

## **Florida Legislature**

# **1994 SUMMARY OF GENERAL LEGISLATION**

---

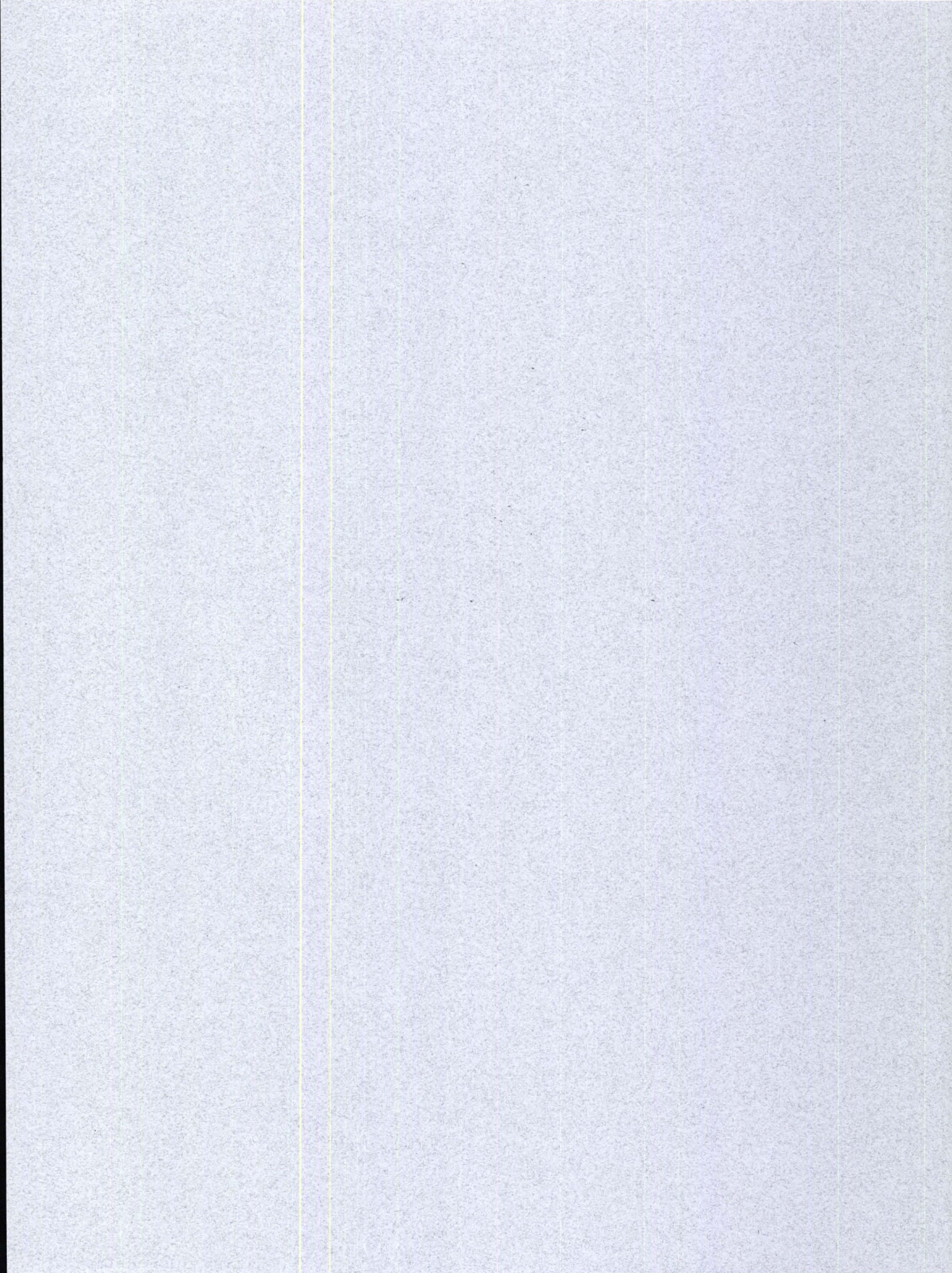
### ***INCLUDING***

**SPECIAL SESSION C – NOVEMBER 1-10, 1993**

**REGULAR SESSION – FEBRUARY 8 - APRIL 15, 1994**

**SPECIAL SESSION D – JUNE 7-9, 1994**







JUNE 1994

## FOREWORD

This SUMMARY OF GENERAL LEGISLATION covers the general laws enacted during the 1994 Regular Extended Session held February 2 to April 15, 1994, and Special Sessions C (November 1-10, 1993) and D (June 7-9, 1994) of the 1992-1994 Legislature.

