleasing or licensing of real property by one corporation to another if all of the stock of both such corporations is owned, directly or through one or more wholly owned subsidiaries, by a common parent corporation, the corporation to which the property is leased, subleased or licensed had sales subject to sales tax of not less than $667 million during the most recent 12-month period ending June 30, and certain other conditions relating to use of the property, transfer of title and financing are met. Finally, Paragraph 212.18(3)(n), F.S., is created to regulate the registration of exhibitors as sales tax dealers. An exhibitor is defined as a person who enters into an agreement authorizing the display of tangible personal property or services at a convention or trade show. An exhibitor whose agreement prohibits the sale of property or services is not required to register, and one whose agreement provides for wholesale sales only must obtain a resale certificate but need not register. Exhibitors whose agreement authorizes retail sales or who make mail order sales must register as sales tax dealers.

Numerous provisions relating to sales tax are included in COMMITTEE SUBSTITUTE FOR HOUSE BILL 3695 (CHAPTER 90-132). A "speed-up" of sales tax collections beginning with June 1990 returns is provided for by the creation of Subsection 212.11(6), F.S., which requires each dealer who paid $200,000 or more in sales tax for the preceding state fiscal year to calculate estimated tax due as provided in Subparagraph 212.11(1)(a)1., F.S., using the 66 percent rate initially established under that paragraph, and to remit estimated taxes due by electronic funds transfer. The 66 percent rate is reduced to 55 percent beginning July 1, 1991. The law directs that 83.4 percent of the estimated sales taxes collected in June 1990 pursuant to this provision be deposited into the General Revenue Fund. References in various statute sections are amended to conform. This legislation also amends Sections 212.04 and 212.12, F.S., to provide that the dealer's credit on taxes due in excess of $1,200 shall be increased from 0.83 percent to 1 percent, effective January 1, 1992.

Two new sales tax exemptions are provided for in amendments to Section 212.08, F.S., contained in this act. Beginning July 1, 1991, free, circulated publications which are published on a regular basis, the content of which is primarily advertising, and which are distributed through the mail, home delivery or newsstands will be exempt. Beginning January 1, 1992, items intended for one-time use which transfer essential optical characteristics to contact lenses will be exempt, but only after the taxpayer has paid $100,000 in sales tax on such items in a calendar year. Also, Paragraph 212.031(1)(a), F.S., is amended to provide an exemption from the tax on the lease or rental of or license in real property for property used at an airport to operate advertising displays in any county as defined in Subsection 125.011(1), F.S., (Dade County) for the period July 1, 1990-June 30, 1991.

Amendments to Sections 212.05 and 212.054, F.S., provide for application of sales tax to charges for "television system program service" rather than "wired television service," and that term is defined; the effect will be to include satellite transmissions. Section 212.0596, F.S., which regulates the taxation of mail order sales, is amended. The definition of "mail order sale" is expanded to include property ordered by any means of communication, and additional conditions are specified under which a dealer making such sales is subject to tax. Also, the conditions under which local option surtaxes are applicable to such sales are specified.

The distribution of the rental car surcharge under Subsection 212.0606(2), F.S., is also revised, effective July 1, 1991. The 80 percent distribution to the Children and Adolescents Substance Abuse Trust Fund is replaced by a distribution of 63 percent to the Tourism Promotion Trust Fund and 17 percent to the Florida International Trade and Promotion Trust Fund. The latter fund is created to be used by the Executive Office of the Governor for operation of the Florida International Affairs Commission and by the Department of Commerce for the operation of Florida foreign offices for purposes of trade, tourism or other international business promotion. It is specified that should other legislation be adopted which increases the rental car surcharge, it is the intent of the Legislature that this distribution revision be based on the present 50-cent surcharge.

**Local Option Taxes**

Subsection 212.055(2), F.S., which authorizes levy of the local government infrastructure surtax, was amended by three different acts. COMMITTEE SUBSTITUTE FOR HOUSE BILL 475 (CHAPTER 90-282) provides that an interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population which provides for distribution of surtax proceeds may include a school district, and that the school district may use the proceeds for the same purposes as allowed for a county or municipality. COMMITTEE SUBSTITUTE FOR HOUSE BILL 3695 (CHAPTER 90-132) extends the purposes for which surtax proceeds may be used to include acquisition of land for public recreation or conservation or protection of natural resources. COMMITTEE SUBSTITUTE FOR SENATE BILL 862 (CHAPTER 90-203) conforms language relating to imposition of the surtax pursuant to resolution of the governing bodies of the municipalities representing a majority of the county's population calling for a referendum thereon.

The latter act also deals with administration of other local option taxes. Paragraph 212.20(6)(a), F.S., is amended to provide for deposit of convention development tax proceeds in a Convention Development Tax Clearing Trust Fund rather than the Discretionary Sales Surtax Clearing Trust Fund. An amendment to Subsection 212.054(4), F.S., provides for deposit of discretionary sales surtax proceeds in a single Discretionary Sales Surtax Clearing Trust Fund with separate accounts for each county.

Changes relating to the local option tourist development tax are discussed in the LOCAL GOVERNMENT article.

**Ad Valorem Taxation**

Ad valorem tax exemptions were the subject of three enactments this session. HOUSE BILL 171 (CHAPTER 90-57) amends Subsection 196.1995(5), F.S., to provide that the economic development ad valorem tax exemption that may be granted by a county or municipality may be up to 100 percent of the assessed value of improvements to real property and of tangible personal property that qualify for the exemption; this section formerly required granting a full 100 percent exemption.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1245 (CHAPTER 90-299) revises Section 196.101, F.S., which provides an exemption from ad valorem taxation for the homestead of a paraplegic, hemiplegic or other disabled person who must use a wheelchair for mobility or who is blind, to increase the income limitation imposed as a condition for qualifying for the exemption from $12,000 to $14,500. This amendment takes effect January 1, 1991.

COMMITTEE SUBSTITUTE FOR SENATE BILL 862 (CHAPTER 90-203) includes two different amendments to Section 196.198, F.S., which provides the ad valorem tax exemption for property used exclusively for educational purposes. One amendment specifies that property owned by an educational institution shall be deemed to be used for an educational purpose if the institution has taken affirmative steps to prepare the property for educational use. The other provides that property used exclusively for educational purposes shall be deemed owned by an educational institution if the entity owning 100 percent of the educational institution is owned by the identical persons who own the property.

COMMITTEE SUBSTITUTE FOR SENATE BILL 362 (CHAPTER 90-343) contains several provisions relating to the administration of ad valorem taxes and non-ad valorem assessments. Except as otherwise noted, these amendments all take effect January 1, 1991. Section 197.342, F.S., which requires that a Millage and Tax Statement accompany the original notice of taxes, is repealed effective July 1, 1990, and references to that statement in Sections 193.116 and 197.322, F.S., are removed. The definition of "tax certificate" in Subsection 197.102(3), F.S., is revised. This definition applies to Chapter 197, F.S., relating to tax collections, sales and liens; language is clarified and a certificate's status as a lien against the property is specified.

Two additional statements are required to be included in the notice of proposed property taxes stipulated pursuant to Section 200.069, F.S. The purpose of one is to inform the taxpayer that the final tax bill may contain additional non-ad valorem assessments such as assessments for roads, fire, garbage, lighting, drainage, water, sewer or other governmental services and facilities. The other states that persons renting or leasing living quarters or sleeping or housekeeping accommodations may be subject to state sales tax and other local taxes and to sales tax registration requirements. Also, Section 195.087, F.S., is amended to provide that all moneys received by property appraisers and tax collectors in complying with public records laws shall be accounted for in the same manner as provided for moneys received as county fees and commissions and may be used in the same manner as funds budgeted for the office, and no budget amendment shall be required.

Other provisions of this act deal with penalties for improper receipt of the homestead exemption. Under Paragraph 196.011(9)(a), F.S., penalties are provided when a taxpayer in a county which has waived the requirement for annual application for homestead exemption has become ineligible for the

exemption but failed to notify the county, and Section 196.161, F.S., provides penalties applicable when it is determined that within the prior 10 years a person who was not entitled to a homestead exemption was granted an exemption, or when the estate of a person is being probated or administered in another state under an allegation that such person was a resident of that state and the estate of such person contains real property in this state upon which homestead exemption has been allowed. These provisions are amended to make the penalties uniform. A penalty of 50 percent of the taxes exempted will apply in these cases, and the property appraiser is directed to record in the public records a notice of tax lien against the person's property in that county or other counties of the state which becomes a lien against the property.

This law also contains provisions relating to tax certificates. Subsections 197.432(10) and 197.443(4), F.S., are amended to clarify the calculation of interest on void tax certificates and to specify that a statutory requirement that claims for refund be made within 4 years does not apply to refunds on void tax certificates. These amendments apply retroactively to January 1, 1986. Also, an amendment to Subsection 197.462(2), F.S., requires an entry on the record of tax certificates sold as evidence of the assignment of a tax certificate.

Finally, this measure includes provisions relating to non-ad valorem assessments. Section 197.3631, F.S., is amended to clarify local governments' authority to impose and collect non-ad valorem assessments according to the uniform method provided by Section 197.3632, F.S. That section is amended, effective July 1, 1990, to allow a local government to use the uniform method of collection for capital project assessments whether or not such assessments were initially imposed prior to January 1, 1990, or were previously collected by another method. Special provisions relating to adoption, notice and prepayment requirements are included.

**Corporate Income Tax**

Both COMMITTEE SUBSTITUTE FOR HOUSE BILL 3695 (CHAPTER 90-132) AND COMMITTEE SUBSTITUTE FOR SENATE BILL 862 (CHAPTER 90-203) amend Section 220.03, F.S., to update the definition of "Internal Revenue Code" under the Florida Income Tax Code; these amendments operate retroactively to January 1, 1990. The latter act also contains other corporate income tax provisions. Section 220.12, F.S., is amended to delete obsolete language relating to determination of a taxpayer's net income for a taxable year which began before and ended after January 1, 1972, and which was intended to phase-in apportionment provisions. Section 220.13, F.S., which provides for determination of adjusted federal income, is amended to delete obsolete language and update and correct references to the Internal Revenue Code. A definition of "taxable income" is provided for those taxpayers whose taxable income is not otherwise defined. Subsection 220.186(3), F.S., is amended to clarify the application of the alternative minimum tax credit.

**Occupational License Taxes**

SENATE BILL 2098 (CHAPTER 90-184) creates an Occupational License Tax Study Commission composed of 14 members appointed by various associations representing local government and business interests. The Commission is directed to review the current occupational license tax structures in place and make recommendations for updating, revising or restructuring as needed in a report to the Legislature no later than January 25, 1991. The Commission expires on July 1, 1991.

**General Tax Administration**

The structure and duties of the Department of Revenue are the subject of several sections of COMMITTEE SUBSTITUTE FOR SENATE BILL 862 (CHAPTER 90-203). An amendment to Section 20.21, F.S., establishes a new Division of Tax Processing within the Department, specifies its duties, and revises the duties of other divisions. The offices of Inspector General, General Counsel, Tax Research, Legislative and Cabinet Affairs, and Planning and Budgeting, and other administrative positions, are also established in the Department. In addition, the Department is authorized to process taxes, fines, or license or regulatory fees for the benefit of any other state agency pursuant to written agreement with the agency. Another provision of this enactment directs the Department to conduct a study to determine the surcharge rate on short-term rental transactions that would raise the same amount of revenue as the ad valorem tax assessment of such property. The Department will survey dealers renting property for 93 days or less for information, and property appraisers are directed to verify that leasing/rental businesses are classified on the tangible personal property rolls in accordance with the codes prescribed by the Department. The Department is to report to the Legislature by February 1, 1991. Amendments to Sections 195.002 and 195.087, F.S., authorize the Department to incur reasonable expenses associated with conducting schools to upgrade property appraisers' and tax collectors' assessment and collection skills and administering certification programs and to charge tuition, examination and certification fees.

The Department is authorized to administer, collect and enforce the $2 enforcement fee that is collected by motor vehicle dealers and persons leasing motor vehicles under Section 681.117, F.S. Sections 72.011, 213.05 and 213.053, F.S., relating to the jurisdiction of circuit courts in tax matters, the authority of the Department to administer tax laws and confidentiality of information held by the Department, are expanded to include the following within the scope of said sections: the tourist impact tax; the Apalachicola Bay oyster surcharge; waste tire, lead-acid battery and waste newsprint disposal fees; registration of secondhand dealers and secondary metals recyclers; and the motor vehicle warranty enforcement fee. In addition, the latter section is amended to authorize the Department to make information available to designated employees of the Executive Office of the Governor solely for determination of a school district's price level index. The Depart-

ment is also authorized to disclose certain information relating to registration certificates and to provide certain information to be used for official purposes in administering a bankruptcy estate.

Other amendments relating to tax administration in this act include the creation of Subsection 832.062(3), F.S., which specifies that for purposes of prosecution for worthless checks given to pay any tax, penalty or interest administered by the Department, a violation occurs in the county in which the check is issued and in the county in which it is received. Also, Section 213.755, F.S., which authorizes the executive director of the Department to require a taxpayer to remit taxes by electronic funds transfer, is amended to provide that the taxpayer's prior payments be based on the state fiscal year rather than the calendar year.

Finally, this legislation creates Section 286.036, F.S., providing for the powers and administration of the Taxation and Budget Reform Commission established pursuant to a recently approved amendment to the State Constitution. The Commission will be assigned to the Board of Regents for administrative purposes, and the Legislative Auditing Committee is granted powers in connection with the Commission. Subsection 101.161(1), F.S., is amended to provide ballot requirements for Commission proposals.

**Financial Matters**

COMMITTEE SUBSTITUTE FOR SENATE BILL 862 (CHAPTER 90-203) amends Paragraph 212.235(2)(d), F.S., to extend the uses of the State Infrastructure Fund to include operation of state correctional facilities and programs. An amendment to Paragraph 216.301(1)(c), F.S., requires that any reversion of appropriation balances from programs which receive funding from the General Revenue Fund and trust funds (except the Education Enhancement Trust Fund) shall be transferred to the General Revenue Fund within 15 days after such reversion unless otherwise provided by federal or state law. The Administration Commission is to determine the programs which are subject to this requirement, subject to legislative consultation and objection. This act also amends Section 287.064, F.S., which provides requirements for consolidated financing of deferred-payment purchases by state agencies and community colleges through master equipment financing agreements. The Comptroller is authorized to borrow sufficient amounts from trust funds to pay issuance expenses related thereto, subject to the approval of the Executive Office of the Governor and legislative review.

In the area of financial matters, COMMITTEE SUBSTITUTE FOR HOUSE BILL 3695 (CHAPTER 90-132) provides appropriations to the Department of Health and Rehabilitative Services to fund deficits in Aid to Families with Dependent Children (AFDC) and Medicaid services and to the Division of Retirement in the Department of Administration to fund deficits in National Guard pensions. This law also revises provisions under which a service charge is deducted from trust funds as a contribution to the cost of general government. Section 215.20, F.S., is amended to increase this charge from 6 to 7 percent and to specify that all income of a revenue nature deposited in all trust funds is subject to the charge except for those trust funds enumerated in Section 215.22, F.S., and except that funds collected for peanut, soybean or tobacco marketing orders and the Florida Citrus Advertising Trust Fund are subject to a 3-percent service charge. Section 215.22, F.S., which formerly listed the trust funds subject to the service charge, is revised to list the exceptions to the service charge. The Executive Office of the Governor may exempt any other income or trust fund to avoid the loss of federal funds. Also, if that office determines that an unmanageable hardship will result if the service charge is applied to certain trust funds, the Administration Commission by majority plus one vote may order the assessment, in whole or in part, be delayed until July 1, 1991; this determination is subject to legislative review and objection. Various statute sections are amended to conform to this revision.

COMMITTEE SUBSTITUTE FOR SENATE BILL 362 (CHAPTER (90-343) creates Section 55.146, F.S., which provides that all property in this state of a judgment debtor when the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan is exempt from forced sale under process of any court, and no such judgment or execution based thereon shall be a lien on such property. This legislation also ratifies a referendum conducted in 1988 in Marion County authorizing the issuance of bonds to acquire, preserve and improve recreational or environmentally sensitive lands, notwithstanding any failure to comply with statutory notice requirements.

## HEALTH AND REHABILITATIVE SERVICES*

Laws relating to health and rehabilitative services enacted during the 1990 Regular Legislative Session address a wide range of subjects. Laws pertaining to children include: expansion of the estimating conference format to include certain child care and child abuse information forecasting; establishing the subsidized child care program in statute and providing additional general child care program and licensure standards; direction to the Department of Health and Rehabilitative Services (DHRS) to implement a client and management information system; modifying the eligibility and funding criteria within the Child Care Partnership Act; modifying criteria for the agency and judicial handling of children in the dependency system; the addition of an "egregious abuse" category and other modifications to the criteria and process used in terminating parental rights; authorizing citizen review panels to assist the court in judicial reviews of children in foster care; expanding the opportunity for records related to abuse, neglect, or exploitation to be released by the court; expanding the procedures to be included whenever background screening is required to add employment history and reference checks and providing other protections when hiring for certain caretaker positions; providing due process and other protections for persons alleged to have committed abuse, neglect, or exploitation and other modifications to the operation of the Abuse Registry and the protective services system; extending the Abuse Task Force for a year and expanding its membership and duties; directing DHRS to study and report on sexual abuse among foster children in its care; establishing a state adoption information center; authorizing creation of a Family Builders Program by DHRS; establishing a Review Council for Biomedical and Social Research within the Department of Legal Affairs; codifying the One Church, One Child program concerned with the adoption of black children; providing a penalty for actions relating to providing obscene materials to minors; providing conditions under which certain medical care can be provided to minors without parental consent; creating a new drop-in child care licensure designation; modifying contract, program, and operational guidelines for the Children/Families in Need of Services program; providing for the development of an equitable reimbursement methodology for group child care providers; authorizing the release by DHRS of children to teachers under certain conditions; repealing certain court discretion in the conduct of emergency shelter hearings; and making major revisions to the system for handling children in the state's juvenile justice system.

Laws relating to developmental services include: a modification of definitions to broaden certain protections provided persons with developmental disabilities; a revision to the criteria for involuntary admission; and authorization for certain actions by the court including issuing orders for psychotropic medication and behavioral programming and transferring court jurisdiction.

Laws relating to aging and adult services include: modifying criteria for licensure as a home health agency and other changes regarding agency licensure; expanding the number and type of services to be included in the Community Care for the Elderly program; requiring DHRS to contract for a study and report on the service needs of the 18- to 59-year-old disabled adult population and to develop multiyear plans to meet those needs; and requiring the Legislature to fund a fifth Alzheimers Disease memory disorder clinic.

Laws relating to alcohol, drug abuse and mental health include: providing procedures for the involuntary evaluation and treatment of minors including the authorization for prototype treatment models; providing for the treatment of persons publicly under the influence of a controlled substance; authorizing the emergency treatment of persons believed to be drug dependent; providing procedures for peace officers to use in assisting a person under the influence of a controlled substance; tightening criteria for licensure; authorizing the location of children's crisis stabilization units on the same premises with adult units under certain conditions; and providing criteria under which crisis stabilization units may exceed licensed capacity.

Laws relating to Open Government Sunset Review (Section 119.14, F.S.) readopt and, in some cases, modify confidentiality provisions relating to records of children in certain educational programs and records pertaining to adoption; background screening prior to certain employment; mental health clients; alcoholic or drug dependent persons; quality assurance programs in alcohol, drug abuse, and mental health facilities; Developmental Services clients; nursing home and adult congregate living facility residents and inspections; nursing home and long-term care facility ombudsman councils; home health agency and hospice patients; and home health agency personnel.

### Aging and Adult Services

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2527 (CHAPTER 90-319) amends Part III, Chapter 400, F.S., to remove obsolete language that requires only home health agencies which are Medicare certified to be licensed. The legislation makes other changes to Part III, Chapter 400, F.S., as follows:

1. It restricts medical supplies a home health agency may furnish clients to drugs and biologicals prescribed by a doctor.
2. It specifies that infusion therapy services will not be deemed a home health service.
3. It clarifies that personal care services provided by a Community Care for the Elderly (CCE) or a Community Care for Disabled Adults (CCDA) agency are not considered home health services and that this exemption only applies to CCE and CCDA agencies.

*Prepared by Senate Health and Rehabilitative Services Committee

4. It provides that license and annual renewal fees are nonrefundable and adds state governments to the list of governmental entities exempt from paying license fees.
5. It clarifies that each license will be valid only for the agency or location for which it is issued and mandates that license and license renewal applications be signed under oath.
6. It provides that the Department of Health and Rehabilitative Services (DHRS) may not grant a license designated as "certified" to an agency that has not received a certificate of need.
7. It directs DHRS to establish minimum standards so that non-Medicare agencies' service areas are the same as county boundaries and Medicare certified agencies areas are the same as DHRS district boundaries.
8. It increases the sanction imposed for violating the licensing provisions of the law from a second to a first-degree misdemeanor.

The legislation also amends Chapter 410, F.S., to require that each CCE program provide at least four core services. It adds counseling, emergency home repair, and information and referral to the list of core services that may be provided by CCE provider agencies. The legislation defines the duties falling within the category of personal care services and clarifies that personal care services may be provided by CCE agencies and exempts them from the home health licensure requirements. However, these agencies are required to employ nurses licensed under Chapter 464, F.S., to conduct initial assessments of clients and to monitor them periodically. In addition, the legislation requires that CCE lead agencies not be exempted from Part III, Chapter 400, F.S., requirements in their provision of any home health services.

This legislation also requires DHRS to contract for a study of the service needs of the 18- to 59-year-old disabled adult population being served or waiting to be served by the CCDA program. The Division of Vocational Rehabilitation of the Department of Labor and Employment Security and other appropriate state agencies are required to cooperate with DHRS in the study. The study is to identify the demographic characteristics and major disabilities prevalent in this population, determine the types of services delivered due to the social circumstances and disabilities of population members, and project the extent of services needed but not available that cover the continuum of residential and community services. Existing data on the incidence of disability is to be used for the study to develop estimates of future service needs, costs, and capacity required to meet new demand. A final report with recommendations and proposed legislation is due by March 1, 1991.

This legislation also requires DHRS to develop a multiyear plan based on the results of the study to provide for the needs of disabled adults in Florida and for statewide coordination of all services for the disabled adult population. The plan is to include an inventory of existing services and an analysis of costs associated with existing and projected services. The multiyear plan is due every 3 years on or before March 1, beginning in 1992. An analysis of the status of the plan must be submitted on or before March 1 of each intervening year. The study, the multiyear plan, and status reports are required to be submitted to the Governor and the Legislature.

HOUSE BILL 2559 (CHAPTER 90-324) amends Subsection 410.402(1), F.S., to require the Legislature to fund a fifth Alzheimers Disease memory disorder clinic to be located in a public hospital which is operated by an independent special hospital taxing district which governs multiple hospitals and is located in a county with a population greater than 800,000 persons.

**Juvenile Justice**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 3681 (CHAPTER 90-208) amends, consolidates and reorganizes two chapters of the Florida Statutes relating to the juvenile justice system. Chapter 959, F.S., relating to youth services, is merged into Chapter 39, F.S., proceedings relating to juveniles, and obsolete sections of Chapter 959, F.S., are repealed. Sections of Chapter 39, F.S., are amended and all of Part II, relating to delinquency cases, is reorganized and sections are renumbered and repealed.

The act amends sections of Part I of Chapter 39, F.S., relating to intent and revises and adds definitions relating to programs and procedures for juveniles involved in delinquency proceedings. All of Part II of existing Chapter 39, F.S., is repealed and a new Part II, known as the "Juvenile Justice Reform Act of 1990" is created. These provisions substantially revise the criteria and procedures currently in existence for the identification, intake, and judicial or nonjudicial handling of youth who are charged with a delinquent act, at risk of becoming delinquent, or adjudicated and committed to the Department of Health and Rehabilitative Services (DHRS). The law provides that DHRS is responsible for the planning, development and administration of a statewide system of programs and services for the prevention, early intervention, control, and treatment of delinquent behavior and authorizes DHRS to adopt rules and policies to carry out this program. The act also provides for the development of a risk assessment instrument for use by DHRS in making detention decisions and by the court for enhancing the information available for continued detention decisions and revises the judicial criteria for placement of a child in detention. The legislation requires the development of a case management system for delinquency which will provide that all children who are not released or referred to a delinquency diversion program shall be assigned a case manager.

The act also requires the institution of a comprehensive assessment process which will be used to develop a predisposition report to the court and which will provide information necessary to the court to make a decision about the most appropriate alternative for the juvenile's placement. It authorizes local law enforcement agencies to develop a civil citation process for children who commit minor delinquent acts, which will involve referring the child for community service work for a specified number of hours. It provides for the establishment

of an early delinquency intervention program for juveniles 14 or under who have had two arrests, which programs will be located in DHRS districts in which such programs are funded, and requires the statewide implementation of a program for serious or habitual juvenile offenders which will provide intensive treatment in secure facilities not to exceed 25 beds each.

The law includes a requirement for intensive aftercare for committed delinquents to assure that appropriate follow-up and services are provided to children after release from residential settings. It also includes a requirement for DHRS to conduct or contract for a study of future needs for facilities for children and a procedure for the siting of treatment facilities which involves both DHRS and local governments with mediation, if necessary, by the Governor and Cabinet. Finally, the measure provides for the creation of a Commission on Juvenile Justice which will serve as an oversight body for the implementation of the provisions and requirements of the act in both the judicial and executive branches and for the creation of a Youth Corrections Program within the Department of Corrections for youthful offenders who have failed in DHRS placements. An effective date of October 1, 1990 is provided.

HOUSE BILL 2345 (CHAPTER 90-156) amends Chapter 959, F.S., to add the Parole Commission to the list of persons or agencies to whom Department of Health and Rehabilitative Services is authorized to release information from juvenile records effective October 1, 1990.

**Alcohol, Drug Abuse and Mental Health**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 33 (CHAPTER 90-276) amends Chapters 396 and 397, F.S., to provide procedures for minors to be involuntarily evaluated and treated for alcohol or drug dependency, respectively, and to provide rights of minors in treatment. Sections 396.032 and 397.021, F.S., are amended defining "addictions receiving facility" as a treatment resource designated by the Department to receive persons for evaluation and examination and treatment and Sections 396.0815 and 397.0516, F.S., are created specifying the criteria for which a minor believed to be an alcoholic or drug dependent may be taken to a licensed addictions receiving facility for involuntary evaluation. It further provides procedures for initiation of an involuntary evaluation and requires the screening of a minor subject to involuntary evaluation within 3 days to determine the need for further evaluation. It requires that the minor be discharged after the 3 days if further evaluation is not needed and provides that the minor not be detained for the evaluation for more than 5 days, including the screening period. The legislation provides for disposition upon evaluation of the minor and authorizes the court to appoint a guardian ad litem for the minor in the case of involuntary proceedings. Parents seeking evaluation or treatment for a minor are required to participate in the treatment process and pay for the evaluation and treatment services on a sliding fee schedule. Sections 396.125 and 397.0545, F.S., are created specifying the rights of minors in treatment.

The legislation also establishes authority and procedures for treatment of persons publicly under the influence of a controlled substance and in need of help or incapacitated. This authority is established in Chapter 397, F.S., and duplicates identical provisions in Chapter 396, F.S., for persons who are intoxicated. The act also creates authority in Chapter 397, F.S., for emergency commitment of persons believed to be drug dependent which parallels similar provisions in Chapter 396, F.S. Section 397.0515, F.S., is created establishing criteria and procedures for peace officers to follow in order to assist a person under the influence of a controlled substance in obtaining needed help, or authorizing that the person be assisted in seeking voluntary treatment or be detained involuntarily for emergency medical attention or drug abuse treatment. It requires that a person brought to a treatment resource be examined by a physician as soon as possible and limits the involuntary admission to no longer than 96 hours without the person's consent for continued treatment.

The law also creates Section 397.0518, F.S., providing for emergency commitment of drug dependents upon application and accompanying physician's certificate and specifies the content of the application. It allows a treatment resource administrator to refuse an application and allows a person to be held in the facility for up to 5 days or up to 20 days if a petition for involuntary treatment has been filed.

Based on an emergency situation of critical need, the act creates the juvenile substance abuse emergency evaluation and specialized treatment services program. Sections 396.1816 and 397.215, F.S., are amended and renumbered, establishing legislative intent that DHRS be authorized to develop prototype models of specialized juvenile treatment programs. Sections 396.1819 and 397.218, F.S., are created, establishing an emergency substance abuse evaluation and specialized treatment services program for juveniles who are found to be alcohol or other drug impaired and stipulates that prototype models are to be initiated in geographic areas demonstrating the greatest risk. This section requires that an independent third-party evaluation of the prototype models be completed and a report submitted to the Governor, President of the Senate, the Speaker of the House of Representatives, and appropriate legislative committees and subcommittees within 1 year after startup, and annually thereafter for 5 years. Cities and counties are authorized to appropriate funds to support the cost of services and construction for community-based prototype models not met through state or federal funds. It requires DHRS to adopt necessary rules to implement the juvenile substance abuse program.

Two provisions relating to contracting for substance abuse services and the regulation of medication treatment programs were also added to this legislation. Sections 396.0425 and 397.0715, F.S., were amended, adding language which prohibits the dissemination of state funds through a contract to any substance abuse treatment resource operated by a person who has been convicted of, entered a plea of nolo contendre to, or had adjudication withheld for a drug trafficking offense in the United States or a similar offense in a foreign jurisdiction, unless that person's civil rights have been restored.

Section 397.098, F.S., is also amended, providing DHRS with the authority to determine the need for medication treat-

ment programs and prohibiting establishment of new programs only in response to the publication of such need statements. Programs licensed prior to October 1, 1990, will be allowed to continue and will not be subject to license revocation solely on the basis of the Department's determination of need. Authority is provided to DHRS to adopt rules to establish criteria and procedures for determination of need and selection of medication treatment programs when the number of responses to publication of need statements exceeds the actual need, and to adopt other rules as necessary to carry out this provision. These provisions takes effect October 1, 1990.

HOUSE BILL 217 (CHAPTER 90-251), amends Section 394.875, F.S., to allow the location of 20 additional licensed children's crisis stabilization unit (CSU) beds on the same premises with a 30-bed unit serving adults if the additional beds serve only minors, have separate staffing and are separate facilities or are a distinct part of a facility. This law requires DHRS to promulgate rules which will govern the construction of these facilities, the staffing and licensure requirements and the operation of the units for minors.

The legislation also allows crisis stabilization units to exceed their licensed capacity by 10 percent for 3 consecutive days and for up to 7 days in one month.

**Children**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1453 (CHAPTER 90-306) contains a number of provisions which address child care, abuse registry issues and dependency issues.

This legislation requires the Social Services Estimating Conference established in Section 216.136, F.S., to include forecasts of caseloads for the subsidized child care program for planning and budgeting purposes. The legislation also creates a Child Welfare System Estimating Conference with responsibility for estimates and projections of the number of reports of child abuse or neglect made to the central abuse registry, the number of reports classified as confirmed or indicated, and the number of children who are in need of placement in an emergency shelter. Other information is to be developed as needed for the planning and budgeting of the child welfare system.

The legislation creates Section 402.26, F.S., which provides legislative intent for child care in Florida. It also creates Section 402.3015, F.S., which establishes the subsidized child care program in statute, with statement of purpose, definition of "at risk" for purposes of this program, and ability to provide transitional child care for up to 12 months to families who no longer are eligible for the program because of increased income. The Department of Health and Rehabilitative Services (DHRS) is directed to provide subsidized child care to every family that is eligible for such care, subject to the availability of resources. Child care training requirements in Section 402.305, F.S., are amended to increase training for persons working with at-risk children from 20 to 30 hours.

Additional changes to the licensing standards in Section 402.305, F.S., include a statement that firesafety standards for programs operated on public school sites shall be subject to the standards developed by the Department of Education and firesafety standards for programs operated on other sites shall be subject to rules developed by DHRS. The legislation also raises the possible administrative fine from $100 to $500 per day in cases where a violation causes death or serious harm. A requirement is added to the licensing section for child care facilities which states that at least one person who has had pediatric CPR shall be present while children are at the facility.

Sections 402.3135 and 402.3145, F.S., are created to include a case management and transportation system for children at risk of abuse and neglect participating in the subsidized child care system. Case managers are provided to supplement training and provide technical assistance on child development matters. The transportation offered is to be provided only when necessary to provide care which would otherwise not be available to children at risk of abuse or neglect.

The definition of "family day care home" (Subsection 402.302(5), F.S.) is substantially amended to specify and expand how many and what age children may be cared for in these homes. School age children unrelated to the preschool children may be cared for in a family day care home if it is licensed. Up to seven school age children may be cared for in such homes if there are no preschoolers present and the home is licensed. All family day care homes participating in the subsidized child care system are to be licensed, and family day care homes not required to be licensed may volunteer to do so.

A new Section 409.146, F.S., is added to statute directing DHRS to develop and implement a Children, Youth and Families client and management information system. This system should contain information about prevention, child welfare, children and families in need of services and delinquency services. The planning phase for this system is to be completed by July 1, 1991 and the system is to be operational no later than July 1, 1994.

Changes are made to Section 409.178, F.S., which amend the eligibility criteria of the Child Care Partnership Act to allow DHRS to review proposals for funding in other than a "first come, first served" basis. Criteria are added which allow for consideration of the quality of programs as well as the degree of need of the employees to be served. At least one-third of the funds appropriated for grants are to go to smaller employers with fewer than 100 employees.

Changes are also made to Chapter 39, F.S., as it relates to the dependency system. These changes include the addition of a requirement that the court make a specific finding of fact in each instance related to placement of a child at shelter hearings (Section 39.402, F.S.), dependency placements (Section 39.41, F.S.), and foster care judicial reviews (Section 39.453, F.S.). This requirement of a court finding of fact applies to the placement decision as to whether a child should return home or continue in an out-of-home placement. Requirements are added to Subsection 39.408(3), F.S., which relate to the information which DHRS and others must provide the court in order that the court may make a more informed

decision. These requirements include statements from foster parents and guardians ad litem, use of a standardized risk assessment by DHRS, the report of the Child Protection Team or a statement that one does not exist, and statements from other professionals who may have worked with the family.

Section 39.41, F.S., is amended, directing the court to include placement, conditions of placement, service requirements and date of future court reviews in all disposition orders in dependency proceedings. The legislation also provides for expedited court handling of children under 4 years of age. A new time frame for judicial review of foster care placements is added to Paragraph 39.453(3)(a), F.S., and states that such reviews shall be no later than 6 months after the child was initially placed in shelter or no more than 3 months after placement in foster care for children under 4 years of age.

Section 39.464, F.S., relating to termination of parental rights, is substantially reworded. The major change in this section is the addition of a new category of grounds for termination of parental rights--the category of egregious abuse. Under the provisions of this new category, termination of parental rights may be initiated without the prior offering of a performance agreement to work toward family reconciliation. "Egregious" is defined as conduct of the parent or parents that is deplorable, flagrant, or outrageous by a normal standard of conduct. Section 39.467, F.S., is also amended to direct the court to consider the manifest best interests of the child in making the determination whether parental rights should be terminated. Conditions which the court is to consider in determining the manifest best interest of the child are included in the legislation.

A provision is added to Section 63.212, F.S., which requires each petition for adoption which is filed in connection with a preplanned adoption agreement to identify the preplanned adoption arrangement and provide a copy for court review.

Citizen review panels are created in Section 39.4531, F.S., to assist the court in judicial reviews of children placed in foster care. Membership and procedures to be followed by any citizen review panels created pursuant to this legislation are included. The citizen review panels are authorized through amendments to Section 39.453, F.S., to perform the required judicial review and make recommendations to the court for action. The citizen review panels are to use the same criteria as the court would use in making a determination regarding placement of a dependent child.

Section 119.07, F.S., is amended to allow any person or party to petition the court to release records pertaining to abuse, neglect or exploitation. It provides guidance to the court in the determination of the decision to release records. It requires the court to establish a presumption that it is in the best interest of the public to disclose records when the report involves the death of a child or aged or disabled adult. When the court releases such information, it requires that all identifying information be edited from the record before public release.

The definition of "screening" found in Sections 393.063, 394.455, 396.032, 397.021, 400.462, 402.302, 409.175 and 959.001, F.S., is changed as it relates to required background screening of certain persons in caretaker positions. The definition is amended to include employment history checks and checks of references. In addition, Section 402.3055, F.S., is amended to require that the application for employment in a child care facility contain a question that specifically asks the applicant if he has ever had a license revoked or suspended in any state or has been the subject of a disciplinary action or been fined while employed in a child care facility. The applicant must attest to the accuracy of the information requested under penalty of perjury.

Several changes to law governing the Abuse Registry and its procedures are made in the encompassing legislation. Changes are made in Sections 415.102-415.111, F.S., which affect investigations and classifications related to allegations of abuse or neglect of elderly or disabled persons. Similar changes are made in Sections 415.503-415.513, F.S., which relate to investigations and classifications of allegations of abuse or neglect of children. The changes include addition of a "proposed confirmed" category in the classification of abuse, opportunity for departmental review and hearing before a classification of confirmed is entered in the abuse registry, renaming of the indicated category to "indicated-perpetrator undetermined" and opportunity for rebuttal through written statement for the indicated category. The legislation provides for expunction of unfounded reports after 30 days as opposed to the current time frame of one year. Certain information about the investigation is to be provided to persons involved in allegations of abuse, neglect or exploitation at the outset of the process. A definition of "drug-exposed child" is added to the list of definitions, and DHRS is able to accept all calls into the abuse registry, regardless of the suspected perpetrator. For calls which involve allegations which DHRS is not authorized to handle, a call is to be made from the abuse registry personnel to the appropriate law enforcement agency. The Department of Health and Rehabilative Services and Department of Education are to cooperatively develop a coordinated protocol for investigations of abuse involving district school board personnel. In addition, all reports of the child protection teams are to be confidential.

Other changes include specific authority for DHRS to initiate and enter into agreements with other states to gather and share information contained in confirmed reports of adult and child maltreatment. This information is to be shared only with employees of agencies in other states which have the responsibility to protect children, the disabled and elderly.

Chapter 89-288, Laws of Florida, is amended to extend the Abuse Task Force for one year, to July 1, 1991. It is expanded to include representatives with expertise in abuse of the aged and disabled. Its duties are to include further study and recommendations on the emotional and psychological effects on persons reported for abuse, neglect or exploitation and to provide clarification as to the definition and application of the terms "abuse," "neglect" and "exploitation." It is also to review the necessity of establishing severity categories of confirmed reports.

The Department of Health and Rehabilative Services is directed to conduct a study of the issue of sexual abuse among foster children while in the care and custody of the Depart-

ment. The Department's report is due to the President of the Senate and the Speaker of the House of Representatives no later than February 15, 1991.

Additional provisions enacted include the creation of Section 63.167, F.S., to provide for the establishment of a state adoption information center. The functions of the center are outlined and contracting for the operation of the information center is specified.

The legislation authorizes the creation of a Family Builders Program by DHRS, which is to provide intensive services designed to prevent out-of-home placement or to reunite families whose children have been removed for a short period (30 days or less). Goals of the program are included as are eligibility requirements, requirements for staffing and training and elements of an evaluation to be completed upon implementation of any Family Builders Program pilot project. (This program is also discussed elsewhere in this article.)

A research Review Council for Biomedical and Social Research is also established in Section 402.105, F.S. This newly created Council, housed in Department of Legal Affairs, is charged with review and approval of any research on human beings conducted by DHRS. Composition and staffing of the Council are also addressed in the provisions of this legislation.

In other provisions of this legislation, the One Church, One Child program is created in Section 409.1755, F.S. This successful program which targets adoption of black children through involvement of churches is established through the One Church, One Child of Florida Corporation. This legislation authorizes the creation of this corporation within DHRS to perform specified duties aimed at reducing the numbers of black children awaiting adoption and permanent homes.

Finally, the legislation makes the penalty for knowingly selling, exhibiting or distributing obscene materials to minors a third-degree felony. It also directs DHRS to establish a task force to study the appropriate role of DHRS and local government in providing for the health, safety and recreational needs of children participating in child care programs operated by municipal and county parks and recreation departments. The report of the task force is due to the Legislature on or before February 1, 1991.

COMMITTEE SUBSTITUTE FOR SENATE BILLS 790 AND 1480 (CHAPTER 90-50) enacts systemwide changes to the procedures related to abuse and neglect investigations and subsequent classifications of abuse reports. Changes that are made take effect for all abuse or neglect investigations, whether the allegations involve children, disabled adults or aged persons. Major provisions of the legislation include amendments to Sections 415.103, 415.504 and 415.505, F.S., which provide the opportunity for notice and hearing before a classification of confirmed abuse is entered into the Department of Health and Rehabilitative Services (DHRS) Abuse Registry. This is accomplished through the addition of a new "proposed confirmed" category which is in effect until the time to request a hearing has expired or until final action is taken if a hearing is held. Current indicated reports are renamed "indicated-perpetrator undetermined." The time frame for keeping unfounded reports in the Abuse Registry is changed from 1 year to 30 days. Sections 415.103 and 415.504, F.S., are amended to direct DHRS to provide certain information to subjects of investigations at the outset of the process. This information includes names and credentials of the investigators, the purpose of the investigation, a description of the procedure to follow and the possible consequences of a confirmed report. Sections 415.104 and 415.505, F.S., are amended to specify that alleged perpetrators of abuse are entitled to legal representation, at their own expense, during questioning at an onsite investigation of abuse or neglect. However, the absence of the counsel shall not prevent the Department from proceeding with other aspects of the investigation. Sections 415.107 and 415.51, F.S., relating to confidentiality of abuse reports and investigations are reworded. Distribution of information upon completion of abuse investigations is specified and restricted to differing groups of persons, depending on the classification of the report. The definition of "abuse" in Sections 415.102 and 415.503, F.S., is amended to include adult household members. Changes to Section 415.503, F.S., specify that DHRS Abuse Registry can accept reports of child abuse concerning persons who are not in caretaker roles and is to report these types of calls to the appropriate law enforcement agency. A definition of "drug-exposed child" is added to Subsection 415.503(9), F.S., relating to the harming of children. Harming a child now includes exposing a child from birth to age 5 to drugs. Exposure is determined by a preponderance of evidence that the mother used a controlled substance during pregnancy or that the parent or parents demonstrate chronic and severe use of a controlled substance so that the child exhibits abnormal growth, neurological patterns, behavior problems or cognitive development. Finally, DHRS and the Department of Education are directed in Section 415.505, F.S., to develop a cooperative protocol for abuse investigations involving district school board personnel.

COMMITTEE SUBSTITUTE FOR SENATE BILL 718 (CHAPTER 90-42), the result of an interim project, allows for the provision of recommended medical treatment to children in situations where the parent is unavailable to consent to treatment. These situations include necessary treatment in emergency rooms and routine care provided in county public health units and doctors' and dentists' offices. This legislation clarifies in Section 743.064, F.S., that doctors in emergency rooms may provide needed care to minors even if the situation is not life-threatening. Examples of this type of care include stitching open wounds and setting broken limbs. It also creates Section 743.0645, F.S., which provides that routine medical treatment such as dentist checkups and well-child care may be provided if a relative of the child is present to provide consent. The act allows the child's DHRS case worker or the administrator of a facility in which a child is placed to consent to routine medical care. The legislation provides for parental notification and inspection of medical records when such care is provided without their prior consent. The provisions of this legislation are to be applied only when parental consent cannot be obtained and the medical care or treatment is strongly advised in the emergency room or is of a routine nature.

SENATE BILL 1570 (CHAPTER 90-35) creates by definition and exemptions to licensing standards a new "drop-in child care" facility designation. "Drop-in child care" is defined in Section 402.302, F.S., as child care provided occasionally in a child care facility located in a shopping mall or business establishment. Care is to be for no more than a 4-hour period, and the parent must remain on the premises of the mall or business establishment at all times. It allows for exemptions to the broader requirements for operation of a child care facility only as specifically provided. If the provisions such as time-limited care (no more than 4 hours) are not followed, the facility is at risk of losing its license to operate.

The licensing standards in Section 402.305, F.S., are amended to delete the requirement for outdoor play space for drop-in child care facilities. These facilities must provide some type of communications system, such as a pocket pager or beeper, to ensure the immediate return of the parent to the child if necessary. Finally, the requirements related to immunization and health records are amended. Unlike regular child care facilities, drop-in child care facilities would not be required to request preadmission and periodic health examinations nor would they be required to obtain medically signed records of immunization prior to providing child care. Parents, however, would be required to attest to the child's health and the type and current status of the child's immunizations. This act takes effect October 1, 1990.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1744 (CHAPTER 90-182) authorizes Department of Health and Rehabilitative Services (DHRS) to establish Family Builders Program pilot projects to provide family preservation services to families whose children are at risk of imminent out-of-home placement. Sections 39.408 and 415.505, F.S., are amended to include reference to the family reunification services provided by the Family Builders Program or the Intensive Crisis Counseling Program operated by DHRS. Both of these programs are designed to assist families in crisis and prevent the need for out-of-home placement of children. These sections of statute require the Department to offer services to prevent the removal of children from their homes before such action is taken. (The Family Builders Program is also summarized elsewhere in this article.)

Under the Family Builders Program, services would be available to families whose children are dependent or delinquent or are children in need of services and to families whose children have been in a foster care placement of 30 days or less. The goals of the Family Builders Program provide the program description and include helping parents to improve their relationships with their children; helping parents to provide a better household environment; providing part-time respite child care; performing household maintenance, budgeting and purchasing; assisting parents and children to manage and resolve conflicts; assisting parents to meet the special physical, mental or emotional needs of their children and their corresponding reactions and needs; helping families to become better able to access community resources; helping families by providing cash or temporary in-kind assistance to help them through the immediate crisis; and providing such additional reasonable services for the prevention of maltreatment and unnecessary foster care. The Department is authorized to contract for the delivery of family preservation services through the Family Builders Program.

Eligibility requirements are listed with the Department or the court having the ability to allow families into the program. Families with children who are at imminent risk of physical or sexual abuse from a member of their family are not eligible for these services. If families are admitted into the program, all members of the family are responsible for cooperating fully with the plan that is required by the law. Requirements of program operation are provided and include a maximum caseload per case worker of three families in active participation and three families in follow-up services. Each family would receive services for an average of 8 weeks, with a maximum of 3 months of services under this program. Family preservation services would be provided in the family's own home, with on-call capability to their counselor. Requirements for case workers include a minimum of a bachelor's degree and 5 years experience in a human service field or a master's degree and 1 year of experience in a human services position. Additional training for all direct service providers would be required.

An evaluation of any pilot project established pursuant to this act is due to the Governor, President of the Senate, and the Speaker of the House of Representatives no later than 1 year after such a pilot is established. The evaluation shall include the number of families receiving services, the number of children at risk of out-of-home placement, the numbers of these children who are subsequently placed in out-of-home settings, the average cost of providing services to families with this program, the estimated cost of out-of-home placement if this program had not been available to these families, an evaluation of contractors used, and an assessment of the feasibility of using current appropriations for out-of-home care to fund expansion of this program.

COMMITTEE SUBSTITUTE FOR SENATE BILL 982 (CHAPTER 90-53) makes several clarifying and technical changes primarily to Part IV of Chapter 39, F.S., related to Children in Need of Services and Families in Need of Services (CINS/FINS). In changes made to Section 39.001, F.S., the legislation specifically authorizes Department of Health and Rehabilitative Services (DHRS) to contract for services. All personnel of the contract provider must be of good moral character and undergo background screening prior to employment.

Several changes are made to definitions in Section 39.01, F.S. The term "authorized agent of the Department" is clarified for the purposes of contracting for CINS/FINS services and includes for those purposes contract providers and their employees. The definition of a family in need of services and a child in need of services is changed to exclude children who are currently being supervised by the Department for an adjudication of dependency or delinquency and children for whom there is a pending departmental investigation into an allegation or suspicion of abuse, neglect or abandonment. This clarifies the definitions consistent with the intent of the Legislature as specified in Subsection 39.42(1), F.S.

The placement of children in shelter under the provisions of Section 39.422, F.S., is clarified to mean a shelter provided by the community specifically for runaways and troubled youth. [This will eliminate possible confusion in statute with other shelters, such as emergency shelters for dependent children.] Preprotective services and protective services are deleted from the list of services for a family in need of services found in Section 39.424, F.S. [These services are provided to dependent children and are incorrectly listed in this part of Chapter 39, F.S.]

A change to Section 39.434, F.S., allows the Department to set and charge fees for arbitration services. The parents or legal guardians are responsible for contributing to the cost of the family arbitration to the extent of their ability to pay, and the Department is required to advise them of this responsibility. A clarification is made in Section 39.432, F.S., regarding the procedures for family arbitration which excludes Saturdays, Sundays and legal holidays from the days counted in the 3 day time frame within which the case staffing committee is to contact the family. It also allows for discretion in the filing of a child in need of services petition with the court pending an initial unsuccessful outcome of family arbitration.

An omission to current statutes is corrected by adding to Section 39.443, F.S., confidentiality provisions to cover cases in the children in need of services/families in need of services continuum. [These confidentiality provisions are the same as those that currently exist for cases involving dependent and delinquent children.]

The records of all cases brought before the court regarding families in need of services and children in need of services would be handled confidentially. Records could be inspected only upon order of the court by those who have a proper interest. A child and the parents or legal custodians of the child and their attorneys, law enforcement agencies, and the Department and its designees shall always have the right to inspect and copy any official record pertaining to the child.

Finally, the legislation clarifies in Section 827.04, F.S., that any person who causes, tends to cause or encourages a minor to become a child in need of services commits a misdemeanor of the first degree. These changes take effect October 1, 1990.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1450 (CHAPTER 90-204) requires Department of Health and Rehabilitative Services (DHRS), in close cooperation with the Florida Group Child Care Association, to adopt a reimbursement methodology which would insure that providers of residential group care receive equitable reimbursement. [Youth in residential group care are typically older than children in foster care and benefit from support services provided at these facilities.] Services include direct care, social and educational services. The proposed methodology is based on allowable costs of the provider's actual per diem rate. The percentage of base costs met shall be determined by the availability of state funding and all funds in the appropriation category for this type of care shall be used to fund the methodology. The adopted methodology is to assure that the existing disparities between actual costs of care and the current state reimbursement levels are addressed in a fair and systematic manner. The act is to be fully implemented for the entire fiscal year 1990-1991.

The legislation also amends Subsection 39.401(3), F.S., relating to procedures for placement of children by DHRS protective investigators. A new provision is added to the existing options which specifies that children alleged to be dependent who are not required to be placed in emergency shelter may be released to a teacher or principal at their school if certain conditions are met. These conditions include no prior record of abuse or neglect, a positive relationship with the child, the child's agreement to go with the teacher or principal, and approval from the child's parents for such a temporary placement of no more than 72 hours.

The final section of the legislation designates DHRS building on Key Street in Quincy as the R. D. Woodward, Jr. Building.

HOUSE BILL 3671 (CHAPTER 90-167) amends Paragraph 39.402(5)(a), F.S., which relates to the authorized persons presiding at an emergency shelter hearing for children alleged to be dependent. When children are removed from their home as a result of abuse or neglect, a hearing is held within 24 hours for the court to review this decision. The circuit court is usually designated to hold these detention hearings, but the county court may be designated to conduct these proceedings. This legislation deletes the authority of the chief judge of the circuit court to appoint a member of The Florida Bar to hold these hearings in situations where the county judge is not an attorney.

**Developmental Services**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3143 (CHAPTER 90-333) clarifies some provisions of Chapter 393, F.S., regarding persons with developmental disabilities. The definition of "comprehensive transitional education program" is clarified concerning the qualifications of staff psychologists, and the definition of "high-risk child" is expanded to include a child from birth to five years of age who has a physical or genetic anomaly associated with a developmental disability.

The legislation also revises the criteria for involuntary admission to residential services to include a finding by the court that because of a person's degree of mental retardation, he or she either lacks the capacity to consent to admission and lacks basic survival skills or is likely to physically injure others. Chapter 393, F.S., also is amended to authorize the court to issue orders for psychotropic medication and behavioral programming; and upon request, the court may transfer continuing jurisdiction to the court where a client resides if it is different from the location where the original involuntary admission order was issued.

The legislation clarifies that client rights apply to all DHRS clients and to nonclients residing in licensed facilities. The client rights section (Section 393.13, F.S.) also is amended to expand the authority for an appropriately approved behavioral program that uses a resident's personal possessions as reinforcers for training that resident to apply to any resident, not just to DHRS clients served by a habilitation team.

**Open Government Sunset Review**

HOUSE BILL 2299 (CHAPTER 90-7) is the product of an Open Government Sunset Review Act (Section 119.14, F.S.) conducted on Subsection 402.22(3), F.S., and reenacts the current exemptions to the public records and public meetings laws. Section 402.22, F.S., provides for education services for children in the residential care of Department of Health and Rehabilitative Services (DHRS). Education and treatment services are to be discussed and implemented by interdisciplinary teams consisting of education and DHRS professionals. The subsection that was reviewed applies the general confidentiality provisions for DHRS residential clients age 18 or under to the proceedings and records of these interdisciplinary teams. The proceedings of the teams are to be conducted in a confidential manner as prescribed by Chapters 39, 393, 394 and 959, F.S. The act also extends the confidentiality provisions of Chapters 396 and 397, F.S., which relate to alcohol and drug abuse treatment, to the operation of the teams. This addition covers the clients under age 18 in residential treatment for alcohol and drug abuse. This act takes effect October 1, 1990.

SENATE BILL 920 (CHAPTER 90-347) contains the provisions of several proposals which are the product of reviews required by the Open Government Sunset Review Act, Sections 119.14 and 286.011, F.S.

Sections 382.015 and 382.027, F.S., relate to the confidentiality of identifying adoption information. Section 382.015, F.S., provides for the sealing of original birth certificates in cases where adoption, annulment of adoption or change in paternity requires the issuance of a new or amended birth certificate. Section 382.027, F.S., provides that information contained in the application for the adoption registry is exempt from public review. The existing exemptions from the Public Records Act for both of these sections are reenacted. Specific language making these exemptions subject to Open Government Sunset Review pursuant to Section 119.14, F.S., is also added.

Identical language in Sections 393.0674, 394.457, 396.0427, 397.0716, 402.3025 and 402.319, F.S., provides a penalty for the use of information gathered in background screening for purposes other than provided by law. Employees in certain caretaker situations are required to undergo background screening as a condition of employment. The exemptions to the Public Records Act in all these subsections are reenacted. An affirmative statement that this information is confidential is added to Sections 393.0655, 393.067, 394.457, 396.042, 396.0425, 397.0715, 397.091 and 402.3055, F.S. The affirmative statement of confidentiality includes information obtained from criminal records checks, juvenile records checks and abuse registry checks. Specific language making these exemptions subject to Open Government Sunset Review pursuant to Section 119.14, F.S., is also added.

Subsection 394.459(9), F.S., which provides an exemption from the public records law for records of mental health clients, is reenacted with technical changes and the inclusion of a statement that provides guidance to the court in determining what constitutes good cause for the purpose of disclosing information from the records of mental health clients. Specific language making this exemption subject to Open Government Sunset Review pursuant to Sections 119.14, F.S., is also added. Sections 396.112 and 397.053, F.S., relating to the records of alcoholic or drug dependent persons are revived and readopted with amendments to provide that only records pertaining to the identity, diagnosis, prognosis, or treatment of persons under Chapter 396 or 397, F.S., are confidential. Language allowing the release of information to counsel representing a person in involuntary commitment proceedings without that person's consent is deleted. Also, existing exemptions are reordered and amended to include allowances for the release of information without client consent to medical personnel in a medical emergency, to treatment personnel in order to facilitate the client's treatment, or qualified personnel for maintenance of medical records or financial management purposes under certain circumstances. Existing language regarding release of information pursuant to a court order or for bona fide research purposes is reenacted. Specific language making these exemptions subject to Open Government Sunset Review pursuant to Section 119.14, F.S., is also added.

Subsections 394.907(7), 396.181(6) and 397.0961(6), F.S., relating to the records of alcohol, drug abuse and mental health facilities' quality assurance programs are reenacted with amendments which provide that records which pertain solely to actions taken in carrying out quality assurance activities are confidential and exempt from Subsection 119.07(1), F.S. These sections are also amended to provide exemptions from Section 286.011, F.S., the public meetings law for meetings or portions of meetings which relate to quality assurance.

Section 90.503, F.S., relating to the psychotherapist patient privilege is amended to expand the definition of "psychotherapist" for purposes of the evidence code to include treatment personnel of facilities licensed by the state pursuant to Chapters 394, 395, 396 or 397, facilities designated by DHRS as treatment facilities, or community mental health centers as defined in Subsection 394.907(1), F.S., when these personnel are engaged in the diagnosis or treatment of mental disorders or substance abuse.

Section 393.13, F.S., provides "The Bill of Rights of Persons Who are Developmentally Disabled." Paragraph (j) of Subsection 393.13(4), F.S., requires that each client have a central record and provides that the central records of developmental services clients are exempt from the provisions of the public records law. The existing exemption from the public records law is reenacted, and specific language making this exemption subject to Open Government Sunset Review pursuant to Section 119.14, F.S., is added. In addition, the term "client" is amended to include all persons determined eligible by DHRS for developmental services, as defined in Subsection 393.063(5), F.S.

Section 400.022, F.S., provides the rights and responsibilities of nursing home residents. Paragraph 400.022(1)(h), F.S., provides the right of privacy and of confidentiality in the treatment of nursing home patient personal and medical records. This exemption from the public records law is reenacted, and

an affirmative statement that this information is confidential is added. Specific language making this exemption subject to Open Government Sunset Review pursuant to Section 119.14, F.S., is also added.

Sections 400.191 and 400.435, F.S., mandate that nursing home and adult congregate living facility (ACLF) licensure records are public information. However, Subsections 400.191(3) and 400.435(4), F.S., make those nursing home and ACLF inspection records that are deemed confidential by state or federal law or regulation exempt from the provisions of the public records law. These exemptions apply to any information related to an adult abuse record and protects information about an individual involved in an alleged, indicated, or confirmed abuse case. Such information is made confidential in Chapter 415, F.S. Accordingly, these two sections falling under Sunset review are not necessary and were repealed.

Sections 400.311, 400.314 and 400.317, F.S., establish procedures for the state and district nursing home and long-term care facility ombudsman councils to receive, investigate, and resolve a complaint against a nursing home or long-term care facility or its employee. Paragraphs 400.317(1)(b) and (2)(a), F.S., provide that the names of individuals involved in complaints may not be disclosed. Subsection 400.321(1), F.S., provides that all matters before the state or district nursing home ombudsman councils concerning the abuse or denial of rights of nursing home or long-term care facility clients will be confidential and exempt from public disclosure.

In order to protect the confidential information contained in nursing home and long-term care facility ombudsman council complaint records, Paragraphs 400.317(1)(b) and (2)(a) and Subsection 400.321(1), F.S., are amended to make confidential the patient records held by an ombudsman council. Language is added to specify that the names or identities of complainants or residents involved in complaints are confidential unless the complainants and residents provide written consent to have their names released or unless a court so orders such release. Any other information about a complaint, including any problem identified by an ombudsman council as a result of an investigation, is confidential unless a council determines that the information does not meet any of the criteria specified in Paragraph 119.14(4)(b), F.S. Specific language making these exemptions subject to Open Government Sunset Review pursuant to Section 119.14, F.S., is also added.

Finally, Subsection 400.321(2), F.S., is added to make those portions of ombudsman council meetings in which confidential information is discussed closed to the public and exempt from the provisions of Section 286.011, F.S. All other matters before ombudsman councils are subject to Chapter 119 and Section 286.011, F.S.

Section 400.494, F.S., provides for the confidentiality of the patient record information of home health agency patients. Section 400.613, F.S., provides for the confidentiality of hospice patient records. These exemptions make home health agency and hospice patient records exempt from the public disclosure provisions of the public records law and provide that the patient records shall be privileged and confidential and shall not be disclosed to anyone other than the patient or the family without written consent. These exemptions are reenacted, and it is clarified that information about patients served by home health agencies and hospices is confidential and exempt from the provisions of Subsection 119.07(1), F.S. The word "privileged" is removed, as evidentiary privilege is neither intended nor appropriate. Specific language making these exemptions subject to Open Government Sunset Review pursuant to Section 119.14, F.S., is also added.

Subparagraph 400.497(2)(k)3., F.S., specifies that it is a first-degree misdemeanor to use or release records information for purposes other than screening for employment of home health agency personnel. This exemption to the public records act is reenacted. An affirmative statement that this information may not be used for any purpose other than screening is added which includes information obtained from criminal records checks, juvenile records checks, and abuse registry checks. Specific language making this exemption subject to Open Government Sunset Review pursuant to Section 119.14, F.S., is also added. Finally, it is made a third-degree felony to use or release information from the juvenile records of a person for any purpose other than screening for employment. An effective date of October 1, 1990 is provided.

## HEALTH CARE*

The health care legislation which was passed during the 1990 Session covered a wide range of topics from mosquito control and water safety to trauma care and indigent health care. There were several acts that provided for new regulation of health care providers and health care services. One measure, the indigent health care act, became an omnibus health care enactment with provisions from numerous other bills included in it.

The major new health care initiative from this Session was the establishment of a statewide trauma center network with state funding for trauma patient care in hospitals which participate in the network. The crisis in funding indigent health care was resolved for the immediate future by generating revenues to cover the projected deficit in the Public Medical Assistance Trust Fund and to pay for Medicaid expansions mandated by the federal government.

Several new regulatory programs were established to protect the public. These include the regulation of cholesterol screening, nurse registries, the use of automatic external defibrillators, and utilization review agents. The statutes relating to testing for infection with the human immunodeficiency virus were amended to provide for testing in certain situations involving a "significant exposure." The Legislature also established a Florida Healthy Kids Corporation to operate pilot projects in order to organize school children groups to facilitate the provision of preventive health care services to children and to provide comprehensive health insurance coverage to children and their families.

This Session several studies were mandated. The following Medicaid issues are to be studied: county contributions to Medicaid, Medicaid nursing home reimbursement rates and prescribed medicine policies. Also, the Health Care Cost Containment Board will be required to study the pooled purchasing of health care by the state.

Finally, the Legislature reenacted exemptions from the Public Records and Public Meetings laws for numerous health care programs.

### Omnibus Health Care

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 748 (CHAPTER 90-232) is comprised of five major provisions. The act addresses Medicaid issues, patient care at county public health units and personal representation for health-related decisionmaking once a person has become incapacitated and cannot, for an indefinite period, make health care decisions on his own behalf.

A 13-member Task Force on County Contributions to Medicaid is created in the Executive Office of the Governor. The Task Force is to submit a report on or before February 1, 1991, to the Legislature and the Governor. The report is to contain findings and recommendations regarding the current method of county Medicaid billing and recommendations for funding sources for indigent health care.

The second major provision of the measure revises and readopts existing law found in Section 154.04, F.S., related to patient assessment and ordering of medication for patients at county public health units by registered nurses, certified physician assistants and certified osteopathic physician assistants when a physician or osteopathic physician is not on the premises. The enactment adds the requirement that the Department of Health and Rehabilitative Services have a consultant pharmacist conduct a periodic inspection of each county public health unit that has implemented such a patient care system as described above.

In the third major provision, which creates Section 409.2665, F.S., the Medicaid third-party liability provisions are rewritten and greatly expanded to bring Florida law into compliance with federal law and to address a number of recurring recovery problems.

The fourth major provision of the act authorizes health care surrogates and expresses a three-fold legislative intent to: (1) provide an alternative to guardianship whereby a person may, prior to any incapacity, designate his choice of another individual to make health care decisions for him should he become incapable of doing so for himself; (2) encourage continuity of care for an individual by avoiding lapses in obtaining consent for medical treatment, procedures and in applying for public benefits; and (3) providing the least restrictive means for restoring personal health care decisionmaking once incapacity ceases.

The measure provides that any competent adult may, in writing and with witnessed signature, designate a health care surrogate who must, in writing, consent to serve in that role. Who may and who may not serve as a health care surrogate is specified in the law; a presumption of capacity is provided; a procedure for determining incapacity is provided; a procedure for health care facilities obtaining a health care surrogate on behalf of a patient is provided; health care surrogate responsibilities and limitations are specified; and independent review of health care surrogate decisions are provided for, as well as revocation of the designation of a health care surrogate. The health care surrogate designation is effective for a term of 7 years or, in the event the person on whose behalf a surrogate serves has not regained capacity, until the patient regains capacity.

The physicians caring for a patient and all professional personnel assisting in the care of a patient who has designated a health care surrogate are required to cooperate with the health care surrogate so as to facilitate decisionmaking on the patient's behalf. A patient cannot be forced to designate a health care surrogate by making such designation a condition of treatment or admission to a health care facility.

*Prepared by Senate Committee on Health Care

Health care facilities, physicians or other professionals, or hospital employees are all absolutely absolved of liability for health care surrogates. A health care surrogate is immune from liability, civilly and criminally, for actions taken on behalf of his designator.

The fifth major provision of the act revises the existing durable family power of attorney law (Section 709.08, F.S.) by deleting the "family" designation which results in a broader, more general power of attorney that permits health decisions by the attorney-in-fact (representative) for the principal (the person represented). Notification of the execution of a durable power of attorney must be provided to the next-of-kin of the principal. However, failure of the next-of-kin to receive the notice shall not affect the validity of the power of the attorney-in-fact. The act takes effect October 1, 1990.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1209 (CHAPTER 90-295) is the omnibus health care enactment of the 1990 Session covering a variety of health care related topics. Probably, most importantly, the measure revises Section 409.266, F.S., to expand Medicaid eligibility, services and payment rates to conform with federal mandates contained in the Omnibus Budget Reconciliation Act of 1989 (OBRA 89). Specifically, effective July 1, 1990, Medicaid services are expanded to children who are over 1 year of age and under 6 years of age whose family incomes are below 133 1/3 percent of the federal poverty level. In addition, effective October 1, 1990, Medicaid obstetrical services fees are increased from $800 to $1,000 for a pregnant woman with low-medical risk and increased from $1,200 to $1,600 for a pregnant woman with high-medical risk. Finally, the Department of Health and Rehabilitative Services is given general authorization, effective October 1, 1990, to increase Medicaid eligibility, services and payment rates to conform with OBRA 89 requirements. Counties are specifically exempted from contributing to the cost of these Medicaid expansions.

Section 154.04, F.S., which provides the authorization for registered nurses, certified physician assistants or certified osteopathic physician assistants working in county public health units to assess patients and order medications is reenacted. An annual report requirement is deleted, and a requirement for periodic inspection by a consultant pharmacist is imposed. These same provisions are contained in COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 748 (CHAPTER 90-232) summarized above.

The enactment makes several technical and substantive changes in a number of health care topics in existing statutes: the Health Care Responsibility Act of 1988 (Sections 154.301-154.316, F.S.); the Shared County and State Health Care Program for Low-Income Persons (Section 409.2673, F.S.); the Medical Education Tuition Reimbursement Program (Section 240.4067, F.S.); the Nursing Student Loan Forgiveness Program (Section 240.4075, F.S.); the medically indigent demonstration projects, which are redesignated as the Area Health Education Center Network (Section 409.2661, F.S.); the Optional State Supplementation program (Section 409.212, F.S.); the Florida Small Business Health Access Corporation (Sections 409.701 and 409.7015, F.S.); and the licensing, regulation and designation of rural hospitals (amending Sections 395.002, 395.01465 and 395.102, F.S., and creating Section 395.104, F.S.).

Medicaid third-party liability provisions are rewritten and greatly expanded to bring Florida law into compliance with federal law and to address a number of recurring recovery problems through the creation of Section 409.2665, F.S. Similar provisions are contained in COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 748 (CHAPTER 90-232) summarized above.

The act requires the Health Care Cost Containment Board to study the pooling of state and local government purchasing of health care.

Also included is a requirement that the Task Force on Government Financed Health Care evaluate the establishment of a single, publicly financed, statewide, universal health access insurance program and a requirement that the Florida Task Force on Private Sector Health Care Responsibility establish a plan for the provision of health insurance for those employees in the state who are not provided employment-based health insurance.

The measure provides additional statutory detail for liability insurance for health care services pools (Section 402.48, F.S.). These same provisions are contained in COMMITTEE SUBSTITUTE FOR HOUSE BILL 2705 (CHAPTER 90-158) summarized below.

The act requires an interim study of the regulation of lay midwives.

The enactment exempts from Health Care Cost Containment Board budget penalties hospital disproportionate share revenue.

The law revises Sections 407.01 and 407.11, F.S., to authorize the Health Care Cost Containment Board to provide health promotion technical assistance and provides an appropriation from the Health Care Cost Containment Trust Fund for this purpose.

Finally, the act directs the Department of Health and Rehabilitative Services to evaluate the current Medicaid nursing home reimbursement methodology, to conduct a 5-year study of all Medicaid provider reimbursement rates, and establishes the Medicaid Research and Development Trust Fund to be used for these and other Medicaid studies. Selected provisions of the act take effect October 1, 1990.

**Trauma**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 619 (CHAPTER 90-284) is "The Roy E. Campbell Trauma Act of 1990." The act is largely based on "A Report and Proposal for State-Sponsored Trauma Centers," required by Chapter 89-275, Laws of Florida. The measure creates Section 395.033, F.S., effective January 1, 1991, to provide for a network of state-sponsored trauma centers through 19 trauma service areas based on patient flow patterns with a minimum of one trauma center in each area and a maximum of 44 state-sponsored trauma centers.

Sections 395.0335 and 395.034, F.S., are created to provide the process for the selection and continued funding of state-sponsored trauma centers for a 7-year verification period based on programmatic and quality of care standards. The act specifies how the $20 million appropriated in the General Appropriations Act for trauma care is to be spent for currently verified trauma centers and provisional state-sponsored trauma centers for the application and review period during the 1990-1991 fiscal year. This includes up-front funding for the existing verified trauma centers effective October 1, 1990, for which they must submit claims for services rendered. The measure provides for a trauma cost-based reimbursement methodology for funding provisional state-sponsored trauma centers during fiscal year 1991-92 based on uncompensated care patient volume and trauma acuity. [The intent of this funding is not to fully reimburse a trauma center for care rendered to a trauma patient but to provide sufficient financial incentives for hospitals to participate in a *system* of trauma care.]

The act also requires the Department of Health and Rehabilitative Services to conduct two trauma-related studies: the impact of firearms and alcohol on trauma, and the potential uses of Title XIX (Medicaid) and other federal funds for the financial support of the trauma system.

Finally, the enactment amends Section 409.266, F.S., to provide increased reimbursement, out of the Emergency Medical Services Trust Fund, for Medicaid emergency medical services air and ground transportation. Most provisions of this law take effect on October 1, 1990.

**Regulation of Health Care Providers**

COMMITTEE SUBSTITUTE FOR SENATE BILL 74 (CHAPTER 90-342) creates Part III of Chapter 483, F.S., consisting of Sections 483.600-483.624, F.S. The measure establishes the Cholesterol Screening Center Licensure Act, providing statutory standards for regulation of cholesterol screening by the Department of Health and Rehabilitative Services. Excluded from the provisions of the act is cholesterol screening done by: a hospital when performed under the supervision of that hospital's clinical laboratory; a clinical laboratory or the office of medical doctors, osteopaths, chiropractors or podiatrists where such screening is done solely for the diagnosis and treatment of the provider's own patients.

The measure specifically provides for: licensure issuance, renewal, denial, suspension, revocation and fees; administration of cholesterol screening centers by a governing body; screening center and equipment requirements; standards of operation as promulgated by rule of the Department of Health and Rehabilitative Services including staffing, performance standards, instrumentation, protocols and staff training; screening protocols and limitations; emergency transport protocols; maintenance and confidentiality of records; record audits and reports of such audits; periodic inspection by the Department of Health and Rehabilitative Services and public access to inspection reports; administrative penalties, emergency orders and moratoriums on admissions; and criminal penalties and injunctive relief. This law takes effect October 1, 1990.

SENATE BILL 518 (CHAPTER 90-101) creates Section 400.506, F.S., to provide for licensure of nurse registries as a distinct category of health care services provider. The enactment defines nurse registries by amendment to Section 400.462, F.S. Nurse registries are made exempt from the licensing requirements for home health agencies and are subject to licensing requirements established specifically for them under the provisions of the act.

The Department of Health and Rehabilitative Services is assigned administrative authority over the licensing of nurse registries and may seek injunctive sanctions, in addition to ordinary administrative sanctions, against nurse registries violating the licensure requirements.

The measure also establishes requirements for a plan of treatment for patients who are cared for in their own home by a nurse from a nurse registry. The licensure provisions of the act are subject to Regulatory Sunset Review (Section 11.61, F.S.) prior to October 1, 1993. Most provisions of the law take effect October 1, 1990.

By amending Section 400.487, F.S., HOUSE BILL 853 (CHAPTER 90-61) repeals the optional biweekly telephone assessment by a physician or a nurse of patient satisfaction with health care provided by a home health agency. The enactment also repeals the requirement that any expressed dissatisfaction be relayed to the agency's administrator who is then required to take appropriate follow-up action.

SENATE BILL 1028 (CHAPTER 90-348) amends Section 154.209, F.S., to authorize a health facilities authority to establish and maintain accounts receivable programs on behalf of health facilities through issuance of bonds and other forms of indebtedness, regardless of whether or not a facility is within the health facilities authority's geographic boundaries. Such indebtedness is deemed a project. Section 154.245, F.S., is revised so that accounts receivables programs are not made subject to certificate-of-need review.

The act amends the Maximum Allowable Rate of Increase (MARI) formula set out in Section 407.002, F.S., which is the statutorily mandated formula calculated by the Health Care Cost Containment Board for the permissive rate of increase in a hospital's gross revenues in the upcoming budget year. A factor has been added to include adjustment in the formula for patients whose costs of care are reimbursed under the Civilian Health and Medical Programs for the Uniformed Services (CHAMPUS), i.e., patients who are either active or retired military personnel and their dependents.

The last provision in the enactment revises the Uniform System of Financial Reporting for Nursing Homes found in Section 407.31, F.S., by requiring nursing homes to submit information about their laundry service charges assessed residents as part of the already required monthly financial report to the Health Care Cost Containment Board. The requirement applies to all laundry services, except dry cleaning, for which a nursing home resident is assessed a separate charge. This law takes effect January 1, 1991. (Also summarized below.)

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1151 (CHAPTER 90-367) creates Section 401.291, F.S., to provide legislative findings and intent for and authorizes the use of automatic and semiautomatic external defibrillators (AED) by individuals who meet a basic level of training and who operate under protocol of an Emergency Medical Services (EMS) director as part of a locally coordinated emergency response team. The training must consist of certification in cardiopulmonary resuscitation, successful completion of an 8-hour basic first aid course, demonstrated proficiency in the use of an automatic or semiautomatic defibrillator and successful completion of at least 6 hours of training in at least two sessions to include specified AED use-related topics. The act specifies the contents of written procedures and protocols which must be established prior to an EMS director's authorization of AED use. An effective date of October 1, 1990, is established for this measure.

COMMITTEE SUBSTITUTE FOR SENATE BILL 2262 (CHAPTER 90-214) revises the Uniform System of Financial Reporting for Nursing Homes by requiring nursing homes to submit information about laundry service charges they assess their residents as part of the already required monthly financial report to the Health Care Cost Containment Board. The requirement applies to all laundry service, except dry cleaning, for which a nursing home resident is assessed a separate charge. (Also summarized above.)

COMMITTEE SUBSTITUTE FOR SENATE BILL 2316 (CHAPTER 90-187) creates Section 395.072, F.S., to require regulation of utilization review businesses under the auspices of the Department of Health and Rehabilitative Services. The act requires private review agents to register annually with the Department of Health and Rehabilitative Services and pay a registration fee of no more than $250. The measure limits who may perform utilization review and specifies what information must be provided at the time of registration. Insurers are prohibited from contracting with a private utilization review agent who has not registered or whose registration has been revoked. Private review agents are exempt from the provisions of the act for utilization review of services provided under the Medicaid or Medicare program while under contract with the federal or state government. The act is effective October 1, 1990.

HOUSE BILL 2045 (CHAPTER 90-125) directs the Department of Health and Rehabilitative Services to establish and implement a Medicaid nursing home reimbursement plan which utilizes a rate-setting mechanism whereby reimbursement rates are reasonable and adequate to cover costs in an efficient and economically operated facility in the provision of care and services in conformance with applicable state and federal standards and to ensure reasonable geographic access. Calculations of any maximum rate of payment shall be based on scientifically valid analysis and conclusions derived from objective statistical data. The enactment also provides for interim rate adjustments for rural facilities with a high Medicaid caseload which experience a nursing shortage.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2705 (CHAPTER 90-158) clarifies, through revision of Section 402.48, F.S., the requirement that health care services pools carry professional liability insurance by creating a proof of financial responsibility requirement as a condition for obtaining a certificate of registration from the Department of Business Regulation, applicable to claims for incidents occurring on or after January 1, 1991. Proof of financial responsibility must be established at the time of issuance or renewal of the certificate of registration beginning on January 1, 1991. The Department of Business Regulation is required to suspend the license of a health care services pool that fails to comply with the requirement through inadequacy of coverage, nonrenewal of coverage or cancellation of coverage. The suspension is effective until the pool demonstrates compliance. The measure specifies several acceptable alternatives for meeting the financial responsibility requirement.

The enactment amends the financial responsibility requirements for physicians, osteopathic physicians and hospitals, respectively, (Sections 458.320, 459.0085 and 766.110, F.S.) by authorizing hospital self-insurance coverage of medical staff, as specified, to meet the physician's financial responsibility requirements when coverage of medical staff is provided for in at least the minimum amounts required of physicians and osteopathic physicians. This provision applies only to physicians in hospitals that are verified trauma centers as of July 1, 1990, and that have provided self-insurance coverage continuously to members of their medical staff for activities both inside and outside the hospital since January 1, 1987.

**Teenage Pregnancy**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1739 (CHAPTER 90-358) addresses Florida's increasing teenage pregnancy rate by mandating instruction in reproductive health for all students in grades kindergarten through 12 and providing access to health care through grants for school health services in medically under-served areas of the state.

To help children make informed and constructive decisions about their lives, the Department of Education is directed pursuant to a revised Subparagraph 233.067(4)(c)8., F.S., to develop curricula on reproductive health, parenting and interpersonal skills, and the consequences of early sexual involvement, teenage pregnancy, substance abuse, and suicide. Subject materials must be appropriate to the grade level and values must be consistent with those of the community. School districts shall be encouraged to provide written materials on reproductive health to parents as well as opportunities for parents to become informed about the instruction their children are receiving. Parents may exempt their children from reproductive health instructional activities by written request (Paragraph 230.2319(5)(a), F.S.).

The act also creates Section 402.321, F.S., to provide funding for school health services to schools that are medically under-served or where there is a high incidence of teenage pregnancy, low birth weight babies or infant morality. School districts may apply to a joint committee of representatives from the Departments of Education and Health and Rehabili-

tative Services for funding for model school health programs. In their applications, school districts must state the goals of their proposed school health services program, provide specific plans for reducing teenage pregnancy and describe all of the health services to be available to students. Only those applications which have been developed jointly by county public health units and local school districts shall be eligible for funding. Each school district that is funded must provide a mechanism through which a parent may, by written request, exempt a child from all or certain services provided by a school health services program.

The law provides an annual appropriation of $3 million to the Department of Education to fund the expansion of the comprehensive health education and substance abuse prevention curriculum. An appropriation of $2.9 million in fiscal year 19 90-91 and $9.6 million annually thereafter is provided to the Department of Health and Rehabilitative Services to fund the school health services programs. These funds come from the revision of Subsection 212.02(1), F.S., for removal of the sales tax exemption on memberships to physical fitness facilities, with the exception of physical fitness facilities owned by hospitals. Under prior law, physical fitness facilities with swimming pools were taxed, but those with lap pools or no pools were not. In this enactment all physical fitness facilities are taxed.

In addition, the responsibilities of the Offices of Prevention, Early Assistance, and Child Development within the departments of Education and Health and Rehabilitative Services set out in Section 411.222, F.S., are expanded to require the planning and coordination of programs designed to prevent early sexual activity and teenage pregnancy in high-risk children and their families.

The size of the State Coordinating Council for Early Childhood Services is increased from 27 to 30 members. The new members shall have expertise in programs that prevent teenage sexual activity and pregnancy.

### Safety, Prevention, and Education

COMMITTEE SUBSTITUTE FOR HOUSE BILL 229 (CHAPTER 90-141) revises Section 318.18, F.S., to provide a funding source for the implementation of epilepsy prevention and education programs by imposing a $5 surcharge on civil penalties for the violation of child restraint requirements and safety belt requirements. Such funding shall be deposited in the Epilepsy Services Trust Fund which the act creates by amending Section 385.207, F.S. The measure also provides the Department of Health and Rehabilitative Services with general rulemaking authority for the epilepsy program. October 1, 1990, is the effective date of this law.

COMMITTEE SUBSTITUTE FOR SENATE BILL 494 (CHAPTER 90-47) creates Section 514.071, F.S., thereby establishing a new regulatory requirement for the certification of swimming instructors and lifeguards employed at public pools. Such certification must be by the American Red Cross, the YMCA or other nationally recognized aquatic training programs. Certification must include first aid and cardiopulmonary resuscitation along with specific certification as a swimming instructor or lifeguard. The enactment authorizes the Department of Health and Rehabilitative Services to enjoin the operation of a public pool that employs noncertified swimming instructors or lifeguards. The act also directs the Department of Health and Rehabilitative Services to adopt rules for the implementation of these requirements.

School districts are authorized to offer courses or programs designed to promote water safety pursuant to new Section 233.0643, F.S. Additionally, school districts are authorized to utilize an existing, or to develop their own, model water safety curriculum for use in such courses and to provide this model curriculum to the general public. An effective date of October 1, 1990, is provided for this law.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 2196 (CHAPTER 90-199) creates a not-for-profit corporation called the Florida Healthy Kids Corporation which is to organize school children groups in order to facilitate the provision of preventive health care services to children and comprehensive health insurance coverage to children and their family members. The Corporation is limited to operating in four pilot sites. The duties and powers of the Corporation are specified. The measure establishes a 12-member board of directors for the Corporation to be chaired by the Insurance Commissioner or his designee. The enactment also establishes the Florida Healthy Kids Trust Fund and provides an appropriation of $83,500 from the General Revenue Fund to the Florida Healthy Kids Trust Fund for fiscal year 1990-91. The Corporation is authorized to have access to student medical records upon receipt of permission from a parent or guardian of the student and is required to maintain the confidentiality of any confidential information contained in the student medical records.

### AIDS

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1023 (CHAPTER 90-292) is the 1990 Acquired Immune Deficiency Syndrome (AIDS) act. The measure revises Section 381.609, F.S., to provide the process and procedures to be followed for human immunodeficiency virus (HIV) testing of a source party in those instances involving a significant exposure of health care workers when blood is available or when exposure occurs during emergency medical treatment, or when law enforcement or rescue personnel receive a significant exposure from a prostitute (Section 796.08, F.S.).

The act authorizes HIV testing, without consent, of abandoned, hospitalized infants when medically indicated and when a parent cannot be located to provide consent for such testing and authorizes the sharing of HIV test results with the person who is responsible for such child's welfare upon hospital discharge (Section 381.609, F.S.).

The measure also repeals references to AIDS education requirements for the following DHRS-licensed health care professionals for whom the deadline date for course completion has passed: emergency medical technicians, paramedics, lay

midwives, radiology technologists and clinical laboratory staff (Section 381.042, F.S.).

Finally, the act makes technical corrections related to the middle school AIDS education requirements (Section 230.2319, F.S.) and the determination of organ and tissue suitability for transplant specifications (Section 381.6105, F.S.).

**Mosquito Control**

SENATE BILL 1584 (CHAPTER 90-90) amends Chapter 388, F.S., relating to mosquito control to encourage the expansion of mosquito control into uncontrolled areas, modify the existing funding formula for aid to local governments (Section 388.261, F.S.) and modify the purpose for which such local government financial assistance may be used (Section 388.281, F.S.). The act revises Section 388.42, F.S., to rename the state's mosquito control laboratory as the "John A. Mulrennan, Sr., Arthropod Research Laboratory," and authorizes the use of local government mosquito control appropriations for funding for the laboratory. The law also amends Section 388.46, F.S., to reduce the frequency of meetings of the Coordinating Council on Mosquito Control. These provisions take effect January 1, 1991.

**Life-Prolonging Procedures**

HOUSE BILL 513 (CHAPTER 90-223) revises Section 765.03, F.S., to clarify that sustenance, otherwise not to be included in the definition of life-prolonging procedure, may be expressly and affirmatively declined in a written declaration of preferences related to life-prolonging procedures.

The act enacts a provision for the withholding or withdrawing of sustenance and hydration in accordance with a written declaration as set out in Section 765.05, F.S. A patient's next of kin has the right under new Section 765.075, F.S., to veto the written declaration for a reasonable amount of time but is not authorized to approve withholding or withdrawing of sustenance on a relative's behalf. Declarations executed in another state and in compliance with that state's laws or valid under Florida law are deemed valid and recognizable in Florida pursuant to new Section 765.17, F.S. The law has an effective date of October 1, 1990.

**Open Government Sunset Review**

SENATE BILL 372 (CHAPTER 90-10) repeals, effective October 1, 1990, the requirement that blood-products businesses submit financial reports to the Department of Health and Rehabilitative Services and the requirement that the Department of Health and Rehabilitative Services develop a uniform system of reporting as provided in Subsection 381.601(6), F.S.

SENATE BILL 390 (CHAPTER 90-344) revises Section 402.32, F.S., to specify that the authority to maintain the confidentiality of individual student health records is contained in Section 228.093, F.S. The act reenacts and makes subject to future review under the Open Government Sunset Review Act (Section 119.14, F.S.) the following exemptions from the open government laws: infant screening registry case information (Section 383.14, F.S.), test results and the identity of persons tested for infection with the human immunodeficiency virus (Sections 381.609 and 381.6105, F.S.), information from sexually transmissible disease contact investigations and the identity of such persons in court proceedings and Department of Health and Rehabilitative Services' records of persons who are known or suspected to have a sexually transmissible disease (Sections 384.26, 384.282, 384.29 and 384.30, F.S.), information and proceedings relating to probable cause panels investigating medical examiners (Section 406.075, F.S.), trauma registry data (Section 395.035, F.S.), information from tuberculosis contact investigations (Section 392.54, F.S.) and the identity of such persons in court proceedings (Section 392.545, F.S.) and Department of Health and Rehabilitative Services' records of persons who are known or suspected to have tuberculosis (Section 392.65, F.S.), proceedings and records of peer review panels in hospitals and ambulatory surgical centers (Section 395.0115, F.S.), hospital and ambulatory surgical center patient records (Subsection 395.017(6), F.S.), meetings and records of hospital and ambulatory surgical center risk management committees and governing boards (Section 395.041, F.S.), patient identity and patient-identifying information in reports by emergency medical services providers to the Department of Health and Rehabilitative Services (Section 401.30, F.S.), complaints and information from investigations of complaints against emergency medical services providers (Section 401.414, F.S.), patient medical information released for research and medical education purposes (Sections 405.02 and 405.03, F.S.), patient records obtained by the Health Care Cost Containment Board (Sections 407.12 and 407.23, F.S.) and hospital and ambulatory surgical center accreditation reports received by the Department of Health and Rehabilitative Services (Sections 395.006 and 395.008, F.S.). The act creates an exemption from the Public Records Act for certain employee records in public hospitals (Subsection 395.017(7), F.S.) and prohibits the Department of Health and Rehabilitative Services from collecting data from hospitals that identifies individual patients for purposes of certificate-of-need review (Section 395.005, F.S.). The act takes effect on October 1, 1990.

HOUSE BILL 391 (CHAPTER 90-3) reenacts, effective October 1, 1990, the public records exemption for birth center clinical records inspected by the Department of Health and Rehabilitative Services found in Section 383.32, F.S. The exemption is made subject to future review under the Open Government Sunset Review Act.

HOUSE BILL 2271 (CHAPTER 90-5) reenacts the public records exemption for records, reports, or documents used as the basis of, or obtained in connection with, the production of Department of Health and Rehabilitative Services' inspection reports of birth centers (Section 383.325, F.S.). The exemption is made subject to future review under the Open Government Sunset Review Act. The law is effective October 1, 1990.

HOUSE BILL 2289 (CHAPTER 90-6) reenacts the public records exemption for information obtained by the statewide cancer registry which identifies or could result in identification of cancer patients (Section 385.202, F.S.). The exemption is made subject to future review under the Open Government

Sunset Review Act. An effective date of October 1, 1990, is provided.