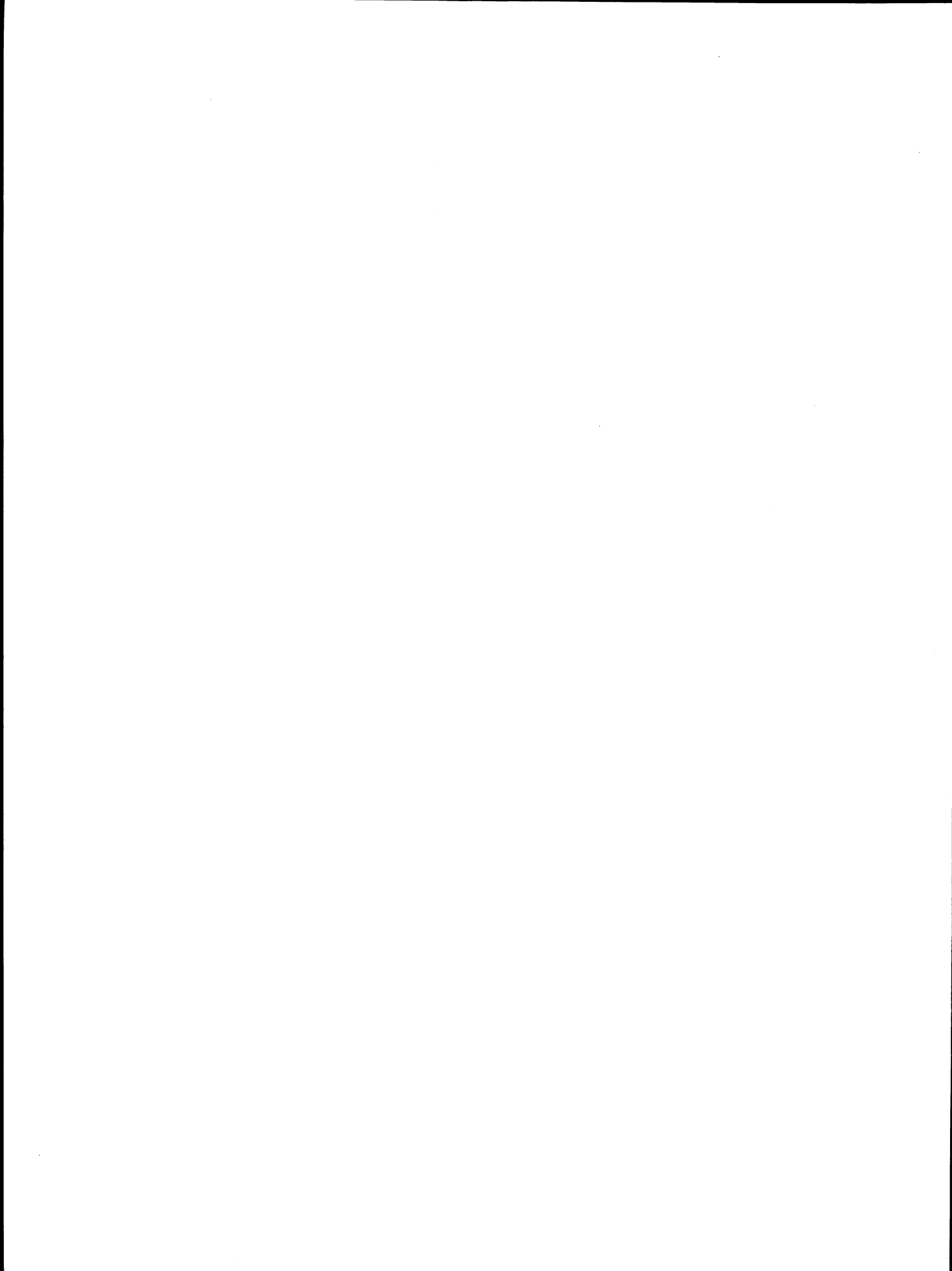
Important enactments of these sessions include: (a) revision of the state Workers' Compensation Law (Chapter 440, F.S.); (b) passage of a record \$38.6 billion budget with no new taxes; (c) increased penalties for spouse abuse; (d) transfer of the duty of child support enforcement from the Department of Health and Rehabilitative Services to the Department of Revenue; (e) requirement that pesticide safety information be given to migrant workers; (f) provision of additional funds for port improvements and tax breaks for military contractors and enterprise zones; and (g) creation of a Department of Juvenile Justice.

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.

This office also wishes to thank the following JLMC Divisions for their assistance in the preparation of the SUMMARY: Legislative Systems and Data Processing and Statutory Revision.