HOUSE BILL 3629 (CHAPTER 90-336) reenacts the public records exemption for pregnancy termination reports submitted by abortion clinics and physicians to the Department of Health and Rehabilitative Services (Section 390.002, F.S.). Besides reenacting the exemption, the act imposes a $200 fine for each violation of the requirement to keep records or file required reports within 30 days following the preceding month. These provisions have an October 1, 1990, effective date.

## INSURANCE*

### Sunset of Chapter 626 (Insurance Agents)

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3621 (CHAPTER 90-363) is an insurance Sunset act that reenacts and revises Chapter 626, F.S., Insurance Field Representatives and Operations. This chapter regulates all types of insurance agents, solicitors, and adjusters and also contains laws relating to unfair insurance trade practices, unauthorized insurers, surplus lines insurance, insurance administrators, and health care risk managers.

The major changes in the legislation include the following:

1. Single-license concept--Presently, insurance agents and other licensed representatives receive a separate license for each insurer or other entity represented. Under the new law, only one license would be issued by the state and separate "appointments" would be made by insurers and other entities represented.
2. Managing general agents (MGAs)--The definition of an MGA, who in actual practice often exercises significant control over the operations and the solvency of an insurer, is made much more specific, based on the model bill of the National Association of Insurance Commissioners. The act defines an MGA as one who produces premiums equal to or more than 5 percent of the surplus of an insurer and who either (1) adjusts or pays claims, or (2) negotiates reinsurance on behalf of the insurer. Certain exceptions are provided. The act then imposes specific requirements for contracts between insurers and their MGAs, which are designed to limit the powers of an MGA and to provide insurers with sufficient knowledge and control of an MGA's operations.
3. Brokering (Exchange of business)--Additional requirements are imposed upon insurers which accept business from agents they do not appoint. Any insurer accepting business under this method must report the name, address and other information of each agent from which the insurer receives more than 24 personal lines risks per year and pay an annual $20 fee per agent. The law provides that an MGA or insurer shall be liable to the insured for coverage arising under the policy and for the acts of the agent in producing that business. The MGA or insurer is also accountable to the insured for violations of the brokering law and for misappropriation of funds by brokering agents. Payment to the agent constitutes payment to the insurer, regardless of fraud on behalf of the agent.
4. Rebating--[In 1986 the Florida Supreme Court declared as unconstitutional the statutory prohibition against agents rebating commissions to their customers. However, the court case did not clearly address other statutory provisions which were later interpreted by the Department of Insurance as restricting the practice of rebating. Consistent with the Department's interpretations,] the new legislation prohibits agents from rebating except as follows: (1) the rebate must be in accordance with a rebating schedule filed by the agent with the insurer; (2) rebating must be uniformly applied so that all insureds who purchase the same policy through the agent for the same amount of insurance receive the same percentage rebate; (3) rebates may not be given to an insured with respect to a policy from an insurer that prohibits its agents from rebating commissions; (4) the rebate schedule must be prominently displayed in public view with free copies available, and the agent must maintain a copy of all rebate schedules for 5 years; (5) the availability or amount of the rebate may not be based on the age, sex, place of residence, race, nationality, ethnic origin, marital status, occupation of the insured, location of the risk, or any other factor which is unfairly discriminatory; and (6) no rebate may be refused or granted based upon the purchase or failure to purchase collateral business.
5. Banks selling insurance--An exception was added to the general prohibition in Section 626.988, F.S., against insurance agents engaging in insurance agency activities on behalf of a financial institution. This section is amended to provide that if a federally chartered bank begins selling annuities in Florida, then state chartered financial institutions would also be permitted to do so. If the federal bank is enjoined in Florida from selling annuities, then state financial institutions would also be prohibited from selling annuities. [This change was made in recognition of a recent opinion letter from the Office of the Comptroller of the U.S. Currency which stated that the federal law does not prohibit federally chartered banks from selling annuities and that federal law preempts provisions of Florida law that purport to prohibit a national bank from selling variable rate annuities. If this opinion is correct and federal banks are permitted to sell annuities in Florida, state banks would be at a competitive disadvantage if they were not also permitted to sell annuities.]
6. Auto insurance surcharges and nonrenewal--Additional restrictions are placed upon auto insurers against surcharging or nonrenewing policies due to an accident. The act provides that an insurer may not surcharge or nonrenew a policy due to an accident unless the insured was at fault. Also, an insurer may not refuse to renew a policy if the insured has had only one at-fault accident in the most recent 3-year period. However, an insurer would be permitted to nonrenew a policy if the insured has had three or more accidents, regardless of fault, during the most recent 3-year period. The law also prohibits insurers from surcharging or non-

*Prepared by House Insurance Committee

renewing policies because of any traffic infraction when adjudication has been withheld and no points have been assessed.

7. Other changes--The legislation also requires all new licensure applicants to submit a set of fingerprints to the Department; authorizes the Department to bring a civil action on behalf of parties injured by an unauthorized insurer; creates a new licensure category for a customer representative who would work for an insurance agent and have limited powers to transact insurance; clarifies the authority that may be given by agents to nonlicensed agency personnel; imposes additional responsibilities upon the primary agent designated in an insurance agency for the actions of employees in the agency; and specifies the requirements for allowing business to be placed in the surplus lines market rather than with an authorized insurer. These provisions became effective on October 1, 1990.

**State Comprehensive Health Association**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 3489 (CHAPTER 90-334) re-enacts the State Comprehensive Health Association (SCHA) and renames the SCHA to be known as the Florida Comprehensive Health Association. It revises the entities responsible for funding the deficit of the SCHA. The funding source placed in the law expands the base for funding the program by including insurers offering minimum premium plans and stop-loss coverage, health maintenance organizations, multiple-employer welfare arrangements, prepaid health clinics and fraternal benefit societies. Insurers, as expanded by the terms of the act, are required to pay up to a specified amount ranging from $15,000 to $700,000 depending on the insurer's premium volume.

The insureds are also required to take on a larger burden for funding the plan through increased premiums. There will be a three-level premium scale for low-risk, medium-risk, and high-risk individuals. Beginning in 1991, low-risk individuals will pay up to 200 percent of the standard-risk rate, medium-risk individuals will pay up to 225 percent, and high-risk individuals will pay up to 250 percent. In 1992 and thereafter, these maximum rates increase to 200, 250, and 300 percent, respectively. The premiums charged for the different levels will be based on the individual's health condition and expected claims.

The new board of directors will consist of three members. The make-up of the board of the SCHA has been revised to include the Insurance Commissioner as the chairman, a policyholder representative and an insurer representative.

The legislation also requires the SCHA to provide benefits patterned after those provided pursuant to the state group health insurance program. The board will be required to implement cost containment measures which may include contracting with a preferred provider network and a health maintenance organization system, preadmission certification, case management and negotiating purchases of medical and pharmaceutical supplies. Except as otherwise provided, the law has an effective date of October 1, 1990.

**Motor Vehicle and Miscellaneous Insurance**

COMMITTEE SUBSTITUTE FOR SENATE BILL 2670 (CHAPTER 90-119) makes miscellaneous insurance law changes including many changes in the area of motor vehicle insurance. The significant motor vehicle insurance changes are as follows:

1) a penalty ($32 fine) is required for failing, refusing or neglecting to make a timely accident report;
2) if any person fails to use a seat belt it shall not be considered in mitigation of damages but rather may be used for consideration as comparative negligence in a civil action;
3) those vehicles are exempted that have a retail value of $1,500 in undamaged condition from being determined as unrebuildable and a total loss if the repair costs exceed 80 percent of the value;
4) the vehicle identification number (VIN) is required on the proof-of-purchase auto insurance card;
5) drivers who are convicted or plead nolo contendere to certain traffic offenses are required to take a driver safety education course;
6) all drivers involved in accidents are subject to the Financial Responsibility Law (Chapter 324), regardless of fault;
7) suspension of the license and registration for an unsatisfied judgment would not apply if the Department of Highway Safety and Motor Vehicles determines that an insurer was obligated to pay the judgment upon which the suspension was based, but failed to do so;
8) clarifying changes are made to comply with recent court interpretations of the civil remedy statute (Section 624.155, F.S.) which allows an individual to bring a civil action against an insurer for certain violations;
9) the Department of Insurance (DOI) is required to publish complaint ratios of motor vehicle insurers;
10) insurers are allowed to impose a surcharge if the policyholder has three noncriminal traffic infractions within 36 months. [Present law allows a surcharge for two infractions within 18 months];
11) an exemption is created in the unfair insurance trade practices law relating to the insured's or applicant's failure to agree to place collateral business with any insurer by allowing an insurer writing umbrella liability insurance to require the policyholder to maintain underlying coverage with a particular insurer;
12) the automobile insurance rating law (Section 627.0651, F.S.) is conformed to those used for other types of property and casualty coverage (Section 627.062, F.S.), to provide for refunds to policyholders if an insurer implements a rate increase later determined by the Department to be excessive;
13) single zip code rating by auto insurance companies is prohibited;

14) costs due to bad faith, punitive damages, and other taxable costs associated with judgments which award punitive damages as expenses in an auto insurer's rate filing are disallowed;
15) a pilot study in a south Florida county is authorized that will designate the entire county as a single-rating territory for personal injury protection (PIP) coverage. The DOI will report to the Legislature in January 1992 regarding the effect of implementing the program on a statewide basis;
16) a discount on bodily injury (BI), property damage (PD) and collision rates of motor vehicles equipped with antilock brakes, antitheft devices and one or more air bags is mandated;
17) the nonjoinder statute is amended to allow an insurer to be joined in a suit after the verdict, and prior to the judgment in a law suit;
18) any named insured rather than all named insureds are allowed to select uninsured motorist coverage (UM);
19) binding arbitration of PIP medical payment disputes between insurance companies and health care providers is provided;
20) insurance agents are required to inspect a private passenger motor vehicle prior to the issuance of physical damage coverage, including collision or comprehensive coverage. Counties with a population of less than 500,000 are exempt;
21) language in policies to provide for presuit mediation of claims disputes is mandated;
22) laws relating to offer of judgment and demand for judgment are modified;
23) the penalty is increased for falsifying an application for motor vehicle insurance from a second-degree misdemeanor to a first-degree misdemeanor;
24) insurers in the state are required to submit to the DOI a report showing the rate impact of this legislation 2 years after the effective date; and
25) a pilot study by the DOI is authorized to study the feasibility of requiring certain forms of insurance to be made available by the office of each tax collector where motor vehicle registrations and license plates are sold.

This act also revises the information required to be contained in the annual reports issued by the Department of Insurance; authorizes the Department to require insurers to provide audited financial statements based on statutory principles consistent with the insurance laws of the state of domicile; revises certain allowable investments; clarifies the valuation of certain assets; increases fees for service of process upon the Department; revises certain notice requirements; requires certain life insurance policy forms to include a reduced paid-up nonforfeiture benefit; revises underwriting restrictions in the sale of credit life and credit disability insurance; deletes certain insurer reporting requirements; and specifies a delivery time for home warranty contracts.

The law also provides exemptions from or revisions in application requirements, acquisition filings, annual filings and dissolution or liquidation proceedings relating to a service warranty association for manufacturers of products who sell warranties on those products which they manufacture. To qualify as a manufacturer for the purposes of the exemptions or revisions, an entity or affiliate thereof must: derive a majority of its revenue from the sale of a product which it manufactures; issue service warranties only for those products; be listed and traded on a recognized stock exchange; be listed in the National Association of Security Dealers Automated Quotation system; be publicly traded in the over-the-counter securities markets and be required to file specified forms with the United States Securities and Exchange Commission; if maintaining outstanding debt obligations, it must be in the top four rating categories by a recognized rating service; have and maintain a minimum net worth of $10 million; and be authorized to do business in Florida. Aside from certain exemptions, the law becomes effective October 1, 1990.

**Medicare Supplement Insurance**

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 1575 AND 1975 (CHAPTER 90-257) amends the provisions relating to Medicare Supplement insurance to comply with the federal minimum standards as set forth in the National Association of Insurance Commissioners (NAIC) Model Act of 1989. The act makes the following amendments to current law:

1) deletes the list of benefits from statute and instructs the Department of Insurance to promulgate rules establishing minimum policy standards and optional policy benefits consistent with federal minimum standards;
2) insurers are prohibited from cancelling or refusing to renew for any reason other than nonpayment of premium or material misrepresentation without the approval of the Department of Insurance;
3) if a policy is replacing another policy, the replacing insurer is required to waive all time periods applicable to waiting periods, preexisting conditions, elimination periods, and probationary periods to the extent that the time was spent under the replaced policy;
4) the Department is directed to promulgate rules governing compensation arrangements between insurers and agents based on the guidelines set forth in the NAIC Model Regulations;
5) insurers are required to establish marketing procedures to assure that agent comparisons of policies are fair and accurate and to assure that excessive insurance is not sold;
6) agents are required to make every reasonable effort to determine the appropriateness of a purchase or replacement;
7) insurers are prohibited from knowingly making a misleading misrepresentation or incomplete or fraudulent comparison of a policy or insurer in an effort to induce a person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert a policy or to take out a policy with another insurer;
8) any marketing method having the effect of or tending to induce the purchase of insurance through force,

fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance is prohibited; and

9) the sale of a policy is prohibited if the sale will provide the policyholder with more than one policy and if the coverage insures more than 100 percent of medical expenses covered.

**Health and Miscellaneous Insurance**

COMMITTEE SUBSTITUTE FOR SENATE BILL 2794 (CHAPTER 90-249) makes miscellaneous changes in the insurance laws. With regard to health insurance, the act requires that for group policies that are discontinued (cancelled or nonrenewed), the policy must continue benefits for maternity expenses for a pregnancy which commenced while the policy was in effect. The discontinued group policy must also extend coverage for at least 90 days for dental expense in connection with treatment due to a specific accident or illness incurred while the policy was in effect. Also, with regard to the individual conversion policy required to be offered by an insurer when an individual is no longer eligible for coverage under a group policy, the law requires the insurer to offer benefits for maternity, dental, alcohol and drug abuse, and mental and nervous disorders if any of these benefits were provided in the group plan. Another change affecting health insurance is the requirement that if an insurer cancels a health insurance policy, the insurer must promptly return the unearned premium computed on a pro rata basis. If the insured cancels the policy, the earned premium is to be computed by the use of the short-rate table last filed with the state insurance department where the insured resided when the policy was issued.

The legislation also allows a health insurer or Health Maintenance Organization (HMO) to offer a "basic policy" to an employer with fewer than 25 persons or to a group of such employers which would not be required to contain certain benefits otherwise mandated by law for health insurance policies. The policy would not have to include benefits and coverage for the coinsurance option (Section 627.6573, F.S.), midwives and birth centers (Section 627.6574, F.S.), prosthetic devices or reconstructive surgery incident to a mastectomy (Section 627.6612, F.S.), ambulatory surgical centers (Section 627.6616, F.S.), home health care services (Section 627.6617, F.S.), acupuncture (Section 627.6618, F.S.), mental and nervous disorders (Section 627.668, F.S.), and alcoholism and drug abuse (Section 627.669, F.S.). However, the insurer would have to offer all of the above coverages as an option to the employer for an appropriate additional premium.

The legislation also amends the commercial property and casualty excess profits law to have it apply to "earned premiums" rather than "direct earned premiums" in order to allow an insurer to exclude premiums that are ceded to a reinsurer.

Other changes include authorizing the Department of Insurance to waive the deposit requirement for foreign insurers for good cause; exempting statutory legal reserves on annuities maintained by insurance companies from the intangible tax; authorizing medical malpractice self-insurance trust funds to reasonably invest trust funds; strengthening the requirements for commercial self-insurance trust funds by allowing the Department to limit the premium writings and requiring that the sponsoring trade association be a bona fide association that does not discriminate against members that do not buy insurance; providing that any deviation for an insurer approved by the Department for a workers' compensation insurer would be the maximum deviation and that the actual deviation could be determined on a risk-by-risk basis; providing certain exceptions from the annual rate filing requirements; and extending the repealer date of provisions for a restrictive license to practice medicine for certain persons who have been educated or trained in a foreign country. An effective date of October 1, 1990 is provided.

COMMITTEE SUBSTITUTE FOR SENATE BILL 970 (CHAPTER 90-85) specifies additional actions which are considered unfair settlement practices and requires the timely payment of health insurance benefits. This law specifies that it is an unfair claim settlement practice for an insurer to commit or perform the following with such frequency as to indicate a general business practice: (1) failing to promptly notify the insured of any additional information necessary for processing a claim; or (2) failing to clearly explain the nature of the requested information and the reasons why such information is necessary.

Language regarding the time for payment of claims is revised to require health insurers to reimburse all claims or any portion of a claim from the insured or the insured's assignee, for payment under a health insurance policy, within 30 days after receipt of the claim. The insurer must notify the insured within 30 working days if the claim is contested or denied. Upon receipt of additional information requested by the insurer from the insured, the insurer shall have 60 working days to contest or deny the claim. All overdue payments shall bear simple interest at the rate of 10 percent per year. Group, franchise, and blanket health insurers are also subject to these requirements.

Effective October 1, 1990, HOUSE BILL 983 (CHAPTER 90-255) requires multiple-employer welfare arrangement contracts, certain self-insured group policies, and out-of-state group policies to be in compliance with Section 627.419, F.S., the construction of policies statute, requiring payment to certain physicians for services which are within the scope of their license. Insurers will be required to make payment to dentists, optometrists, podiatrists and chiropractors for performing services if the policy or contract for insurance provides for the payment of procedures which are within the scope of the professional license of those "physicians" listed above.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2101 (CHAPTER 90-164) requires any health insurer writing health insurance in Florida, including any licensed self-insurer who negotiates and enters into a contract for alternative rates of payment with licensed health care providers to also contract with the health care providers listed in Subsections 627.419(3) and (4), F.S., which include optometrists, podiatrists and chiropractors for services which are within the scope of their license and which are otherwise covered by the policy. It also

requires that insurers provide reasonable access to the health care providers. These requirements become effective October 1, 1990.

Subsection 641.495(3), F.S., is amended effective October 1, 1990, by COMMITTEE SUBSTITUTE FOR SENATE BILL 556 (CHAPTER 90-213) to include the services of physicians, osteopaths, chiropracters and podiatrists in those services offered by health care providers as a prerequisite to certification by the Department of Insurance.

**Property and Casualty Insurance and Warranty Companies**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1657 (CHAPTER 90-149) creates Part XXII of Chapter 627, F.S., to establish standards for the uniform administration of mortgage insurance consolidations. A "mortgage insurance consolidation" is a program designed to reduce the number of insurance carriers for which a financial institution collects premiums. Mortgage insurance is life, accidental death, or disability insurance designed to pay off all or part of a mortgage loan in the event of the insured's death or disability. The law affects all mortgage insurance offered, issued, or delivered in this state, by mail or otherwise, in connection with consolidations. Also provided are specific disclosure requirements which will allow consumers to make choices regarding their mortgage insurance in the event of a consolidation. An effective date of October 1, 1990 is provided.

COMMITTEE SUBSTITUTE FOR SENATE BILL 2764 (CHAPTER 90-248) allows for the reduction in the cost of insurer examinations under certain circumstances; revises the time period for the replacement or reevaluation of certain assets; revises the factors determining when an allied lines company must file an acquisition application with the Department of Insurance; removes a requirement that the Department mail a notice to the domestic insurers specifying reciprocal states; clarifies the offset of reinsurance for the purposes of liquidation; allows certain captive insurers to receive a property and casualty license with a lesser surplus as to policyholders requirement; and allows HMOs to provide excess insurance to self-insurers and to contract out their health care provider network to other persons.

This act also amends Section 627.736, F.S., in the Florida Motor Vehicle No-Fault Law, to eliminate the requirement that a physician licensed under the same chapter as the treating physician prepare the report required by this section prior to an insurer withdrawing payment of a personal injury protection (PIP) claim of a treating physician. In addition, Section 627.7295, F.S., is rewritten to clarify under what conditions a motor vehicle insurance contract may be issued for a term of less than 6 months and the exceptions to the prohibition against a policy being cancelled by the insured during the first 2 months. This section is amended to also permit general lines agents to charge a $10 per-policy fee under certain circumstances when selling a motor vehicle insurance policy with minimum required coverage. These provisions are effective October 1, 1990.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2047 (CHAPTER 90-153) allows receivables from affiliated companies to be included in a motor vehicle service agreement company's or service warranty company's net assets if the obligations of the company are guaranteed by a qualified organization. It also specifically lists certain intangible assets which are not to be included in computing the net asset requirement. For motor vehicle service agreement companies, premium receivables under 45 days will be considered admitted assets.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2107 (CHAPTER 90-366) makes miscellaneous changes in the insurance laws. The act amends the commercial property and casualty excess profits law to have it apply to "earned premiums" rather than "direct earned premiums" in order to allow an insurer to exclude premiums that are ceded to a reinsurer. It also allows the Department of Insurance to exempt an insurer from an excess profits refund if the refund would financially impair the insurer. The law also exempts from the excess profits laws insurers that write coverage for certain commercial motor vehicles such as taxicabs and buses.

Other changes include authorizing the Department of Insurance to waive the deposit requirement for foreign insurers for good cause; exempting statutory legal reserves on annuities maintained by insurance companies from the intangible tax; strengthening the requirements for commercial self-insurance trust funds by allowing the Department to limit the premium writings and requiring that the sponsoring trade association be a bona fide association that does not discriminate against members that do not buy insurance; allowing a commercial self-insurance fund to become a mutual insurer under a plan approved by the Department; providing that any deviation approved by the Department for a workers' compensation insurer would be the maximum deviation and that the actual deviation could be determined on a risk-by-risk basis; and providing certain exceptions from the annual rate filing requirements.

SENATE BILL 1996 (CHAPTER 90-108) increases the maximum surplus from $10 to $20 million that an insurer may have in order to qualify as a limited apportionment company in the Florida Windstorm Joint Underwriters Association. As a limited apportionment company, the insurer would not be assessed for losses in the aggregate which exceed $50 million. This change to Section 617.351, F.S., takes effect on October 1, 1990.

**Fire Marshal**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2293 (CHAPTER 90-359) clarifies the application of the Department's uniform fire safety standards to "transient" public lodging establishments, including hotels, motels, and similar facilities as defined by Chapter 509, F.S.

Applicants for licenses or permits for servicing, recharging, repairing, testing, marking, inspecting, or installing fire extinguisher and preengineered systems received from the State Fire Marshal or applicants as contractors under this chapter are allowed to take an exam for any license no more than four

times in 1 year. Applicants who fail to pass the examination within 1 year after the application date must file a new application, pay the application and examination fees and complete the required course prior to being allowed to retake the examination.

The legislation prohibits persons from falsely assuming or pretending to be the State Fire Marshal, an agent of the Division of State Fire Marshal, a firefighter or fire safety inspector.

Firefighters convicted of a misdemeanor relating to misleading or false statements will be subject to revocation of their certificate.

The Division of State Fire Marshal is required to approve instructors as well as institutions and facilities used for training firefighters and firefighter recruits.

The law repeals provisions requiring the State Fire Marshal and Department of Education to jointly prepare rules for safety inspections of facilities under the administration of district school boards and of community college boards of trustees.

SENATE BILL 2772 (CHAPTER 90-189) expands the authority of the Department of Insurance's Division of State Fire Marshal to enter into agreements with public or private school districts, community colleges, junior colleges, or universities and to apply for federal and state grants to supplement funding for the Florida State Fire College.

The State Fire Marshal is required to develop a staffing and funding formula and the collection of data for the purpose of preparing the Fire College for classification as a specialized state educational institution pursuant to Chapter 242, F.S. [These requirements are placed on the Fire Marshal in an effort to make the Fire College a self-supporting unit without the necessity of having funds appropriated through the Insurance Commissioner's Regulatory Trust Fund.] An effective date of October 1, 1990 is provided.

**Liquified Petroleum Gas**

COMMITTEE SUBSTITUTE FOR SENATE BILL 2568 (CHAPTER 90-215) revises provisions relating to the sale of liquified petroleum gas, Chapter 527, F.S. The law clarifies certain definitions and identifies different categories of LP gas dealers, dispensers, operators, installers, requalifiers, fabricators, repairers and testers of vehicles and cargo tanks. It increases the license fees and requires the annual registration of each LP gas bulk delivery truck which is used for transportation of LP gas. The Department of Insurance is authorized to inspect vehicles used for sale, storage, transportation repair or installation of LP gas. The bond requirement for licensure is increased from $100,000 to $300,000 and the maximum penalty for a violation for the laws governing LP gas is increased from $1,000 to $3,000.

## LAW ENFORCEMENT AND CRIMINAL JUSTICE*

### Driving Under the Influence

COMMITTEE SUBSTITUTE FOR SENATE BILLS 112 AND 100 (CHAPTER 90-265) creates the Youthful Drunk Driver Visitation Program and authorizes the court to require certain driving under the influence (DUI) probationers to participate in the program which involves the observation of DUI accident victims at trauma centers, hospitals or morgues, or the observation of persons in the terminal stages of alcoholism or drug abuse. Although any DUI probationer may be required to participate in the visitation program, the court shall give preference to probationers who are less than 18 years of age.

The act creates Section 322.056, F.S., to provide for the mandatory revocation or suspension of, or delay of eligibility to receive, a driver's license for persons under 18 years of age who are found guilty of, or adjudicated delinquent for, a violation of Chapter 893, F.S., (drug abuse) Subsection 562.11(2), F.S., (misrepresentation of age to procure alcoholic beverages) or Section 562.111, F.S., (possession of alcoholic beverages by a person under age 21 unless that person is 18 or older and in the course of his or her employment serves alcohol on a licensed premises). A person's driver's license would be revoked or withheld for 3 to 6 months for the first violation and 1 year for a second violation.

For persons 18 years of age or older, the law amends Section 322.055, F.S., to provide that upon conviction for possession or sale of, trafficking in, or conspiracy to possess, sell or traffic in a controlled substance, the court shall require the person's driver's license to be revoked or withheld for a mandatory 2-year period or until the person is evaluated for and, if deemed necessary, completes a drug treatment and rehabilitation program. The act takes effect October 1, 1990.

### DUI-Ignition Interlock Devices

HOUSE BILL 245 (CHAPTER 90-253) creates Section 316.1937, F.S., to address the driving under the influence (DUI) issue and authorizes the court to require any person convicted of a DUI offense to operate only a motor vehicle equipped with an ignition interlock device. This is a breath-testing device which is installed in a motor vehicle in such a manner that the vehicle will not start if the operator's blood alcohol level is in excess of 0.05 percent. The use of an ignition interlock device may be required during the period of probation and is in addition to any other authorized DUI penalties. The devices are to be certified by the Department of Health and Rehabilitative Services (Section 316.1938, F.S.) and may be required as a prerequisite for reinstatement of driving privileges by the Department of Highway Safety and Motor Vehicles (Paragraph 322.271(2)(d), F.S.). The act takes effect October 1, 1990.

### Auxiliary Traffic Officers

HOUSE BILL 2159 (CHAPTER 90-66) amends Section 318.141, F.S., to authorize police and sheriffs' departments to employ specially trained auxiliary officers for the limited purpose of directing traffic and operating fixed traffic control devices. Individuals who successfully complete an approved course which includes at least 8 hours of instruction in traffic control procedures would be authorized to direct traffic or operate a traffic control device at a fixed location under the direction of a fully qualified law enforcement officer. Additionally, the act revises Subsection 27.3455(1), F.S., to authorize the court to assess an additional $50 court cost against a person who pleads nolo contendere to a misdemeanor or criminal traffic offense under Paragraph 318.14(10)(a), F.S. This section includes offenses such as operating a motor vehicle without: a valid operator's license, a valid registration, or proper proof-of-insurance. Currently, those persons pay court costs of either $7 or $22 depending on the offense.

### Drug Offenders/State Employment

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 276 (CHAPTER 90-266) creates Section 775.16, F.S., to provide that applicants for state employment who have been convicted of felony drug violations shall be disqualified unless they complete all terms of imprisonment or supervisory sanctions imposed by the court, Parole Commission or by law, or comply with conditions which are monitored by the Department of Corrections while applicants are under any supervisory sanctions.

In these cases, the applicant under supervision may: 1) seek evaluation and enrollment in, and continue enrollment in, a drug treatment and rehabilitation program approved by the Department of Health and Rehabilitative Services, unless it is determined that the person does not have a substance abuse problem; and 2) submit to periodic urine drug testing pursuant to procedures developed by the Department of Corrections and, in the case of indigents, paid for by that Department.

Similar provisions are applicable in the case of persons who, as a result of felony drug convictions, are disqualified from applying for a license, permit or certificate required to practice, pursue or engage in any occupation, trade, vocation, profession or business. However, the applicant may be considered when he: 1) seeks evaluation and enrollment in, and continues enrollment in, a drug treatment and rehabilitation program; 2) submits to periodic urine drug testing; or 3) completes a Correctional Education School Authority program.

The legislation also revises Section 893.11, F.S., to address persons whose business and professional licenses have been suspended or revoked because of specified felony drug convictions. If the person establishes that his civil rights have been restored or shows that he has complied with conditions

*Prepared by House Criminal Justice Committee

identical to those relating to an applicant who has been disqualified for a license, permit or certificate, the agency head may reinstate or reactivate such license, permit or certificate. These provisions take effect October 1, 1990.

**Drug Traffickers-Additional Assessments**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2771 (CHAPTER 90-111) expands the list of locations on or near which drug violations are felonies of either the first or second degree, or result in a fine of $500 and 100 hours of public service (Paragraph 893.13(1)(i), F.S.). This act provides that it is unlawful for any person to sell, purchase, manufacture, or deliver, or to possess with the intent to sell, purchase, manufacture, or deliver, a controlled substance within 200 feet of: 1) the real property comprising a public or private college, university or other postsecondary educational institution; 2) any public park; and 3) the real property comprising a public housing facility.

The severity of the penalty is dependent upon the name and description of the particular controlled substance involved in the incident. Substances including heroin, opium, codeine, morphine and fentanyl result in the imposition of a first-degree felony charge. Any person convicted under this provision shall be ineligible for parole, control release or statutory gain-time. Offenses involving methamphetamine and LSD result in felony charges of the second degree. Offenses involving other controlled substances result in the imposition of a fine and public service.

The court may assess an amount of $100 against any defendant who pleads guilty or nolo contendere to, or is convicted of any violation of Section 893.13, F.S. This amount shall be added to any other fine or penalty and without regard to whether adjudication was withheld. These funds shall be earmarked for the Operating Trust Fund of the Florida Department of Law Enforcement for use by the statewide criminal analysis laboratory system. The act has an effective date of October 1, 1990.

**Cocaine Trafficking-Capital Felony**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2963 (CHAPTER 90-112) creates a new penalty of life in prison for those who "traffick" in cocaine. The offense is defined as the sale, purchase, manufacture, delivery into the state, or the actual or constructive possession of cocaine (in amounts exceeding 150 kilograms or 330 pounds) or in other illegal drugs like heroin or morphine (in amounts exceeding 30 kilograms or approximately 60.6 pounds) (Subparagraphs 893.135(1)(b)2. and 893.135(1)(c)2., F.S.). If the trafficker intentionally kills, counsels, commands, induces, procures or causes the killing of another and such a killing results, he commits a capital felony and is eligible for the death penalty. If he is determined to have a "highly culpable mental state" and his conduct causes "its natural, although not inevitable lethal result," that person also commits a capital felony and is eligible for the death penalty. "Highly culpable mental state" is defined as conduct which "is represented by a reckless disregard for human life implicit in knowingly engaging in criminal activities known to carry a grave risk of death." This language regarding the "highly culpable mental state" is taken from the case of *Tison v. Arizona*, 107 S.Ct. 1676 (1987), a U.S. Supreme Court case construing the death penalty in the case of a felony murder.

Separate proceedings regarding findings and the imposition of the death penalty are provided (Section 921.142, F.S.). The Supreme Court is instructed to expedite these cases and to give them priority over all others. The act lists aggravating circumstances such as that the defendant was under a sentence of imprisonment when he committed the crime and that the offense involved distribution to minors within drug free school zones. Mitigating circumstances are also given and they include that the defendant had no prior criminal history, was under duress or was underage.

The felony murder statute (Section 782.04, F.S.) is reenacted in order to preserve it in the face of a technical challenge to the law where one would argue that the law impliedly repealed current felony murder provisions. The law takes effect October 1, 1990.

**Victims of Crimes**

HOUSE BILL 2509 (CHAPTER 90-211) is the session's comprehensive victims' rights legislation. It provides additional rights to victims of crimes and additional staff for the Bureau of Crimes Compensation and Victim and Witness Services. The act revises Section 415.508, F.S., to require that a guardian ad litem be appointed for children at the earliest possible time and that either the guardian or a program representative review all dispositional recommendations and changes in placement for the child and be present at all critical stages of the proceeding. In addition, a public records exemption (Paragraph 119.07(3)(aa), F.S.) is provided for information relating to victims of crimes, victim or witness advocates are allowed to stay in the courtroom during testimony of a child under 16 concerning a sex offense against such child (Section 918.16, F.S.), a victim advocate is added to the Sentencing Guidelines Commission (Paragraph 921.001(2)(a), F.S.), a victim advocate can also attend a deposition of the victim (Paragraph 960.001(1)(o), F.S.), and victims and victims' next of kin cannot be excluded from a trial unless the court determines such presence to be prejudicial (Paragraph 960.001(1)(d), F.S.).

The Control Release Authority can have victim impact statements provided to it (Subsection 947.146(7), F.S.), and domestic violence victims are eligible to receive crimes compensation if the perpetrator does not benefit from such compensation (Subsection 960.04(3), F.S.). In order to allow for victim input into a parole-eligible inmate's release, the law requires the Parole Commission to meet in a location as close as possible to the location where the inmate committed the offense (Section 947.06, F.S.).

Convicted offenders who are injured during the commission of an offense, or while attempting to flee apprehension for the offense and who receive compensation for such injury would be required to pay for all medical care, victim restitution, cost of prosecution and incarceration before receiving any financial

benefit from the financial settlement (Paragraph 901.35(1)(c), F.S.).

Finally, in order to enhance notification to the victim of an offender's status as well as the crime itself, the Department of Corrections will be required to notify the prosecutor when it is considering an offender for placement in a boot camp or shock incarceration and give the prosecutor an opportunity to respond. Prosecutors are required to establish a system for notifying victims of consideration for such placement (Paragraph 958.04(4)(c), F.S.). Also, a victim will be able to obtain a copy of the juvenile offense report without the name and address of the juvenile unless such is already a public record (Subsection 39.12(9), F.S.). Unless otherwise stipulated in the act, its provisions take effect October 1, 1990.

**HIV Testing at Request of Victim**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1115 (CHAPTER 90-210) creates Section 960.003, F.S., which requires human immunodeficiency virus (HIV) testing at the victim's request, with pre- and post-test counseling, for all persons charged with or convicted of any sexual offenses involving the transmission of body fluids from one person to another. The test results must be disclosed to the person charged with the offense, and upon request, to the victim or the victim's legal guardian, or parent or legal guardian, where the victim is a minor. Test results must be disclosed under the direction of the Department of Health and Rehabilitative Services (DHRS).

Subsection 951.27(2), F.S., relating to blood testing in county or municipal detention facilities, is amended to allow any HIV test results performed on a sexual offender to be disclosed in conformity with the requirements set out in Subsection 960.003(3), F.S.

Paragraphs 381.609(3)(g) and (i), F.S., are revised to clarify that in the situations described above, HIV test results may be disclosed to the victim of a sexual offense or the victim's guardian. Human immunodeficiency tests conducted pursuant to Sections 960.003 or 951.27, F.S., are exempt from the informed consent requirement.

A saving clause is provided and Subsection 960.003(6), F.S., relating to disclosure of the results of test made during incarceration is to apply retroactively for HIV testing done prior to the effective date of the act.

**Drug Testing-Regulatory Exemption**

SENATE BILL 3032 (CHAPTER 90-205) exempts law enforcement officers, state or county probation officers or employees of the Department of Corrections from the provisions of Part I of Chapter 483, F.S., The Florida Clinical Laboratory Law, while such persons conduct urine screen drug tests on incarcerated individuals or individuals released for reasons specified in the act, if such officers or employees have been certified to conduct such tests by the Department of Corrections. The Department is directed to develop a certification procedure.

**Victims' Dress As Rape Defense**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1393 (CHAPTER 90-40) amends Subsection 794.022(3), F.S., provides for sexual battery cases, evidence regarding the victim's dress at the time of the crime is inadmissable if it is presented for the purpose of showing that the manner of dress incited the rape.

**Sexual Abuse of Child**

HOUSE BILL 83 (CHAPTER 90-120) makes it a second-degree felony to commit actual or simulated specified sexual acts or any act or conduct which simulates that sexual battery is being or will be committed upon a child under the age of 16 (Section 800.04, F.S.). It is also a second-degree felony to force or entice a child under 16 to commit any such act. [The intent of this law is to provide a criminal penalty when the offender does not have actual physical contact with the minor.] These provisions are given an effective date of October 1, 1990.

**Offenses Committed Against Judges**

COMMITTEE SUBSTITUTE FOR SENATE BILL 302 (CHAPTER 90-77) adds judges to the Law Enforcement Protection Act, Section 775.0823, F.S., which would then provide mandatory minimum penalties for persons convicted of murder, manslaughter, kidnapping, aggravated battery, and aggravated assault against law enforcement officers, correctional officers, judges, justices, state attorneys and assistant state attorneys effective October 1, 1990.

**Commercial Bribery**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1283 (CHAPTER 90-301) creates the crimes of "commercial bribery" and "commercial bribe receiving" (Sections 838.16 and 838.15, F.S., respectively), and provides that it is a third-degree felony to offer a bribe with the intent to influence a person to violate a duty to another person connected to a commercial enterprise. In addition, it is a third-degree felony to receive or solicit a benefit which violates a common law or statutory duty to which that person is subject by virtue of an employment or other commercial relationship. These provisions are given an effective date of October 1, 1990.

**Street Terrorism and Enforcement Act of 1990**

HOUSE BILL 2397 (CHAPTER 90-207) creates Chapter 874, F.S., the "Street Terrorism and Enforcement Act of 1990" to eradicate increasing youth and street gang activities in Florida. In an effort to address the terror generated by these gangs, this law provides for a penalty enhancement of any felony or violent misdemeanor offense when such offense is committed during a pattern of youth and street gang activity (Section 874.04, F.S.). These penalties range from a first-degree misdemeanor to a life felony.

The measure provides a civil cause of action (Section 874.06, F.S.) which is available to any person or organization

establishing by clear and convincing evidence that it has been coerced, intimidated, threatened, or otherwise harmed by a youth and street gang. Civil remedies include injunctive relief, treble monetary damages, or any other appropriate cause of action in law or equity.

This legislation also provides a nuisance action of the type currently available to rid neighborhoods of crack houses and other drug-related activities. Any place or building used by a youth and street gang for the purpose of conducting a pattern of youth and street gang activity, such as a building used as gang headquarters, may be declared a public nuisance subject to abatement (Subsection 893.138(1), F.S.).

Youth and street gangs shall also be subject to seizure and forfeiture proceedings pursuant to the "Florida Contraband Forfeiture Act." These proceedings shall apply to any profits, proceeds, or instrumentalities arising out of the criminal activities of a youth and street gang (Section 874.08, F.S.) and crime information collected pursuant to this chapter must be reported to the Department of Law Enforcement (Section 874.09, F.S.).

**Juvenile Delinquency and Gang Prevention Act of 1990**

HOUSE BILL 2397 (CHAPTER 90-207) amends Section 959.31, F.S., the Delinquency Prevention Act of 1988, to rename it the Juvenile Delinquency and Gang Prevention Act of 1990. Intent language is added to highlight concern over the increasing numbers of juveniles becoming involved in youth or street gang activities. The definition of delinquency prevention programs is amended to include gang prevention programs. The membership of the judicial prevention councils is amended to relieve the circuit judge of the burden for appointing the entire council. The purpose of the council is to develop a delinquency prevention plan which meets the needs of each local community in the circuit, to approve delinquency prevention program grant applications and to act in an advisory capacity to each of the delinquency prevention programs under the plan.

Language is added to provide requirements for prevention plans that include gang prevention components. Communities, schools, and other participants in the juvenile justice system must engage in intervention and prevention efforts aimed at marginal gang members and would-be-gang members.

The Department of Health and Rehabilitative Services is authorized, within the limits of specific appropriations, to award grants on a competitive basis to local public or private entities interested in implementing juvenile delinquency and gang prevention programs approved by the council. Grant application procedures are provided and the necessary elements to be included in grant proposals are delineated. Priority shall be given to proposals which include strong youth and street gang prevention components.

Section 943.0572, F.S., which created the youth gang data base within the Florida Department of Law Enforcement is amended changing "youth gang" to "youth and street gang" for consistency purposes and providing additional direction and duties.

**Arson/Damaging Dwelling**

COMMITTEE SUBSTITUTE FOR SENATE BILL 90 (CHAPTER 90-225) expands the crime of arson (Section 806.01, F.S.) to include damaging a dwelling or other structure by fire while committing a felony and conforms relative statutory provisions to the change effective October 1, 1990.

**Lost or Abandoned Property**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1787 (CHAPTER 90-307) provides for revisions in the method in which law enforcement agencies handle lost or abandoned property. Under the new law, Paragraph 705.103(2)(b), F.S., states that law enforcement agencies shall publish notice of the disposition of lost property during the 45 days of a mandatory 90-day custodial time period. Subsection 705.104(1), F.S., is also amended to allow title to lost or abandoned property to vest in the finder at the expiration of the 90-day custodial period. This act has an effective date of October 1, 1990.

**Unlawful Financial Transactions**

COMMITTEE SUBSTITUTE FOR SENATE BILL 2484 (CHAPTER 90-246) revises Subsection 896.101(2), F.S., to authorize investigative or law enforcement officers, as herein defined, to conduct undercover sting operations in money laundering cases. Subsection 895.02(1), F.S., is amended to expand the definition of racketeering activity. These provisions take effect October 1, 1990.

**Firearms/Instant Record Check**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2499 (CHAPTER 90-316) both establishes new procedures and clarifies certain other existing procedures relating to the implementation of the "instant" criminal history background check to be required of potential buyers or transferees of firearms (Section 790.065, F.S.). [These comprehensive procedures have been developed by the Florida Department of Law Enforcement.] Particular emphasis has been placed on timeliness and procedures relating to the issuance of conditional approval, conditional nonapproval and nonapproval numbers.

Once the procedures have been initiated by the licensee who requests the completion of an information form by the potential buyer or transferee, such buyer or transferee shall be issued a conditional approval number or a conditional nonapproval number, the latter of which shall be issued if the person has been: 1) indicted or had an information filed against him for a felony under either state or federal law; 2) arrested for a dangerous crime as specified under Paragraph 907.041(4)(a), F.S.; or 3) arrested for such other crimes as extortion, explosives violations, resisting an officer with violence and sabotage. Conditional nonapproval numbers remain in effect until the Florida Department of Law Enforcement has been notified of the final disposition of the indictment, information or arrest.

Section 790.06, F.S., is amended to require color photographs on concealed weapon or firearm licenses. The provisions contained in this act take effect October 1, 1990.

**Concealed Weapons**

HOUSE BILL 2039 (CHAPTER 90-311) authorizes public defenders' investigators to carry concealed weapons during the course of their official duties (Subsection 27.53(1), F.S.). However, these investigators must satisfy the criteria established in Paragraph 790.25(3)(o), F.S., which includes full-time employment, designation by affidavit and training requirements for firearms. This act also exempts all judges and justices from the concealed weapons permitting law, Section 790.06, F.S., provided such judge or justice meets minimum training and competency standards in that section.

**Destructive Devices**

HOUSE BILL 1645 (CHAPTER 90-124) prohibits specified acts involving the use of destructive devices and hoax bombs (Section 790.161, F.S.). The severity of the prescribed penalty is dependent upon the issue of intent. Accordingly, a person who willfully and unlawfully acts in a specified manner involving a destructive device commits a felony of the third degree. If, however, the person intentionally causes bodily harm or property damage, or disrupts certain governmental activities or the private affairs of any person, he commits a felony of the second degree. The latter offense is punishable as provided in Chapter 775, F.S., and the person shall be required to serve a minimum term of imprisonment of 5 calendar years before parole eligibility.

This legislation expands the definition of "hoax bomb" to include any device or object which is represented by a person to be or to contain a destructive device or explosive, but that in actuality contains no such device or explosive (Subsection 790.165(1), F.S.). Any person who manufactures, possesses, sells or delivers a hoax bomb or sends a hoax bomb to another person commits a felony of the third degree (Subsection 790.165(2), F.S.). A second-degree felony, punishable under Chapter 775, F.S., and including a minimum term of imprisonment of 3 calendar years, shall be imposed upon any person who, while committing or attempting to commit any felony, possesses, displays, or threatens to use a hoax bomb (Subsection 790.165(3), F.S.). The law takes effect October 1, 1990.

Identical provisions were enacted in COMMITTEE SUBSTITUTE FOR SENATE BILL 1378 (CHAPTER 90-176).

**National Guard Arrest Powers**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2309 (CHAPTER 90-165) amends Subsection 901.15(10), F.S., to provide that military police or guards of the National Guard may make felony arrests if they have probable cause or misdemeanor and felony arrests if a crime is committed in their presence. The arrested person then must be promptly surrendered to applicable authority or the sheriff of that jurisdiction. Prior to the passage of this law, these National Guardsmen, who are certified by the Department of Military Affairs and employed by the state, could only detain suspects until the arrival of a law enforcement officer certified by the Florida Department of Law Enforcement.

**Statewide Prosecution of RICO Offense**

SENATE BILL 950 (CHAPTER 90-12) allows the Statewide Prosecutor to investigate and prosecute offenses which comprise part of a pattern of racketeering activity in any RICO offense (Paragraph 16.56(1)(a) and Section 905.34, F.S.) and would allow the Statewide Grand Jury to return indictments and presentments for these offenses.

**State's Right to Appeal Pretrial Orders**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1788 (CHAPTER 90-239) expands the right of the state to appeal pretrial orders to include those times when a court dismisses a search warrant or suppresses evidence, however obtained, and an order which directly and expressly conflicts with an appellate decision of a district court of appeal or of the Florida Supreme Court (Subsection 924.071(1), F.S.). The state's right to appeal orders would be expanded to include orders dismissing an affidavit charging the commission of a criminal offense, an order dismissing the violation of probation, or the violation of any supervised correctional release.

**Public Defender Conflict of Interest**

HOUSE BILL 2815 (CHAPTER 90-159) amends Subsection 27.53(3) F.S., to prohibit a court from appointing public defenders from other circuits in conflict of interest cases. The court would be limited to appointing private counsel in conflict cases. These provisions take effect October 1, 1990.

**Recantation Defense**

HOUSE BILL 2383 (CHAPTER 90-126) creates Section 837.07, F.S., to provide that recantation can be a defense in a prosecution for perjury or false statement only if the person admits the statement to be false in the same continuous proceeding or matter and the false statement has not substantially affected the proceeding. In addition, the recantation must be made before it has become manifest that such false statement has been or will be exposed. The law has an October 1, 1990, effective date.

**Fingerprinting of Defendants**

SENATE BILL 1522 (CHAPTER 90-88) deals with the fingerprinting of defendants who are convicted of crimes. It specifies that the fingerprints must be taken at the time the guilty verdict is rendered (Subsection 921.241(1), F.S.). The law previously stated that fingerprints had to be affixed in the presence of a judge, but did not specify a particular time in the adjudication process. [This law will prevent defendants showing up at sentencing claiming they were not convicted of crimes.]

**Presentence Investigation Reports**

HOUSE BILL 2497 (CHAPTER 90-69) conforms current statutory provisions in Section 921.231, F.S., to case law by providing that the court may, in its discretion, request the Department of Corrections to conduct presentence investigations. Upon request of the court, the Department shall, prior to sentencing, provide reports which contain varying degrees of information about a defendant. One type of report would be comprehensive in nature, while the second shortened version would provide those courts with excessive caseloads the ability to quickly review information critical to the consideration and approval of any plea. October 1, 1990, is the date this law is to take effect.

**Secondhand Dealers/Metals Recyclers**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2511 (CHAPTER 90-318) addresses several concerns about the provisions of the secondhand dealers and secondary metals recyclers law which was enacted by the 1989 Legislature. The act provides exemptions (Subsection 538.03(2), F.S.) from the statutory law, including the recordkeeping and holding requirements for trade-ins of secondhand goods, for dealer-to-dealer transactions when the selling dealer has complied with the requirements of the law and for mail-order or media-assisted shopping. The provisions of the law which required a secondhand dealer to take a thumbprint of the seller of the goods are eliminated (Subparagraph 538.04(1)(c)3., F.S.). Additional items are added to the list of secondhand goods, such as microwave ovens, animal fur coats, video games and cartridges, power lawn and landscape equipment, office equipment, weapons and telephones (Paragraph 583.03(1)(g), F.S.). The registration requirements for secondhand dealers are amended to provide for temporary registrations and duplicate registrations (Subsection 538.09(1), F.S.). This law has an October 1, 1990, effective date.

**Law Enforcement Radio Frequencies**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 925 (CHAPTER 90-62) amends Section 843.16, F.S., to allow newspapers and news publications engaged in covering the news on a full-time basis, and certified alarm system contractors to install and monitor law enforcement frequencies in their business establishments and motor vehicles. [Prior to this enactment, newspapers and news publications were prohibited from doing so. Only law enforcement agencies, radio and television stations, or others with an FCC license were permitted to monitor those frequencies.] The law is effective October 1, 1990.

**Police Reports**

HOUSE BILL 353 (CHAPTER 90-280) creates Section 119.105, F.S., to prohibit accessing police reports for commercial solicitation of persons identified in the report.

**Criminal Justice Executive Institute**

HOUSE BILL 2611 (CHAPTER 90-157) creates the Florida Criminal Justice Executive Institute (Section 943.1755, F.S.), effective October 1, 1990, to provide training for criminal justice executives of the state, such as police chiefs, division directors, sheriffs and other high-ranking law enforcement officials. The Institute will be under the Florida Department of Law Enforcement and affiliated with the State University System.

**Criminal Justice Trust Fund**

Section 943.25, F.S., provides that the Division of Housing and Community Development of the Department of Community Affairs administer a Trust Fund for Grant Matching to obtain federal funds for criminal justice needs. In response to a recent change in the Department's organizational structure, SENATE BILL 806 (CHAPTER 90-27) removes the administration of the trust fund from the Division of Housing and Community Development but leaves the fund under the overall administration of the Department of Community Affairs.

**Law Enforcement Officers Pay Adjustment**

SENATE BILL 1516 (CHAPTER 90-87) provides for the transfer of $1,336,320 from the Law Enforcement Trust Fund of the Department of Highway Safety and Motor Vehicles to the Department of Law Enforcement Trust Fund. The legislation authorizes a competitive pay adjustment of $250 per month on each career service law enforcement employee's base salary, effective July 1, 1990.

[The transfer of funds and authorized pay adjustment, is equivalent to those afforded to those law enforcement officers as authorized by the passage of Chapter 89-364, Laws of Florida.]

The act directs the Department of Administration to make the necessary adjustments in the appropriate pay plans to conform base salaries to the salary adjustments.

## LOCAL GOVERNMENT*

### Rights of Disabled Persons

SENATE BILL 150 (CHAPTER 90-8) amends Section 413.08, F.S., to include the right of a physically disabled person to be accompanied by a service dog without being required to pay an extra charge. The law requires that dog guides or service dogs be capable of being properly identified as being from a recognized school for seeing eye, hearing ear, service, or guide dogs.

Places that keep or display animals, are permitted to refuse dog guides or service dogs from accompanying a deaf person, a totally or partially blind person, or other physically disabled person, while visiting that place. However, the place must provide a personal guide for such person and must secure the dog for the duration of the visit at no cost to the physically disabled person. The law is further amended to clarify that these circumstances are an exception to the provisions of the law regarding persons who deny and interfere with the admittance of disabled persons to public facilities. An effective date of October 1, 1990, is provided.

### County Officers and Employees

SENATE BILL 752 (CHAPTER 90-80) authorizes county constitutional officers and county commissioners to reimburse employees for educational expenses as long as the coursework is designed to develop skills, knowledge, and abilities to improve job performance and the quality of public services. The law does not create an obligation for the officer or commissioner to grant time off in order to take or complete courses.

The law prohibits the use of office space, personnel, equipment or supplies by the employee in the process of fulfilling the requirements of the course.

The law further limits the applicability of the reimbursement authorization and specifically excludes any courses or programs for which the officer or commissioner is required to take in performance of his official duties.

The law specifies that nothing in this section prohibits employees from receiving otherwise authorized per diem expenses provided by Section 112.061, F.S., nor prohibits the payment of wages otherwise due under the provisions of state or federal law.

### Municipality/Voluntary Annexation

SENATE BILL 848 (CHAPTER 90-171) amends Subsection 171.044(3), F.S., to provide that an ordinance adopted pursuant to a voluntary annexation procedure shall be filed with the chief administrative officer of the county (county administrator) as well as the clerk of the circuit court and the Department of State within 7 days after the adoption of the ordinance. It also requires that the adopted ordinance include a map which clearly shows the annexed area and a complete legal description of that area by metes and bounds. The provisions of this act in no way change the current notice requirement requiring the publication of the ordinance number and a brief general description of the area proposed to be annexed. The effective date of this act is October 1, 1990.

### Counties and Independent Special Districts/Mental Health Care Services

SENATE BILL 1354 (CHAPTER 90-175) amends Sections 125.01 and 154.331, F.S., authorizing the legislative and governing body of a county to establish, merge, or abolish municipal service taxing units or benefit units within the county to provide mental health care services; the act also provides for establishment of independent mental health care special districts, with authority to levy ad valorem taxes as is allowed for health care special districts.

### Children's Services Districts

Section 125.901, F.S., is amended by COMMITTEE SUBSTITUTE FOR HOUSE BILL 931 (CHAPTER 90-288) to rename the independent special districts for the funding of juvenile welfare services as children's services districts. The districts are required to levy millage upon approval of the electorate and under the provisions of Section 200.065, F.S. The present composition of the governing boards is increased by five members, to be appointed by the Governor. Existing boards are grandfathered in; that is, they may continue to operate under the provisions of the previous law or choose to operate under the law as amended.

Each county is also given authority to create a dependent special district, by ordinance, to provide preventive, developmental, treatment, and rehabilitative services to children. Such districts would be funded by grants and donations.

### Municipal Charters/Amendments

SENATE BILL 1412 (CHAPTER 90-106) amends Section 166.031, F.S., clarifying that all municipal charter amendments are effective on the date specified therein or as otherwise provided in the charter, effective October 1, 1990.

### Convention Development Taxes and Tourist Development Taxes

SENATE BILL 1624 (CHAPTER 90-349) does two things:

First, Section 212.0305, F.S., is amended to expand the authorized uses for convention development tax revenues, only for those four cities not consolidated with Duval County, to include the acquisition and development of municipal parks, lifeguard stations, or athletic fields. [The effect is that those four municipalities not consolidated with Duval County may elect to use those revenues not only for convention facilities but also for the new uses outlined above.]

*Prepared by Senate Community Affairs Committee

Second, Section 125.0104, F.S., is amended to revise provisions authorizing the levy of an additional tourist development tax for the construction or renovation of a professional sports franchise facility by providing that the limitation applicable to counties that are authorized to levy convention development taxes does not apply to levy of said additional tax.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1882 (CHAPTER 90-107) amends Sub-subparagraph 125.0104(3)(o)2., F.S., so that a county is considered to be a high-tourism impact county after the Department of Revenue has certified to the county that sales subject to tourist development tax exceeded $600 million during the previous calendar year *or were at least 18 percent of the county's total taxable sales under Part 1, Chapter 212, F.S., where the sales subject to the tax levied pursuant to this section were a minimum of $200 million*, except that no county authorized to levy a convention development tax is considered a high-tourist impact county.

[Only Osceola County presently meets the 18 percent and $200 million criteria according to information supplied by the Department of Revenue. Osceola County presently levies a 3 percent tax. The projected revenue effect of an added 1 percent tourist development tax in Osceola County for 1990-91 is $2.2 million. Presently, only Orange County is certified as a high-tourist county.]

**County Ordinances**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1820 (CHAPTER 90-37) amends Section 125.69, F.S., to allow counties to impose a fine to exceed $500 but not exceeding $2,000 a day. This situation would occur only in circumstances where the county must have authority to punish a violation of an ordinance by way of being able to impose a fine greater than $500 in order to participate in a federally mandated program.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1997 (CHAPTER 90-152) amends Sections 125.66 and 125.68, F.S., providing advertising requirements regarding enactment of county ordinances or resolutions which affect land use. [The new procedure is virtually the same as the procedure for rezonings affecting greater than 5 percent of county land.] The act also provides certain exceptions to requirement that counties codify and annually publish all county ordinances and requires that records be kept and certain notations be made of ordinances that are so exempt. This legislation provides an effective date of October 1, 1990.

**Local Government Half-cent Sales Tax Emergency Distribution**

[Chapter 218, Part VI, F.S., is entitled "Participation in the Half-cent Sales Tax Proceeds." Section 218.65, F.S., provides for emergency distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund to counties with population of 50,000 or more under specified circumstances and to those counties with a population of less than 50,000 if the county qualifies to receive the half-cent sales tax ordinary distribution and if the moneys estimated to be distributed to the county government, pursuant to the ordinary distribution in Section 218.62, F.S., will be less than the current per capita limitation ($24.60 adjusted annually for inflation) based on the population of that county. (See Department of Revenue, Local Government Financial Information Handbook, July 1989, page 5.)]

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 2074 (CHAPTER 90-93) amends Section 218.65, F.S., to accomplish the following:

1) ensure that the entire amount appropriated for emergency distributions is paid out each year;
2) eliminate having to distribute the emergency distribution funds based on estimates by substituting prior year data for the estimate so that each county's share is known with certainty at the beginning of the fiscal year;
3) eliminate the complicated and time consuming accounting procedures necessary under current law to split appropriation across the local government fiscal year; and
4) increase the annual appropriation from the General Revenue Fund to the Local Government Half-cent Sales Tax Clearing Trust Fund, to be used for emergency distributions, from $2.5 to $5.5 million.

**Housing**

SENATE BILL 3122 (CHAPTER 90-275) relating to fair housing, was amended to include three other proposals relating to: state housing strategy, the Community Development Block Grant program, and direct payment of rent from AFDC funds to public housing authorities.

*Fair Housing*

[The federal Fair Housing Amendments Act of 1988 prohibited discrimination in the sale or rental of housing to families with children and added provisions to protect handicapped persons. New enforcement provisions were also enacted which included conciliation efforts and fines for violations.

[To enable the Florida Human Relations Commission, rather than the federal government, to enforce this law in Florida, the 1989 Legislature amended Florida's Fair Housing Act to conform to the new federal requirements. In March 1990, the U.S. Department of Housing and Urban Development (HUD) notified the Commission that Florida's law would need three minor changes in order to be considered "substantially equivalent" to federal law, thus allowing for state enforcement of the fair housing law and HUD funding for that enforcement.] These changes are provided for in the legislation:

1. Deletion of language (Subsection 760.25(3), F.S.) protecting real estate sales persons who have innocently passed along false information that property is "housing for older persons," i.e., innocently steering away a family from a property. [HUD's letter to the Commission acknowledged the fact that a real estate salesperson is not necessarily responsible for the validity of information provided by property owners and that each alleged violation must be individually assessed.]

2. The addition of language (Subsection 760.29(4), F.S.) relating to one of the three categories of "housing for older persons" which may legally exclude families. Housing under the category for persons 55 years of age or older must provide significant facilities and services specifically designed to meet the needs of older persons in order to qualify as "housing for older persons."
3. With regard to conciliation agreements, language is added (Section 760.36, F.S.) to require the Commission to approve such agreements and to make them public unless the complainant and respondent, as well as the Commission, agree otherwise.

*Housing Policy*

[Public workshops and committee hearings to create a comprehensive state housing strategy to establish direction for Florida's housing efforts produced this legislation.] This state housing strategy (Section 420.0003, F.S.) consists of:

1. A goal of providing decent and affordable housing for all Floridians by the year 2010.
2. Policy statements under five categories in support of this goal addressing:
   a. The continuum of need for decent housing.
   b. Public-private partnerships.
   c. Preservation of housing stock.
   d. Public housing.
   e. Housing production and rehabilitation programs.
3. Directives to the Department of Community Affairs and the Florida Housing Finance Agency to implement the housing strategy, including requirements for the Department's annual housing report (Section 420.6075, F.S.).

The membership of the Affordable Housing Study Commission (Section 420.609, F.S.) is revised to add representatives of local government and growth management organizations, plus a residential community developer. [This will enable the commission to better evaluate proposals to address affordable housing through the growth management process.]

In addition, the Department of Health and Rehabilitative Services is directed to recoup funds given as emergency grants to homeless persons when those funds are used for rental security deposits (Subsection 420.627(6), F.S.).

[The adoption of the State Housing Strategy set forth in the act is necessary to guide Florida's continuing efforts to address the housing needs of low-income families, the homeless, and special needs populations.]

*Community Development Block Grant Program*

The following are the primary revisions made in the Community Development Block Grant (CDBG) program:

Section 290.044, F.S., is amended to authorize the Department of Community Affairs (DCA) to set aside up to 10 percent of funds in the neighborhood revitalization category to address emergencies or natural disasters declared by executive order of the Governor. In addition, the DCA is required to establish a system for grant monitoring, including site visits, to ensure proper use of funds.

Section 290.046, F.S., was amended to replace the current 1-year exclusion for grant recipients with an exclusion from grant competition only until the current grant is closed out ["sit-out until close-out"]. Specifically, any local government with an open housing, neighborhood revitalization, or commercial revitalization contract could not apply for another grant in these categories until administrative close-out of their existing contract. [The previous 1-year sit-out tended to distribute grants more widely among communities. The new requirement should tend to achieve this purpose plus encourage efficient performance of grant contract activities.] Applicants may not receive more than one grant in any state fiscal year from any of the following categories: housing, neighborhood revitalization, or commercial revitalization. (Currently, only housing and neighborhood revitalization are mutually exclusive.) In addition, the Department is required to reduce community need scores to reflect the benefits from past grant funds provided. [As grant funds solve a community's problems, its likelihood of funding is reduced and other communities' needs can be addressed.] Additional scoring criteria are added for housing and neighborhood revitalization applications to stress project impact. Language describing requirements for target areas is deleted.

Engineering costs are to be limited by rule, consistent with the Farmer's Home Administration schedule (Subsection 290.047(6), F.S.). The CDBG Advisory Council is to be chaired by an elected Council member rather than the Secretary of the Department of Community Affairs and is required to meet at least annually and prior to any major program revisions (Section 290.049, F.S.).

*Aid to Families with Dependent Children*

The Department of Health and Rehabilitative Services is authorized to make vendor or two-party payments to a landlord if the AFDC grant recipient's landlord is a public housing authority (Subsection 409.185(6), F.S.). The Department may exercise this option after it has established that the recipient has demonstrated mismanagement of the AFDC grant in a manner that presents a threat to the health and safety of the child. If the Department elects to pay the AFDC recipient's rent directly to the public housing authority, the Department shall provide the recipient with an opportunity for a fair hearing upon request. The Department is directed to establish one or more pilot programs to determine the feasibility of direct payment of AFDC families' rent to the landlord. In addition, the Department must provide services to assist AFDC families in managing their funds.

**Public Housing Eviction Policy**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 41 (CHAPTER 90-137) repeals Section 421.102, F.S., relating to the eviction of tenants who violate the provisions of Sections 893.13 or 893.15, F.S. Sections 893.13 and 893.135, F.S., re-

late to the sale, manufacturer, delivery, or possession of a controlled substance.

[The law will eliminate any conflict with current federal law with regard to eviction of public housing authority tenants who engage in such illegal activity.

[In 1987, in response to the increased problems resulting from "crack" (cocaine) distribution and use in public housing projects, the Legislature authorized public housing authorities (PHAs) to evict any tenant convicted of sale, manufacture, delivery, or possession of a controlled substance, if such offense is committed in or on the PHA project premises. This law, placed under Section 421.102, F.S., further allowed that only the individual convicted may be evicted and that such person is subject to criminal trespass charges if subsequently found on public housing authority premises. Notwithstanding the provision of federal guidelines, tenants evicted pursuant to this section may be reconsidered for tenancy only upon a showing of rehabilitation.] The law becomes effective October 1, 1990.

**Trench Safety Act**

COMMITTEE SUBSTITUTE FOR SENATE BILL 2626 (CHAPTER 90-96) creates the Trench Safety Act and extends the coverage of the Occupational Safety and Health Administration (OSHA) safety standards for excavation projects by incorporating the OSHA standards, 29 CFR Section 1926.650, Subpart P, as the state trench excavation safety standards. In addition, the Department of Labor and Employment Security may adopt by rule any updated or revised versions of those standards so long as they are not inconsistent with state law. The incorporation of the standards would include the federal definition of "trench" and other relevant terms. On all specific contracts in which trench excavation exceeds a depth of five feet, the contract bid submitted by the contractor performing such excavation shall include a reference to the trench safety standards in effect during the construction period, written assurance that the contractor will comply with the applicable trench safety measures and a separate pay item identifying the cost of compliance with the safety measure.

The act reqires contractors who perform excavation activities to comply with excavation safety standards applicable to a construction project; adhere to any special shoring requirements that a state or political subdivision may have; and consider geotechnical information, if any, in the design of the trench safety system used for the construction project.

The law specifies that the separate pay items identifying the cost of compliance with trench safety standards shall be based on linear feet of trench excavated or on square feet of shoring used. Each item that identifies the cost of compliance must also indicate the method of compliance and the cost of that method. The act takes effect October 1, 1990.

**Parking Facilities**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 51 (CHAPTER 90-250) requires nonresidential buildings constructed on or after January 1, 1991, which utilize covered or underground parking as their primary form of parking to design the parking facility to have a minimum-height clearance on the street accessible level of at least 8 feet 2 inches. Pertaining to the street accessible level, parking facilities that comply with the minimum height requirement will need to provide 100 percent of the required handicapped spaces. The law requires that signs be posted to warn operators of handicapped equipped vans that they cannot pass beyond a certain point. Should compliance with the minimum-height requirement cause a structure to exceed local height limitations imposed by local zoning, planning, or fire ordinances, the law permits the structure to exceed the local height limitation by 1 foot 2 inches and exempts such ordinances from additional requirements. Plans sealed by an architect prior to the effective date are exempt from this section.

The act may be cited as the "Ron Ennis Memorial Act" and becomes effective January 1, 1991.

**Counties and Municipalities/Solid, Special and Biohazardous Waste and Tire Waste**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3137 (CHAPTER 90-332) accomplishes two purposes.

First, the law clarifies county and municipal authority by amending Sections 125.01 and 166.021, F.S., to allow counties and municipalities to require that persons who generate solid, special, or biohazardous waste to show the existence of an arrangement or contract for disposing of such waste pursuant to applicable county or municipal ordinance, or state or federal law. In the case of special or biohazardous waste, a county or municipality may also ask for proof that the person disposing of such waste is a qualified and licensed entity pursuant to state or federal law.

The second part of the act addresses the following situation.

[Currently, an estimated 240 million tires are discarded each year nationwide. At least 12 million tires are discarded each year in Florida. As a result, an estimated 6 billion tires are stockpiled around the country and at least 20 million old tires are known to be stored in massive piles in Florida. The largest such pile in Florida is located in the Green Swamp, an environmentally sensitive area in northern Polk County. There are an estimated 7 million tires in this site alone. These stockpiles of tires pose a severe threat to the population and the environment. The threat of a fire presents the most serious environmental threat. Once ignited, a tire pile can burn for months or even years. Because of the shape of the tires, fires in tire piles are difficult to extinguish. For example, in 1983, a tire pile fire in Virginia burned for 9 months. Currently, there is a fire in Hagerville, Ontario, which has been burning for several months. Five hundred people were forced to evacuate the area. As the tires burn, oil is released. In Florida, this oil presents a significant threat to the Floridan Aquifer.]

Section 403.717, F.S., provides that it is unlawful to dispose of waste tires unless such tires are disposed of at a permitted solid waste disposal facility, a permitted waste tire processing facility, or a waste tire collection center. Waste tires cannot

be disposed of in a landfill as a method of ultimate disposal. Section 403.718, F.S., provides for a $1 fee for each new motor vehicle tire sold at retail. The proceeds from this fee are deposited into the Solid Waste Management Trust Fund. Up to 3 percent of the total revenues collected are to be used to defray administrative costs. Section 403.719, F.S., requires the Department of Environmental Regulation to establish a program to make certain grants to counties for the management and disposal of waste tires. Currently, the Department is in the process of distributing $3.6 million in grants to counties. [This money is used primarily to deal with the ongoing problems of tire disposal, in most cases, the tires are shredded and buried in landfills.] Section 403.709, F.S., allows the proceeds derived from the waste tire fees to be used to (1) fund research and demonstration projects relating to solving solid waste problems resulting from waste tires; (2) fund removal of tires from an illegal waste tire site under certain conditions; and (3) provide certain grants to local governments. The Department's rules allow for up to 40 percent of the money derived from the waste tire fees in the Solid Waste Management Trust Fund to be used to clean up large, illegal tire sites that exist in piles around the state. The trust fund money, however, has never been used for this purpose. Several aspects of the rules adopted by DER to implement the provisions of law relating to regulation of tire piles and processing facilities were questioned by the Joint Administrative Procedures Committee on the basis of inadequate statutory authority for such rules.]

This act amends Section 403.709, F.S., to allow: up to 2 percent of the waste tire account in the Solid Waste Management Trust Fund to be used to pay the Department's costs for administering such funds, up to 13 percent of the account to be used to fund certain research and demonstration projects, up to 40 percent of the account to be used to remove tires from illegal waste tire sites according to priorities established by law or the Department of Environmental Regulation, and the account to be used to provide certain grants to counties.

The Department is authorized to take appropriate administrative or judicial action to recover for the use of the fund from the owner or operator of a waste tire site moneys owed or expended from the fund for the removal of waste tires. The Department may choose not to seek recovery if it finds the amounts too small or the likelihood of recovery too uncertain. The Department is authorized to take possession and control of a waste tire site if needed to protect the health, safety, and welfare after obtaining a court order. Also, the Department is authorized to impose a lien on the waste tire site equal to the cost to bring the site into compliance. Procedures are included for the removal of the lien. Section 403.717, F.S., amends the definition of "waste tire-processing facility" to include mobile waste tire-processing equipment. The definition of "waste tire site" is amended to mean a site at which 1,000 or more tires are stored outdoors. No person may maintain a waste tire site unless the site is an integral part of the person's permitted waste tire-processing facility, or it is used for the storage of waste tires prior to processing and is located at a permitted solid waste management facility.

Section 403.717, F.S., is also amended to prohibit anyone from contracting for the disposal or processing of waste tires with a waste tire collector unless the collector is registered with the Department or is exempt from such requirements. The Department is currently authorized to adopt rules relating to waste tires. That authority is amended to provide for the administration or revocation of waste tire collector registrations and collection center permits, and to provide standards for the storage of waste tires and processed tires, including storage indoors. A permit is not required for tires that are stored indoors.

By October 1, 1990, the Department is directed to assure that safety measures are underway at each waste tire site containing more than 150,000 tires.

The following appropriations are provided from the Waste Tire Account within the Solid Waste Management Trust Fund:

1. To the Department of Environmental Regulation $70,000 and 2 positions to implement the provisions of this act.
2. For projects to demonstrate innovative technologies for the disposal of waste tires $2 million.

**Emergency Telephone System "911"**

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 1437 AND 1809 (CHAPTER 90-305) creates a comprehensive "911" package which (1) creates a "911" task force committee, and (2) increases the period of time which a county has to collect nonrecurring charges for the installation of a "911" system.

The "911" task force committee is made up of legislators, various city and county officials, telephone industry representatives, persons affiliated with "911" operations, and a representative of the Department of General Services. The duty of the task force will be to inspect, review, and evaluate all aspects of the "911" system in the state. Special emphasis will be placed on determining why certain counties are not on the "911" system and what procedures are needed to ensure their participation in the program. The "911" Emergency Telephone System Committee is to make an interim report to the Governor and Legislative presiding officers by January 31, 1991, and a final report by March 1, 1991.

This act amends Paragraph 365.171(13)(a), F.S., to increase from 18 to 36 months the time which a county may collect up to 50 cents per line for nonrecurring charges for the installation of a "911" system. The law contains other various provisions which provide for confidentiality of records regarding "911" calls and prohibit the placing of false "911" calls (Subsection 365.171(15) and (16), F.S., respectively).

## MOTOR VEHICLES AND TRANSPORTATION*

The 1990 Legislature addressed various transportation issues, including: funding an enhanced work program in the Department of Transportation through the imposition of various taxes and fees, approving the issuance of revenue bonds to fund an individual expressway project in Orange County, prohibiting nonpermitted uses of transportation rights-of-way and mandating drug testing for commercial motor vehicle operators. Legislation impacting on a wide range of other transportation and highway safety issues was also enacted.

Legislation was passed this year providing approximately $5.54 billion in increased transportation revenue over the next 6 fiscal years (1990-91/1995-96). The legislation imposes the following fees and taxes:

1. An additional state tax on motor fuels, imposed in each county, equal to two-thirds of the local option gas taxes imposed by such county. The initial rate of the state tax may not exceed 4 cents per gallon; however, such rate will be annually adjusted for inflation based on the change in the Consumer Price Index (CPI). [The projected revenue from this tax over the next 6 fiscal years is approximately $1.659 billion.]
2. An increase of 1 percent in the sales tax on motor fuel, from 5 to 6 percent. In addition, the minimum sales tax per gallon is increased from 5.7 to 6.9 cents. This minimum tax will be annually adjusted for inflation based on the change in the CPI. [The projected revenue from this tax over the next 6 fiscal years is approximately $849 million.]
3. An increase of 1 percent in the sales tax on aviation fuel, from 5 to 6 percent. In addition, the minimum sales tax per gallon is increased from 5.7 to 6.9 cents. [The projected revenue from this tax over the next 6 fiscal years is approximately $48 million.]
4. An increase of $1.50 in the daily rental car surcharge, from 50 cents to $2. [The projected revenue from this surcharge over the next 6 fiscal years is approximately $382 million.]
5. An increase of $21 on title fees for all vehicles, except rental cars, from $3 to $24. [The projected revenue from this fee over the next 6 fiscal years is approximately $422 million.]
6. An increase of $70 in the new wheels on the road fee, from $30 to $100. [The projected revenue from this fee over the next 6 fiscal years is approximately $374 million.]
7. The repeal of the authorization for private-use automobiles and light trucks to register on a fractional year basis. [The projected revenue from this repeal over the next 6 fiscal years is approximately $205 million.]

The legislation also authorizes the issuance of $1.1 billion in revenue bonds to fund approved turnpike projects and interchanges and the issuance of $500 million in bonds pledged by state gas taxes to fund advanced acquisition of right-of-way.

In addition to the bonding authority provided to the Department of Transportation, legislation was also passed this year to authorize the Orlando-Orange County Expressway Authority to issue revenue bonds to acquire and construct the Southern Connector project, a limited-access toll highway extending approximately 24 miles from Interstate 4 south of Orlando to the Bee Line Expressway east of Orlando, or segments or phases thereof. The legislation specifically prohibits the Department of Transportation from entering into a covenant to complete the project and from advancing or expending funds for the maintenance costs of the project.

Legislation was also passed this year to ensure the safety of persons and vehicles using existing and future transportation facilities. [In 1988, the United States District Court declared unconstitutional Florida's statute prohibiting the nonpermitted commercial use of state transportation rights-of-way, *News and Sun-Sentinel Co. v. Cox*, 702 F.Supp. 891 (S.D.Fla. 1988). One of the major holdings of the case was that the statute on its face violated the Equal Protection Clause of the United States Constitution because it treated similarly situated persons (i.e., persons wishing to use state transportation rights-of-way) differently based on the immaterial issue of whether such persons were engaged in a commercial enterprise. Legislation was enacted this year to address this issue.] The legislation contains a legislative finding that all nonpermitted uses of state transportation rights-of-way endanger persons engaging in such use and persons travelling on the right-of-way. Therefore, the legislation prohibits all such uses, both commercial and charitable.

Legislation was also passed to ensure the safety of persons using transportation facilities by requiring drug testing of commercial motor vehicle operators. Effective July 1, 1991, the legislation requires preemployment, for-cause, post-accident, and random drug testing of commercial motor vehicle operators, with the following exceptions: a person who operates solely in intrastate commerce is exempt from random testing; a person who operates in interstate commerce is exempt from random drug testing for the period July 1, 1991-September 30, 1991; a person involved solely in intrastate commerce within a 150-mile radius of the location where his vehicle is based is exempt from all drug testing requirements while transporting agricultural, horticultural or forestry products from farm or place of harvest directly to market or the first point of processing; and an individual not operating for-hire who transports materials, supplies or implements necessary for agricultural production is exempted from all drug testing requirements.

*Prepared by Senate Transportation Committee

*MOTOR VEHICLES*

**Driver Licenses/Identification Cards**

Effective October 1, 1990, COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 60 (CHAPTER 90-102) amends section 322.271, F.S., to authorize a person, who has been convicted of driving under the influence and whose driver license has been revoked for 5 years or less, to apply for reinstatement of his driving privilege on a restricted basis after serving 12 months of revocation. A person whose license has been revoked for more than 5 years may apply for restricted reinstatement of his driver license after serving 24 months of revocation. In both cases, reinstatement is restricted to driving for business or employment purposes only. Applicants are required by the Department of Highway Safety and Motor Vehicles to have not driven and to have been drug-free for at least 12 months immediately prior to being reinstated on a restricted basis. Applicants must also agree to be supervised under a court-approved DUI program and to report to the program at least 3 times a year as required for the duration of the revocation period.

A person who has been convicted four times of driving under the influence or who has been convicted of a combination of vehicular manslaughter or vehicular homicide and driving under the influence may, after serving 5 years of revocation, apply for reinstatement of his driving privilege if he satisfies the following qualifications: no drug-related arrests during the revocation period, no driving without a license for at least 5 years prior to the reinstatement hearing, continual participation in a court-approved DUI program for at least 1 year prior to the hearing, no drug use for at least 5 years prior to the hearing, and completion of a court-approved substance abuse driver training course. In this case, reinstatement of the driving privilege must be restricted to employment purposes for not less than 1 year. In addition, the reinstated driver is required to be supervised under a court-approved DUI program conducting substance abuse education and to report to the program for counseling, evaluation, and education at least 4 times a year, or additionally as required, for the remainder of the revocation period.

All costs of supervision, counseling, evaluation and education must be paid by the person applying for reinstatement.

If a person fails to comply with the required supervision, counseling, evaluation or education, the Department is required to cancel the person's license. If after reinstatement, a person is convicted of an offense for which mandatory revocation of his driver license is required, the Department is required to revoke that person's driving privilege.

The act also amends Section 322.15, F.S., to require a driver who refuses to display his license upon the request of a law enforcement officer or an authorized representative of the Department to allow his or her fingerprint to be imprinted on any citation issued by the officer or departmental representative.

COMMITTEE SUBSTITUTE FOR SENATE BILL 222 (CHAPTER 90-19) amends Section 322.121, F.S., to require the Department of Highway Safety and Motor Vehicles to mark the driver license of a person whose driving record does not show a conviction for the preceding 3 years, except for certain non-moving violations--failure to exhibit vehicle registration certificate, rental agreement or cab card; failure to renew a motor vehicle or mobile home registration expired for 4 months or less; operating a motor vehicle with license expired for 4 months or less; failure to carry or exhibit a license; and failure to notify the Department of Highway Safety and Motor Vehicles of a change of address--with a "safe driver" notation.

Section 322.2615, F.S., is amended by COMMITTEE SUBSTITUTE FOR HOUSE BILL 2843 (CHAPTER 90-329) to authorize the Department of Highway Safety and Motor Vehicles to suspend the driver license of a person arrested for driving under the influence if the person had been given a blood test the results of which were not available at the time of arrest, and if such test reveals that the person had a blood alcohol level of 0.10 or higher. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheadings *Commercial Motor Vehicle Operators* and *Registration/Regulation*, and the division heading *TRANSPORTATION*, subheadings *Expressway Authorities* and *Fees and Taxes*.)

Pursuant to COMMITTEE SUBSTITUTE FOR HOUSE BILL 1679 (CHAPTER 90-150), which amends Section 322.051, F.S., any person 12 years of age or older may be issued an identification card by the Department of Highway Safety and Motor Vehicles regardless of whether he possesses a valid Florida driver license.

The law also extends until the cardholder's death the validity of an identification card held by a person 60 years of age or older, unless it is otherwise cancelled by the Department. The Department is required to keep a record of all identification cards possessed by persons who are 60 years of age or older.

**Commercial Motor Vehicle Operators**

All commercial motor vehicle operators engaged in transporting hazardous materials in intrastate commerce are made subject to federal requirements regulating disqualification of drivers and off-duty hours, including the maintenance of the Driver's Record of Duty Status, by SENATE BILL 348 (CHAPTER 90-227) as it amends Section 316.302, F.S.

Section 316.302, F.S., is also amended by COMMITTEE SUBSTITUTE FOR HOUSE BILL 3641 (CHAPTER 90-200) to authorize the Department of Transportation to adopt federal rules and regulations relating to commercial motor vehicle safety that were enacted on or before March 1, 1990. Further, effective October 1, 1991, federal drug testing requirements, except for random drug testing of intrastate motor carrier operators, are imposed upon all commercial motor vehicle operators, both interstate and intrastate. However, pursuant to SENATE BILL 348 (CHAPTER 90-227), such requirements are not applicable to certain intrastate agricultural transporters.

SENATE BILL 348 (CHAPTER 90-227) also amends Section 316.3025, F.S., to increase penalties for commercial motor vehicle operators violating the North American Uniform Out-of-Service Criteria and federal commercial motor vehicle regula-

tions. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheadings *Commercial Motor Vehicles*, and *Traffic Control*, and division heading *TRANSPORTATION*, subheadings *Expressway Authorities*, *Right-of-Way*, *Contributions/Advancement of Projects*, *Department of Transportation Organization*, *Minority Business Enterprises/Disadvantaged Business Enterprises*, *Outdoor Advertising*, *Public Transportation*, *Transportation Commission* and *Eminent Domain*.)

A person who was regularly employed as a driver of a commercial motor vehicle on July 4, 1987, and whose driving record shows no convictions since July 3, 1984, and who is otherwise qualified as a driver under the federal commercial driver license program is exempted by COMMITTEE SUBSTITUTE FOR HOUSE BILLS 1197 AND 861 (CHAPTER 90-355) from federal eyesight standards if he is engaged exclusively in intrastate commerce. This exemption would permit a driver with monocular vision who meets specific qualifications to operate a commercial motor vehicle. The act as it amends Section 316.302, F.S., still requires such a driver to be subject to state eyesight requirements and requires an exempted driver to have in his possession a physical examination form dated within the past 24 months.

A bus driver meeting a series of standards including no conviction for any disqualifying offenses and no record of an accident in which he is at fault is exempted by COMMITTEE SUBSTITUTE FOR SENATE BILL 528 (CHAPTER 90-230) which amends Sections 322.55 and 322.57, F.S., from a test of driving skills when applying for a passenger endorsement on a commercial motor vehicle driver license.

The legislation also amends Section 234.091, F.S., to allow a school bus driver holding a license comparable to a Florida chauffeur's license to drive school buses in Florida. However, effective April 1, 1991, all school bus drivers will be required to hold a valid commercial driver license with a passenger endorsement. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheading *Traffic Violations*, and division heading *TRANSPORTATION*, subheading *Public Transportation*.)

Effective April 1, 1991, improper lane changes and following too closely will be added by COMMITTEE SUBSTITUTE FOR HOUSE BILL 2843 (CHAPTER 90-329) to offenses which may result in the disqualification of a commercial motor vehicle operator's license.

The act, as it amends Section 322.64, F.S., authorizes a law enforcement officer to disqualify a person from operating a commercial motor vehicle if he has probable cause to believe such person is driving with an unlawful blood alcohol level or if such person refuses to submit to a breath, urine or blood test. A disqualified driver is issued a 7-day temporary permit.

A driver disqualified for refusing to submit to a lawful breath, blood or urine test is disqualified for 1 year for first refusal or permanently if he has previously been disqualified for refusal. A driver disqualified for driving with an unlawful blood alcohol level would be disqualified for 6 months for a first offense or 1 year for subsequent offenses. A driver may request a formal or informal review of the disqualification within 10 days of the date of arrest or issuance of a notice of disqualification. A request for a formal hearing or informal review does not stay the disqualification. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheadings *Registration/Regulation* and *Driver Licenses/Identification Cards*, and division heading *TRANSPORTATION*, subheadings *Expressway Authorities* and *Fees and Taxes*.)

**Commercial Motor Vehicles**

SENATE BILL 348 (CHAPTER 90-227), as it amends Section 316.302, F.S., extends placarding requirements for commercial motor vehicles transporting hazardous materials to vehicles with declared gross vehicle weight of less than 26,000 pounds. The Department of Transportation is authorized to conduct motor carrier terminal audits to determine compliance with hazardous materials regulations.

The act also amends Section 316.3025, F.S., to increase penalties for violations of the North American Uniform Out-of-Service Criteria and federal commercial motor vehicle regulations. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheadings *Commercial Motor Vehicle Operators*, and *Traffic Control*, and division heading *TRANSPORTATION*, subheadings *Expressway Authorities*, *Right-of-Way*, *Contributions/Advancement of Projects*, *Department of Transportation Organization*, *Minority Business Enterprises/Disadvantaged Business Enterprises*, *Outdoor Advertising*, *Public Transportation*, *Transportation Commission* and *Eminent Domain*.)

The law amends Section 316.515, F.S., to authorize a truck-semitrailer combination between 48 and 53 feet to operate without a permit from the Department of Transportation under the following conditions:

1) the distance between the kingpin or other peg which locks into the fifth wheel of a truck-tractor and the center of the rear axle or rear group of axles does not exceed 41 feet; and
2) the vehicle is equipped with a substantial rear-end underride protection device with a continuous lateral beam extending within 4 inches of the lateral extremities of the semitrailer and which is not more than 22 inches above the surface of the road.

The act amends Section 316.550, F.S., to authorize a self-propelled truck crane operating off the Interstate Highway System to tow a vehicle which does not weigh more than 5,000 pounds if the combined weight of the crane and vehicle does not exceed 95,000 pounds.

The section is further amended to authorize the Department of Transportation to impose fines not exceeding $1,000 for violations of the special permitting regulations of the Department.

**Registration/Regulation**

Section 319.225, F.S., is amended by COMMITTEE SUBSTITUTE FOR SENATE BILL 2472 (CHAPTER 90-270) to require each certificate of title issued by the Department of Highway Safety and Motor Vehicles to contain on the reverse side as

many forms as space allows, rather than a minimum of four spaces, for reassignment of title by a licensed dealer. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheadings *Exportation/Importation* and *Salvage*.)

HOUSE BILL 993 (CHAPTER 90-194) amends Section 320.08, F.S., to provide that a truck tractor or heavy truck not operated as a for-hire vehicle and exclusively transporting raw, unprocessed and nonmanufactured agricultural or horticultural products within a 150-mile radius of the home address from the point of production to the point of primary manufacture, assembling or shipping would be eligible for a restricted license plate. Vehicles with a declared gross vehicle weight under 44,000 pounds would pay $65. Vehicles 44,000 pounds and heavier would pay $240. Vehicles qualifying for the restricted license plate would be permitted to be used incidentally to haul farm implements and fertilizers when delivered direct to the growers. (Other provisions of this act are discussed under the division heading *TRANSPORTATION*, subheading *Fees and Taxes*.)

The Department of Highway Safety and Motor Vehicles is authorized to develop, by rule, regulations regarding motorized disability access vehicles by COMMITTEE SUBSTITUTE FOR HOUSE BILL 1137 (CHAPTER 90-163). Motorized disability access vehicles are to be registered in the same manner and at the same fees as motorcycles and are subject to the safety requirements for motorcycles set forth in Chapter 316, F.S., but are not required to be titled.

The act amends Section 320.01, F.S., to define a motorized disability access vehicle as a vehicle which is fueled by gasoline designed primarily for handicapped individuals with normal upper body abilities. Further specifications are as follows: travels on not more than 3 wheels, has a motor rated not in excess of 2-brake horsepower and not capable of a speed greater than 30 miles per hour on level ground, and has a power-drive system that functions directly or automatically without clutching or shifting gears. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters.