**B, GENE BAKER, Director**  
**Division of Legislative Library Services**  
**Joint Legislative Management Committee**





## TABLE OF CONTENTS

<b>1992-1994 FLORIDA LEGISLATURE - SPECIAL SESSION C . . . .</b>	<b>11</b>
Workers' Compensation Law Revision . . . . .	11
Administration . . . . .	11
Indemnity . . . . .	12
Medical . . . . .	12
Attorney's Fees . . . . .	13
Insurance . . . . .	13
Fraud . . . . .	14
Safety . . . . .	14
Other . . . . .	14
Insurance Premiums Growth Rate . . . . .	15
Group Self-Insurance Fund Account . . . . .	15
Disclosure Exemptions . . . . .	15
Injured Worker's Medical Records . . . . .	15
Insurance Investigatory Records . . . . .	15
Occupational Health and Safety Reports . . . . .	15
Self-Insurance Fund Guaranty Association . . . . .	15
Florida Hurricane Catastrophe Fund . . . . .	15
Insured Values Under Covered Insurance . . . . .	16
Property and Casualty Insurers . . . . .	16
Policies Cancellation or Nonrenewal . . . . .	17
Safe Streets Initiative . . . . .	17
Private Correctional Facility . . . . .	18
Juveniles and Firearms . . . . .	18
Defense Dependent Industries Incentives . . . . .	20
Joint Rule on Lobbying . . . . .	21
 <b>AGRICULTURE AND CONSUMER SERVICES . . . . .</b>	 <b>23</b>
Department of Agriculture Regulations . . . . .	23
Food Recovery Programs . . . . .	23
Consumer Protection Regulations . . . . .	23
Nitrate Contamination . . . . .	23
Solicitation of Contributions . . . . .	24
Fair Rides Safety . . . . .	24
Farm Labor Contractors . . . . .	24
Florida Food Safety Act . . . . .	25
Milk, Milk Products, Frozen Desserts . . . . .	25







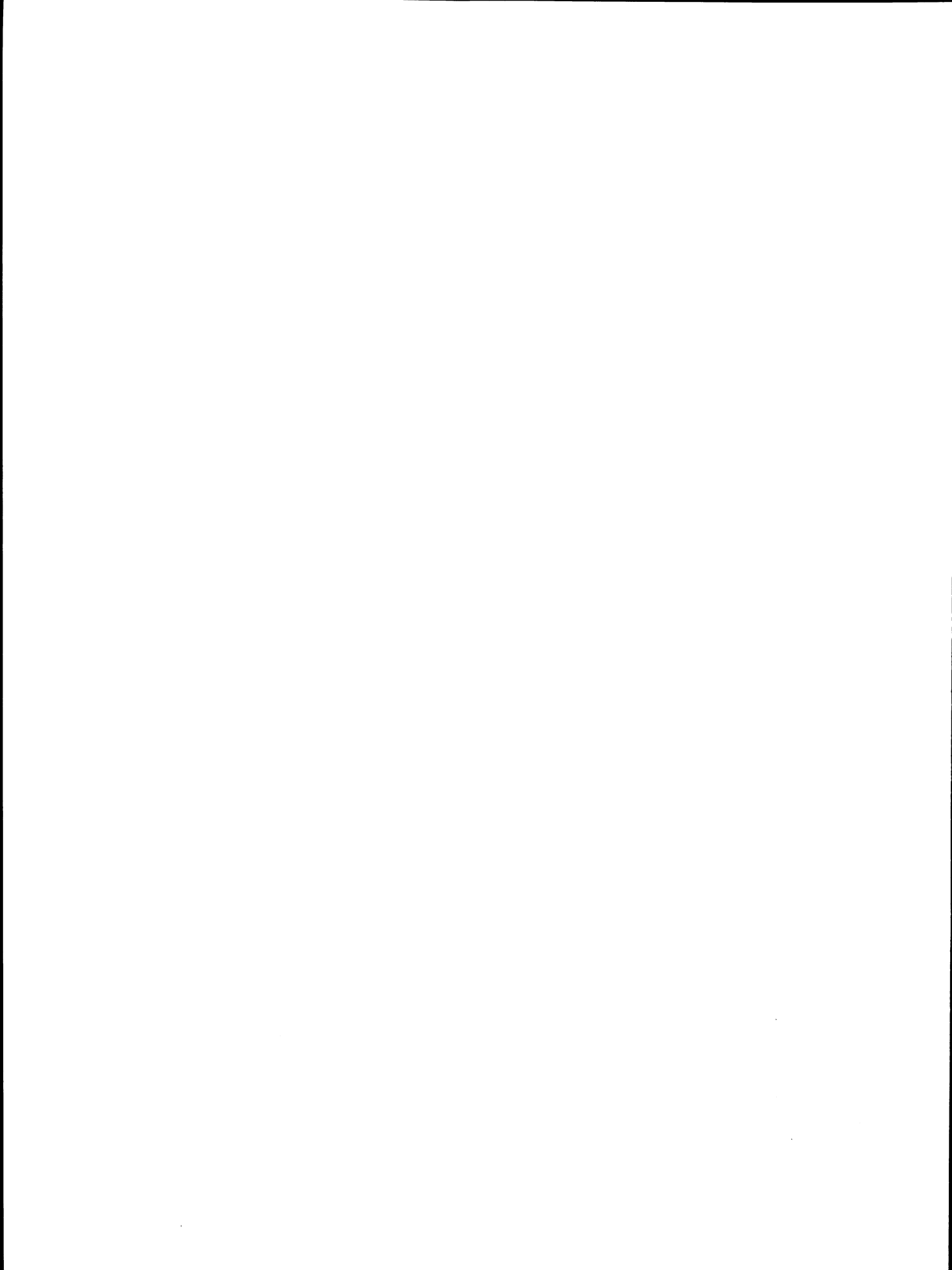
Viticulture .....	25
Commercial Feed .....	25
Agriculture Center, Horse Park Authority .....	26
Animal Control .....	26
Agricultural Service and Lab Fees .....	26
Pest Control .....	26
Agricultural Worker Safety Act .....	27
Boll Weevil Eradication .....	27
Citrus Canker .....	27