The law also amends Section 320.27, F.S., to exempt persons who sell or deliver motorized disability access vehicles from the provisions regulating the licensing of motor vehicle dealers.

The section is further amended to revise the definition of motor vehicle dealer to provide that a motor vehicle dealer may apply for a certificate of title to an automobile using a manufacturer's statement of origin only if such dealer is authorized by a franchise agreement to buy, sell or deal in such vehicle and is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on the motor vehicle. This limitation does not apply to recreational vehicles, van conversions or any other motor vehicle manufactured on a truck chassis.

Transfers of an automobile by a dealer not meeting these qualifications must be titled as a used vehicle. The Department may deny, suspend or revoke a dealer's license for representations that a motor vehicle is new if such vehicle cannot be lawfully titled as such.

Effective October 1, 1990, the Department of Highway Safety and Motor Vehicles is authorized by Section 320.02, F.S., as amended by COMMITTEE SUBSTITUTE FOR HOUSE BILL 2843 (CHAPTER 90-329) to withhold registration or re-registration of any motor vehicle if the owner or one of the owners of the vehicle has a driver license which is suspended for failure to remit payment of traffic fines levied in this state.

The act amends Section 320.0715, F.S., to require that an application for permanent registration of a motor vehicle be made within 10 days from issuance of a temporary operation permit under the International Registration Plan.

The law also amends Section 320.131, F.S., to authorize the Department of Highway Safety and Motor Vehicles to issue temporary tags to applicants demonstrating a need for such tags who cannot legally be issued permanent plates.

Section 320.14, F.S., is amended to eliminate the authorization for trailers and semitrailers to register on a half-year or quarter-year basis. However, truck tractors used exclusively to haul agricultural produce and not required to be apportioned may register for a 3- or 6- month period and pay respectively one-quarter or one-half of the annual registration rate. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheadings *Commercial Motor Vehicle Operators* and *Driver Licenses/Identification Cards*, and division heading *TRANSPORTATION*, subheadings *Expressway Authorities* and *Fees and Taxes*.)

**Traffic Control**

Effective October 1, 1990, the Department of Transportation is required by SENATE BILL 644 (CHAPTER 90-24) to adopt rules providing minimum standards for the employment of persons who operate drawbridges. The standards must specify the amount and type of training required for drawbridge operators, the amount and type of supervision required, and the nature and frequency of performance evaluations.

Nongovernmental entities to which the general public is invited to travel are required by HOUSE BILL 441 (CHAPTER 90-121) to install and maintain at appropriate locations uniform traffic control devices. The devices must conform to standards adopted by the Department of Transportation and must be in place by January 1, 1992. The act, which amends Section 316.0747, F.S., requires nongovernmental entities that currently use nonconforming traffic control devices to replace them with conforming devices by January 1, 1992.

Businesses whose parking lots do not provide intersecting lanes of traffic and businesses with fewer than 25 parking spaces are exempt from the requirements of the act. Violators will be charged with a misdemeanor of the second degree and will be subject to a term of imprisonment not to exceed 60 days, a fine of $500 or less, or both.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1679 (CHAPTER 90-150) creates Section 316.3045, F.S., to make it illegal for any person operating a motor vehicle on a street or high-

way to operate or amplify the sound made by a radio, tape player or other mechanical soundmaking device or instrument from within the vehicle to the extent that the sound is plainly audible 100 feet from the vehicle. Such sound may also not be louder than necessary for the convenient hearing of persons inside the vehicle in areas adjoining churches, schools or hospitals.

Exempted from the act's provisions are law enforcement or emergency vehicles that are equipped with communications devices necessary to the performance of law enforcement or emergency procedures and motor vehicles which normally use soundmaking devices for business or political purpose. The act also exempts any noise made by a horn or other warning device.

The Department of Highway Safety and Motor Vehicles is charged with developing rules defining "plainly audible" and establishing procedures regarding how sound is to be measured by law enforcement personnel.

Counties and municipalities are authorized under SENATE BILL 348 (CHAPTER 90-227) to set a maximum speed limit of 25 miles per hour on local streets and highways in a residence district after an investigation determines that such a speed limit is reasonable. Sections 316.183 and 316.189, F.S., are amended by the act to make it unnecessary to conduct a separate investigation for each residence district. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheadings *Commercial Motor Vehicles*, *Commercial Motor Vehicle Operators*, and division heading *TRANSPORTATION*, subheadings *Expressway Authorities*, *Right-of-Way*, *Contributions/Advancement of Projects*, *Department of Transportation Organization*, *Minority Business Enterprises/Disadvantaged Business Enterprises*, *Outdoor Advertising*, *Public Transportation*, *Transportation Commission* and *Eminent Domain*.)

**Traffic Violations**

The court is authorized by HOUSE BILL 245 (CHAPTER 90-253) to prohibit a person convicted of driving under the influence and granted probation from operating a motor vehicle during his probation, unless the vehicle is equipped with an ignition interlock device. The device would prevent the vehicle from being started if the operator's blood alcohol level was in excess of 0.05 percent, or as otherwise specified by the court.

When mandated, use of the device is required for a minimum of 6 months. Tampering with or circumventing the operation of a device is punishable by a 1 year revocation of the person's driving privilege for a first offense and by revocation of a person's driving privilege for a 5-year period for a subsequent offense. Such person who does not have a driver license is punishable by a fine of not less than $250 or more than $500.

The legislation allows a person to operate a motor vehicle in the course or scope of employment, other than self-employment, without the installation of an ignition interlock device if the vehicle is owned by the employer, the employer has been notified of the driving restriction and proof of such notification is in the vehicle.

The Department of Health and Rehabilitative Services is required to certify the accuracy of ignition interlock devices. The cost of certification is to be borne by the manufacturers of the devices. (Other provisions of this act are discussed in the division heading *MOTOR VEHICLES*, subheading *Driver Licenses/Identification Cards*.)

Subsections 318.14(11) and 322.01(10), F.S., are amended retroactively to July 1, 1989, by COMMITTEE SUBSTITUTE FOR SENATE BILL 528 (CHAPTER 90-230) to exclude from the definition of "conviction" court action where adjudication is withheld. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheading *Commercial Motor Vehicle Operators*, and division heading *TRANSPORTATION*, subheading *Public Transportation*.)

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1383 (CHAPTER 90-256) creates Section 316.3045, F.S., to prohibit the operation in motor vehicles of radios or other mechanical soundmaking devices which are audible at a distance of 100 feet or more, or are louder than necessary in areas adjoining churches, schools or hospitals. Certain vehicles are exempted. The Department of Highway Safety and Motor Vehicles is to establish definitions and soundmeasuring standards by rule. The resulting penalty for violation of this section will be a $32 nonmoving traffic infraction. The act takes effect October 1, 1990.

**Handicapped Parking**

Under the provisions of SENATE BILL 502 (CHAPTER 90-48), counties are required to enact an ordinance directing the clerk of the court or the traffic violations bureau to supply the Department of Highway Safety and Motor Vehicles with the names of individuals who have outstanding violations for parking in spaces designated for use by disabled persons.

The act, which amends Section 316.1967, F.S., specifies that the names be provided on a magnetically encoded computer tape reel or cartridge which is machine readable by the installed computer system at the Department, and that it list persons who have outstanding violations of Section 316.1955, F.S., (parking spaces provided by governmental agencies for certain disabled persons), Section 316.1956, F.S., (parking spaces provided by nongovernmental entities for certain disabled persons) or any similar local ordinance regulating handicapped parking spaces. The Department is required to mark the appropriate registration records of the persons reported. The act applies only to violations committed on or after October 1, 1990.

Chiropractors are authorized by SENATE BILL 864 (CHAPTER 90-28) to certify a person as handicapped to the Department of Highway Safety and Motor Vehicles for the purpose of obtaining a handicapped parking permit.

**Towing**

Trailer hitches or other trailer-connecting devices manufactured, sold or offered for sale for use with any trailer or in tow-

ing boats are required by SENATE BILL 322 (CHAPTER 90-78) to conform to the certification standards in the Vehicle Equipment Safety Commission Regulation V-5. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheading *Exportation/Importation.*)

COMMITTEE SUBSTITUTE FOR HOUSE BILL 607 (CHAPTER 90-283) amends Section 120.57, F.S., to mandate that hearings held by the Division of Florida Highway Patrol to suspend or remove a wrecker operator from participating in the wrecker rotation system be conducted by a hearing officer approved by the division director.

Sections 125.0103 and 166.043, F.S., are amended by the act to authorize local governments to set rates for removal and storage of wrecked or disabled vehicles.

Section 320.051, F.S., is amended to authorize the Division of Florida Highway Patrol to limit the number of wrecker operators participating in the wrecker operator rotation system. Such authority does not affect wrecker operators currently participating in the system. The Division is also authorized to establish maximum rates for towing and storage of vehicles removed at the Division's request, where rates have not been set by a county or municipality.

The law also amends Section 713.78, F.S., to require that notice be sent by certified mail, return receipt requested, within 7 business days after the date of storage of a towed vehicle to the registered owner and all persons of record claiming a lien against the vehicle. The notice must state the charges that have accrued and that the vehicle and its contents may be sold in 35 days free of all prior liens, if the vehicle remains unclaimed or if recovery, towing or storage charges for the vehicle remain unpaid.

The time allotted an owner or lien holder for filing a complaint in county court that his property was wrongfully taken or withheld from him is increased from 5 to 10 days after the time he had knowledge of the location of the vehicle. Upon posting a bond and payment of applicable fees, the clerk of the court is required to issue a certificate notifying the lienor of the posting and directing the lienor to release the vehicle.

Upon determination by the court of the respective rights of the parties, the court is authorized to award damages and costs in favor of the prevailing party.

A person who provides towing or storage services is required to permit the vehicle owner or his agent (evidenced by a written and sworn acknowledgment) to inspect the towed vehicle and to release to the owner or agent all personal property not affixed to the vehicle.

The act simplifies the process for obtaining certificates of destruction for vehicles towed, stored and remaining unclaimed and provides punishment of up to 5 years imprisonment, fines up to $5,000 or both for violation of the provisions of the legislation.

As it amends Section 715.07, F.S., the act requires any vehicle towed or removed from private property without the consent of the registered owner or other legally authorized person in control of that vehicle to be stored at a site within 10 miles of the point of removal in any county of 500,000 population or more. That site must be open for the purpose of redemption of vehicles on any day that the person or firm is open for towing purposes from 8:00 a.m. to 6:00 p.m.

A business owner or lessee is empowered to authorize the removal of a vehicle parked in such a manner as to restrict the normal operation of business. A vehicle parked on a public right-of-way obstructing access to a private driveway may be removed by a towing company upon the owner or lessee of the private driveway signing an order that the vehicle be removed even if no posted tow-away sign is present.

The inspection by law enforcement officers of towing and storage facilities and the records they are required to maintain is authorized by Section 812.055, F.S., as amended by the act. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheading *Salvage.*)

**Mobile Homes**

The Mobile Home and Recreational Vehicle Protection Trust Fund is created by COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 114 (CHAPTER 90-221). The Trust Fund is administered and managed by the Department of Highway Safety and Motor Vehicles and all expenses incurred by the Department relative to the Trust Fund are to be paid from trust fund appropriations.

Effective October 1, 1990, the Department is authorized to collect an additional fee of $1 for each new mobile home and recreational vehicle title transaction for which it charges a fee. These fees, along with a fee of $40 per annual dealer and manufacturer license and license renewal, will be deposited in the Trust Fund.

The Trust Fund will be used to satisfy judgments up to $25,000 per mobile home or recreational vehicle against a mobile home or recreational vehicle dealer or broker for certain damages, restitution and expenses, including attorney's fees.

The Department, at its discretion, may try to recover from the mobile home or recreational vehicle dealer or broker, or the judgment debtor or its surety, all sums paid to persons from the Trust Fund.

**Exportation/Importation**

The procedures and remedies granted motor vehicle dealers as protection from unfair cancellation of a franchise agreement by motor vehicle manufacturers, distributors or importers are provided by SENATE BILL 322 (CHAPTER 90-78) to a distributor whose distributor agreement is discontinued, cancelled, not renewed, modified or replaced by an importer. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheading *Towing.*)

COMMITTEE SUBSTITUTE FOR SENATE BILL 2472 (CHAPTER 90-270) eliminates the requirement contained in Section 319.36, F.S., that when exporting a used motor vehicle the application form for the certificate of right of possession be notarized or sworn.

The requirement that evidence of the applicant's right of possession must be surrendered to the Department of Highway Safety and Motor Vehicles upon application for a certifi-

cate of right of possession is deleted. The Department is authorized to use reasonable identifying marks or indications as established by rule when determining evidence of right of possession of an applicant. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheadings *Salvage* and *Registration/Regulation*.)

**Salvage**

A motor vehicle or mobile home is not considered a "total loss" if the insurance company and the owner agree to repair, rather than replace, the motor vehicle or mobile home under Section 319.30, F.S., as amended by COMMITTEE SUBSTITUTE FOR SENATE BILL 2472 (CHAPTER 90-270). Further, the determination of a vehicle's value may be based on any official used car or used mobile home guide, rather than the official guide of the National Automobile Dealers Association. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheadings *Exportation/Importation* and *Registration/Regulation*.)

A motor vehicle, sold, transported or delivered to a salvage motor vehicle dealer is required by COMMITTEE SUBSTITUTE FOR HOUSE BILL 607 (CHAPTER 90-283) to be accompanied by a properly endorsed certificate of title, salvage certificate of title or vehicle certificate of destruction. The changes made in Section 319.30, F.S., also require that if the certificate of title has been surrendered to the Department, a notarized affidavit signed by the owner stating the title has been returned to the State of Florida; the date on which such return was made; the year, make and vehicle identification number of the motor vehicle; and the name, address and personal identification card number of the owner must accompany the vehicle.

The act makes it unlawful for any person to have in his possession any motor vehicle or mobile home from which the manufacturer's identification number plate or serial plate has been removed. Likewise, it is unlawful for any person to knowingly possess, sell or exchange, or give away any manufacturer identification number plate or serial plate of any motor vehicle or mobile home which has been removed from the motor vehicle or mobile home for which it was manufactured. A person who violates these prohibitions is subject to a term of imprisonment of not more than 5 years, a fine of not more than $5,000 or both. Individuals performing repairs are permitted to remove plates when necessary.

In addition to obtaining documents required by law, a salvage motor vehicle dealer purchasing materials or major component parts is required to record the date of purchase, the address of the seller, and the personal identification card number of the person delivering such items, as well as the vehicle identification number, if available.

When a secondary metals recycler purchases materials, prepared materials, or parts from any seller, or purchases motor vehicles, mobile homes or derelicts from someone other than a secondary metals recycler for purposes of processing the same, a valid certificate of title or certificate of destruction issued in the name of the seller or properly endorsed over to the seller or an affidavit that the title has been returned to the state is required from the seller. Documentation is also required if major parts are purchased from someone other than a secondary metals recycler for processing purposes.

Secondary metal recyclers and salvage motor vehicle dealers are required to return to the Department on a monthly basis all certificates of title required by law to be obtained. Secondary metals recyclers and salvage motor vehicle dealers are also required to keep all certificates of destruction, seller's affidavits and all other information required by law on file in chronological order for a period of 3 years from the date of purchase of the items.

The law also amends Section 319.33, F.S., to provide that if all of the identifying numbers of a motor vehicle, mobile home, or a major component part do not exist or have been destroyed, removed, covered, altered or defaced, then the motor vehicle, mobile home or major component part constitutes contraband and is subject to forfeiture to a seizing law enforcement agency. A major component part forfeited under the provisions of the act is to be destroyed or disposed of in a manner to make it unusable. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheading *Towing*.)

*TRANSPORTATION*

**Florida Intrastate Highway System/Turnpike**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) requires the Department of Transportation to develop the Florida Intrastate Highway System Plan to delineate a statewide system of limited-access facilities and controlled access facilities. The system must consist of the following primary components: interstate highways; the Florida Turnpike System; interregional and intercity limited-access facilities; existing interregional and intercity arterial highways previously upgraded, or upgraded in the future to controlled access facility standards; and new limited-access facilities necessary to complete a balanced statewide system.

Pursuant to newly created Section 338.001, F.S., the following amounts are required to be allocated to the system:

1. In fiscal year 1990-91, $76.6 million must be allocated to projects that are included in the plan. A maximum of $75 million of this amount may be allocated to fund turnpike projects.
2. In fiscal year 1991-92, $136.6 million must be allocated to projects that are included in the plan. A maximum of $125 million of this amount may be allocated to fund turnpike projects.
3. In fiscal year 1992-93, $151.3 million must be allocated to projects that are included in the plan. A maximum of $125 million of this amount may be allocated to fund turnpike projects.
4. For each fiscal year thereafter, an amount equal to $151.3 million, adjusted annually by the change in the Consumer Price Index for the prior fiscal year compared to the Consumer Price Index for 1991-92, must be allocated to projects that are included in the plan. A maximum of $100 million of this amount may be allocated to

fund turnpike projects for fiscal year 1993-94. Thereafter, no funds dedicated to the system may be allocated to turnpike projects.

In addition to creating the Florida Intrastate Highway System, the act makes several significant changes to the Florida Turnpike Law, Sections 338.22-338.244, F.S.

Section 338.221, F.S., is amended to redefine the term "economically feasible," which is the major threshold requirement that all turnpike candidate projects must satisfy prior to being approved by the Legislature.

For turnpike projects financed from the proceeds of revenue bonds, "economically feasible" means that a project must be expected to have bonding capacity supported by project revenues equal to at least 50 percent of the project costs to be paid from Department funds. However, the Department is authorized, with the approval of the Legislature, to pay from the State Transportation Trust Fund a portion of the capital cost of a project, as necessary to meet economic feasibility requirements. In addition, within 15 years of opening to traffic the annual total revenue from such project must be expected to meet or exceed the annual debt service requirements and operation and maintenance costs attributable to such project.

For turnpike projects, except for feeder roads financed from revenues of the turnpike system, such project shall be expected to generate sufficient revenues to amortize project costs within 15 years of opening to traffic.

The definition of "economically feasible" is further amended to delete all statutory exceptions (i.e., project design and engineering phases for the Lebanon Station extension; projects funded with revenues and bond proceeds from the system which had a preliminary engineering phase programmed in fiscal year 1987-88 or earlier; toll-free limited-access highways designated by the Department as part of the turnpike system for which the Department shall assume all costs from other than revenues; and turnpike improvements).

COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) also amends Section 338.222, F.S., to authorize the Department to contract with any local entity, as defined in Section 334.03, F.S., for the design, right-of-way acquisition or construction of any approved turnpike project. A local government may negotiate with the Department for any such phase of a turnpike project located within its jurisdiction or within a county with which the local government has an interlocal agreement.

Section 338.223, F.S., is amended by the Legislature to require turnpike projects to be consistent, to the maximum extent feasible, with approved local government comprehensive plans and to require all such projects to be reviewed by the Department of Environmental Regulation. The enactment establishes requirements concerning notice and public comment relative to the issuance of a statement of environmental feasibility by the Department of Environmental Regulation. The notice and issuance of such statement shall not give rise to any rights to a hearing or other rights or remedies provided pursuant to Chapters 120 or 403, F.S., nor bind the Department of Environmental Regulation in any subsequent permit review.

The act further amends the Florida Turnpike Law by revising Section 338.227, F.S., to provide that all revenues and bond proceeds received by the Department of Transportation pursuant to the Florida Turnpike Law may be used only for the cost of turnpike projects and turnpike improvements and for the administration, operation, maintenance and financing of the turnpike system.

Section 338.227, F.S., is further amended to delete legislative approval for all previously approved turnpike projects. However, Section 338.2275, F.S., is created to provide legislative approval for all such projects, except the Lebanon Station Extension and the Sawgrass Expressway Extension, and to approve the following new candidate projects and costs: Polk County Parkway ($335 million); Branan Field/Chaffee Road Facility ($52.2 million); Palmer Expressway ($102 million); Seminole County Expressway, Project 1 ($182.4 million); Northwest Hillsborough Expressway ($325.9 million); Southern Connector Extension ($81.5 million); North Suncoast Corridor ($402.5 million); Western Beltway ($636.8 million); Atlantic Boulevard Interchange in Broward County; N.W. 3rd Avenue Interchange in Broward County; S.R. 80/Southern Boulevard Interchange in Palm Beach County; Forest Hill Boulevard Interchange in Palm Beach County; N.W. 45th Street Interchange in Palm Beach County; Lake Worth Road Interchange in Palm Beach County; East/West Expressway Interchange in Orange County; Southern Connector Interchange in Orange County; S.R. 50 Interchange in Orange County; Dart Boulevard Interchange in Osceola County; N.W. 74th Street Interchange in Dade County; Allapattah Road Interchange in Dade County; Tallahassee Road Interchange in Dade County; Biscayne Drive Interchange in Dade County; and the Campbell Drive Interchange in Dade County.

A maximum of $1.1 billion of bonds may be issued to fund the approved projects contained in Section 338.2275, F.S. The Department is authorized to use turnpike revenues, bond proceeds and State Transportation Trust Fund money allocated for turnpike projects pursuant to Section 338.001, F.S., to fund approved projects. Up to 10 percent of the total amount of the approved costs of all approved turnpike projects may be set aside as a contingency amount from which the Department may allocate funds for a project that exceeds such approved costs; however, in no event shall the funds allocated from this contingency amount exceed 15 percent of a project's approved costs.

Section 338.2275, F.S., also requires the Department to acquire, subject to verification of economic feasibility, the assets and liabilities of the Sawgrass Expressway. In addition, the Department is required to repay to the extent possible, Broward County gasoline tax funds used since July 6, 1988, to pay the cost of debt service on outstanding bonds of the Expressway.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) also requires the Department, upon verification of economic feasibility for the Western Beltway or any segment thereof, to request at the next legislative session following such verification the approval of the issuance of revenue bonds to fund such project or project phase. Further, it is the

legislative intent that the Western Beltway be given priority as a project financed from subsequent issuance of turnpike revenue bonds approved by the Legislature, subject to the requirement that the project meet all economic feasibility requirements and be financed without the use of capitalized interest.

The act also amends Section 338.231, F.S., to require the Department to establish a toll rate for a turnpike project which is higher than the uniform system rate as necessary to meet the annual debt service requirements and operation and maintenance costs of such project.

One final amendment contained in COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) that impacts the Florida Turnpike is an amendment to Section 215.82, F.S., requiring turnpike revenue bonds to be validated in Leon County. (Other provisions of this act are discussed under the division heading *TRANSPORTATION*, subheadings *Minority Business Enterprises/Disadvantaged Business Enterprises*, *Expressway Authorities*, *Right-of-Way*, *Budget/Work Program*, *Contributions/Advancement of Projects*, *Department of Transportation Organization*, *Contract Procedures*, *Eminent Domain*, *Transportation Commission*, *Public Transportation*, *Computer Rail Authorities* and *Taxes and Fees*.)

**Expressway Authorities**

SENATE BILL 348 (CHAPTER 90-227) AND COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) create Section 338.250, F.S., to provide for a regional environmental mitigation process in conjunction with the construction of the Central Florida Beltway consisting of the Western Beltway, Eastern Beltway, Southern Connector, Southern Connector Interchange and Southern Connector Extension.

For projects to be constructed by the Department of Transportation, proceeds of revenue bonds issued for such projects are to be deposited into the Central Florida Beltway Trust Fund created in the Department of Transportation. For projects constructed by a road building authority other than the Department, the bond proceeds are to be deposited into an account established in the construction fund for the bond issues. The following maximum amounts will be set aside from such bond proceeds: $4 million for the Seminole County Expressway; $30.5 million for the Western Beltway; $14.2 million for the Southern Connector; $1.46 million for the Turnpike/Southern Connector Interchange; and an amount for the Southern Connector Extension in proportion to the amount provided for the Southern Connector based on the amount of wetlands displaced. The interest from the funds accrues to the agency responsible for the construction of the appropriate project. Where feasible, mitigation funds are to be used in coordination with funds from the Conservation and Recreation Lands Trust Fund, Save Our Rivers Land Acquisition Program or from other appropriate sources.

Upon receipt of wetland inventories, the appropriate water management districts, in consultation with the Central Florida Beltway Project Environmental Advisory Group, are to develop a conceptual plan for the mitigation of wetland impacts and identify various options for mitigation for each of the segments of the beltway projects.

These conceptual plans are to be completed and approved by the appropriate water management district within 90 days after receipt of the wetland inventory. The water management districts are to be reimbursed from the bond proceeds for the actual costs for the preparation of mitigation plans.

The law requires the Department of Environmental Regulation (DER) to review conceptual plans. Within 30 days of receipt, the Department must approve these plans or refer them back to the respective agencies with directions as to what needs to be corrected. Water management districts must modify the conceptual plans and resubmit them within 30 days of referral.

Upon receipt and subsequent approval of conceptual plans, DER is required to submit these approved plans to the appropriate federal agencies which also require permitting and approval of wetland mitigation.

Further, the act requires the appropriate road building authority to make permit applications to DER for review and final action and also provides for a review process by affected county governments.

The legislation provides that the decision to participate in the mitigation program is at the discretion of the Seminole County Expressway Authority, but any participation is to be in accordance with procedures established under the act. Contracts to purchase or the filing of declarations of taking must take place within 15 months after the project authorization date.

The affected water management districts are to serve as acquisition agents in acquiring lands to implement mitigation plans and these districts are to contract with agencies responsible for right-of-way acquisition of the beltway for the provision of appraisals of mitigation projects. Title to lands acquired by a water management district are to be held by the district, but may be transferred, if appropriate, to another governmental agency.

Management plans for mitigation lands are conditions of the permit and must be prepared and implemented by the agency holding title.

Prior to the commencement of any construction of any projects, the act requires DER to approve these plans and issue relevant permits. Water management districts are responsible for implementation of mitigation plans.

The law also requires the disbursement and investment of funds to be in accordance with all applicable state and federal laws and any trust indentures or bond resolutions.

Section 372.074, F.S., is created to establish the Fish and Wildlife Habitat Trust Fund for the purpose of acquiring and managing lands important to the conservation of fish and wildlife. Title to lands acquired will be held by the Board of Trustees of the Internal Improvement Trust Fund and the land will be managed by the Game and Fresh Water Fish Commission.

Land acquisition must be a voluntary, negotiated acquisition and is subject to the acquisition procedures of Section 253.025, F.S. Acquisition costs payable from the Fund may in-

clude the purchase price and costs and fees associated with title work, surveys and appraisals.

SENATE BILL 348 (CHAPTER 90-227) amends Section 403.918, F.S., to authorize the Department of Environmental Regulation to conduct a study of ongoing mitigation measures imposed on individual permitted activities. The study is to be submitted to the Governor, President of the Senate and the Speaker of the House of Representatives by January 15, 1991, and should include any recommended legislation for the protection of the state's wetlands.

Section 348.953, F.S., is amended by the act to revise the purposes and powers of the Seminole County Expressway Authority to authorize the Authority to reimburse Seminole County for amounts expended from any revenue provided by Seminole County. The revision of the powers of the Authority include authorization to hire and retain independent certified public accountants and auditors to audit the records of the Authority and of the Department in regard to the expressway system as long as any bonds of the Authority are outstanding.

Further, the legislation authorizes the Authority to pledge Seminole County gas tax funds or any other revenues for payment of principal or interest on obligations pursuant to the terms of a lease-purchase agreement between the Authority and the Department or between the Authority and Seminole County.

The section is further amended to provide that the Authority may employ fiscal agents or may request the State Board of Administration to act as fiscal agent for the Authority in the issuance of bonds. Upon request of the Authority, the State Board of Administration may take over the management, control, administration, custody and payment of debt services or funds or assets for any bonds issued. The Authority may enter into credit agreements with specified financial institutions for security of bonds and may pledge funds of the Authority, including any Seminole County gas tax funds or other revenues received pursuant to any lease-purchase agreement. The credit agreements are to contain provisions customary in such agreements or as authorized by the Authority.

The act amends Section 348.955, F.S., to revise provisions relating to the payment by the Department of rentals under any lease-purchase agreement to Seminole County revenues for payment of principal and of interest on any obligation issued to finance any portion of the expressway system.

The law requires the consent of Seminole County for the pledge of not only the gas tax funds but also for other county revenues as rentals under any agreement. Evidence of consent is to be provided by resolution which must include a provision providing that any excess of revenues not required for debt service of bonds issued on behalf of the Authority be distributed to Seminole County.

Legislative approval is provided under the act for the acquisition and construction of the Southern Connector project, a limited-access toll highway extending 24 miles from I-4 south of Orlando to the Beeline Expressway east of Orlando, or segments or portions thereof. The project is to be financed by revenue bonds issued by the Division of Bond Finance of the Department of General Services on behalf of the Orlando-Orange County Expressway Authority. The Department of Transportation may not enter into a covenant to complete such project and may not advance or expend funds for the maintenance costs of said project.

Section 11.45, F.S., is amended to authorize expressway and bridge authorities to use independent certified public accountants for purposes of performing financial audits. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheadings *Commercial Motor Vehicles*, *Commercial Motor Vehicle Operators*, and *Traffic Control*, and division heading *TRANSPORTATION*, subheadings *Right-of-Way*, *Contributions/Advancement of Projects*, *Department of Transportation Organization*, *Minority Business Enterprises/ Disadvantaged Business Enterprises*, *Outdoor Advertising*, *Public Transportation*, *Transportation Commission* and *Eminent Domain*.)

COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) creates the Florida Expressway Authority Act, to authorize any county, or two or more contiguous counties located within a single transportation district, to form an expressway authority by resolution adopted by the board of county commissioners. Each such authority would be an agent of the state and would be authorized to exercise all powers necessary, appurtenant, convenient or incidental to the acquisition and construction of an expressway system, including issuing revenue bonds as provided in the State Bond Act.

The governing body of an authority shall consist of not fewer than four nor more than nine voting members. The district secretary of the affected departmental district shall serve as a nonvoting member of the governing body of each authority located within the district. Each member of the governing body must at all times during his term of office be a permanent resident of the county which he is appointed to represent.

Two members of an authority shall be appointed for terms of 4 years by the Governor, subject to confirmation by the Senate. Such persons may not hold elective office during their terms of office. For a single-county authority, the remaining members shall be appointed by the board of county commissioners for terms of 3 years. For a multicounty authority, the remaining members shall be apportioned, based on the population of such counties, among the counties within the authority. Each such member shall be appointed by the applicable board of county commissioners for a term of 3 years.

Section 338.251, F.S., relating to the Toll Facilities Revolving Trust Fund, is amended by COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) to provide that repayment of advances from the Fund may begin no later than 7 years after the date of such advance, provided that such repayment is completed no later than 12 years after the date of such advance. In addition, no expressway authority, county or other local governmental entity shall be eligible to receive any advance if such local governmental entity has failed to repay any previous advances as required by law or by agreement with the Department.

The section is further amended by the act to require any repayment of prior or future advances made from the State

Transportation Trust Fund which were used to fund any project phase of a toll facility to be deposited in the Toll Facilities Revolving Trust Fund. However, any funds advanced to the Seminole County Expressway Authority pursuant to the section, which are repayed by, or on behalf of, the Seminole County Expressway Authority, shall be forthwith advanced to the Authority for the design of, and the acquisition of right-of-way for, that segment of the Seminole County Expressway extending from U.S. Highway 17/92 to Interstate 4.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) also amends Section 348.243, F.S., relating to the powers of the Broward County Expressway Authority, to authorize the Authority to enter into an agreement with the Department of Transportation to sell, transfer and dispose of all property of the Sawgrass Expressway. (Other provisions of this act are discussed under the division heading *TRANSPORTATION*, subheadings *Florida Intrastate Highway System/Turnpike*, *Minority Business Enterprises/Disadvantaged Business Enterprises*, *Right-of-Way*, *Budget/Work Program*, *Contributions/Advancement of Projects*, *Department of Transportation Organization*, *Contract Procedures*, *Eminent Domain*, *Transportation Commission*, *Public Transportation*, *Commuter Rail Authorities* and *Taxes and Fees*.)

The statutory authority provided to the Jacksonville Transportation Authority in Section 349.05, F.S., is revised to provide for the negotiated sale of bonds as well as sale at public auction. The Authority is also empowered by COMMITTEE SUBSTITUTE FOR HOUSE BILL 2843 (CHAPTER 90-329) to bond against sales surtax revenues or any other revenues.

The law also permits the Authority to choose to employ its own fiscal agents or to select the State Board of Administration to act as the Authority's fiscal agent in the issuance of bonds. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheadings *Commercial Motor Vehicle Operators*, *Driver Licenses/Identification Cards* and *Registration/Regulation*, and division heading *TRANSPORTATION*, subheading *Fees and Taxes*.)

**Contributions/Advancement of Projects**

SENATE BILL 348 (CHAPTER 90-227) authorizes cities and counties to receive funds from individuals, estates of an incompetent or deceased individual, corporations (profit or nonprofit), business trusts, estates, partnerships, trusts or governments (foreign or domestic) for purposes of Sections 339.12 and 339.121, F.S.

A governmental entity other than the Department of Transportation is prohibited from performing projects or project phases when federal funds are used unless the entity is qualified and authorized by the Federal Highway Administration to perform the project.

The act also creates Section 339.121, F.S., authorizing a governmental entity to aid in right-of-way, capital acquisition, construction or construction-related expenses of a public transportation project. Reimbursement to the governmental entity for the entire amount of the cash, bond proceeds, time warrants or direct cost of goods and services must be made from funds appropriated by the Legislature in the year the project is scheduled in the adopted work program.

Sections 339.12 and 339.121, F.S., are scheduled for Sunset on October 1, 1996, pursuant to Section 11.61, F.S.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) AND SENATE BILL 348 (CHAPTER 90-227) amend Section 339.12, F.S., relating to contributions made by local governmental entities, to advance projects in the Department's adopted work program, to make all of the provisions of the section, including Department reimbursement of contributions, applicable to all governmental entities.

The section is also amended to provide that prior to entering into an agreement to advance a project or project phase pursuant to the section, the Department would be required to update the estimated cost of the project or project phase and certify that the estimate is accurate and consistent with the amount estimated in the adopted work program. If the original estimate and the updated estimate vary, the Department would be required to amend the adopted work program pursuant to Section 339.135(8), F.S. Any such amendment would be required to reflect all corresponding increases and decreases to the affected projects within the work program.

A new subsection (5) is added to the section to authorize the Department and the governing body of a governmental entity to enter into an agreement by which the governmental entity agrees to perform a project or project phase in the Department's adopted work program for a road on the State Highway System that is not revenue-producing. By specific provision in the agreement, the Department may agree to reimburse the governmental entity for the actual cost of preliminary engineering, project design, right-of-way acquisition, construction engineering inspection or the construction contract for the project or project phase. Such reimbursement would be required to be made from funds appropriated by the Legislature and would be required to begin in the year the project or project phase was scheduled in the work program as of the date of the agreement.

The acts also provide that any financial provisions of any agreement that are made in accordance with the provisions of the section must be approved by the Department comptroller.

Section 335.20, F.S., is also amended by the acts to change the Local Government Transportation Assistance Act from a 20/80 matching program to a 50/50 matching program. The section is further amended to delete the requirement that only local governments which have adopted at least 4 cents of local option gas taxes are authorized to participate in the program and to authorize local governments to use any revenues to provide the required 50 percent match.

The section is further amended to provide that prior to entering into an agreement to advance a project or project phase pursuant to the section, the Department is required to update the estimated cost of the project or project phase and certify that the estimate is accurate and consistent with the amount estimated in the adopted work program. If the original estimate and the updated estimate vary, the Department is required to amend the adopted work program pursuant to

Subsection 339.135(8), F.S. Any such amendment is required to reflect all corresponding increases and decreases to the affected projects within the adopted work program. (Other provisions of COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) are discussed under the division heading *TRANSPORTATION*, subheadings *Florida Intrastate Highway System/Turnpike*, *Minority Business Enterprises/ Disadvantaged Business Enterprises*, *Expressway Authorities*, *Eminent Domain*, *Transportation Commission*, *Public Transportation*, *Commuter Rail Authorities* and *Taxes and Fees*, and other provisions of SENATE BILL 348 (CHAPTER 90-227) are discussed under the division heading *MOTOR VEHICLES*, subheadings *Commercial Motor Vehicles*, *Commercial Motor Vehicle Operators*, and *Traffic Control*, and division heading *TRANSPORTATION*, subheadings *Expressway Authorities*, *Right-of-Way*, *Contributions/Advancement of Projects*, *Minority Business Enterprises/Disadvantaged Business Enterprises*, *Outdoor Advertising*, *Public Transportation*, *Transportation Commission* and *Eminent Domain*.)

**Budget/Work Program**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) amends Section 339.135, F.S., relating to the preparation, adoption, execution and amendment of the Department of Transportation's work program.

Subsection (4) of the section is amended to provide that funds for bridge fender system construction or repair shall be allocated based on a needs assessment. The subsection is further amended to require the Department's tentative work program and accompanying reports to clearly identify right-of-way phases that are part of the advanced acquisition of right-of-way program created in Section 337.276, F.S.

Subsection (6) of Section 339.135, F.S., is amended by the act to provide that any transportation project of the Department that is identified by specific appropriation in the General Appropriations Act must be deducted from the funds annually distributed to the respective district pursuant to Paragraph 339.135(4)(a), F.S.

Subsection 339.135(8), F.S., is amended by the act to authorize the Secretary of the Department of Transportation to request the Executive Office of the Governor to amend the adopted work program when an emergency exists and such emergency relates to the repair or rehabilitation of any state transportation facility. If the delay incident to the notification requirements of the section will be detrimental to the interests of the state, the Governor may amend the work program without complying with such notice requirements. However, the Department is required to immediately notify all applicable parties and to provide written justification of the emergency action within 7 days of such action. In no event, however, may the work program be amended pursuant to the subsection without the certification of the Department's comptroller that sufficient funds are available.

The law also amends Section 339.155, F.S., to require additional information to be included in the Florida Transportation Plan. The section is further amended to require the Department to develop a production-ready needs list and to submit such list to the legislative appropriations committees no later than January 15 of each year along with a report identifying the additional resources needed to fully fund such list.

In order to properly program the increased revenues raised in the act, the Department is required to develop a tentative work program to spend such revenues. The tentative work program, which may only include projects or program levels identified in the "Motion Plan 1990," submitted to the Legislature on March 1, 1990, must be adopted pursuant to the substantive procedures established in Section 339.135, F.S. Each component of such tentative work program must be submitted to the Governor for approval as individual amendments to the adopted work program, pursuant to Subsection 339.135(8), F.S. Notwithstanding any other provision of the act to the contrary, no additional taxes may be imposed pursuant to the provisions of Section 336.026, F.S., as amended by the act, until the work program procedures of Section 339.135, F.S., have been satisfied.

Further, the act amends Section 320.20, F.S., to delete the automatic repeal of paragraphs (3)(b) and (c), scheduled for July 1, 1991. In addition, the section is amended to provide that an amount equal to one-twelfth of the anticipated annual revenues derived from motor vehicle license taxes to be deposited in the State Transportation Trust Fund must be credited monthly to such Fund.

The law also amends Section 334.065, F.S., establishing the Center for Urban Transportation Research, to authorize the Center to submit a budget pursuant to Chapter 216, F.S. Such budget is not subject to change by the Department, but must be submitted to the Governor along with the budget of the Department. (Other provisions of this act are discussed under the division heading *TRANSPORTATION*, subheadings *Florida Intrastate Highway System/Turnpike*, *Minority Business Enterprises/Disadvantaged Business Enterprises*, *Expressway Authorities*, *Right-of-Way*, *Contributions/Advancement of Projects*, *Department of Transportation Organization*, *Contract Procedures*, *Eminent Domain*, *Transportation Commission*, *Public Transportation*, *Commuter Rail Authorities* and *Taxes and Fees*.)

**Department of Transportation Organization**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) amends Section 20.23, F.S., to require the central office of the Department of Transportation to implement a monitoring function based on a plan that clearly specifies the areas to be monitored, the activities and criteria used to measure compliance and a feedback process that assures that findings are reported and discrepancies are corrected. In addition, the section is amended to require the establishment of a policy, program or operations office within the central office for the purpose of assessing and ensuring the accuracy of information within the Department's financial management information systems. The provision of the statutes which makes the Assistant Secretary for Finance and Administration the chief financial officer of the Department is deleted from

this section. However, the assistant secretary is responsible for ensuring that financial information is processed in a timely, accurate and complete manner and is required to implement the following responsibilities by December 1, 1990: the preparation of detailed documentation of the internal controls, including general and application controls, that the Department relies on for accurate and complete financial information; the monthly reconciliation of the Department's accounting, planning and budgeting, cash forecasting, 5-year work program and federal project accounting systems; and the development of a long-range information systems plan for the Department which addresses the computing and information requirements of the districts and central office, including identifying and quantifying financial, manpower and technical resources.

The function of production management from within the Office of Management and Budget is deleted from the section as is the requirement that the secretary appoint an inspector general.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) AND SENATE BILL 348 (CHAPTER 90-227) require the secretary to appoint a chief internal auditor who shall be included in the Career Service System and who can only be removed by the secretary with the concurrence of the Florida Transportation Commission. The chief internal auditor may be located within another unit of the Department for administrative purposes, but must function independently and be directly responsible to the secretary.

The chief internal auditor is required to give priority to reviewing major parts of the Department's accounting system and central office monitoring function to determine whether such systems ensure accountability and compliance with all laws, rules, policies and procedures applicable to the operation of the Department. The chief internal auditor is required to give priority to assessing the Department's management information systems. The internal-audit function is required to use the necessary expertise--in particular, engineering, financial, and property appraising expertise--to independently evaluate the technical aspects of the Department's operations and is required to annually perform a sufficient number of audits to determine the efficiency and effectiveness, as well as verify the accuracy of estimates and charges, of Department contracts.

The chief internal auditor is required to furnish all of his reports, including his findings and recommendations, directly to the secretary and the Commission. In addition, the chief internal auditor is required to report to the secretary any preliminary determination that particularly serious or flagrant problems, abuses or deficiencies relating to the administration of programs and operations of the Department have occurred. The secretary is required to review and assess the correctness of such preliminary determination, and if the preliminary determination is substantiated, to submit the report to the appropriate committees of the Legislature within 7 calendar days, together with a report by the secretary containing any comments deemed appropriate. However, the acts specifically provide that nothing contained therein shall be construed to authorize the public disclosure of information which is specifically prohibited from disclosure by law.

In addition, the chief internal auditor is required to report to the Commission and the Legislature any actions by the secretary that prohibit him from initiating, carrying out or completing any audit. The secretary is required, within 30 days after transmission of such report, to set forth in a statement to the Commission and the Legislature the reasons for his actions. (Other provisions of SENATE BILL 348 (CHAPTER 90-227) are discussed under the division heading *MOTOR VEHICLES*, subheadings *Commercial Motor Vehicles*, *Commercial Motor Vehicle Operators* and *Traffic Control*, and division heading *TRANSPORTATION*, subheadings *Expressway Authorities*, *Right-of-Way*, *Contributions/Advancement of Projects*, *Minority Business Enterprises/Disadvantaged Business Enterprises*, *Outdoor Advertising*, *Public Transportation*, *Transportation Commission* and *Eminent Domain*.)

COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) also deletes the requirement that the comptroller have a degree with a major in accounting or finance and instead requires that he hold an active license to practice public accounting in Florida or any other state. In addition, the comptroller is redesignated as the chief financial officer of the Department.

The State Transportation Engineer is redesignated by the act as the State Highway Engineer and his responsibilities are limited to highway programs.

The act further holds each district secretary responsible for ensuring his district's quality of performance and compliance with all laws, rules, policies and procedures related to the operation of the Department.

The law also authorizes the Department to perform in a single location functions necessary to ensure adequate control and accountability of Department functions.

Monthly management reports are required by the legislation to be submitted to the legislative transportation committees. A further requirement of the act is that all Department contracts comply with applicable federal and state laws clearly specifying the product or service to be provided under such contract.