<b>APPROPRIATIONS .....</b>	<b>29</b>
General Appropriations Acts .....	29
Trust Funds .....	29
Budget Stabilization Fund .....	29
Florida Keys Community College .....	29
Multicounty Library Grants .....	30
Fiscal Analysis in Brief .....	31

<b>BUSINESS AND PROFESSIONAL REGULATION .....</b>	<b>53</b>
Regulation of Nonmedical Professions .....	53
Departmental Organization .....	53
Real Estate Industry .....	54
Hearing Impaired Protection .....	54
Impaired Harbor Pilot Practitioners .....	54
Dentists and Dental Hygienists .....	54
Board Minority Membering .....	55
Opticianry Establishments .....	55
Dentistry Definitions .....	55
Public Accountancy Specialty .....	55
Chiropractic Licensure .....	55
Sport Professionals and Medicine .....	56
Construction Fraud .....	56
Private Security Industry .....	56
Charitable Bingo .....	56

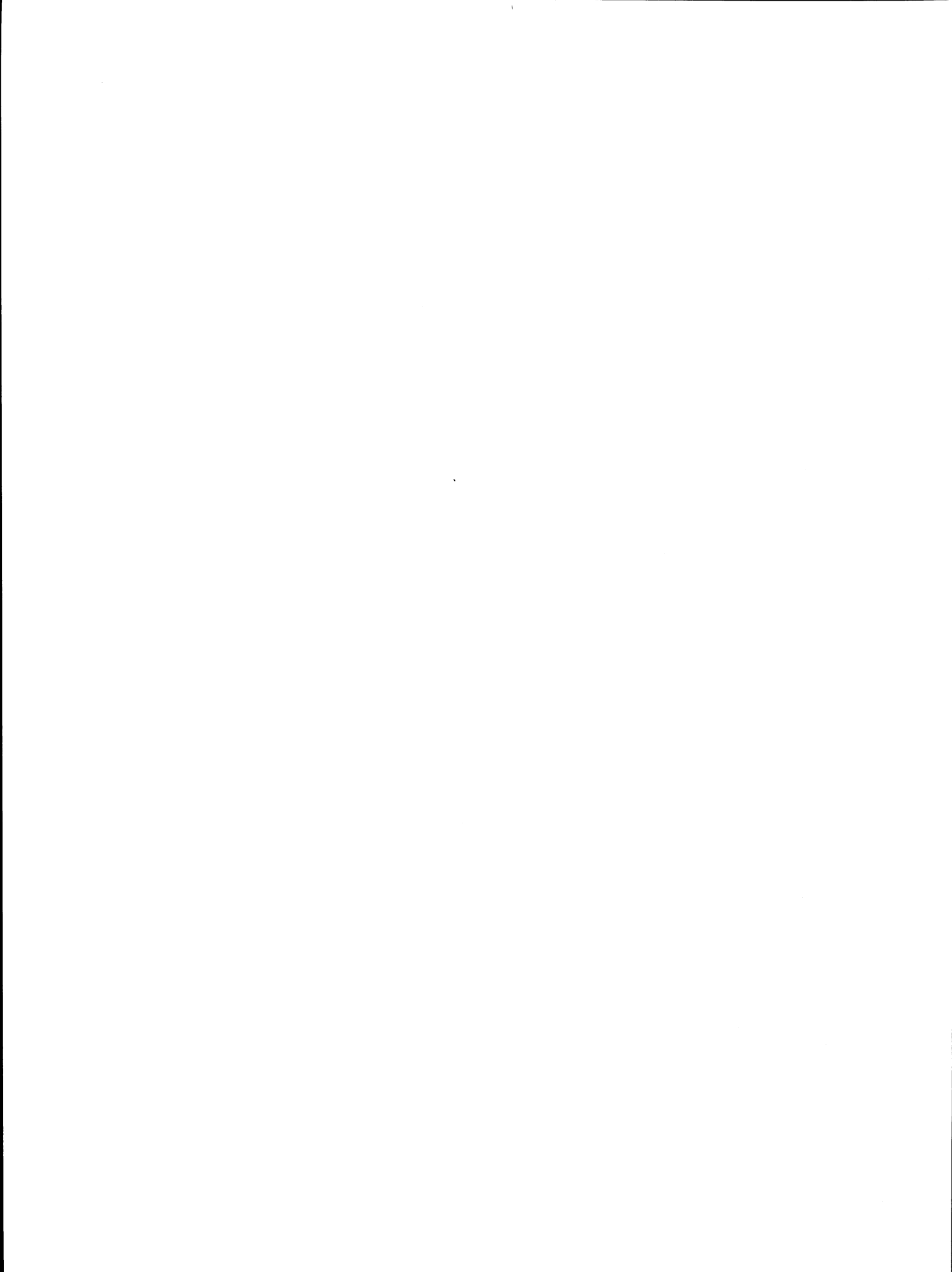
<b>COMMERCE .....</b>	<b>59</b>
Money Transmitters Code .....	59
Reciprocal Banking Act .....	59
ATM Safety Standards .....	60
Worthless Checks--Identity of Issuer .....	60





Consumer Finance Companies .....	60
Pay- and Transfer-On-Death Accounts .....	60
Corporate Fictitious Name .....	60
Not For Profit Corporate Directors .....	61
Unclaimed Property Disposition .....	61
Corporate Regulations .....	61
<b>CONSERVATION AND NATURAL RESOURCES .....</b>	<b>63</b>
Apalachicola Bay Oyster Licenses .....	63
Waste Incinerator Moratorium .....	63
Clean Vessel Act .....	63
DEP Reorganization .....	64
Dry Cleaning Contamination Cleanup .....	65
Environmental Equity and Justice .....	66
Everglades Restoration .....	66
Major-Source Air-Operation Permits .....	67
Green Swamp Land Acquisition .....	68
Indian River Lagoon Discharges .....	68
Lake Jesup Restoration .....	68
Marine Fisheries Commission .....	69
Oil and Gas Resources Regulation .....	69
Silver Glen Run and Springs Boating .....	69
State Lands Acquisition .....	70
Wastewater Reuse .....	70
Wastewater Reuse/Florida APRICOT Act .....	71
Water Distribution Mains Regulation .....	71
Personal Watercraft .....	71
WMD Limited Liability .....	72
WMD Review Commission .....	72
Wetlands Delineation Ratification .....	72
<b>CONSTITUTIONAL AMENDMENTS .....</b>	<b>75</b>
<b>CORRECTIONS .....</b>	<b>77</b>
State Prison System Capacity .....	77
Prison Industries Enhancement Program .....	77
Life Sentences Without Parole .....	77
Prison Siting .....	77
State Civil Suit Settlement Agreements .....	78
Florida Corrections Commission .....	78





Correctional Privatization Commission .....	78
State Contract for County Jail Beds .....	78
Work Projects for County Prisoners .....	79
Payment by Prisoners for Medical Care .....	79
Probation Officer Training Fee .....	79

## **COURTS AND CIVIL LAW ..... 81**

Food Products Disparagement .....	81
Organ and Tissue Donations .....	81
New Circuit and County Judgeships .....	81
Bailiff Appointment and Employment .....	81
Distribution of Florida Cases Reports .....	82
Jury Selection in Criminal Cases .....	82
Foreign Money Judgments .....	82
Juveniles--Indigent Parent or Guardian .....	83
Domestic Cases--Attorney's Fees .....	84
Special Courts-Martial .....	85
Task Force To Review Article V .....	85
Antitrust Actions and False Claims .....	86
Service of Process and Landlord-Tenant .....	87
Divorce--Property, Child Support .....	87
Domestic Violence and Repeat Violence .....	88
Parenting Courses for Divorcing Parents .....	91
Child Support and Paternity .....	91
Trust Fund Moneys .....	91
Family Courts Trust Fund Established .....	92
Eminent Domain Proceedings .....	92
Condominiums--Eminent Domain .....	94
Condominium Management .....	94
Rosewood Incident of 1923 .....	95
Legal Change of Name .....	96
Administrative Hearings--Evidence .....	96
Public Nuisances .....	96

## **ECONOMIC DEVELOPMENT AND TOURISM ..... 99**

Black Business Enterprises .....	99
Sports Franchise Facilities Funding .....	99
Defense Conversion and Transition .....	99
Economic Development .....	100
Designation of State Enterprise Zones .....	100



1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1801. It is a very important document, as it is the first time that the President has addressed the Congress since the establishment of the office.

2. The second part of the document is a report from the Secretary of the Navy, dated January 10, 1801. It contains information about the state of the Navy and the ships that are in service. It is a very detailed report, and it is one of the few documents of this kind that have survived.

3. The third part of the document is a report from the Secretary of the Treasury, dated January 15, 1801. It contains information about the state of the Treasury and the finances of the government. It is a very detailed report, and it is one of the few documents of this kind that have survived.

4. The fourth part of the document is a report from the Secretary of the War, dated January 20, 1801. It contains information about the state of the War and the troops that are in service. It is a very detailed report, and it is one of the few documents of this kind that have survived.

5. The fifth part of the document is a report from the Secretary of the Interior, dated January 25, 1801. It contains information about the state of the Interior and the lands that are in service. It is a very detailed report, and it is one of the few documents of this kind that have survived.