The section is also amended to redesignate the Assistant Secretary for Planning and Engineering as the Assistant Secretary for Transportation Policy. The act also deletes the Office of Public Transportation Operations and requires the secretary to appoint a State Public Transportation Administrator who is to report to the Assistant Secretary for Transportation Policy. The administrator's responsibilities include, but are not limited to, the administration of statewide transit, rail, intermodal development and aviation programs. The position is classified at a level equal to a deputy assistant secretary. The Office of Information Systems is elevated to division level.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) also amends Section 337.221, F.S., deleting its current provisions and instead requiring the Department to establish, by a rule adopted no later than January 1, 1991, a process to resolve claims for additional monetary compensation, time or other adjustments to a contract. Such rule is re-

quired to: assign responsibility to persons within the Department for identifying, documenting, reviewing and approving claims; specify the criteria used to analyze and resolve claims; require the Department to maintain detailed documentation to support its position on all claims, including the Department's final decision or settlement; establish a threshold for the Department's chief internal auditor to review resolved claims over a specified amount and determine whether the claims have been processed according to all applicable laws, rules and procedures; and require that each claim over a specified amount or other significant adjustment to the contract be reviewed by a department legal representative.

Any claim or adjustment to a contract that is determined by the Department to be valid is required to be approved by a minimum of two department managers, one of whom must be the responsible district or department manager. Further, for each claim that results in a supplemental agreement or other contract modification that increases the value of the contract by more than $500,000, the responsible attorney is required to certify that the modification is in compliance with all applicable laws and policies of the Department and has been duly authorized and executed. The responsible director is required to certify that the modification was not effected by any improper influence or intervention.

In addition, the section requires the Department to annually report to the legislative transportation committees by October 1 of each year the number and dollar amounts of new and prior year claims, the total number and dollar amounts originally claimed compared to their final settlement amount for those claims resolved during the year, a listing of how all claims were resolved during the year and the number and dollar amounts of claims that resulted in further formal action by the department or claimant.

The act creates Section 337.162, F.S., requiring the Department and any person who is employed by the Department and who is licensed by the Department of Professional Regulation to submit a complaint to the Department of Professional Regulation about any person who has violated the provisions of the state licensing laws. All such complaints are confidential. The failure by a Department employee to comply with this requirement constitutes grounds for disciplinary action.

Section 339.149, F.S., is amended by the act to require the Auditor General to perform periodic audits on specified programs and functions within the Department. Such audits are required to be conducted within 6 years of the effective date of the act and during each subsequent 6-year period.

The section is amended to require audits on the Department's budget process, management information systems and on the Florida Transportation Commission, and to specify additional criteria for the performance audits conducted on the following programs and functions: consultant contracting, construction contracting, right-of-way acquisition process and inspector general and chief internal auditor functions.

Further, the Auditor General is required to annually review the accuracy of the department's program objectives and accomplishment report and determine the Department's compliance with statutory requirements related to the distribution of funds to the districts and reconciliations of financial management systems. (Other provisions of this act are discussed under the division heading *TRANSPORTATION*, subheadings *Florida Intrastate Highway System/Turnpike*, *Minority Business Enterprises/Disadvantaged Business Enterprises*, *Expressway Authorities*, *Eminent Domain*, *Transportation Commission*, *Public Transportation*, *Commuter Rail Authorities* and *Taxes and Fees*.)

**Transportation Commission**

SENATE BILL 348 (CHAPTER 90- 227) amends Section 20.23, F.S., to require the Florida Transportation Commission to review the Center for Urban Transportation Research's budget and allow the Department of Transportation to review and provide comments regarding this budget. The budget is not subject to change by the Department, but must be submitted to the Governor along with the Department's budget.

The law also requires the Commission to perform an in-depth evaluation of the allocation of funds to the Department's districts and to the various counties within each district. The evaluation, including any proposed legislative changes, is to be submitted to the Legislature and the Governor no later than April 15, 1991.

The commission is also required by the act to study the need to coordinate local and regional public bus transit and fixed-guideway transportation systems and may use the transportation research capabilities of a state university to assist in the preparation of the study. The study must be submitted to the President of the Senate and the Speaker of the House of Representatives by March 1, 1991. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheadings *Commercial Motor Vehicles*, *Commercial Motor Vehicle Operators* and *Traffic Control*, and division heading *TRANSPORTATION*, subheadings *Expressway Authorities*, *Contributions/Advancement of Projects*, *Department of Transportation Organization*, *Minority Business Enterprises/Disadvantaged Business Enterprises*, *Outdoor Advertising*, *Public Transportation* and *Eminent Domain*.)

COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) requires the Florida Transportation Commission, in conjunction with the Metropolitan Planning Organization Advisory Committee, to conduct a review of the responsibilities imposed on MPOs by state or federal law, rule or regulation to assess the adequacy of funding in light of such responsibilities. The Commission is required to submit a report of its findings to the legislative transportation committees prior to March 1, 1991.

The act also requires the Center for Urban Transportation Research at the University of South Florida to perform a study to: develop criteria to determine the functional classification of roads; develop a classification system that will be used in the process of assigning by functional classification all public roads to the proper governmental entity; review level of service and access management standards and their role in protecting and enhancing state transportation facilities; and include factfinding hearings in each department district to re-

ceive input concerning the study from affected governmental units, including cities and counties, and other interested parties.

The study is required to be submitted to the Commission for independent review and comment no later than December 2, 1990. The Commission is required to hold at least one public hearing during its review and to submit its comments to the Center for Urban Transportation Research within 90 days after receipt of the report.

Within 1 year after the Commission submits its comments to the Center, the Department is required to evaluate all public roads using the criteria and classification system developed by the Center. The Center is required within 6 months after the Department's completion of its evaluation to determine the fiscal impact of the proposed reclassification and to develop a recommended timeframe for the phased transfer of roads.

Within 6 months after completion of this fiscal determination, the Commission is required to review the findings of the Center and the evaluation of the Department and to make specific recommendations, including recommended statutory changes, to the Governor, President of the Senate and the Speaker of the House of Representatives.

No transfer of roads may be authorized to be initiated after the effective date of the act, unless the Department and the local governmental entity agree to the transfer and to waive all rights to a hearing.

The act also requires the Florida Transportation Commission to adopt no later than January 1, 1992, standards and measures for the evaluation of the performance of the Department, including but not limited to, standards relating to: consultant acquisition, right-of-way production and expenditures, construction contracts, compliance with disadvantaged enterprise and minority enterprise requirements, supplemental agreements, contract delinquencies, advanced production, leveling of contract lettings, timeliness of payments to contractors and vendors, public transportation programs and compliance with applicable laws. Such standards and measures may be both quantitative and qualitative and may incorporate increases in performance and productivity goals for succeeding fiscal years.

Beginning April 1, 1992, the Commission will be required to quarterly review the Department's performance based upon its standards and measures and furnish its findings to the secretary, Governor, President of the Senate and the Speaker of the House of Representatives.

Beginning October 1, 1992, the Commission will be required to annually evaluate the Department for performance and productivity based upon the Department's fiscal year ending the previous June 30. In the event that the Department fails to meet the assigned performance and productivity standards, funding authorized to the Department from the State Transportation Trust Fund for the current fiscal year may not exceed the funding level for fiscal year 1989-90 except as otherwise provided.

The limitation on funding does not apply to: funds necessary to honor existing construction and consulting contracts, funds necessary to qualify for federal matching funds, funds necessary to resolve emergencies, funds necessary to honor supplemental agreements or change orders for existing contracts, funds necessary to pay an eminent domain judgment or settlement that was initiated prior to the Department's failure to satisfy its performance measures, funds necessary to any turnpike project, bond proceeds, funds necessary to pay debt service and funds necessary for projects in the first 3 years of the adopted work program that are included in the capital improvement element of an approved local government comprehensive plan. (Other provisions of this act are discussed under the division heading *TRANSPORTATION*, subheadings *Florida Intrastate Highway System/Turnpike*, *Minority Business Enterprises*, *Expressway Authorities*, *Right-of-Way*, *Budget/Work Program*, *Contributions/Advancement of Projects*, *Department of Transportation Organization*, *Contract Procedures*, *Eminent Domain*, *Public Transportation*, *Commuter Rail Authorities* and *Taxes and Fees*.)

**Contract Procedures**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) amends Section 337.11, F.S., to provide that the requirement of public advertisement for bids is applicable only to construction and maintenance contracts of $250,000 or less. On all construction and maintenance contracts of greater than $250,000, the Department is required to provide a bid solicitation notice to all prequalified contractors at least 2 weeks before the date bids are scheduled to be received. No advertisement for bid or bid solicitation notice shall be provided until all necessary easements and right-of-way for the project have vested in the state or a local governmental entity, and all railroad crossings and utility agreements have been executed.

The section is further amended to require any person who protests a bid solicitation, a bid rejection or a contract award for which the lowest responsive bid is greater than $250,000 to post a bond in the following amounts: $5,000 for a protest of a bid solicitation and $5,000 or 1 percent of the lowest bid submitted, whichever is greater, for a protest of a bid rejection or a contract award. The entire amount of such bond is to be forfeited if the hearing officer determines that the protest was filed for a frivolous or improper purpose, including, but not limited to the purpose of harassing, causing unnecessary delay or causing needless cost for the Department or parties.

One final amendment to the section changes the time period during which the Department must maintain records of the quantities of materials used pursuant to a construction contract from 5 years to 3 years after final acceptance.

The act amends Section 337.16, F.S., to provide an exception from the requirement that a contractor whose certificate of qualification has been suspended or revoked for delinquency must be disapproved as a subcontractor during the period of suspension or revocation. Such exception applies if a prime contractor's bid has used prices of a subcontractor who becomes disqualified after the bid and before the request for authorization to sublet is presented.

Section 337.175, F.S., is amended by the legislation to authorize contractors who have completed Department projects without being declared delinquent for the preceding 3 consecutive years to substitute certificates of deposit, or irrevocable letters of credit approved by the Department comptroller in lieu of retainage.

The law amends Section 337.18, F.S., to repeal the current liquidated damage schedule and to authorize the Department to update such schedule by rule on an annual or biennial basis. Such schedule is required to be based on the size of the contract involved. In addition, the section is also amended to prohibit the assessment of liquidated damages on federally assisted projects and to authorize instead the assessment of costs caused by delays in the project, which costs may not exceed the liquidated damage level established by the Department for contracts of a similar size.

Section 337.106, F.S., is amended by the act to authorize the Department to waive the requirement for professional liability insurance, if the person or firm providing professional services maintains an unexpired, irrevocable letter of credit approved by the Department comptroller in an amount not less than the minimum insurance coverage required by the contract with the Department. Such letter of credit must be issued by a bank or savings association organized under the laws of this state or such institution organized under the laws of the United States that has its principal place of business in this state or an office which is authorized to receive deposits in this state. In addition, such letter of credit must be made payable to the Department and be nonassignable and nontransferrable. (Other provisions of this act are discussed under the division heading *TRANSPORTATION*, subheadings *Florida Intrastate Highway System/Turnpike*, *Minority Business Enterprises/Disadvantaged Business Enterprises*, *Expressway Authorities*, *Right-of-Way*, *Budget/Work Program*, *Contributions/Advancement of Projects*, *Department of Transportation Organization*, *Eminent Domain*, *Transportation Commission*, *Public Transportation*, *Commuter Rail Authorities* and *Taxes and Fees*.)

**Minority Business Enterprises/Disadvantaged Business Enterprises**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) requires the Department of Transportation and the Department of General Services to implement an outreach program designed to enhance the participation of minority persons and minority business enterprises (MBEs) in all contracts entered into by their respective departments for services related to financing the Florida Intrastate Highway System Plan, including, but not limited to, bond counsel and bond underwriters.

The act also amends Section 287.042, F.S., to define the term "minority business enterprise," as such term relates to commodities contracts for the purchase of equipment to be used in the construction and maintenance of state transportation facilities involving the Department of Transportation. "Minority business enterprise" is defined for such purposes as any business which is organized to engage in commercial transactions, which is domiciled in this state and which is at least 51 percent controlled by minority persons who in turn control the management and daily operations of the business.

The law also requires the Department of Transportation to institute procedures to encourage the awarding of contracts for professional services and construction to disadvantaged business enterprises. The term "disadvantaged business enterprise" is defined as a small business concern certified by the Department as being owned and controlled by socially and economically disadvantaged individuals as defined by the federal Surface Transportation and Uniform Relocation Act of 1987. The Department is required to report to the Legislature prior to January 1, 1991, on its efforts to increase disadvantaged business participation. Such efforts may include: presolicitation or prebid meetings; written notice of contract opportunities; provision of information about plans, specifications and requirements; and breaking large contracts into several single-purpose contracts. (Other provisions of this act are discussed under the division heading *TRANSPORTATION*, subheadings *Florida Intrastate Highway System/Turnpike*, *Expressway Authorities*, *Right-of-Way*, *Budget/Work Program*, *Contributions/Advancement of Projects*, *Department of Transportation Organization*, *Contract Procedures*, *Eminent Domain*, *Transportation Commission*, *Public Transportation*, *Commuter Rail Authorities* and *Taxes and Fees*.)

In order to document that a subcontract is with a certified socially and economically disadvantaged business enterprise, SENATE BILL 348 (CHAPTER 90-227) amends Section 337.125, F.S., to require the prime contractor either to submit a disadvantaged business enterprise utilization form which has been signed by both the business enterprise and the prime contractor or to submit the written or oral quotation of such business enterprise. In the case of a submitted quotation, the information contained in the quotation must be confirmed as determined by rule of the Department of Transportation.

The legislation also amends Section 339.0805, F.S., to declare that it is state policy to provide construction and business management training to socially and economically disadvantaged businesses in order to help such businesses redress past economic disparity.

In order to be certified as a socially and economically disadvantaged business enterprise, the act requires a business to make annual application to the Department. The application for certification must include sufficient information to determine a firm's eligibility as a small business concern owned and controlled by a socially and economically disadvantaged person. All departmental criteria must be met before the business may be certified. An applicant who is denied certification may not reapply until at least 6 months after issuance of the denial letter or final order. The application, along with the required financial information, is exempt from the public inspection requirements of Section 119.07(1), F.S. This exemption is subject to the Open Government Sunset Review Act (Section 119.14, F.S.).

The Department is authorized to revoke the certification of a disadvantaged business enterprise upon receipt of notification of any change in ownership by disadvantaged individuals qualifying the business for disadvantaged business certification. Such notification must be made to the Department within 10 days of the change in ownership. When notification is received, the business will be removed from the certified disadvantaged business list until a new application is submitted and approved. Failure to provide such notification to the Department will result in the business' certification being revoked and will subject the business to the provisions of Section 337.135, F.S., (socially and economically disadvantaged business enterprises; punishment for false representation). (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheadings *Commercial Motor Vehicle Operators*, *Driver Licenses/Identification Cards*, *Registration/Regulation* and the division heading *TRANSPORTATION*, subheadings *Expressway Authorities*, *Right-of-Way*, *Contributions/Advancement of Projects*, *Department of Transportation Organization*, *Outdoor Advertising*, *Public Transportation*, *Transportation Commission*, *Eminent Domain* and *Fees and Taxes*.)

**Right-of-Way**

Section 337.251, F.S., is created by SENATE BILL 348 (CHAPTER 90-227) to authorize the Department of Transportation to lease for up to 50 years, departmental properties, including rights-of-way, for joint public-private transportation purposes to further economic development and to generate revenue for transportation. The Department may also lease for commercial purposes the use of areas above or below state highways or other transportation facilities.

Such leases are subject to any reservations, restrictions or conditions necessary to ensure the safe and efficient operation and maintenance of all transportation and utility facilities, the adequacy of traffic flow and the full use of existing as well as future state transportation facilities. No lease may interfere with the primary state transportation needs for that property or with present or future needs. In addition, such leases may not be contrary to the public interest or conflict with the zoning or land development codes of any local government which might be affected.

Before entering into such a lease, the Department must ensure that the affected property has a permanent transportation use or the potential for future transportation uses, or that it contains airspace or subsurface rights for attached property having such uses and does not qualify for sale as surplus property.

The Department may request proposals for the lease of such property or if it receives a proposal to negotiate a lease, it must publish notice to that effect in a general circulation newspaper. The notice must appear at least once a week for two weeks and must also inform readers that the Department is accepting for a 60-day period other proposals for use of the property. A copy of the notice must be sent to each local government in the affected area.

Any proposal selected by the Department must be based on competitive bidding, except that the Department may consider other relevant factors specified in the request for proposals. The Department may also consider such factors as the value of property exchanges, the cost of construction and other recurring costs for the benefit of the Department in lieu of direct revenue to the Department, provided such other factors are of equal value, including innovative proposals to involve minority businesses.

When the value of monetary payments or other benefits in the proposal is expected to exceed $1 million, the Department must name a board of advisors to review the feasibility of the proposals, recommend acceptance or rejection of each proposal, and rank each feasible proposal in the order of technical feasibility and benefit provided to the Department. The board of advisors may be composed of accountants, real estate appraisers, design engineers or other experts having experience in the type of development proposed. Members of the board must be reasonably compensated for the services provided from a reasonable proposal application fee which is to be set by the Department and paid by the applicants. The board will not be subject to selection under the provisions of Chapter 287, F.S., (Procurement of Personal Property and Services).

Before entering into any lease which provides for monetary payments or other benefits having a value of $1 million or more, the Department is required to submit the proposal to the Governor and the Cabinet for their review and approval.

These requirements apply only to complex lease transactions involving extensive capital improvements by the lessee or provisions for exchange of goods or services by the lessee in lieu of cash. Other types of leases are subject to current statutory provisions.

The Department may utilize leaseback or other joint public-private uses of property to compensate a property owner for land acquired by eminent domain or land donated so long as such use is acceptable to the property owner in lieu of other compensation and does not interfere with the public transportation purpose for which the property was acquired.

Right-of-way lease arrangements for facilities of utilities which provide water, sewer, gas, telecommunication or electric services for which utilities may obtain permits from the Department are not required. Such facilities will continue to be provided according to current statutory provisions.

The Department is required to be indemnified against any liability which may result from construction on, or the use of, departmental property by the lessee. No mortgages or other liens or encumbrances may be placed upon the Department property as a result of the use of the property by the lessee. Any improvements made to the property by the lessee will revert to the Department when the lease expires.

Any revenue derived from a joint public-private use is to be deposited in the State Transportation Trust Fund.

SENATE BILL 348 (CHAPTER 90-227) amends Section 337.406, F.S., to prohibit the use of the right-of-way of any state transportation facility outside an incorporated municipality in any manner that interferes with the safe and efficient

movement of people and property from place to place on the transportation facility. Prohibited uses include both commercial and charitable uses.

The act provides a legislative finding that the use of the right-of-way in such a manner: endangers the health, safety and general welfare of the public and may cause distractions to motorists; creates unsafe pedestrian movement within travel lanes; results in sudden stoppage or the slowdown of traffic, rapid-lane changing and other dangerous traffic movement; and causes increased vehicular accidents, motorist injuries and fatalities.

Within an incorporated municipality, a permit of limited duration for the temporary use of the right-of-way of a state transportation facility may be issued by the municipality if the use would not interfere with the safe and efficient movement of traffic or endanger the public.

Section 337.243, F.S., is created by the act to authorize the Department or an expressway authority to prepare and record roadway corridor maps for a proposed transportation facility or an improvement to an existing facility, for the purpose of informing the public and preventing costly and conflicting land development.

The law requires the advertising and holding of a public hearing in each county by the Department or expressway authority prior to filing such map. After the public hearing, the map must be filed in the public records of each county in which a roadway corridor is located. Each property owner of record must be notified by certified mail within 60 days after the filing of a map.

Further, the legislation requires a 60-day notification by certified mail by the governmental entities to the Department before the entity approves a zoning change or subdivision plat, or grants a building permit or development permit within the right-of-way limits shown on such maps. Routine maintenance or emergency repairs to existing structures do not require such notification.

Within 45 days after receipt of the notice, the Department must notify the owner of the property of the Department's intent to acquire the land. The Department must acquire the property through purchase or initiate an eminent domain action within 120 days.

Upon notification that the Department is purchasing or taking eminent domain action to acquire property within such map, the governmental entity must refuse to approve zoning changes or subdivision plats and refuse to issue building or development permits. If the Department is taking no action, the governmental entities may proceed in accordance with law.

The Department is authorized to acquire any right-of-way within a roadway corridor official map when the Department determines it is in the public interest or when failure to acquire such land creates an undue hardship on an affected property owner. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheadings *Commercial Motor Vehicles, Commercial Motor Vehicle Operators* and *Traffic Control*, and division heading *TRANSPORTATION*, subheadings *Expressway Authorities, Contributions/Advancement of Projects, Department of Transportation Organization, Minority Business Enterprises/Disadvantaged Business Enterprises, Outdoor Advertising, Public Transportation, Transportation Commission* and *Eminent Domain.*)

Section 337.276, F.S., is created by COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) to authorize the Department of Transportation to issue bonds pledged by gas taxes in an amount not to exceed $500 million for the advanced acquisition of right-of-way. No more than $300 million of the bond proceeds may be allocated to fund a program for acquiring right-of-way necessary to support project construction phases planned 3 to 4 years from the date of acquisition. No more than $200 million of such proceeds may be allocated to fund a program for acquiring right-of-way necessary for future transportation corridors for which construction phases are planned a minimum of 5 years from the date of construction. Priority under this $200 million program shall be given to acquiring right-of-way for projects contained in the Florida Intrastate Highway System. (Other provisions of this act are discussed under the division heading *TRANSPORTATION*, subheadings *Florida Intrastate Highway System/Turnpike, Minority Business Enterprises/Disadvantaged Business Enterprises, Expressway Authorities, Budget/Work Program, Contributions/Advancement of Projects, Department of Transportation Organization, Contract Procedures, Eminent Domain, Transportation Commission, Public Transportation, Commuter Rail Authorities* and *Taxes and Fees.*)

**Eminent Domain**

SENATE BILL 348 (CHAPTER 90-227) amends Section 166.401, F.S., to authorize municipalities to acquire an entire tract of land if acquiring a portion of such land would be more costly than acquiring the entire tract. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheadings *Commercial Motor Vehicles, Commercial Motor Vehicle Operators* and *Traffic Control*, and division heading *TRANSPORTATION*, subheadings *Expressway Authorities, Contributions/Advancement of Projects, Department of Transportation Organization, Minority Business Enterprises/Disadvantaged Business Enterprises, Outdoor Advertising, Public Transportation* and *Transportation Commission.*)

Section 73.032, F.S, is created by COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) to establish procedures for an offer of judgment in eminent domain proceedings. Such an offer may be served by a petitioner no sooner than 120 days after the filing of an answer by the defendant and no later than 60 days prior to trial. The offer will be deemed rejected unless accepted by filing both a written acceptance and a written offer with the court. Upon proper filing of both the offer and acceptance, the court is required to enter a judgment thereon.

The act amends Section 73.092, F.S., to require that courts in assessing attorney's fees in eminent domain proceedings give the greatest weight to the benefits resulting to the client from the services rendered.

"Benefits" are defined as the difference between the final judgment or settlement and the last written offer made by the condemning authority before the defendant hires an attorney. If no written offer is made before the defendant hires an attorney, benefits would be measured from the first written offer after an attorney is hired. In determining attorney's fees in pre-litigation negotiations, benefits will not include amounts awarded for business damages unless the business owner provided financial records to the condemning authority, upon written request, prior to litigation. In determining attorney's fees subsequent to the filing of litigation, if financial records are not provided prior to litigation benefits for amounts awarded for business damages would be based on the first written offer made by the condemning authority within 120 days after the filing of an eminent domain action. However, if the condemning authority makes no written offer for business damages within 120 days after the filing of the eminent domain action, benefits for amounts awarded for business damages will be based on the difference between the final judgment or settlement and the last written offer made by the condemning authority before the defendant hired an attorney. In assessing attorney's fees, the court is also authorized to consider non-monetary benefits which the attorney obtains for the client.

Subsection (3) of the section requires the property owner's attorney to submit to the condemning authority and the court a copy of any fee agreement which may exist between the property owner and the attorney. Pursuant to newly created subsection (5), the attorney is required to reduce the amount of fees to be paid pursuant to such fee agreement by the amount of fees awarded by the court.

A new subsection (4) is added to the section to provide that in assessing attorney's fees the court shall be guided by the fees the defendant would ordinarily be expected to pay if the petitioner were not responsible for the payment of fees and costs.

Section 337.271, F.S., is amended by the act to require that the invoice required to be submitted by an attorney pursuant to subsection (6) must include complete time records and a detailed statement of services performed and the time spent performing such services.

Subsection (8) of the section, relating to the use of statements made in negotiations, is deleted and subsection (11) is amended to provide that no statements made in mediation are admissible in any subsequent proceeding.

New subsections (9) and (10) are created by the law to authorize the Department and the property owner to submit the compensation and business damage claims to nonbinding mediation. If the Department agrees to mediation, the fee owner or business owner may submit to the Department an invoice for the payment of appraisal reports, business damage reports and other reasonable costs. Upon receipt of such invoice, the Department is required to promptly pay all reasonable costs; however, if the parties cannot agree on the amount of such costs, the property owner may file a complaint to recover reasonable costs in the circuit court in the county where the property is located.

The provisions of Sections 73.092 and 337.271, F.S., as amended by the legislation and the provisions of Section 73.032, F.S., as created by the act apply only to fee arrangements entered into or actions filed after the effective date of the act. (Other provisions of this act are discussed under the division heading *TRANSPORTATION*, subheadings *Florida Intrastate Highway System/Turnpike*, *Minority Business Enterprises/Disadvantaged Business Enterprises*, *Expressway Authorities*, *Right-of-Way*, *Budget/Work Program*, *Contributions/Advancement of Projects*, *Department of Transportation Organization*, *Contract Procedures*, *Transportation Commission*, *Public Transportation*, *Commuter Rail Authorities* and *Taxes and Fees*.)

**Outdoor Advertising**

The Department of Transportation is authorized by SENATE BILL 348 (CHAPTER 90-227), as it amends Section 479.26, F.S., to adopt a procedure by rule whereby a private business or businesses may pay the initial cost for the erection of information panels on the right-of-way of the Interstate Highway System and the Federal-Aid Primary Highway System. (Other provisions of this act are discussed under the division heading *MOTOR VEHICLES*, subheadings *Commercial Motor Vehicles*, *Commercial Motor Vehicle Operators* and *Traffic Control*, and the division heading *TRANSPORTATION*, subheadings *Expressway Authorities*, *Contributions/Advancement of Projects*, *Department of Transportation Organization*, *Minority Business Enterprises/Disadvantaged Business Enterprises*, *Public Transportation*, *Transportation Commission* and *Eminent Domain*.)

**Public Transportation**

Under the provisions of SENATE BILL 348 (CHAPTER 90-227) AND COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136), an eligible agency is authorized to acquire, construct and operate all equipment, appurtenances and land necessary to establish, maintain and operate or to license others to establish, maintain, operate, or use, a transportation corridor connecting an airport which is operated by such eligible agency with a port facility. The corridor must be acquired, constructed and used for the purpose of transporting persons and cargo between the airport and the port facility and for the location and operation of lines for the transmission of water, electricity and petroleum products between the airport and port facility. Prior to developing a new corridor, the agency must first consider existing and available corridors.

Any such corridor may be established and operated only pursuant to a joint project agreement between a political subdivision of the state or an authority which owns or seeks to develop a public-use airport and any district created by or pursuant to the provisions of any general or special law and authorized to own or operate any port facilities. Such agreement must be approved by the departments of Transportation and Community Affairs.

Before the Department of Transportation approves the joint-project agreement, it is required to review the public pur-

pose and necessity for the corridor and to determine whether the proposed corridor is consistent with the Florida Transportation Plan. The Department of Community Affairs is required to determine whether the proposed corridor is consistent with the applicable local government comprehensive plans. Any local government which is affected may provide to the Department of Community Affairs its comments regarding the consistency of the proposed corridor with its comprehensive plan.

The acts also creates Section 311.09, F.S., to establish the Florida Seaport Transportation and Economic Development Council within the Department of Transportation, to consist of the following 12 members: the port director, or his designee, of each of the ports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City and Pensacola. The secretary of the Department of Transportation or his designee, and the secretary of the Department of Community Affairs or his designee are ex officio nonvoting members.

The Council is required to prepare a 5-year Florida Seaport Mission Plan defining the Council's goals and objectives concerning the development of port facilities and an intermodal transportation system. The plan must include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode and for the efficient, cost-effective development of transportation facilities or port facilities for the purpose of enhancing international trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues and providing economic benefits to the state. The 5-year Florida Seaport Mission Plan must be updated annually and submitted no later than October 1 of each year to the President of the Senate, Speaker of the House of Representatives, Department of Commerce, Department of Transportation and Department of Community Affairs.

The Council is also required to develop programs for the training of minorities and secondary school students in job skills associated with employment opportunities in the maritime industry and report on progress and recommendations to the Legislature annually; to adopt rules for evaluating projects which may be funded from the Florida Seaport Transportation and Economic Development Trust Fund which include criteria for evaluating the economic benefit of the project as measured by the potential of the proposed project to increase cargo flow, cruise passenger movement, international commerce, port revenues, and the number of jobs for the port's local community; and to review and approve or disapprove each project eligible to be funded pursuant to the Florida Seaport Transportation and Economic Development Trust Fund. The council must annually submit to the secretaries of the departments of Transportation, Commerce and Community Affairs a list of projects which have been approved by the Council, which specifies the recommended funding level for each project or each stage of each project.

The Department of Community Affairs must review the list of council-approved projects to determine consistency with approved local government comprehensive plans of the units of local government in which the port is located as well as consistency with the port master plan. The Department of Community Affairs must notify the Council of any projects which are not consistent.

The Department of Transportation must review the list of council-approved projects for consistency with the Florida Transportation Plan and the Department's adopted work program. In its review, the Department must determine whether the transportation impact of the proposed projects will be adequately handled by existing facilities or by the construction of additional state-owned transportation facilities as identified in the Florida Transportation Plan and the Department's adopted work program. The Department is required to notify the Council of any projects determined to be inconsistent.

The Department of Commerce must review the list of council-approved projects to evaluate the economic benefit of the project and to determine whether the projects are consistent with the Florida Seaport Mission Plan. The Department must inform the Council of any projects which are inconsistent with the Florida Seaport Mission Plan or which do not economically benefit the state.

The Council must review the findings of the departments of Community Affairs, Commerce, and Transportation and delete any projects which have been determined to be inconsistent or determined to be of no economic benefit to the state.

The Department of Transportation must include in its annual legislative budget request a Florida Seaport Transportation and Economic Development grant program for the expenditure of funds in the Florida Seaport Transportation and Economic Development Trust Fund. The budget is to include funding for projects which have been determined by each agency to be consistent and which have been determined by the Department of Commerce to benefit the state economically. The Council is required to provide the Department of Transportation with a list of approved projects that could be made production-ready within the biennium.

The cost of the Council's administrative services is to be paid by all ports receiving funding from the Trust Fund based on a pro rata formula measured by each recipient's share of the funds compared to total trust funds disbursed to all recipients.

Provisions regarding this newly created section will expire October 1, 2000, and must be reviewed by the Legislature pursuant to Section 11.611, F.S.

Section 206.46, F.S., is amended by COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) to require a minimum of 14.3 percent of all state revenues deposited into the State Transportation Trust Fund to be committed annually for public transportation projects. Effective fiscal year 2000-2001, this minimum allocation will increase to 15 percent.

The Department of Transportation is required to transfer $8 million per year from the State Transportation Trust Fund into the Florida Seaport and Economic Development Trust Fund. Moneys in the port trust fund will be used to fund approved projects on a 50/50 matching basis with any deepwater port which is governed by a public body. No single port will be authorized to receive in excess of $7 million in any 1 calendar

year nor more than $30 million during any 5-calendar-year period.

Projects eligible for funding from the port trust fund include: transportation facilities within the jurisdiction of the port; the dredging or deepening of channels, turning basins or harbors; the construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems or any facilities necessary or useful in connection with such facilities; the acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce; the acquisition of land for port purposes; the acquisition, improvement, enlargement or extension of existing port facilities; environmental protection projects; and transportation facilities which are not otherwise part of the Department's adopted work program.

In addition, to be eligible for funding a project must be consistent with the port master comprehensive plan which is incorporated as part of an approved local government comprehensive plan. The Department is required to subject any project that receives funding to a final audit.

The act also provides that any port which receives funding under the section must institute procedures to ensure that jobs created as a result of state funding are subject to equal opportunity hiring practices.

The section expires October 1, 2000, and must be reviewed by the Legislature pursuant to the Sundown Review Act (Section 11.611, F.S.) prior to that date.

Section 332.004, F.S., is amended by the act to include within the definition of "airport or aviation development project" the purchase of right-of-way and the improvement of access to the airport by a road or rail system located on airport property.

The law also provides a definition of "airport or aviation discretionary capacity improvement projects." Such projects are defined as capacity improvements which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government in which the airport is located, and which enhance intercontinental capacity at airports which: are international airports with U.S. Customs Service; had one or more regularly scheduled intercontinental flights during the previous calendar year or have an agreement in writing for installation of one or more regularly scheduled intercontinental flights upon the commitment of funds for stipulated airport capital improvements; and have available or planned public ground transportation between the airport and other major transportation facilities.

The legislation requires the statewide aviation system plan to separately identify development projects and discretionary capacity improvement projects and authorizes the Department to provide money on a matching basis to road and rail transportation systems which are on airport property.

The act amends Section 322.007, F.S., to redesignate the 5-year aviation and airport development plan as the aviation and airport work program and to require such work program to separately identify development projects and discretionary capacity improvement projects. Such work program is required to be consistent, to the maximum extent feasible, with approved local government comprehensive plans. The act provides that assistance will only be provided for projects that are included in the Department's adopted work program.

The law also requires the Department's annual legislative budget request for aviation and airport development projects to be based on the funding required for development projects in the work program. In addition, airport access transportation facility projects on airport property are added to the list of projects required to receive priority funding. Projects which provide for construction of an automatic weather station are also eligible to receive development funds.

The act provides that any airport which receives discretionary capacity improvement funds in a given fiscal year is not eligible to receive greater than 10 percent of the total aviation and airport development funds appropriated in that fiscal year.

The section is also amended to provide that only those projects or programs that will contribute to the development of the state aviation system plan, that are consistent with and will contribute to the implementation of any airport master plan or layout plan and that are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of government in which the airport is located are eligible for the expenditure of state funds.

Subsection (7) of Section 332.007, F.S., is amended by the act to delete the 12.5 percent and the 25 percent caps on state funding for federally assisted airport projects. In addition, the Department is authorized to retroactively reimburse cities, counties or airport authorities up to 50 percent of the nonfederal share for land acquisition when such land is needed for airport safety, expansion, tall-structure control, clear zone protection or noise impact reduction. No land purchased prior to the effective date of the act is eligible for such reimbursement.

The airport and aviation discretionary capacity improvement program is created by the act. Subject to the availability of appropriated funds in addition to aviation fuel tax revenues, the Department is authorized to participate in the capital cost of eligible discretionary capacity improvement projects. However, no single airport may secure discretionary capacity improvement funds in excess of 50 percent of the total of such funds available in any given budget year.

The Department is required to provide priority funding for: land acquisition which provides additional capacity at the qualifying international airport or at that airport's supplemental air carrier airport, runway and taxiway projects that add capacity or are necessary to accommodate technological changes in the aviation industry, airport access transportation projects that improve direct access and are approved by the airport sponsor, and international terminal projects that increase international gate capacity. Unless prohibited by the General Appropriations Act or by general law, the Department is authorized to transfer funds within each category of the airport and aviation discretionary capacity improvement program to maximize aviation services or federal aid.

In addition, the Department is authorized to fund up to 50 percent of the nonfederal share of eligible project costs, except that the Department is authorized to initially fund up to 75 percent of the cost of land acquisition for a new airport or for the expansion of an existing airport which is owned and operated by a municipality, county or authority. The act requires the Department to be reimbursed to the normal statutory share for such land acquisitions when federal funds become available or within 10 years after the date of acquisition, whichever is earlier.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) amends Section 333.01, F.S., to include areas that are suitable for access to airport facilities with the definition of "airport." The act defines "airport land use compatibility zoning" and "runway clear zone." "Airport land use compatibility zoning" is defined as airport zoning regulations restricting the use of land adjacent to or in the immediate vicinity of airports to activities and purposes compatible with the continuation of normal airport operations including the landing and takeoff of aircraft. "Runway clear zone" has the same definition as in the applicable federal regulations, 14 C.F.R. Part 151.9(b). The act provides a legislative finding that certain activities and uses of land in the immediate vicinity of airports are not compatible with normal airport operations, and may, if not regulated, endanger the lives of the participants, adversely affect their health or otherwise limit the accomplishment of normal activities. The law also provides a legislative declaration that the incompatible use of land in airport vicinities is a public nuisance and that the prevention of the establishment of such uses is a public purpose.

The adoption of interim airport land use compatibility zoning regulations is required by the act if current land development regulations of a particular political subdivision do not address the use of land in the vicinity of airports in a manner that is consistent with the requirements of the law. Such interim regulations must consider the location of sanitary landfills and noise levels generated by airports. Airport zoning regulations are also required to restrict new incompatible uses, activities or construction within runway clear zones, including uses, activities or construction which result in the congregation of people, the emission of smoke or light, or the attraction of birds.

The Airport Safety and Land Use Compatibility Study Commission is established within the Department of Transportation by COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) AND SENATE BILL 348 (CHAPTER 90-227), consisting of the following 9 members: one member appointed by the President of the Senate, one member appointed by the Speaker of the House of Representatives, the secretary of the Department of Transportation or his designee, the secretary of the Department of Community Affairs or his designee, the secretary of the Department of Environmental Regulation or his designee, one elected official of a municipality appointed by the Florida League of Cities or his designee, one elected official of a county government appointed by the Florida Association of Counties or his designee, and two airport managers appointed by the Florida Airport Managers Association.

The Commission is required to hold at least three regular meetings and conduct at least three public hearings during the year to consider the impact of land use around publicly owned, public-use airports; to assess the effectiveness of local comprehensive plans and land use regulations; and to determine the role the state should assume, if any, in regulating land use around publicly owned public-use airports. The Commission must submit a report of its findings to the Governor, President of the Senate and the Speaker of the House of Representatives no later than March 1, 1991.

Section 333.06, F.S., is amended by COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) to provide that airport zoning regulations are intended to provide both airspace protection and land use compatible with airport operations. The section specifically provides that the fact that construction in a runway clear zone does not exceed airspace height restrictions is not evidence per se that such use, activity or construction is compatible with airspace operations.

The law further provides that the variance provisions of the law are applicable to land development regulations adopted pursuant to Chapter 163, F.S., as such regulations pertain to airport land use compatibility.

The legislation provides that the movement of people and goods to and from Florida seaports and airports is a transportation use.

The Department is authorized to enter into a long-term lease without compensation with a deepwater port for rail corridors used for the operation of a short-line railroad to the port.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) provides an exception to the requirement that at least one-third of the membership of the governing body of each Metropolitan Planning Organization (MPO) be comprised of county commissioners. In urbanized areas in which authorities or other agencies have been, or may be created by law to perform public transit functions that receive financial assistance or grants from the state, said authorities or agencies are required to have one voting membership on the applicable MPO, in which case county commissioners shall comprise not less than 25 percent of the MPO membership. Such member must be an elected official appointed by the respective authority or agency except that where there is more than one such agency in an urbanized area, the member shall be elected by vote of the transit agencies.

The act further requires MPOs to indicate in their transportation improvement plans how such improvements are consistent, to the maximum extent feasible, with port and aviation master plans and public transit development plans of the units of local government whose boundaries are within the urbanized area.

The enactment also requires, by January 1, 1991, each MPO to execute and maintain an agreement with publicly owned operators of public transportation, port and aviation services which describes the means by which activities will be coordinated and specifies how public transit, port and aviation planning will be part of the comprehensive planned development of the urbanized area.

The legislation defines "public transit provider," "eligible transit operating costs," and "local revenue sources." "Public transit provider" is defined as any public agency providing public transit service including commuter rail authorities. "Eligible transit operating costs" is defined as the total administrative, management and operation costs directly incident to the provision of public-transit service excluding any depreciation or amortization of capital assets and excluding costs for labor, wages and fringe benefits. "Local revenue sources" is defined as the sum of funds received from a local government entity to assist in paying transit operation costs including tax funds and revenue earned from farebox receipts, charter service, contract service, express service and nontransportation activities.

The requirement that the Department of Transportation's statewide transit plan provide a projection of transit needs 20 years in advance is deleted by the act. In addition, the plan is required to incorporate the plans of local and regional planning agencies which are consistent, to the maximum extent feasible, with adopted regional comprehensive plans and approved local government comprehensive plans.

The goal of accommodating a minimum of 20 percent of peak-hour travel and of recovering a minimum of 50 percent of operating costs from the farebox on a statewide basis by 1995 is deleted. Instead, the law requires the Department to assist local governments to promote maximum transit usage and to achieve the highest possible operating recovery ratio commensurate with the local government's transit role and requirements.

The Department is required to develop a major capital investment policy including policy criteria and guidelines for the commitment of state funds for public transit capital projects. Such policy must include: methods to be used to determine the consistency of a transit project with approved local government comprehensive plans of the units of local government in which the project is located; methods for evaluating the level of local commitment to a transit project which is required to be demonstrated through system planning and the development of a feasible plan to fund operating costs through fares, value capture techniques and other local funding mechanisms; and methods for evaluating alternative transit systems. The Department is required to present such policy along with recommended legislation to the Senate Transportation Committee and the House Public Transportation Committee no later than March 1, 1991.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) establishes a public transit block grant program within the Department of Transportation for the purpose of providing grants to public transit providers for the cost of public bus transit service development projects and the cost of public bus transit operations. Any project funded through the grant program must be consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the project is located.

Funds in the grant program are divided among transportation disadvantaged services, rural transit services and urban transit services.

Fifteen percent of the funds distributed under the program will be allocated to transportation disadvantaged services and deposited into the Transportation Disadvantaged Trust Fund for distribution to community transportation coordinators as provided by rules of the Transportation Disadvantaged Commission.

Eighty-five percent of the funds distributed under the program will be allocated to urban transit systems and rural transit systems that do not qualify for grants under the transportation disadvantaged program. All urban systems must receive a minimum allocation of $20,000 or an amount equal to the amount of local government tax revenue received by such system, whichever is less.

The remaining grant funds will be distributed according to the following formula: one-third will be distributed based on the percentage that an eligible system's county population is of the total population of all counties served by such systems, one-third will be distributed based on the percentage that the total revenue miles provided by an eligible system is of the total revenue miles provided by all eligible systems, and one-third will be distributed based on the percentage that the total passengers carried by an eligible system is of the total number of passengers carried by all eligible systems.

State participation in eligible capital projects may not exceed 50 percent of the nonfederal share and state participation in eligible operating costs may not exceed 50 percent of such costs. Further, the state is prohibited from giving any county more than 39 percent of the available public transit block grant funds or more than the amount that local revenue sources provide to a transit system. In addition, the legislation prohibits the use of block grant funds to supplant local tax revenues made available to transit systems for operation costs.

The act requires each public transit provider to establish productivity and performance measures. Such measures are subject to the approval of the Department and must be chosen from measures developed pursuant to Section 341.041, F.S. Each provider is required annually to report to the Department relative to these measures and to publish in a local newspaper of its area the measures established for the year and a report which provides quantitative data relative to the attainment of such measures.

The law also requires each public transportation provider that is located in an area covered by an approved local government comprehensive plan to establish public transportation development plans that are consistent with the approved local government comprehensive plans.

The Intermodal Development Program is established by the act within the Department to provide for major capital investments in fixed-guideway transportation systems, access to seaports, airports and other transportation terminals, and to assist in the development of dedicated bus lanes.

Any project funded under the Program must be consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local governments

in which the project is located. Funding will be provided in the following priority: first, major capital investments in public rail and fixed-guideway facilities which provide intermodal access and which, if approved after July 1, 1991, have complied with the requirements of the Department's major capital investment policy; second, other major capital investments in fixed-guideway facilities which, if approved after July 1, 1991, have complied with the Department's major capital investment policy; and third, investments in dedicated bus lanes and road access to seaports and airports.

The enactment also provides that in any fiscal year a minimum of one-third of the available intermodal funds must be distributed according to the statutory formula contained in Section 339.135, F.S., (based equally on gas tax receipts and population). In addition, the act prohibits any single fixed-guideway system from receiving in excess of one-third of the total intermodal development funds appropriated between July 1, 1990, and June 30, 2015.