6. The sixth part of the document is a report from the Secretary of the Education, dated January 30, 1801. It contains information about the state of the Education and the schools that are in service. It is a very detailed report, and it is one of the few documents of this kind that have survived.

7. The seventh part of the document is a report from the Secretary of the Agriculture, dated February 5, 1801. It contains information about the state of the Agriculture and the crops that are in service. It is a very detailed report, and it is one of the few documents of this kind that have survived.

State Incentives .....	102
Other Incentives .....	104
Tax Refund Programs .....	104
Public Utilities--Development Expenses .....	104
Black Businesses .....	104
Department of Commerce--Film Funding .....	104
Community Redevelopment Act .....	105
Minority Businesses--State Contracts .....	105
State Historical Markers .....	106
Ringling Museum of Art Trustees .....	106
Florida Sesquicentennial Commission .....	106
State Festival and Rodeo .....	107

## **EDUCATION, K-12 AND VOCATIONAL .....**

Education Facilities .....	109
Prekindergarten Early Intervention .....	109
Holocaust History .....	109
Jobs and Education Partnership .....	110
Education of Exceptional Students .....	113
Educational Support Employees .....	113
Developmental Research Schools .....	113
African American History Required .....	115

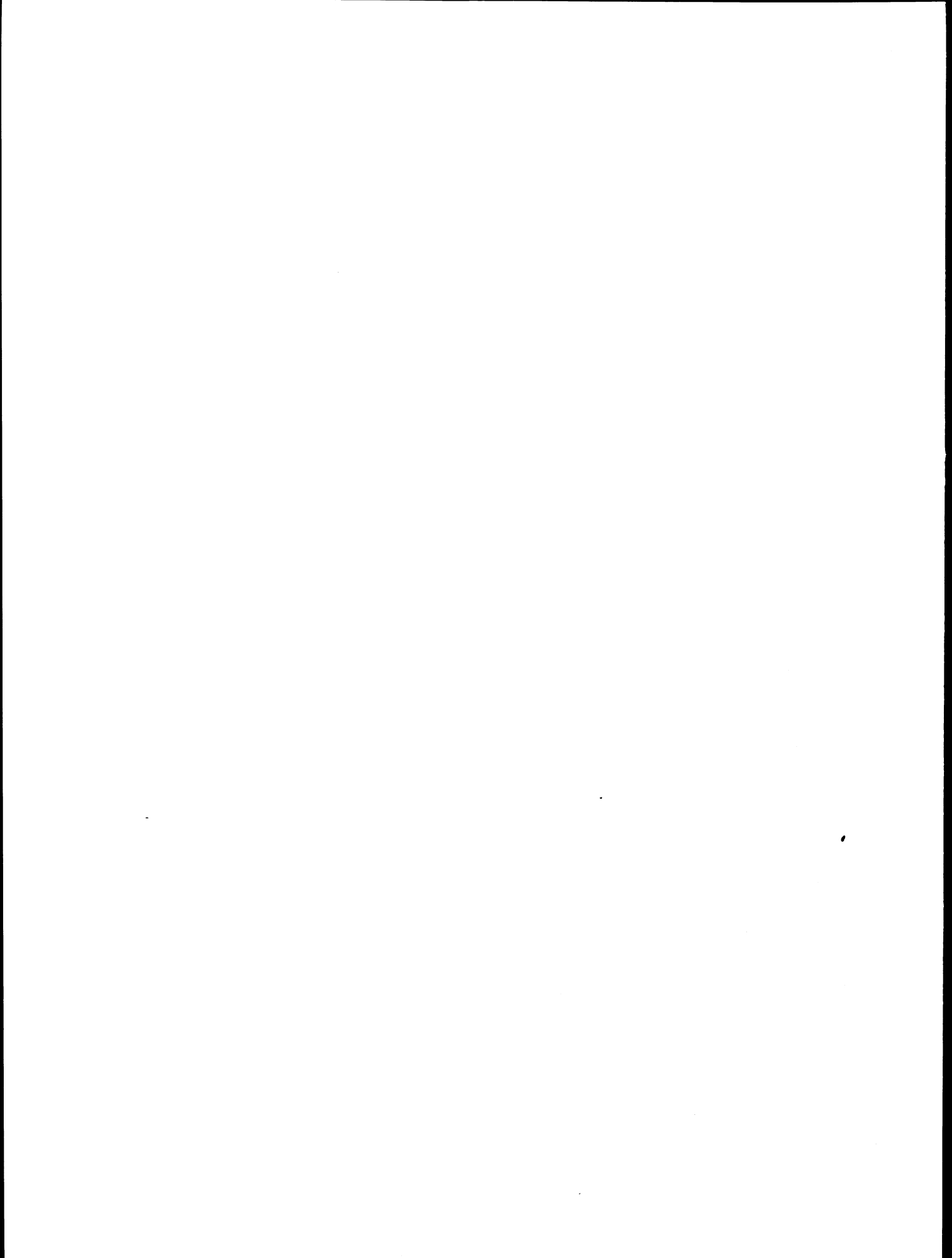
## **EDUCATION, HIGHER .....**

Access and Accountability .....	117
Law School Scholarships .....	120
The New World School of the Arts .....	120
Child Care at Community Colleges .....	121
College Reach-Out Program .....	121
Prepaid Expense Board .....	122
Florida Gulf Coast University .....	122
Accreditation Commission .....	122

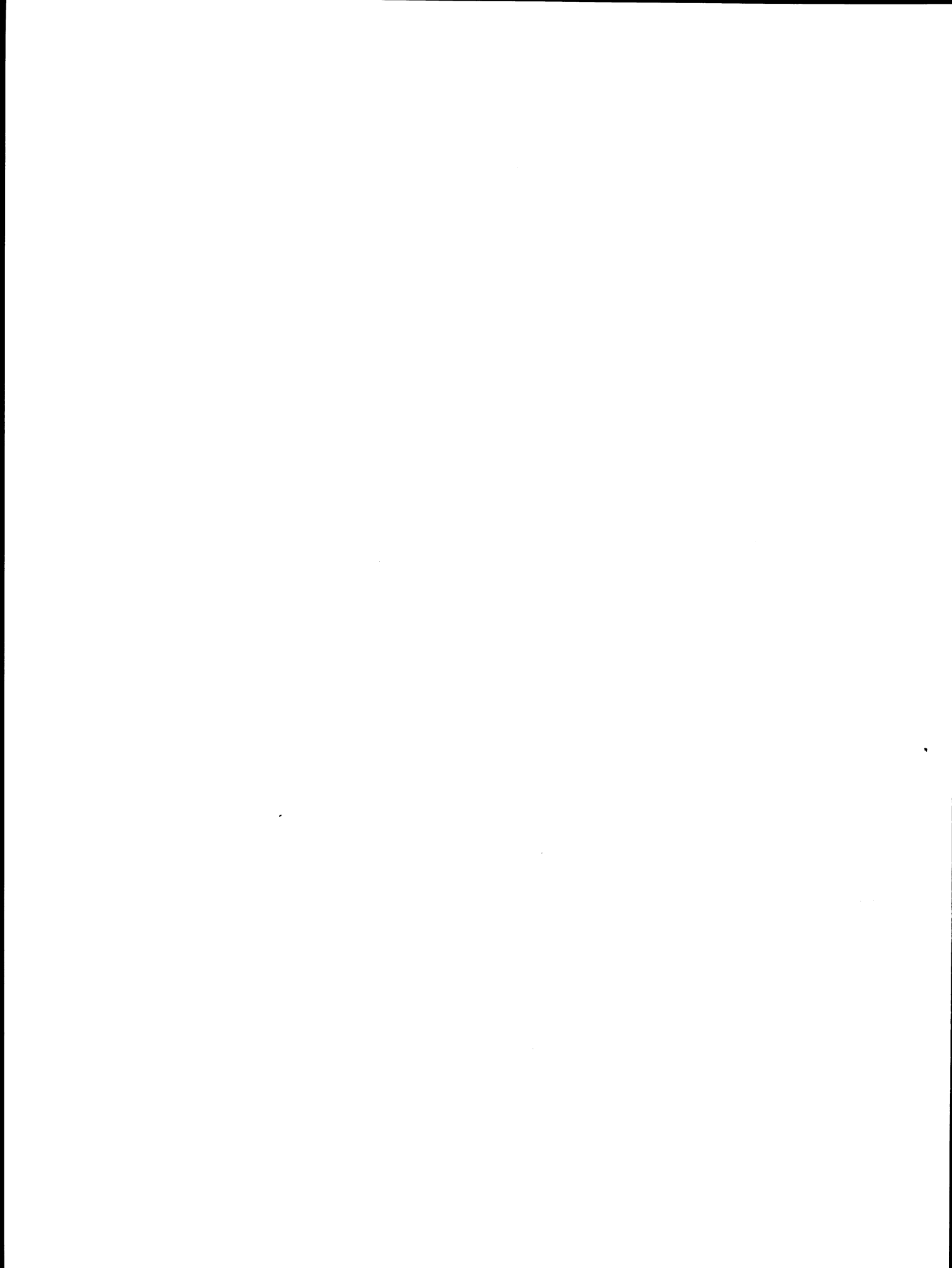
## **EMPLOYEES, BARGAINING AND BENEFITS .....**

FRS and Other Pension Plans .....	123
State Personnel System .....	123
Death Benefits for Dependents .....	124
Florida National Guard-Tuition Waiver .....	124
FHP Officers Mandatory Retirement .....	124
Unemployment Compensation--Drugs .....	124