The legislation authorizes the Florida High-Speed Rail Transportation Commission to conduct feasibility and planning studies for high-speed rail facilities and services and to conduct feasibility studies for the determination of the most promising high-speed rail corridors within the state.

Federal public funds appropriated or allocated for research and development of magnetic levitation technology and local public funds may be requested and used under Section 341.404, F.S., as amended by SENATE BILL 348 (CHAPTER 90-227) by a certified project of the Magnetic Levitation Demonstration Project. Public funds may be used to construct, operate or maintain a transportation facility that has access to the transit station.

Bonds or other evidence of indebtedness issued to finance the project do not qualify for an allocation of the state's private activity bond limitation.

Amendments to the application for development of a magnetic levitation demonstration project are to be reviewed in local government hearings or by the Department of Environmental Regulation and Department of Community Affairs as well as the Florida High-Speed Rail Transportation Commission.

The location of a transit station on private property is prohibited without the consent of the owner. (Other provisions of SENATE BILL 348 (CHAPTER 90-227) are discussed under the division heading *MOTOR VEHICLES*, subheadings *Commercial Motor Vehicles*, *Commercial Motor Vehicle Operators*, and *Traffic Control*, and division heading *TRANSPORTATION*, subheadings *Expressway Authorities*, *Contributions/Advancement of Projects*, *Department of Transportation Organization*, *Minority Business Enterprises/Disadvantaged Business Enterprises*, *Outdoor Advertising*, *Transportation Commission* and *Eminent Domain*.)

Local governmental entities are prohibited by COMMITTEE SUBSTITUTE FOR SENATE BILL 528 (CHAPTER 90-230) AND COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) from unduly restricting or imposing any economic regulation on the use of nonpublic-sector buses, commonly referred to as "Jitneys," engaged solely in intercounty transportation, or in intracity transportation if the owner can establish that such intracity route has been operated continuously from January 1, 1990, through April 1, 1991. This partial exemption from local regulation will expire April 1, 2011 or 10 years after any change in bus ownership occurs, whichever occurs first. (Other provisions of COMMITTEE SUBSTITUTE FOR SENATE BILL 528 (CHAPTER 90-230) are discussed under the division heading *MOTOR VEHICLES*, subheadings *Commercial Motor Vehicle Operators* and *Traffic Violations*, and other provisions of COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) are discussed under the division heading *TRANSPORTATION*, subheadings *Florida Intrastate Highway System/Turnpike*, *Minority Business Enterprises/Disadvantaged Business Enterprises*, *Expressway Authorities*, *Right-of-Way*, *Budget/Work Program*, *Contributions/Advancement of Projects*, *Department of Transportation Organization*, *Contract Procedures*, *Eminent Domain*, *Transportation Commission*, *Commuter Rail Authorities* and *Taxes and Fees*.)

**Commuter Rail Authorities**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136) creates Part III of Chapter 343, F.S., to create the Tampa Bay Commuter Rail Authority. The Authority is authorized to own, operate, maintain and manage a commuter rail system and commuter ferry system in the Tampa Bay area of Pinellas, Hillsborough and Pasco counties, and to exercise all powers necessary, appurtenant, convenient or incidental to the carrying out of such purpose.

The Authority consists of the following 9 members: an elected official and member of the Hillsborough MPO, Pinellas MPO and the Pasco MPO; a resident of Hillsborough County, Pinellas County and Pasco County, appointed by the respective county commission; an employee of the Department of Transportation who resides in the area to be served by the Authority, appointed as a nonvoting member by the secretary of the Department; a member of the Florida High-Speed Rail Transportation Commission who resides in the area to be served by the Authority, appointed as a nonvoting member by the Commission; and a resident of the area to be served by the Authority, appointed by the Governor. The terms of the county commissioners on the Authority are 2 years; all other members will serve staggered terms of 4 years.

The legislation also amends Section 343.54, F.S., to authorize the Tri-county Commuter Rail Authority to directly purchase liability insurance from local, national or international companies. (Other provisions of this act are discussed under the division heading *TRANSPORTATION*, subheadings *Florida Intrastate Highway System/Turnpike*, *Minority Business Enterprises/Disadvantaged Business Enterprises*, *Expressway Authorities*, *Right-of-Way*, *Budget/Work Program*, *Contributions/Advancement of Projects*, *Department of Transportation Organization*, *Contract Procedures*, *Eminent Domain*, *Transportation Commission*, *Public Transportation* and *Taxes and Fees*.)

**Fees and Taxes**

The sales, storage, and use tax imposed on each gallon of taxable motor fuel or special fuel sold in this state is increased from 5 to 6 percent by COMMITTEE SUBSTITUTE FOR SENATE BILL 1316 (CHAPTER 90-136). The act also increases the minimum sales tax per gallon from 5.7 to 6.9 cents and provides for annual adjustment of this minimum tax based on the change in the Consumer Price Index.

The law also repeals the Metropolitan Transportation Authority Act.

The enactment amends Section 336.026, F.S., to impose a gas tax in each county equal to two-thirds of the sum of the taxes imposed on motor fuel and special fuel pursuant to Section 336.025, F.S., (local option gas tax) and Section 336.021, F.S., (voted gas tax). The initial rate of tax in each county may not exceed 4 cents. Such tax rate will be annually adjusted based on the Consumer Price Index. The tax will also be imposed on special fuels, but will be phased in according to the following schedule: one-fourth of the maximum rate will be effective for calendar year 1991, one-half will be effective for calendar year 1992, three-fourths will be effective for calendar year 1993, and the full amount will be effective thereafter. Such rates will be annually adjusted based on the Consumer Price Index. The funds collected from this fuel tax (gas and diesel) must be used for state transportation projects in the district where such funds are collected. Further, to the maximum extent feasible, such funds must be programmed for use in the county where collected.

Section 207.003, F.S., is amended to increase the privilege tax by the amount of taxation imposed by Section 336.026, F.S. Since the privilege tax is imposed upon commercial motor vehicles and since most such vehicles use special fuels, the privilege tax will increase for most carriers on a phased-in basis.

The enactment also increases the sales tax on aviation fuel from 5 to 6 percent and increases the maximum tax per gallon from 5.7 to 6.9 cents.

The act amends Section 212.006, F.S., to increase the daily rental car surcharge from 50 cents to $2. After deducting the General Revenue Fund service charge, the proceeds of the $1.50 increase must be deposited into the State Transportation Trust Fund.

The title fee for original and duplicate titles, except for such titles on motor vehicles for hire, is increased by the act from $3 to $24. After deducting the General Revenue Fund service charge, the proceeds of this $21 increase must be deposited in the State Transportation Trust Fund.

The law increases the alternative fuel state decal fee as follows: Class A vehicles - state fee increased from $44 to $1.10 for each tenth of a cent of tax imposed by Chapter 206, F.S., and Section 336.026, F.S. (phased-in); Class B vehicles - state fee increased from $60 to $1.50 for each tenth of a cent of tax imposed by Chapter 206, F.S., and Section 336.206, F.S.; Class C vehicles - state fee increased from $84 to $2.10 for each tenth of a cent of tax imposed by Chapter 206, F.S., and Section 336.026, F.S. After deducting the General Revenue Fund service charge, the proceeds from these increases must be deposited into the State Transportation Trust Fund.

There is included in the act an increase in the new wheels on the road impact fee from $30 to $100. After deducting the General Revenue Fund service charge, the proceeds of this $70 increase must be deposited into the State Transportation Trust Fund.

The enactment provides that private use automobiles and net weight trucks are not eligible for fractional year registration. The act also repeals the requirement that the pro rata share of unused license taxes be refunded.

The legislation retroactively applies the provisions of Paragraph 206.87(3)(g), F.S., to Sections 336.021 and 336.025, F.S., for the period July 1, 1985, to April 1, 1990, provided that such taxes are paid on all special fuel brought into the state and used in this state, notwithstanding that similar taxes are not paid in another state. (Other provisions of this act are discussed under the division heading *TRANSPORTATION*, subheadings *Florida Intrastate Highway System/Turnpike*, *Minority Business Enterprises/Disadvantaged Business Enterprises*, *Expressway Authorities*, *Right-of-Way*, *Budget/Work Program*, *Contributions/Advancement of Projects*, *Department of Transportation Organization*, *Contract Procedures*, *Eminent Domain*, *Transportation Commission*, *Public Transportation* and *Commuter Rail Authorities*.)

Annual fees from personalized prestige license plates are reallocated by HOUSE BILL 993 (CHAPTER 90-194) from the Florida Communities Trust Fund to the State Transportation Trust Fund.

The act also amends Section 320.08062, F.S., to require all organizational recipients of special license plate annual use fees not subject to annual audit by the Auditor General to submit an annual audit prepared by a certified public accountant. The audits are to be delivered to the President of the Senate, Speaker of the House of Representatives, Governor and the Auditor General by April 15th of each year.

The use of special license plate annual use fees for commercial or for-profit activities or general or administrative expenses is prohibited except to pay the cost of the required independent audit. (Other provisions of this law are discussed under the division heading *MOTOR VEHICLES*, subheading *Registration/Regulation*.)

The refund of fuel use fees provided for in Section 207.005, F.S., is amended by COMMITTEE SUBSTITUTE FOR HOUSE BILL 2843 (CHAPTER 90-329) to include only amounts exceeding $10.

The Department of Highway Safety and Motor Vehicles is given authority to make assessments and exercise authority with respect to the fuel use tax in the same manner that current law authorizes the Department of Revenue to make assessments. (Other provisions of this act are described in the division heading *MOTOR VEHICLES*, subheadings *Commercial Motor Vehicle Operators*, *Driver License/Identification Cards*, *Registration/Regulation*, and the division heading *TRANSPORTATION* and subheading *Expressway Authorities*.)

## PROFESSIONAL REGULATION AND LEGISLATIVE OVERSIGHT*

### Department of Professional Regulation

COMMITTEE SUBSTITUTE FOR SENATE BILL 458 (CHAPTER 90-228) makes a number of changes to Chapter 455, F.S., which sets standards for the regulation of occupations and professions by the Department of Professional Regulation. The act amends Subsection 455.203(1), F.S., to authorize the Department to issue up to a 3-year license to selected licensees. The legislation also extends protection from civil liability to past board members serving on any probable cause panel (Subsection 455.209(2), F.S.). It also authorizes the boards or Department--if there is no board--to charge an application and biennial renewal fee, not to exceed $250 each, for processing applications of entities requesting to provide continuing education services (Subsection 455.219(2), F.S.).

In addition, the measure authorizes the Real Estate Commission to charge an application and biennial renewal fee, not to exceed $250 each, for prelicensure, precertification and postlicensure education courses.

The law requires the Department to promptly furnish the licensee or his attorney with a copy of any document which initiates an investigation (Subsection 455.225(1), F.S.). In addition, the licensee may provide a written rebuttal which must be considered by the probable cause panel.

The act authorizes the Department to impose an administrative fine on any person who practices a regulated profession without a license in the state (Section 455.228(1), F.S.). The Department would be entitled to receive attorney's fees and costs if the Department has to enforce an agency order or collect a fine. Also, the legislation removes the requirement that the Department include, *by statutory citation*, a description of disciplinary actions taken by the Department in their annual report to the Legislature (Subsection 455.2285(6), F.S.). Finally, the enactment ensures that information which is exempt from the public records law or is confidential and is supplied to the Department by another agency will remain exempt or confidential (Subsection 455.229(1), F.S.). All these provisions take effect October 1, 1990.

### Sunset and Sundown Reconciliation

The Regulatory Sunset Act (Section 11.61, F.S.) and the Sundown Act (Section 11.611, F.S.) provide respectively for the systematic, periodic repeal of designated sections of the Florida Statutes relating to regulatory programs and functions and to advisory bodies, commissions and boards of trustees adjunct to executive agencies. The acts also provide for repeal of designated sections on a scheduled date within 10 years of acts creating or reestablishing entities or functions meeting Sunset or Sundown criteria and for legislative review prior to repeal.

Annually as an interim project, the Senate Committee on Governmental Operations updates the Sunset/Sundown/Other Legislative Repeals Handbook, a compilation of past, present and future Sunset and Sundown activities and other scheduled future repeals. In updating the 1988 Handbook, certain discrepancies, which do not conform to the Sunset or Sundown laws, were discovered. SENATE BILL 2976 (CHAPTER 90-192) addresses these discrepancies.

Repeal clauses in certain Laws of Florida which are incorrect regarding future repeal would be corrected. Included for repeal would be sections amending, creating or reestablishing programs or functions meeting the criteria of Sunset or Sundown which were found to have no future repeal date as required by the Regulatory Sunset Act or the Sundown Act. Additionally, certan sections scheduled for future repeal were scheduled for prior legislative review pursuant to the Regulatory Sunset Act or the Sundown Act on dates or schedules inappropriate for review under these acts.

### Physicians/Complaint Investigation

COMMITTEE SUBSTITUTE FOR SENATE BILL 1292 (CHAPTER 90-44) amends Sections 458.331, 459.015, 460.413 and 461.013, F.S., requiring the Department of Professional Regulation to provide a physician, osteopathic physician, chiropractic physician or podiatrist a copy of the complaint against him or the originating document which instituted a complaint. The act allows the practitioner to submit a written response to the probable cause panel within 45 days after service of the complaint and requires the panel to review the response. The provisions of this law furnish notice to a practitioner against whom a complaint has been filed as well as the opportunity to respond to the complaint before probable cause is found. The legislation is given an October 1, 1990, effective date.

### Podiatrists

SENATE BILL 1072 (CHAPTER 90-29) modifies Subsection 461.006(1), F.S., to provide for a nonrefundable application fee not to exceed $100, and a clinical experience requirement for podiatrists. In addition, revised Subsection 461.004(4), F.S., the Board of Podiatric Medicine would be able to provide by rule that its probable cause panel may be composed of one current member and one past member of the Board. These changes take effect October 1, 1990.

### Physician Licensure

COMMITTEE SUBSTITUTE FOR SENATE BILL 972 (CHAPTER 90-52) repeals Subsection 458.313(1)(b), F.S., which established a specific pathway of licensure by endorsement for physicians intending to work at the "Mayo Clinic" in Jacksonville. [The act is the result of the Sunset review of Section 458.313(1)(b), F.S., which determined that the special licensing provision had fulfilled its intended purpose and that it was no longer needed. The Mayo Clinic also stated that it no longer

*Prepared by House Regulatory Reform Committee

needed the provision.] The law also corrects cross-references. [Any physician currently licensed under this provision would be able to renew his license if his status has not changed.] An effective date of October 1, 1990 is supplied.

COMMITTEE SUBSTITUTE for SENATE BILL 1082 (CHAPTER 90-30) provides a licensing exemption (Subsection 458.3145(6), F.S.) for out-of-state physicians, effective October 1, 1990, who offer medical care or treatment in connection with medical education; the exemption would be for no more than one single period of 30 days a year and requires a registration fee of up to $300.

SENATE BILL 2524 (CHAPTER 90-134) provides for an alternative method of certification to become a physician assistant in revising Subsection 458.347(7), F.S. It would allow a person to apply for certification to become a physician assistant if the person has either: 1) made a passing score of 65 or above on the FLEX or ECFMG examinations for physician licensure; or 2) is certified to take either examination, has completed two equivalent physician assistant courses and has passed a state proficiency examination. In either situation, it would be in lieu of having to take the national certification examination.

It further increases the cap for renewal and that the fee for certification for licensure under this provision will be the same as licensure for medical doctor. The provision is scheduled for Sunset in 1995 and takes effect October 1, 1990.

Subsection 458.319(1), F.S., is amended by HOUSE BILL 613 (CHAPTER 90-60) to require that a nonactive licensed physician who has not practiced within the previous 4 years must pass a clinical competency examination prior to renewal of his license. For purposes of licensure, "actively practiced medicine" is defined to include employment by any governmental entity in community or public health and the practice of administrative medicine by a physician.

The act also revises Subsection 458.347(8), F.S., to stipulate that the Florida Academy of Physician Assistants shall submit three candidates for each of two of the three physician assistant seats on the Physician Assistant Committee which makes recommendations to the Florida Board of Medicine on all matters concerning physician assistants which comes before the Board.

Subparagraph 458.311(10)(a)5., F.S., is amended to provide that the Board may conditionally certify an applicant for enrollment in the physician training course if the applicant has "substantially complied" with the statutory requirements. The applicant must fully comply prior to completion of the course in order to be permitted to sit for licensure examination.

Subsection 458.331(5), F.S., is revised to specify that "gross malpractice," "repeated malpractice," and "failure to practice medicine with that level of care, skill, and treatment which is recognized as being acceptable under similar circumstances" are distinct types of violations requiring specific individual guidelines which must be specified in a recommended order by a hearing officer or a final order of the Board finding a violation of this section. These provisions are assigned an effective date of October 1, 1990.

**Chiropractic**

COMMITTEE SUBSTITUTE for SENATE BILL 666 (CHAPTER 90-25) revises Chapter 460, F.S., governing the practice of chiropractic and establishes an impaired practitioners program.

The act changes Subsection 406.403(9), F.S., to alter the composition of the seven-member chiropractic peer review committee from five licensed chiropractic physicians to seven; the consumer and health insurance representatives are eliminated. A committee member would be compensated $50 per day for each day of attendance at an official meeting of the committee or any other business involving the committee. They would also be entitled to per diem and travel expenses.

Pursuant to revised Subsection 460.407(3), F.S., if an active chiropractic license is not renewed at the end of the biennium, it would automatically expire. A licensee would be able to reinstate within 6 months upon payment of a late fee not to exceed $50. The license would become null and void at the end of the 6 months if not reinstated. There would no longer be an inactive status. A licensee would be required by added Subsection 460.407(5), F.S., to notify the Board in writing, by certified mail of any change of address.

Also, the law creates Section 460.417, F.S., to establish statutory authorization for treatment programs for impaired practitioners, the same as for other medical related professions. A member appointed by the Board of Chiropractic would serve on the Impaired Practitioners Committee of the Department of Professional Regulation as provided in amended Subsection 455.26(1), F.S. These provisions take effect October 1, 1990.

In addition, the provisions of SENATE BILL 458 (CHAPTER 90-228) AND COMMITTEE SUBSTITUTE FOR SENATE BILL 534 (CHAPTER 90-79) provide for the regulation of chiropractic physicians by the Department of Professional Regulation (DPR).

Currently under Paragraph 460.406(1)(c), F.S., an applicant for chiropractic licensure must submit proof of graduation from a chiropractic college accredited by the U.S. Office of Education or the Council on Postsecondary Education or by the Department of Professional Regulation (DPR). COMMITTEE SUBSTITUTE FOR SENATE BILL 458 (CHAPTER 90-228) provides that an applicant for chiropractic licensure will have to be a graduate from a chiropractic college accredited by the U.S. Office of Education *and* the Council on Postsecondary Accreditation or by the Department. In revised Paragraph 460.406(1)(e), F.S., an applicant is exempt from the 3-month training course if they have practiced in another state for at least 5 years.

This act and COMMITTEE SUBSTITUTE FOR SENATE BILL 534 (CHAPTER 90-79) amends Subsection 460.413(1) to add failure to keep diagnosis of a disease, condition or injury as grounds for disciplinary action. COMMITTEE SUBSTITUTE FOR SENATE BILL 458 (CHAPTER 90-228) further amends this subsection to require specificity for the grounds for action by a hearing officer or the Board of Chiropractic. The provisions of this act has an effective date of October 1, 1990.

### Osteopathic

COMMITTEE SUBSTITUTE for HOUSE BILL 571 (CHAPTER 90-254) provides in revised Section 459.0077, F.S., for the extension of an osteopathic faculty certificate without examination from 1 to 2 years and that the applicant would have to be currently licensed in another United States jurisdiction as well as being a graduate of an accredited school. It also requires pursuant to revised Paragraph 459.015(1)(y), F.S., that a recommended order by a hearing officer for a violation under Chapter 459, F.S., must state the type of malpractice. The act clarifies in Subsection 459.021(2), F.S., that a resident or intern may register with the Department for a period of no greater than 1 year, but may renew it.

### Dentistry

COMMITTEE SUBSTITUTE FOR SENATE BILL 458 (CHAPTER 90-228) authorizes the Board of Dentistry to assess a one-time fee from each licensed dentist and dental hygienist. In addition, the law strikes obsolete examination exemptions for graduates of the University of Havana who graduated prior to 1962. In addition, the measure makes the following acts grounds for disciplinary action by the Board: entering a plea of nolo contendere to a crime which relates to the practice of dentistry or dental hygiene; making deceptive, untrue, or fraudulent representation related to the practice of dentistry; and failing to report to the Board, in writing, within 30 days if action has been taken against one's license to practice dentistry or dental hygiene in another state, territory or country.

### Pharmacy

HOUSE BILL 313 (CHAPTER 90-2) amends Section 465.026, F.S., to allow a pharmacist to dispense a one-time transfer refill of the Schedule III, IV or V controlled substances listed in Chapter 893, F.S. The act also amends Section 893.04, F.S., to allow a pharmacist to dispense a one-time emergency refill of up to a 72-hour supply of any medicinal drug--with the exception of a medicinal drug listed in Schedule II in Chapter 893, F.S.

COMMITTEE SUBSTITUTE FOR SENATE BILL 510, (CHAPTER 90-341) amends Section 465.008, F.S., to provide a 60-day delinquency period in which a pharmacist could still practice without his license automatically being placed on inactive status. In addition, a licensee who inadvertently fails to renew his license is no longer required to apply for reactivation, pay the $150 in fees or meet the required continuing education requirements. However, the licensee is required to pay a $75 delinquency fee. The act removes the Board of Pharmacy's authority to adopt rules to address application procedures for inactive status, biennial renewal of inactive status, and reactivation of licenses (Subsection 465.012(2), F.S.). The Board is also required to establish application procedures for a biennial renewal fee for inactive status. In addition, the Department of Professional Regulation is required to withhold reactivation of a license until the licensee has paid the inactive application, biennial renewal and reactivation fees.

### Occupational Therapy

In revising Subsection 468.203(5), F.S., COMMITTEE SUBSTITUTE FOR SENATE BILL 514 (CHAPTER 90-22) requires occupational therapy aides to work under direct supervision of a licensed occupational therapist. It amends Section 468.223, F.S., to prohibit unlicensed practice of occupational therapy and provides related penalties. The act also modifies Section 468.205, F.S., to rename the Occupational Therapist Council as the Occupational Therapy Council.

### Clinical, Counseling, and Psychotherapy Services

HOUSE BILL 3733 (CHAPTER 90-263) revises and re-enacts Chapter 491, F.S., relating to clinical, counseling and psychotherapy services. The act makes a number of revisions to Chapters 455 (general regulatory provisions for professions and occupations), 490 (psychological services), and 491, F.S., some of which include the following provisions: the enactment institutes a practice act for psychology effective October 1, 1995, which in no way limits the practice of school psychology (Subsection 490.012(5), F.S.); exempts the practice of medicine, osteopathy, and behavior analysis from Chapter 490, F.S., licensure requirements (Paragraph 490.014(1)(b) and Subsection 490.014(3), F.S.); provides definitions for the terms "clinical social work experience" and "psychotherapist" (Subsections 491.003(4) and (10), F.S., respectively); eliminates ambiguities, clarifies the application process, and enumerates the educational and experience requirements for licensure of clinical, counseling and psychotherapy practitioners (Section 491.005, F.S.); revises and clarifies the confusing and ambiguous language of the violation section (Section 491.012, F.S.); institutes a practice act for clinical social work, marriage and family therapy, and mental health counseling, effective October 1, 1995 (Paragraphs 491.012(1)(i), (j) and (k), F.S., respectively); exempts-- under certain instances--medicine, osteopathy, psychology and behavior analysis from the provisions of Chapter 491, F.S., (Subsections 491.014(1) and (5), F.S.); re-enacts Chapter 491, F.S., provides for Sunset review, and repeals Chapter 491, F.S., October 1, 2000. The measure takes effect October 1, 1990.

### Sexual Misconduct by Psychotherapist

COMMITTEE SUBSTITUTE FOR SENATE BILL 1288 (CHAPTER 90-70) makes sexual misconduct by a psychotherapist with a client, or former client when the professional relationship was terminated primarily for the purpose of engaging in sexual contact, a criminal offense. The criminal offense for first-time violations is a third-degree felony, punishable by a fine of $5,000, and not more than 5 years imprisonment. However, a subsequent offense or offense by means of therapeutic deception is a second-degree felony, punishable by a fine of $10,000, and not more than 15 years imprisonment.

[In addition to the criminal punishments for engaging in sexual misconduct, the licensees will continue to be subject to disciplinary actions by the regulatory boards.] The law eliminates consent by a client as a defense to a sexual misconduct offense by a psychotherapist.

The act also defines "psychotherapist" as anyone who is licensed to practice medicine, osteopathy, nursing, psychology or clinical, counseling and psychotherapy services, or anyone who provides or claims to provide treatment, diagnosis, assessment, evaluation or counseling of mental or emotional illness, symptom or condition. "Therapeutic deception" is defined as a representation to the client that sexual contact by the psychotherapist is consistent with or part of the treatment of the client. "Sexual misconduct" and "client" are delineated. October 1, 1990, is the effective date of the act.

**Speech-Language Pathology and Audiology**

The COMMITTEE SUBSTITUTE FOR SENATE BILL 482 (CHAPTER 90-345) AND COMMITTEE SUBSTITUTE FOR SENATE BILL 2524 (CHAPTER 90-134) transfer the regulation of speech-language pathologists and audiologists from the Department of Education to the Department of Professional Regulation. The acts repeal part I of Chapter 468, F.S., the existing practice act for these professions, and create a new practice act with provisions common to other professions regulated under the Department of Professional Regulation. The laws will permit licensed audiologists to fit and dispense hearing aids without dual licensure as hearing aid specialists (Subparagraph 468.1115(6)(a)4., F.S.). As a result, several changes were made in Chapter 484, F.S., relating to hearing aid specialists. The membership of the Board of Hearing Aid Specialists is modified (Subsection 484.042(2), F.S.) and initial licensure and renewal fee caps are increased for that profession (Section 484.0447, F.S.). Statutes regulating speech-language pathologists, audiologists, and hearing aid specialists are scheduled for Sunset review and repeal on October 1, 2000.

The measures also require that the licensure examination for nursing home administrators be given four times yearly (Subsection 468.1695(1), F.S.) and create an additional avenue for licensure by endorsement in that profession (Paragraph 468.1705(4)(b), F.S.). Both measures have an effective date of October 1, 1990.

**Optometry**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1520 (CHAPTER 90-34) expands the provisions of Chapter 463, F.S., effective October 1, 1990, by authorizing the Department of Professional Regulation to issue optometric faculty certificates and prescribing the requirements, procedures and fees.

**Fitting and Dispensing Hearing Aids**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1834 (CHAPTER 90-38) revises the training and examination requirements for licensure as a hearing aid specialist (Sections 484.0445 and 484.045, F.S., and modifies license renewal requirements for the profession (Section 484.047, F.S.). The act also requires that hearing aid sales receipts notify purchasers to file unresolved complaints concerning the hearing aid or hearing aid guarantee with the Department of Agriculture and Consumer Services, Division of Consumer Services (Section 484.051, F.S.). The law takes effect October 1, 1990.

**Cosmetology Licensure**

Cosmetologists who hold active licenses in another country are entitled to take the state licensure examination, effective October 1, 1990, rather than be licensed by endorsement pursuant to amended Paragraph 477.019(2)(c) and Subsection 477.019(5), F.S., as provided by HOUSE BILL 627 (CHAPTER 90-4).

**Court Reporters**

COMMITTEE SUBSTITUTE FOR SENATE BILL 2350 (CHAPTER 90-188) directs the Florida Supreme Court to establish minimum standards and procedures for the certification of court reporters. The act authorizes the Supreme Court to set related certification fees and to employ personnel to assist the Court in carrying out this regulatory function. Revenues generated from court reporter certification fees must be used to offset the costs of administering the court reporter certification process. Section 1, line 1258A of HOUSE BILL 3701, the General Appropriations Act (CHAPTER 90-209), provides a $175,000 appropriation from the General Revenue Fund to the Supreme Court and authorizes up to two positions in the Court for a court reporter certification program. Proviso language in the law further provides that fees collected pursuant to the certification process be first used to reimburse Specific Appropriation 1260 (i.e., compensation and expenses of court reporters) and that any additional fees be deposited in a trust fund to offset costs of the certification process.

COMMITTEE SUBSTITUTE FOR SENATE BILL 2350 (CHAPTER 90-188) also renumbers and amends Sections 44.1011 through 44.108, F.S., to: define "arbitration"; "mediation" and types of mediation; establish procedures for court-ordered mediation; limit referrals by the appellate, circuit or county court; authorize the Supreme Court to set procedures, discipline and fees for mediators and arbitrators and provide for the funding of mediation and arbitration. The act is given an effective date of October 1, 1990.

**Construction**

COMMITTEE SUBSTITUTE FOR SENATE BILL 458 (CHAPTER 90-228) made extensive additions and modifications to Chapter 489, F.S.

The act provides that the installation of low-voltage control wiring associated with air-conditioning units is within the job scope of air conditioning and mechanical contractors (Paragraphs 489.105(3)(f)(g) and (i), F.S.). It allows individuals who own their own mobile home situated on leased land to perform construction contracting work on their mobile home, as long as they conform to the currently stipulated requirements for home owners (Subsection 489.103(7), F.S.). Additional provisions added on the House floor establish mediation procedures for the construction complaint process (Subsections 489.105(14), 489.129(9), 489.505(20) and 489.533(7), F.S.), clarification of subcontractor authority (Sections 489.105 and

489.538, F.S., and Subsection 489.113(9), F.S.), and additional tools for local licensing board prosecution of unlicensed contractors (Subsection 489.127(3), F.S.). These provisions take effect October 1, 1990.

**Land Surveying**

SENATE BILL 2400 (CHAPTER 90-118) continues a limited exemption from licensure as a professional land surveyor for contractors working on bridges, roads, street, highways, railroads, utilities and services when performing construction layout within boundary, horizontal and vertical controls set by a professional land surveyor.

**Piloting**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 517 (CHAPTER 90-144) establishes extensive new provisions in Chapter 310, F.S., regarding harbor pilots. The act increases accountability (Subsection 310.101(4), F.S.) and extends disciplinary authority, including provisions that a state pilot's loss of his federal pilot license may constitute grounds for disciplinary action (Paragraph 310.101(1)(l), F.S.). The law establishes an initial 9-month trial period for individuals licensed as deputy pilots (Subsection 310.071(3), F.S.).

This legislation provides the Board with the authority to require an annual physical, drug testing, and attendance at continuing education seminars. Additionally, it establishes that pilots will continue to hold their licenses only as long as they remain in active service and remain physically fit to perform piloting duties (Subsection 310.081(3), F.S.).

The measure provides the Department of Professional Regulation the authority to seek the imposition of a civil fine of up to $5,000 for piloting without a license (Subsection 310.161(2), F.S.).

The enactment provides that pilots are required on foreign or foreign trading vessels over 7 feet of draft when underway on the navigable waters of the bays, rivers, harbors and ports of Florida as well as when entering and leaving ports (Subsection 310.141(1), F.S.). The act provides two exceptions to that requirement, relating to tug-assisted vessel movement and movement within a dockyard (Paragraphs 310.141(1)(a) and (b), F.S.).

**Private Security, Private Investigation, and Repossession**

HOUSE BILL 3657 (CHAPTER 90-364) is a "Sunset" act concerning Chapter 493, F.S., relating to personnel and agencies licensed as private security, private investigators and repossessors. The law re-enacts the chapter instituting comprehensive changes, including repeal of the regulations regarding polygraph operators (Sections 493.561-493.572, F.S.).

The Private Security Advisory Council is expanded to 11 members (Section 493.6104, F.S.). The two additional members are established as one law enforcement representative, and one security consumer representative. The Florida Polygraph Advisory Council is repealed.

The procedure for obtaining a temporary statewide gun license is modified (Subsection 493.6115(12), F.S.). The Department of State is provided access to the toll-free telephone system operated by the Department of Law Enforcement for use in checking the criminal history records of prospective gun buyers for use in its own criminal history record checks of license applicants (Subsection 493.6121(6), F.S.).

The Department is required to develop and make available to each licensee within each profession a pamphlet detailing in plain language the licensee's legal authority, limitations and obligations (Subsection 493.6123(2), F.S.).

The act imposes registration requirements on uniformed proprietary security personnel (Subsection 493.6306(1), F.S.). There is no licensure or registration requirements imposed upon the employer of the registered uniformed proprietary security personnel, no insurance requirements, and no mandatory training requirements for the registered proprietary security officers. However, no individual would be allowed to register or function as a uniformed proprietary security officer with a criminal history that would prevent him from obtaining a license as a private security officer. This provision allows proprietary security employers to learn of any serious criminal history record of a prospective employee.

Repossession agencies are required to obtain an agency license from the Department (Subsection 493.6401(1), F.S.), and repossession practices subject to licensure are expanded to include the repossession of mobile homes (Section 493.6405, F.S.).

The minimum training requirement for private security officers is increased from 8 to 16 hours, with a 4-hour increase every 2 years, up to a maximum of 40 hours. Repossessor interns are required to have 16 hours of training, with a 4-hour increase every 2 years, up to a maximum of 40 hours (Subsection 493.6303(4), F.S.). The training requirement for obtaining a statewide gun permit is increased from 16 to 24 hours, with an increase of 4 hours every 2 years, up to a maximum of 48 hours (Subsection 493.6105(5), F.S.). The chapter is scheduled for future Sunset review and repeal on October 1, 2000. All provisions of the act take effect October 1, 1990, except those relating to proprietary security officers which have an effective date of January 1, 1991.

**Bail Bondsmen and Runners**

HOUSE BILL 3589 (CHAPTER 90-131) is the result of the Sunset review of Chapter 648, F.S., which relates to the licensing, qualifications, business practices, and the general regulation of bail bondsmen and runners. The act permits only an individual to be licensed as a bail bondsman. Thus no firm, partnership, association or corporation can be licensed. A bail bondsman must be either a limited surety agent or a professional bail bondsman; a professional bail bondsman is not backed by a company that would underwrite the bonds. [The Sundown review concluded that Chapter 648 has been fulfilling its statutory purpose and that regulation of this industry is essential to the protection of the public.] The law made various changes that conform it to the regulation of other insur-

ance agents, as well as other cleanup changes to the chapter. The Bail Bond Regulatory Board was renamed the Bail Bond Advisory Council to properly reflect its general purpose in accordance with law (Subsection 648.265(1), F.S.). The chapter would be subject to a future Sunset review in the year 2000.

**Agricultural Product Dealers**

HOUSE BILL 3607 (CHAPTER 90-161) revises and reenacts Sections 604.15-604.34, F.S., to continue mandatory licensure and bonding of certain agricultural products dealers. The act was a result of a Sunset review. The law increases license fee caps in Section 604.19, F.S., so that fees may be set by the Department of Agriculture and Consumer Services to sustain the regulation. [The minimum security bond is increased to $3,000, which is the level required by rule since 1982.] The measure reduces the period for filing claims against dealers and requires that claims total at least $250 and occur in a single license year (Subsection 604.21(1), F.S.). It eliminates provisions which prohibit shareholders of corporate agricultural products dealers from becoming dealers when the corporate dealer has been disciplined (Subsections 604.25(1) and (3), F.S.). The Department is authorized to issue a cease and desist order before seeking a court injunction against a person who violates the regulation (Subsection 604.30(2), F.S.). The designated sections are scheduled for Sunset review and repeal again on October 1, 2000. The law takes effect October 1, 1990.

**Real Estate**

COMMITTEE SUBSTITUTE FOR SENATE BILL 482 (CHAPTER 90-345) expands provisions of Chapter 475, F.S. The Florida Real Estate Commission must now include state-certified residential or real estate appraisers among those it is required to educate (Section 475.04, F.S.). Certification, however, remains voluntary (Subsection 475.501(2), F.S.). Further, the act defines a broker as a professional, which has the effect of reducing his liability from 4 years to 2 years (Paragraph 475.01(1)(c), F.S.). The legislation also creates provisions regulating brokerage business records. The legislation authorizes mediation as an alternative in escrow disputes and provides that payment for the mediation shall be as agreed to between the parties (Paragraph 475.25(1)(d), F.S.).

These provisions also appear in COMMITTEE SUBSTITUTE FOR SENATE BILL 458 (CHAPTER 90-228) with the same effective date of October 1, 1990.

**Interior Design**

SENATE BILL 964 (CHAPTER 90-84) AND COMMITTEE SUBSTITUTE FOR SENATE BILL 458 (CHAPTER 90-228) contain identical provisions amending Subsection 481.215(5), F.S., to reduce the continuing education required for renewing an interior designer license from not less than 20 hours per year to not less than 20 hours per biennium. Continuing education will not be required for license renewal until after January 31, 1991. These provisions have an effective date of October 1, 1990.

**Florida Arts Council**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 538 (CHAPTER 90-267) saves the Florida Arts Council from Sundown repeal (Section 11.611, F.S.) and provides for review and repeal by October 1, 2000. The act makes several revisions to statutes relating to the Florida Arts Council to: define "council" and "panel" (Section 265.283, F.S.), require a quorum (i.e., eight members) before official action of a vote can be taken by Council members and require the Council and panels to provide a forum for public comment prior to voting on any art grant application (Section 265.285, F.S.). The enactment also authorizes the Secretary of State to appoint review panels to assist the Council in reviewing Science Museum Trust Fund grant applications and authorizes the Division Of Cultural Affairs of the Department of State to establish criteria for reviewing such applications (Paragraph 265.608(2)(d), F.S.).

Section 265.286, F.S., is modified to designate the Division of Cultural Affairs of the Department as the rulemaking authority for the renamed Vital Local Cultural Organization Program and alter the procedure for the awarding of grants under the Program which is to be administered by the Division of Cultural Affairs of the Department. The Lee County Alliance of the Arts, Inc., Film Society of Miami, Inc., Asolo Center for the Performing Arts, Inc., and the Broward County Film Society, Inc., are added to the list of designated Vital Local Cultural Organizations.

Section 265.32, F.S., is revised to add purposes for county fine arts councils, authorize ex officio members, limit the tenure of council chairmen and empower council executive directors to execute contracts for the councils.

Sponsoring organizations which receive matching fund endowments under the Fine Arts Endowment Program (Section 265.606, F.S.) may apply for additional endowments which may be given once every 3 years. Investment requirements for the endowment funds are revised.

The act also creates the Youth and Children's Museum Trust Fund and provides for its administration and funding.

In addition, the law requires that any application of an approved Cultural Facilities Grant project submitted to, but yet not funded by the Legislature, would be automatically resubmitted to the Legislature for funding for the subsequent year (Subsection 265.701(3), F.S.). The applicant is responsible for submitting any adjustments to the original application.

Additional provisions of this law are summarized in the *COMMERCE* article.

**Talent Agencies**

SENATE BILL 330 (CHAPTER 90-202) modifies the definition of the term talent agent (Subsection 468.401(12), F.S.) to exempt manager agents who provide advice and career guidance to artists and is not primarily involved in obtaining employment for the artist. Additionally, the act prohibits talent agencies from charging an artist a fee for registering with the talent agency (Subsection 468.410(1), F.S.). Also, the law requires talent agencies to maintain permanent offices and op-

erating house (Subsection 468.412(11), F.S.). These provisions take effect October 1, 1990.

**State Theater Board**

SENATE BILL 2558 (CHAPTER 90-95) amends Section 265.287, F.S., to delete the requirement that the chairman of the State Theater Board of Florida must co-sign with the Secretary of State all contracts with professional theatrical management groups or companies who provide State Theater Program services. This deletion is effective October 1, 1990. [The State Theater Board stands repealed October 1, 1990, pursuant to Section 11.611, F.S., the "Sundown Act."]

**Ringling Museum of Art**

COMMITTEE SUBSTITUTE FOR SENATE BILL 306 (CHAPTER 90-114) is the result of a Sundown review of the Board of Trustees of the John and Mable Ringling Museum of Art. The museum is designated as the official art museum of the State of Florida. The act would re-enact those provisions of Chapter 265, F.S., that relate to the John and Mable Ringling Museum of Art (Sections 265.26, 265.261 and 265.27, F.S.). Specifically, it re-enacts the Board's authority to approve a direct-support organization, the Board's advisory council and its authority to loan paintings to certain institutions. The Board would also be responsible for maintaining and preserving the collections of the Circus Museum, the furnishings and objects of the Ringling home and other items in the custody of the museum. The law would be subject to a future Sundown review and repeal in the year 2000.

**Historical Preservation Advisory Council**

SENATE BILL 704 (CHAPTER 90-26) was the result of a Sundown review of the Historic Preservation Advisory Council and re-enacts Section 267.0612, F.S., which establishes the Council within the Department of State. The Council's purpose is to enhance public participation in the preservation and protection of the state's historic and archaeological sites and properties. The Council furthermore provides guidance to the Department's Division of Historical Resources on priorities for the identification, acquisition, protection and preservation of historic and archaeological sites and properties in Florida as well as evaluates proposals for awards of historic preservation grants-in-aid. The Council would be subject to a future Sundown review and repeal in the year 2000. The act takes effect October 1, 1990.

**Florida Library Council**

SENATE BILL 308 (CHAPTER 90-21) saves the Florida Library Council (Sections 257.02 and 257.031, F.S.) from Sundown repeal. The act provides a statutorily defined purpose for the Council. The measure includes the president-elect of the Florida Library Association as an ex officio nonvoting member of the Council. The enactment requires Council members to serve 4-year staggered terms, and would not allow a member to serve on the Council for more than two successive terms. Also, the legislation provides the Secretary of State with the authority to remove any Council member for cause. Finally, the law provides for future Sundown review and repeal of the section on October 1, 2000. The effective date of this act is October 1, 1990.

**Florida Cancer Control and Research Advisory Board**

HOUSE BILL 2281 (CHAPTER 90-314) changes a previously established advisory body's name from the Florida Cancer Control and Research Advisory Board to the Florida Cancer Control and Research Advisory Council to conform to Chapter 20, F.S.

Subsection 385.201(4), F.S., enacted in 1979, established the Florida Cancer Control and Research Advisory Board within the Department of Health and Rehabilitative Services. It was created in order to develop a planned approach to cancer research and control and to give direction to the total cancer effort in Florida by recommending solutions and policy alternatives to the secretary of the Department of Health and Rehabilitative Services. It went through the "Sundown" process in 1989 and was re-enacted after review. However, the bill which passed did not conform this advisory body to the nomenclature required by Chapter 20, F.S., and Section 11.61, F.S. This enactment has an effective date of October 1, 1990.

**Information Technology Resources**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3605 (CHAPTER 90-160) re-enacts and reschedules the Sundown review and repeal of Sections 282.303-282.313 and 287.073, F.S., which establish information technology resources management planning procedures for state agencies, the judicial system and the State University System and which create and empower the Information Resource Commission (IRC), data processing advisory councils, and the Information Technology Resource Procurement Advisory Council (ITRPAC). The act directs the Legislative Information Technology Resource Committee to study the operations of these units of government and to make recommendations to the Senate Committee on Governmental Operations and the Committee on Regulatory Reform of the House of Representatives by October 1, 1993.

The law also delegates information resources management and planning functions for the State University System to the Board of Regents (BOR) by adding Subsection 282.004(10), F.S. The BOR will have the same powers and duties in the State University System as the IRC has in the executive branch. Under revised Subsection 282.308(2), F.S.; plans prepared by the BOR will be exempt from approval by the IRC, but must conform with the State Strategic Plan for Information Resources Management, the Department of Education agency functional plan and the State University System master plan. The measure also authorizes the BOR to develop separate computer policies and standards for the State University System pursuant to revised Paragraph 282.318(3)(b), F.S. The universities will have to prepare annual operating plans using their own formats (Subsection 282.308(3), F.S.) and performance reports in a format determined by the BOR in conjunc-

tion with the Legislative Information Technology Resource Committee (Paragraphs 282.312(1)(a), F.S.).

The act provides for a comparison of the information resources management functions performed by the BOR and by the IRC. The Auditor General will be responsible for evaluating that function of the BOR and for conducting the comparison study. The Auditor General must report to designated committees of the Legislature by October 1, 1994. The statutes revised and re-enacted by the bill are scheduled for Sundown review and repeal on October 1, 1995.

**Employment and Training**

SENATE BILL 1462 (CHAPTER 90-235) revises and re-enacts the State Job Training Coordinating Council under Section 446.20, F.S., for the administration of state responsibilities under the federal Job Training Partnership Act. The law provides for the purpose and membership of the State Job Training Coordinating Council. It also provides for a report by the Council relating to the development of a statewide employment and training policy concerning job training, job services and vocational education preparation. The Council is scheduled for Sundown review and repeal again on October 1, 2000.

**Inland Navigation Districts**

COMMITTEE SUBSTITUTE FOR SENATE BILL 30 (CHAPTER 90-264) saves Chapters 12026 and 23770, Laws of Florida, from Sundown repeal and re-enacts these chapters. The act amends Section 374.975, F.S., to require the West Coast Inland Navigation District to study inlet management and requires that navigation district and the Florida Inland Navigation District to develop plans for maintenance of the Intracoastal Waterway and spoil disposal. The legislation also revises Section 374.976, F.S., to require the districts to adopt rules and restricts funds and financial support of projects and requires matching funds. In addition, the law mandates reports to the Legislature by the districts and for legislative study of the Florida Inland Navigation District. Further, it creates Section 374.977, F.S., to provide for the posting and maintenance of manatee protection speed zone markers in the districts. Finally, the enactment repeals Section 374.97, F.S., relating to the Tennessee-Tombigbee Waterway Development Authority, and reschedules the Florida Inland Navigation District for Sundown review and repeal on October 1, 1995, and the West Coast Inland Navigation District on October 1, 2000. Unless otherwise provided within the act, the provisions take effect October 1, 1990.

**Land Management Advisory Committee**

HOUSE BILL 2277 (CHAPTER 90-1) saves the Land Management Advisory Committee (Subsections 253.022 and 253.034(3), (4), and (5), F.S.) from Sundown repeal and provides for future review and repeal of the sections on October 1, 2000. The act redesignates the Land Management Advisory Committee as the Land Management Advisory Council. The law includes the secretary of the Department of Community Affairs as an ex officio member of the Council. In addition, the measure requires that all members of the advisory council serve without additional compensation for conducting council business, but entitles them to receive reimbursement for per diem and traveling expenses, which would fulfill the Sundown Act requirements pursuant to Paragraph 11.611(7)(d), F.S.

**Florida Folklife Council**

SENATE BILL 702 (CHAPTER 90-11) amends Paragraph 267.161(1)(a), F.S., to delete a provision relating to the initial appointments to the Florida Folklife Council because the provision has had its effect. The act also amends this section to provide that the Secretary of State appoint a successor for each member within 90 days after the expiration of the member's term and also fill a vacancy for the remainder of an unexpired term within 90 days. The law amends Paragraph 267.161(1)(b), F.S., to provide that the Division of Historical Resources of the Department of State may call meetings, rather than the Secretary, and that no member of the Council can be elected to consecutive terms as chairperson.

The measure further amends Section 267.161, F.S., by adding a subsection (d) to provide that all action taken by the Council be by a majority vote of members present and that either the division director or his designee serve as secretary, with no voting rights. The subsection provides, that the Division give necessary staff assistance to the Council.

The legislation revises Paragraph 267.161(2)(a) to provide that the Council assist, as well as advise, the Division and the state folklorist.

Finally, the act amends Section 267.161, F.S., to save the Council from repeal in 1990 and set it for repeal on October 1, 2000. It provides that the Council be reviewed under the Sundown Act in advance of that date. This law takes effect October 1, 1990.

## PUBLIC OFFICERS AND EMPLOYEES*

The 1990 Legislature effected numerous changes in the laws relating to state retirement systems; state employment; death benefits for law enforcement officers, correctional officers or firefighters; and unemployment compensation. The State Employee Telecommuting Act was created to permit state employees to perform their jobs by the use of computers or telecommunications at locations other than their normal place of employment. The Drug-Free Workplace Act was amended to clarify certain provisions and provide a licensing fee for drug testing laboratories.

### State-Administered Retirement Systems

COMMITTEE SUBSTITUTE FOR SENATE BILL 3056 (CHAPTER 90-274) which combines the work products of the House Committee on Employee and Management Relations and the Senate Committee on Retirement, Personnel and Collective Bargaining amends retirement statutes to:

1. Revise the contribution rates needed to fund the Florida Retirement System (FRS) as required by the State Constitution and Florida law (Section 121.071, F.S.).
2. Increase the Retiree Health Insurance Subsidy from $2 to $3 for each year of creditable service (up to 30 years maximum), which will provide from $30 to $90 extra per month to help over 100,000 FRS retirees with their health insurance costs (Section 112.363, F.S.).
3. Require the Department of Administration to provide an annual benefit statement to members with at least 5 years' service (new Section 121.136, F.S.) and provide that the FRS summary plan description must be distributed to members every 2 years rather than annually (Section 112.66, F.S.).
4. Temporarily open the FRS to allow enrollment by any active member of a closed system (Teachers' Retirement System or State and County Officers and Employees' Retirement System) who has never had the opportunity to transfer to the FRS (new Subparagraph 121.051(2)(a)6., F.S.).
5. Provide the Retirement Administrator with standards of proof for disability retirement and generally tighten up the disability retirement law (Subsections 121.091(4) and (6), F.S.).
6. Change reemployment-after-retirement statutes to provide that the employer and employee will both be equally liable for repayment of any retirement benefits illegally received during the first 12 months of retirement (Subparagraphs 121.091(9)(b)2. through 121.091(9)(b)6., F.S.).
7. Define "disability in line of duty" (Subsections 121.021(13), F.S.); provide for FRS participation by employees of regional coordinating councils (new Subsection 121.051(9)(b), F.S.); require senior managers working for the State University System and the State Board of Administration to participate in the Senior Management Class of the FRS (new Paragraphs 121.055(1)(d) and (e), F.S.); and allow judges to select a benefit payout option when required to retire by Supreme Court order (Paragraph 121.091(4)(g), F.S.), as well as other miscellaneous changes.
8. Provide that, effective July 1, 1991, any retiree of a state-administered retirement plan who returns to employment with an FRS employer will have membership in the system renewed as a new employee, and provide for retroactive coverage if the employee pays all back contributions, plus interest (Paragraph 121.091(9)(b), F.S.).
9. Revise statutes relating to the Elected State Officers' Class of the Florida Retirement System to clarify the law and rename the class as the Elected State and County Officers' Class (reflecting the inclusion of elected county officers in 1981); to provide for uniformity throughout the class with respect to membership, participation and withdrawal; to eliminate obsolete provisions; to permit elected officials to upgrade retirement credit within the purview of the class; and to consolidate related provisions under one statute (Subsection 121.052, F.S.).

### Interstate Pension Portability Act

COMMITTEE SUBSTITUTE FOR HOUSE BILL 457 (CHAPTER 90-281) creates Section 121.45, F.S., to be known as the "Interstate Pension Portability Act." The purpose of the legislation being to explore the possibility of developing an interstate compact between the Florida Retirement System (FRS) and those in other states to: increase the interstate mobility of public employees so as to better match jobs and available employees, avoid labor shortages in geographic areas, remove the barrier of forfeiture of earned pension benefits as a result of interstate movement and attract employees to Florida in a fiscally sound and responsible manner.

The Division of Retirement of the Department of Administration is directed to survey other states to determine the level of interest. If another state expresses interest, the Division is to confer with that state and the consulting actuaries of both states and present their findings to appropriate legislative committees and affected certified bargaining units. Once feasibility has been determined, the Legislature may request the Division with its actuaries to develop a proposal. Then an actuarial study is to be made to determine cost to the FRS Trust Fund and the state, the results of which are to be presented to the Legislature. Either chamber may elect to present the proposed compact in committee bill form during the same or next regular session.

*Prepared by House Employee and Management Relations Committee

**Death Benefits**

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 147 AND 397 (CHAPTER 90-138) revises the statutory provisions relating to death benefits provided to the family of a law enforcement officer, correctional officer or firefighter who is killed or fatally injured while in the performance of duty.

This act revises Sections 112.19 and 112.191, F.S., to establish the following three-tier monetary death benefit levels and spells out the circumstances under which the beneficiaries shall be paid death benefits at each level:

1) the sum of $25,000 if the officer or firefighter is accidentally killed or fatally injured while on duty;
2) an additional $25,000 (total of $50,000) if the officer or firefighter is accidentally killed or fatally injured while in fresh pursuit or while responding to an emergency; and
3) a total of $75,000 if the death or fatal injury was attributed to an unlawful and intentional act.

In addition, the legislation provides in new Subsection 112.19(3), F.S., that the state shall waive certain educational expenses for the dependent children of those law enforcement officers, correctional officers or firefighters who are killed or fatally injured while in fresh pursuit or in response to an emergency, or whose death is attributed to an unlawful and intentional act. The educational benefits provide 4 academic years at a state university, 2 academic years at a state community college or the cost of obtaining a vocational-technical certificate at a state vocational-technical school.

**State Employee Telecommuting Act**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 967 (CHAPTER 90-291) creates the State Employee Telecommuting Act and directs the Department of Administration to establish guidelines and coordinate the efforts of those state agencies and employees who elect to participate.

The law further authorizes the Department to promulgate the applicable administrative rules and to approve the design and implementation of state agency telecommuting pilot programs. Agencies of the executive department, excluding the state university system, may conduct pilot programs with the approval of the Department of Administration between August 1, 1991, and August 1, 1993.

A 13-member telecommuting advisory council is established to advise the Department and make recommendations regarding the implementation of the act.

**Unemployment Compensation**

SENATE BILL 2836 (CHAPTER 90-191) changes the statutory benefit cap under the Florida Unemployment Compensation Law (Paragraph 443.111(2)(a), F.S.) by increasing the maximum weekly benefit payable under the system from $200 to $225, effective October 1, 1990. [In effect, the $25 increase will adjust the benefit cap for inflation.]

[Benefits are now calculated at one-half the claimant's average weekly wage, but no less than $10 or more than $200. It has been 3 years since the last adjustment in the cap. According to legislative economists, in the intervening time, prices have increased 12.6 percent. By April 1990, the $200 per week an unemployed worker took home in 1987 had declined in value to about $177.61 per week. The National Economic Estimating Conference predicts that by the end of 1990 the $200 benefit will be worth only $174.06 in 1987 dollars.]

COMMITTEE SUBSTITUTE FOR SENATE BILL 1564 (CHAPTER 90-89) temporarily eases unemployment compensation eligibility conditions in response to the freeze of December 1989.

[Because the unemployment compensation system is designed to provide a bridge to help steady workers who are temporarily unemployed get by until their next job--not to provide an answer for long-term, chronic unemployment--eligibility for unemployment compensation is partially conditioned upon a person having earned at least a certain amount before becoming unemployed.] The 1989 freeze severely limited the weeks of employment normally available to agricultural workers, therefore the enactment reduces, for a limited period, the weeks of work (wages) normally required for a person to qualify for unemployment compensation benefits as established in Paragraph 443.091(1)(e) and Subparagraph 443.111(4)(a)1., F.S.

Similar windows of opportunity were twice provided by law (Chapters 84-279 and 85-114, Laws of Florida) for claims filed during periods in 1984 and 1985 following severe freezes.

SENATE BILL 268 (CHAPTER 90-9) adds Subparagraph 433.091(1)(c)4., F.S., to provide that unemployment compensation benefits may not be denied to any otherwise eligible individual who is unavailable for work because he has been lawfully summoned to appear for jury duty in a federal or state court of law. Service on either grand or petit juries are covered by the language in the act.

SENATE BILL 220 (CHAPTER 90-168) revives and adopts Subsection 443.171(5), F.S., effective October 1, 1990, which created the Unemployment Compensation Advisory Council, and reschedules the provision for another Sundown review in 10 years. The Unemployment Compensation Advisory Council, in its present form, has been in existence for about 20 years. Its members are chosen to equally represent employers and employees to review and discuss unemployment compensation issues and to assist in developing and formulating relevant proposed legislation.

**State Employment**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3123 (CHAPTER 90-196) creates or amends numerous sections of law relating to state employment in order to:

1. Authorize state agencies to establish Employee Assistance Programs to assist employees who have a behavioral or medical disorder, substance abuse problem or emotional difficulty which effects their job performance (new Section 110.1091, F.S.).
2. Provide a 2-year limitation on actions to collect underpaid premiums or refund overpaid premiums under the State Group Health Insurance Program (new Paragraph 110.123(4)(g), F.S.).

3. Stipulates that final decisions concerning the existence of coverage or benefits under the State Group Health Insurance Program shall not be delegated by the Department of Administration (revised Subsection 110.123(5), F.S.).
4. Authorize a sponsoring state agency to waive a portion of the rental fees for child care providers operating work-site child care programs (amended Subsection 110.151(5), F.S.).
5. Require that savings and forfeitures from the Pretax Benefits Program must be deposited in the State Employees' Group Health Self-Insurance Trust Fund prior to August 1 of each year (modified Subsection 110.161(8), F.S.).
6. Eliminate the requirement that the Department of Administration review all agency initial classification and reclassification actions within 5 months of the action (amended Paragraph 110.207(1)(d), F.S.).
7. Clarify that a career service system employee who has yet to gain permanent status in a career service system class to which he has been promoted has no notice and appeal rights regarding demotion from the class (revised Subsection 110.227(4), F.S.).
8. Reduce the number of Selected Exempt Service positions to 1.5 percent of the total full-time equivalent positions in the Career Service System (modified Section 110.602, F.S.).

**Drug-Free Workplace Act**

SENATE BILL 1658 (CHAPTER 90-238) technically corrects several provisions of the "Drug-Free Workplace Act" (Section 112.0455, F.S.) enacted by the 1989 Legislature.

The legislation also creates Subsection 112.0455(17), F.S., to provide the Department of Health and Rehabilitative Services with the authority to assess an annual licensure fee, not less than $8,000 or more than $10,000, for purposes of certifying drug testing laboratories. For the late filing of a renewal application, a $500-per-day penalty fee is likewise authorized. An effective date of October 1, 1990, is supplied.

**Legislative District Employees' Travel**

HOUSE BILL 231 (CHAPTER 90-252) amends Subsection 11.12(1), F.S., to permit legislative district employees to be paid travel expenses for two round trips home and return to the seat of government (rather than one) during a regular legislative session.

**State Military Personnel Defined**

Subsection 250.05(2), F.S., is created by COMMITTEE SUBSTITUTE FOR HOUSE BILL 2311 (CHAPTER 90-67) to define "military personnel of the Department of Military Affairs" for the state of Florida to mean "any person who is required to wear a military uniform in the performance of his or her official duties and who is required to serve in the Florida National Guard as a condition of his [or her] employment by the Department."

**State Legal Holidays**

HOUSE BILL 287 (CHAPTER 90-59) revises Subsection 683.01(1), F.S., to designate Flag Day (June 14) as a state legal holiday.

## PUBLIC UTILITIES*

In the area of regulated utilities, the 1990 Regular Session of the Legislature conducted a Sunset review of the Telephone Law and reenacted that law with major revisions, revised the Water and Wastewater System Regulatory Law and imposed increased ethical standards for members of the Public Service Commission.

### Water and Wastewater

HOUSE BILL 2519 (CHAPTER 90-166) modifies Chapter 367, F.S., relating to the regulation of water and wastewater systems, to address concerns raised by the Public Service Commission (PSC) in implementing the Sunset legislation enacted during the previous session. In addition to making several technical changes, the legislation clarifies which governmental water and wastewater systems are exempt from PSC regulation (Subsection 367.022, F.S.), establishes the conditions under which requested rates may take effect pending action by the PSC (Subsection 367.081(8), F.S.), allows for the pass-through of regulatory assessment fees imposed by the PSC (Subsection 367.145(1), F.S.) and clarifies the jurisdiction of the PSC over utility systems which cross county lines (Subsection 367.171(7), F.S.).

COMMITTEE SUBSTITUTE FOR SENATE BILL 1634 (CHAPTER 90-350) further amends Subsection 367.171(7), F.S., to extend the date for local governments to enter into interlocal agreements to regulate water and wastewater systems which transverse county lines to January 1, 1991.

### Spaceport Florida Authority

COMMITTEE SUBSTITUTE FOR HOUSE BILL 3131 (CHAPTER 90-361) amends Chapter 331, F.S. [In 1989, the Legislature enacted the Spaceport Florida Authority Act. The stated purpose of the Act is to provide a unified direction for space-related economic and educational development, and to attract and maintain space-related business to the state. As a public corporation the Spaceport Florida Authority was created to plan, develop, implement and promote Spaceport systems and projects. The Authority is designated as the sole regulator of Spaceports in the state. Among other activities, the Authority's Board of Supervisors and Executive Director are responsible for negotiating with the federal government and its agencies for control of existing assets and property, and, additionally, for directing the administration of the commercialization of outer space from Florida.]

This legislation also revises Paragraph 331.304(2)(a), F.S., which establishes the northern boundary of the Spaceport Florida Authority in Gulf County and adds Subsection 331.310(14), F.S., which authorizes the Authority to change its name. The measure also empowers the Authority to establish procedures, rules and rates governing the per diem and travel expenses of the members of the Board and of other persons authorized by the Board to incur such expenses pursuant to new Section 331.3101, F.S. Such rules are subject to provisions of state law or rules pertaining to per diem and travel expenses. Under revised Subsection 331.305(21), F.S., the Authority will have the power in the first 5 years of operation to issue bonds not to exceed a total of $500 million. Amended Subsections 331.331(1) and (2) and Sections 331.334 and 331.347, F.S., declare the bonds will not constitute an obligation, either general or special, of the State of Florida. A summary of the status of existing and proposed bonding projects will be included in a required annual report as required by revised Subsection 331.331(1), F.S. The Board of Supervisors may invest moneys of the Authority with the Treasurer in lieu of making such investments itself and such moneys may be in any investment authorized under Section 18.10, F.S., according to added Subsection 331.348(6), F.S. Amended Section 331.352, F.S., provides that the Authority may on July 5, 1990, exercise any and all power granted by the legislation with respect to any Spaceport territories within the state.

### Public Service Commission

COMMITTEE SUBSTITUTE FOR SENATE BILL 2960 (CHAPTER 90-272) addresses ethical reforms of the utility regulation process by imposing strict new nonconflict of interest requirements on the Public Service Commission Nominating Council members (Section 350.031, F.S.) and Public Service commissioners (Section 350.04, F.S.). The legislation requires Council members to certify to the Speaker of the House of Representatives and the President of the Senate specified qualifications relating to conflict of interest. With regard to commissioners, the law establishes, through creation of Section 350.041, F.S., strict standards of conduct and strengthens requirements in their oath of office. In addition, the legislation prohibits, pursuant to new Section 350.042, F.S., ex parte communication by any individual. A commissioner could be fined $5,000 and removed from office for a violation. The measure requires a background investigation of a commission nominee in accordance with Subsection 350.031(6), F.S., by the Florida Department of Law Enforcement prior to the appointment by the Governor. The measure also assigns responsibility for staff support of the Council to the Joint Legislative Management Committee under Subsection 350.031,(3), F.S. An effective date of October 1, 1990 is provided.

### Telecommunications

COMMITTEE SUBSTITUTE FOR SENATE BILL 2398 CHAPTER (90-244) passed during the 1990 Legislative Session reenacting Chapter 364, F.S., Telephone Companies. This law also provides legislative intent stressing the importance of preserving universal service and requires the filing of modified minimum filing requirements. The act creates Section

*Prepared by House Science, Industry & Technology Committee

364.036, F.S., to provide for "alternative regulatory methods," whereby the local exchange companies are given sufficient incentives to implement new technologies and be more efficient in their operations. It provides that the Public Service Commission, in doing so, shall ensure that monopoly services continue to be regulated effectively to protect consumers. Specifically, the legislation provides that prior to approving an alternative regulatory method for monopoly services the Commission must first find that it meets seven safeguards, including assurance that the rates for monopoly services do not yield excessive compensation. The enactment specifically provides that upon being presented with evidence that customer rates for basic local exchange service exceed levels that would exist under rate of return regulation, the Commission may impose additional regulatory safeguards, including reimposing rate of return regulation.

The measure also increases the scope of discovery available to the Public Counsel and other parties by revising Section 364.04, F.S.; provides that the Commission may require the filing of reports and other data on the affiliated companies of telecommunications companies (Subsection 364.18(2), F.S.); increases the regulatory assessment fee from one-eighth percent to one-quarter percent (Section 364.336, F.S.); and authorizes the provision of "alternative access vendor services" if in the public interest (Subsection 364.337(3), F.S.). The legislation provides new sections addressing the certification and regulation of "pay telephone providers" (Section 364.3375, F.S.); the certification and regulation of "operator service providers" (Section 364.3376, F.S.); and the provision of so-called "competitive" telecommunications services (Section 364.338, F.S.), which may be regulated differently than monopoly services, if safeguards to prevent predatory pricing and cross-subsidization (Section 364.3381, F.S.) are observed.

This legislation requires a "least cost" service notification to new residential customers (Section 364.3382, F.S.) and annual notice to each customer of the price of the service options they have selected. It requires that both the Commission and the Public Counsel submit biennial reports to the Legislature on competition in the telecommunications industry and any alternative regulatory methods that have been adopted (Section 364.386, F.S.).

The act also creates Section 364.501, F.S., relating to telecommunications company underground excavation damage prevention. It provides that all telecommunications companies with underground fiber optic facilities shall operate their own, or be a member of a one-call cable location notification system providing telephone numbers which shall be called by excavating contractors and the general public for the purpose of notifying the telecommunications company of such person's intent to engage in excavating or any other similar work.

Finally, this law provides for the "Sunset" review of Chapter 364, F.S., in the year 2000. These changes become effective October 1, 1990.

**Electricity/Desalinization Facilities**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1735 (CHAPTER 90-135) requires that the Speaker of the House of Representatives shall direct the Science, Industry and Technology Committee to conduct an interim project for the purpose of reviewing the effects of cogeneration facilities which produce potable water through thermal distillation of nonpotable water ("Cogeneration Desalinization") and report its finding to the Legislature on or before January 1, 1991.

**Public Utilities/Rate Case Expenses**

SENATE BILL 1168 (CHAPTER 90-116) creates Section 367.0815, F.S., to require that a utility pay for its own costs and attorney fees if it requested a rate increase, the rate increase was challenged and was denied in full. The act would allow the costs and attorneys fees associated with a rate case to be apportioned between the customers and the utility in relation to the ratio of the amount granted to that requested in the event only a portion of the requested rate increase is granted.

## STATE GOVERNMENT*

### Governmental Efficiency and Effectiveness

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 149 (CHAPTER 90-110) creates the "Agency Budget Sunset Act" to provide a means for evaluating the efficiency and effectiveness of state agencies and the underlying state policies guiding these agencies. The agency reviews are to be conducted primarily by outside consultants under the direction of an Office of Policy Analysis and Agency Review created as part of the Legislature.

The act establishes the Office of Policy Analysis and Agency Review as an independent unit of the Legislature (Subsection 11.51(2), F.S.) and provides for the appointment of a director of the office (Paragraph 11.511(1)(a), F.S.). The director of the Office of Policy Analysis and Agency Review must conduct policy analyses and an evaluation and review of each agency listed in the law through the use of private consultants, unless directed to do otherwise by the Legislative Auditing Committee (LAC) (Subsections 11.511(4) and (5), F.S.). The director could present a proposal for in-house review of an agency to the LAC for approval (Paragraph 11.513(2)(b), F.S.).

The measure provides that all agencies or entities listed in it are subject to periodic evaluation and review (Paragraph 216.0165(1)(a), F.S.). Each evaluation and review would be conducted to determine certain specific characteristics enumerated in the legislation (Subsection 11.513(4), F.S.). Each agency evaluation and review would be initiated over a 7- to 15-year period according to the list of agencies and the time frame established by the legislation (Subsection 216.0165(2), F.S.). Both the list and the time-frame are subject to revision or adjustment by the LAC, but only by a two-thirds vote of the members appointed to the Committee (Subsection 216.0165(3), F.S.).

The act requires a consultant and the director to submit reports and recommendations on the agency evaluations and reviews to several specified entities (Subsection 11.513(6), F.S.). The director's recommendations are to include any changes in agency programs or activities based on the consultant's report or his own evaluation (Subsection 11.513(7), F.S.). Agencies must provide separate written point-by-point responses to all of the director's recommendations when they submit their legislative budget requests according to the schedule provided in the law (Paragraph 216.0165(1)(d), F.S.). The Governor and the Legislature have to respond to the reviews of the Executive Office of the Governor and the Legislature, respectively (Paragraph 216.0165(e), F.S.).

Each agency reviewed also must prepare a point-by-point response to any funding recommendations of the director and include such responses as part of its legislative budget request (Paragraph 216.023(7)(b), F.S.). Agency budget instructions required by law are to provide that agency responses, major issue summaries contained in the Governor's recommended budget and the Letter of Intent issued with the Appropriations Act set the point-by-point responses apart as major issues so the Legislature and others can compare funding recommendations of agencies and the Office of Policy Analysis and Review (Paragraph 216.023(7)(c), F.S.).

The appropriate substantive committees of the House and Senate must review the consultant's report, the director's recommendations and the agency's responses to the recommendations to determine if the agency's programs should be continued, modified or repealed (Paragraph 216.023(7)(a), F.S.). The Auditor General must perform a follow-up evaluation of the implementation of the recommendations for an agency several years after the completion of an agency evaluation and review (Sub-subparagraph 11.45(3)(a)3.b., F.S.).

The act establishes an Agency Budget Sunset Trust Fund (Section 11.514, F.S.) to fund the agency evaluations and reviews and expenses incurred by the director related to the evaluations and reviews. This Trust Fund is funded by a service charge of 0.3 percent of the moneys and trust funds identified in Section 215.22, F.S., as provided in Paragraph 215.20(2)(a), F.S. Finally, most of the provisions of the law Sunset on October 1, 2001.

### Public Printing by State Agencies

HOUSE BILL 3577 (CHAPTER 90-335) significantly amends Chapter 283, F.S. This chapter relates to public printing and is subject to repeal on October 1, 1990, unless the Legislature re-enacts its provisions. As required by law, the Legislature has reviewed this chapter prior to its repeal and the act encompasses the recommendations of the Legislature.

This legislation reorganizes Chapter 283, F.S., by creating Part I (Sections 283.30 through 283.57, F.S.) which contains provisions relating to executive agency printing and Part II (Sections 283.60 through 283.70, F.S.) which contains provisions relating to legislative agency printing. In addition, it removes the class designations of printing and amends requirements for the printing of such classes thus allowing a state agency to print a publication in-house if it can do so less expensively than purchasing the printing on bid (Section 283.60, F.S.).

This measure also removes the reporting requirements to the Auditor General; however, it requires that the agencies maintain a record of all publications produced (whether distributed internally or publicly), the printing of which cost in excess of the amount for Category Three provided in Chapter 287, F.S., (Section 283.31, F.S.). The enactment requires that the Auditor General conduct an audit of each agency, within the scope of the Auditor General's regular audit of the agency, to determine if the agency is complying with this recordkeeping. The requirement for printing the promulgation notice on

*Prepared by House Governmental Operations Committee

the publications that are distributed to the public is repealed by this act (Section 283.315, F.S.).

The law also requires PRIDE, the corporation operating the correctional prison industry, to bid on all printing purchased when such printing exceeds the amount provided in Category Two (Subsection 283.33(5), F.S.). In addition, this legislation provides that the Auditor General conduct, every 3 years, a financial-related and performance audit of PRIDE, which must include a review of the printing done by PRIDE for state agencies (Section 283.31, F.S.).

State agencies are authorized to contract with private vendors for the production of publications in exchange for allowing the vendors to sell advertisements for inclusion in the publications, thus reducing the cost of production to the agencies (Section 26 of the act).

In addition, this enactment removes the requirement for future review and repeal of this chapter (Section 44 of the act).

### Public Procurement and Purchasing

COMMITTEE SUBSTITUTE FOR SENATE BILL 1206 (CHAPTER 90-268) revises the state's procurement policies contained in Part I of Chapter 287, F.S. The act raises the monetary thresholds for purchasing categories ONE (from $600 to $5,000), TWO (from $3,000 to $10,000) and THREE (from $6,000 to $20,000) (Subsection 287.017(1), F.S.). Raising these thresholds means that fewer items will be competitively bid. The law also eliminates duplication, wherever possible, in requirements for procuring commodities, contractual services and insurance without creating major substantive changes in such requirements. The legislation "fine tunes" other sections of Part I of Chapter 287, F.S., in the following ways: Two additional monitoring mechanisms are created which might increase the likelihood that agencies will follow purchasing regulations for contractual services contracts. Individuals involved in procurement which is accomplished without competitive bidding will have to state in writing that they are independent of and have no conflict of interest in the entities which are being evaluated and selected (Subsection 287.057(19), F.S.). All agencies will be allowed to contract on a regional as well as a statewide basis (Subsection 287.042(14), F.S.). The Division of Purchasing within the Department of General Services will be allowed to waive publication of invitations to bid and requests for proposals under certain conditions (Paragraph 287.042(4)(b), F.S.). Finally, the potential renewal period for all contracts except emergency and sole source contracts will be extended (Subsection 287.057(12), F.S.). Unless otherwise provided in the act, all provisions are to take effect October 1, 1990.

### Copyright of Government Computer Software

COMMITTEE SUBSTITUTE FOR SENATE BILLS 1640 AND 1740 (CHAPTER 90-237) authorizes local governments and other government agencies to obtain a copyright for government-created computer software (Section 119.083, F.S.). The local governments and other agencies are authorized to sell or license the copyrighted software in order to recoup costs of software development and possibly generate revenue. The act allows local governments and state agencies to license or sell the software at market price. However, the software must be provided at no more than cost to persons using the software exclusively on data or information of the government entity holding the copyright. State agencies may deposit the proceeds from the sale or licensing of copyrighted software in a specific agency trust fund, while local government entities may use the proceeds they obtain from the sale or licensing of the software at their discretion. The act is effective October 1, 1990.

### Internal Auditors

SENATE BILL 2556 (CHAPTER 90-247) revives and reenacts Section 20.055, F.S., to continue chief internal auditors within state agencies. Under the provisions of the act (Paragraph 20.055(4)(b), F.S.), the identity of individuals who provide "whistle-blower" information to chief internal auditors, inspectors general or their staff cannot be revealed to anyone other than the chief internal auditor or inspector general. The measure increases from 10 to 20 the number of days agency personnel have to respond to a chief internal auditor's preliminary findings (Subsection 20.055(5), F.S.). In order to decrease turn-over in internal auditing staff, the Department of Administration is directed to revise the classification and pay scales of such staff (Section 5 of the act). Additionally, the number of years experience required for chief internal auditors is increased by one (Paragraph 20.055(3)(c), F.S.). Finally, other sections of the Florida Statutes which allow the chief internal auditor in the Department of Health and Rehabilitative Services and the Department of Corrections to report to someone other than the agency head are amended to make clear that chief internal auditors must report directly to agency heads (Paragraph 20.19(2)(c) and Paragraph 20.315(9)(b), F.S.).

### Open Government Sunset Reviews

The House Committee on Governmental Operations reviewed many exemptions to the public records law. The majority of these exemptions, which pertain to public health and appear in Chapters 381 through 407, F.S., inclusive, were reenacted. However, three exemptions were repealed. The confidentiality of radon reports submitted to the Department of Health and Rehabilitative Services and of elevator inspection contracts submitted to the Department of Business Regulation were repealed as legislation maintaining the confidentiality of those records was not passed by the Legislature.

During the years 1986-89, Titles I through XXVIII of the Florida Statutes (Chapters 1 through 380, F.S.) have been systematically reviewed as provided in Section 119.14, F.S., the Open Government Sunset Review Act, to establish exemptions to the public records law, Chapter 119, F.S. However, standard language which identifies such exemptions and makes them subject to the Open Government Sunset Review Act was not developed until 1989 and was included in exemptions which were reviewed and reenacted that session but not

in exemptions created at that time or in previous sessions. HOUSE BILL 2513 (CHAPTER 90-360) applies the standard language to Titles I through XXVIII of the Florida Statutes. This act also addresses the question of access to exempted records for the Auditor General and internal auditors for any state, county, municipality, university, board of community college, school district or special district by clarifying the intent of the Legislature to grant access to such auditors.

Moreover, this legislation revises Paragraph 163.01(7)(d), F.S., a part of the Interlocal Cooperation Act of 1969 (Section 163.01, F.S.) to allow municipalities to join with counties to finance or refinance capital projects.

SENATE BILL 372 (CHAPTER 90-10) repeals the requirement (Subsection 381.601(6), F.S.) for financial reports from blood banks. Repealing the report also repealed the confidentiality of certain records that would have been submitted with the report. However, records which are currently confidential will remain confidential as the repeal applies only to records submitted after October 1, 1990.

SENATE BILL 28 (CHAPTER 90-74) maintains the confidentiality of certain information submitted to the Department of Environmental Regulation. Subsection 403.111(1), F.S., is revised to exempt secret processes or methods of manufacture from the public records requirements of Subsection 119.07(1), F.S., if the Department deems such information confidential after notice and hearing pursuant to a request from the source.

Sales information collected by the Department to implement an advance disposal fee program for commercial containers as directed by Section 403.7197, F.S., is also accorded an exemption to the public records requirements of Subsection 119.07(1), F.S. Finally, this act amends Section 403.73, F.S., to provide the same exemption to trade secrets obtained by the Department.

**Public Purchasing Contracts/Crimes**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1508 (CHAPTER 90-33) explicitly extends the public entity crime provisions of Section 287.133, F.S., to contracts for the lease of real property and the construction or repair of public buildings and public works (Paragraph 287.133(1)(g), F.S.). Further, the act amends the current sworn statement requirement imposed by the section. Under the law, each person, prior to entering a contract with a public entity for the provision of goods, services, the lease of real property or the construction or repair of a public building or public work in excess of the amount specified by Section 287.017, F.S., for CATEGORY TWO (currently $3,500, but increased to $10,000 by SENATE BILL 1206 (CHAPTER 90-268) shall have filed with that public entity a sworn statement for the calendar year (Paragraph 287.133(3)(a), F.S.). By executing the statement, a person swears that neither he nor an affiliate has been convicted of a public entity crime after July 1, 1989. Moreover, he acknowledges the requirement that the statement be updated if changed circumstances render the statement incorrect prior to the execution of any subsequent contract with the public entity in excess of the CATEGORY TWO amount. The legislation clarifies when mitigation by the person or affiliate convicted of the public entity crime, based on a demonstration of good citizenship, results in a presumption that it is not in the public interest to place the person on the convicted vendor list (Sub-subparagraph 287.133(3)(e)4., F.S.). The measure also makes technical changes conforming language in the current section to the Administrative Procedure Act. An effective date of October 1, 1990 is provided.

**Public Records Exemption for Public Convention Centers**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1249 (CHAPTER 90-63) (creates Section 255.047, F.S.) to provide a public records law exemption for certain booking business records (i.e., marketing files, client calendars, client lists and exhibitor lists) of publicly owned or operated convention centers, sports stadiums and arenas, coliseums or auditoriums. [Previously, state law did not provide a public records law exemption for the booking business records of such facilities. Certain local governments that own or operate these facilities expressed concerns that competing facilities, particularly out-of-state facilities, may attempt to obtain these records under the state's public records law to compete with the facilities in signing events and event participants.]

**Leasing of Real Property by State Agencies**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2135 (CHAPTER 90-224) amends Chapter 255, F.S., to provide, effective October 1, 1990, procedures by which the state can lease real property in an emergency situation. Existing state law had no such provisions. Additionally, the act increases the threshold above which competitive bids must be obtained for leasing real property from 2,000 to 3,000 square feet (Sections 255.249 and 255.25, F.S.). Finally, individuals involved in leasing which is accomplished without competitive bidding would have to state in writing that they are independent of and have no conflict of interest in the entities that are being evaluated and selected (Subsection 255.25(11), F.S.).

**Study Commission on African American History**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 269 (CHAPTER 90-142) creates the Study Commission on African American History in Florida. Housed in the Department of State and composed of nine members, the Commission would study ways to make more visible African American history and the contributions made by African Americans. The Commission would stand dissolved as of June 2, 1991.

**Leasing of Historic Properties by State Agencies**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2059 (CHAPTER 90-259) provides that a state agency give preference to historic properties when seeking to acquire additional space when such acquisition is deemed feasible and prudent by the agency (Paragraph 267.061(2)(e), F.S.). This act also requires the Department of General Services to adopt rules for the ren-

ovation of such facilities owned or leased by the state (Subsection 267.061(6), F.S.).

**Service Fee for Worthless Checks Submitted to State Agencies**

COMMITTEE SUBSTITUTE FOR SENATE BILL 178 (CHAPTER 90-212) revises Subsection 215.34(2), F.S., to remove the service fee cap charged by state agencies for worthless checks. Current law provides that when a worthless check is returned by the State Treasurer to a state officer or agency for collection, the state officer or agency has the authority to add to the amount due a service fee of either $10 or 5 percent of the check amount, whichever is greater, up to a maximum of $25 per check. This act increases the service fee to $15 and removes the cap of $25 per check. It also provides that an agency may adopt a rule that allows them to charge a lesser maximum, but not less than $15. However, if an agency imposes additional penalties or charges, the amount of the service fee for the worthless check will not exceed $150.

This legislation also provides that no one can require a person presenting a check for payment to give out a credit card number as a condition of acceptance or means of identification. Such a request by any person will result in a noncriminal violation and the person recording such credit card information will be subject to a specified fine. This law also provides that a person will not be prohibited from requesting a purchaser to display such credit card as an indication of credit worthiness and as additional identification. These provisions take effect October 1, 1990.

**Law Enforcement and Correctional Officers**

COMMITTEE SUBSTITUTE FOR SENATE BILL 1290 (CHAPTER 90-32) amends Section 112.533, F.S., clarifying when an internal investigation of a law enforcement or correctional officer is completed or is no longer active, at which time information obtained pursuant to the investigation is subject to the public records provisions of Chapter 119, F.S. This act subjects persons directly involved in such an investigation to a misdemeanor penalty for disclosure of information related to the investigation when the information disclosed is obtained directly and solely as a result of participation in the investigation. These changes became effective October 1, 1990.

**Cost of Public Record Copies**

COMMITTEE SUBSTITUTE FOR SENATE BILL 940 (CHAPTER 90-43) standardizes the cost for duplicated copies of public records to 15 cents for one-sided copies and 20 cents for two-sided copies. It also allows agencies to charge $1 for certified copies (Paragraph 119.07(1)(a), F.S.).

**Treasurer**

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1413 (CHAPTER 90-357) makes several changes to state law (various provisions of Chapters 18, 111 and 280, F.S.) pertaining to the duties and responsibilities of the State Treasurer with respect to securities and deposits held by that office, copies of documents held by or submitted to that office and the Security for Public Deposits Act, which protects public funds held by financial institutions.

**State Armory Board**

Subsection 250.40(1), F.S., is amended by HOUSE BILL 2313 (CHAPTER 90-68) to alter the composition of the Armory Board of the state to include the Assistant Adjutants General and commanders reporting directly to the Adjutant General as well as the Governor, Adjutant General and state quartermaster. Heretofore, the Board included the general officers of the line, regimental commanders, group commander and senior air commander in the active Florida National Guard.

**Remote Electronic Access to Public Records**

SENATE BILL 2554 (CHAPTER 90-94) re-enacts current law (Section 119.085, F.S.) which authorizes public records custodians to provide access to computerized public records by remote electronic means and sets the requirements for fees for such access. The act deletes language requiring legislative review and repeal of this provision since further review and repeal is unnecessary. The law is effective October 1, 1990.

**P.O.W.-M.I.A. Flag**

SENATE BILL 168 (CHAPTER 90-75) provides that effective September 19, 1990, any state-owned building displaying the American flag must display a P.O.W.-M.I.A. flag if such a flag is available free of charge and not contrary to federal laws or regulations.

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# FLORIDA LEGISLATURE—REGULAR SESSION—1990

## STATISTICS REPORT

| | SENATE BILLS | | | HOUSE BILLS | | | TOTALS | | |
|---|---|---|---|---|---|---|---|---|---|
| | FILED | PASSED | | FILED | PASSED | | FILED | PASSED | |
| | | SENATE | SENATE & HOUSE | | HOUSE | HOUSE & SENATE | | FIRST CHAMBER | BOTH |
| CONCURRENT RESOLUTIONS | 9 | 3 | 2 | 18 | 14 | 7 | 27 | 17 | 9 |
| RESOLUTIONS(ONE CHAMBER) | 68 | 62 | 0 | 124 | 115 | 0 | 192 | 177 | 0 |
| GENERAL BILLS | 1439 | 372 | 195 | 1573 | 370 | 204 | 3012 | 742 | 399 |
| LOCAL BILLS | 61 | 51 | 41 | 142 | 87 | 79 | 203 | 138 | 120 |
| GEN BILL/LOC APPLICATION | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| JOINT RESOLUTIONS | 33 | 2 | 1 | 34 | 4 | 1 | 67 | 6 | 2 |
| MEMORIALS | 4 | 0 | 0 | 8 | 3 | 0 | 12 | 3 | 0 |
| FILED, NOT INTRODUCED | 0 | 0 | 0 | 18 | 0 | 0 | 18 | 0 | 0 |
| WITHDRAWN | 5 | 0 | 0 | 50 | 0 | 0 | 55 | 0 | 0 |
| TOTALS | 1619 | 490 | 239* | 1967 | 593 | 291* | 3586 | 1083 | 530* |
| APPROVED BY GOVERNOR | | | 150 | | | 166 | | | 316 |
| BECAME LAW WITHOUT SIGNATURE | | | 76 | | | 109 | | | 185 |
| VETOED BY GOVERNOR | | | 10 | | | 8 | | | 18 |
| BECAME LAW, VETO NOTWITHSTANDING | | | 0 | | | 0 | | | 0 |
| FILED WITH SECRETARY OF STATE (JT. RES., CONC. RES., MEM.) | | | 3 | | | 8 | | | 11 |
| BILLS TO CONFERENCE COMMITTEES | | | 1 | | | 3 | | | 4 |
| BILLS AMENDED | | | 217 | | | 261 | | | 478 |
| COMMITTEE SUBSTITUTES (CS) | | | 515 | | | 538 | | | 1053 |
| CS/CS | | | 37 | | | 38 | | | 75 |
| CS/CS/CS | | | 3 | | | 6 | | | 9 |
| RESOLUTIONS ADOPTED | | | 62 | | | 115 | | | 177 |
| FAILED TO PASS SENATE | | | 0 | | | 0 | | | 0 |
| FAILED TO PASS HOUSE | | | 0 | | | 4 | | | 4 |
| UNFAVORABLE COMMITTEE REPORT IN SENATE | | | 20 | | | 1 | | | 21 |
| UNFAVORABLE COMMITTEE REPORT IN HOUSE | | | 0 | | | 23 | | | 23 |
| BILLS FILED, NOT INTRODUCED | | | 0 | | | 18 | | | 18 |
| LAID ON TABLE | | | 204 | | | 150 | | | 354 |
| WITHDRAWN | | | 5 | | | 50 | | | 55 |
| WITHDRAWN PRIOR TO INTRODUCTION | | | 0 | | | 2 | | | 2 |
| WITHDRAWN/FURTHER CONSIDERATION | | | 79 | | | 34 | | | 113 |
| DIED IN SENATE COMMITTEES | | | 714 | | | 156 | | | 870 |
| DIED IN HOUSE COMMITTEES | | | 60 | | | 882 | | | 942 |
| DIED IN CONFERENCE COMMITTEES | | | 1 | | | 0 | | | 1 |
| DIED ON SENATE CALENDAR | | | 108 | | | 11 | | | 119 |
| DIED ON HOUSE CALENDAR | | | 13 | | | 211 | | | 224 |
| DIED IN MESSAGES | | | 114 | | | 19 | | | 133 |

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| SB- | 784 | Specialized State Educational Institutions | 6/25/90 |
| CS/SB- | 870 | Elections/Initiative Petitions | 7/02/90 |
| CS/SB- | 1422 | Community Development Agencies | 7/03/90 |
| CS/CS/SB- | 1578 | Local Option Tourist Development | 6/14/90 |
| CS/SB- | 2142 | Crime/Street Terrorism | 7/02/90 |
| CS/SB- | 2684 | Fuel Tax | 6/21/90 |
| SB- | 2890 | Building Permits | 7/02/90 |
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| CS/HB- | 1799 | Clean Indoor Air | 7/03/90 |
| CS/HB- | 2515 | Intrastate Highway System | 5/02/90 |
| HB- | 2961 | Motor Vehicle Insurance | 6/21/90 |