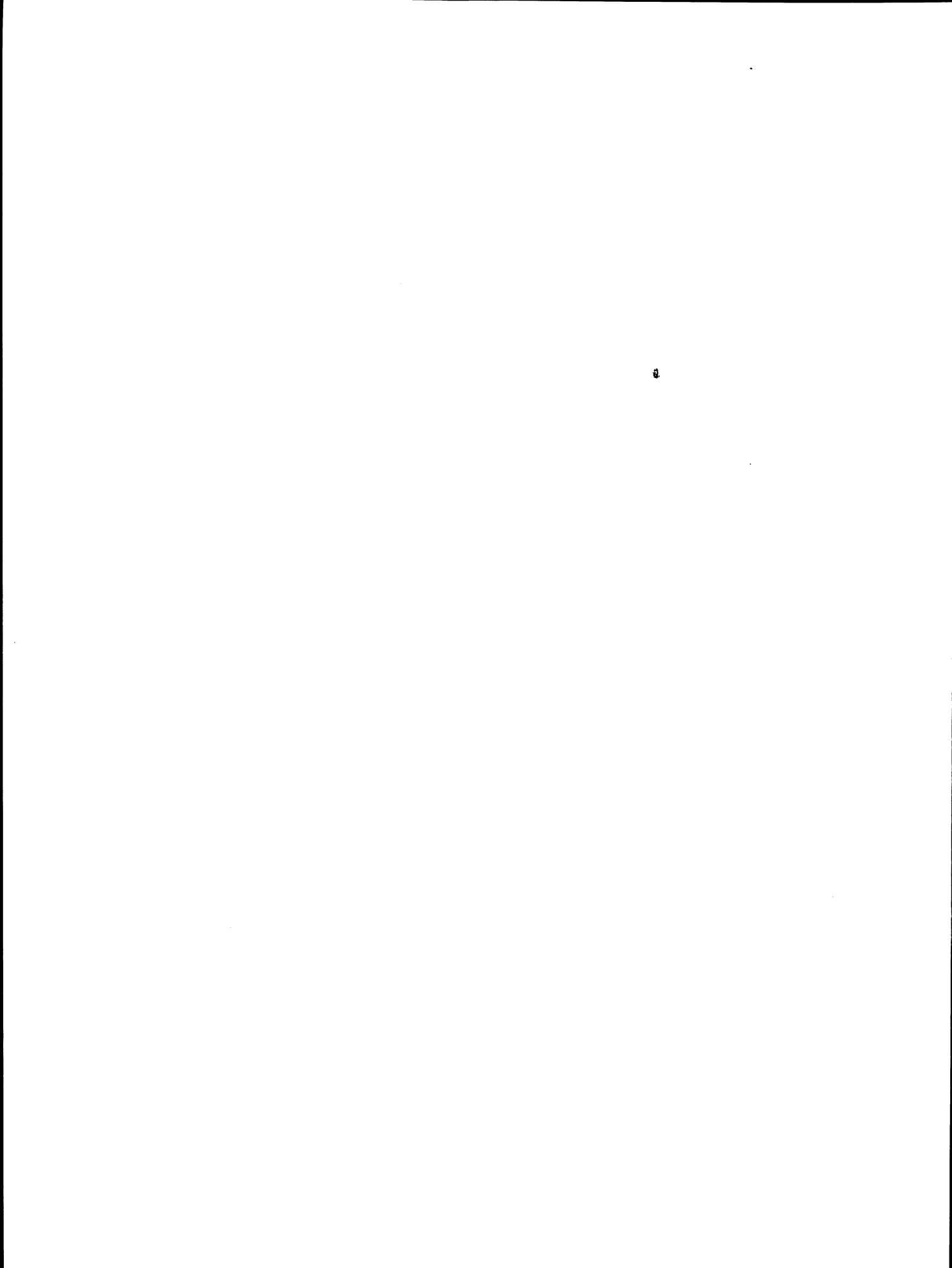


Florida Disaster Volunteer Leave Act . . . . .	125
Unemployment Compensation--Claims . . . . .	125
Collective Bargaining--Public Attorneys . . . . .	126
State Board of Administration . . . . .	126
<b>ETHICS AND ELECTIONS . . . . .</b>	<b>127</b>
ELECTIONS . . . . .	127
Voter Registration Act . . . . .	127
Voter Information Exemption . . . . .	127
Ballot Box Sealing . . . . .	127
1994 First Primary Date . . . . .	128
Ballot Language Translation . . . . .	128
ETHICS . . . . .	128
Code Refinements . . . . .	128
<b>FINANCE AND TAXATION . . . . .</b>	<b>131</b>
Sales Tax . . . . .	132
Local Option Taxes . . . . .	133
Ad Valorem Taxation . . . . .	134
Tax Administration . . . . .	136
Fuel Taxes . . . . .	137
Sin Taxes . . . . .	137
Severance Taxes . . . . .	138
Minerals Trust Fund . . . . .	138
Intangible Personal Property Tax . . . . .	138
Corporate Income Tax . . . . .	139
Other Taxes and Fees . . . . .	139
Financial Matters . . . . .	139
<b>HEALTH CARE . . . . .</b>	<b>141</b>
Patient Care Quality Assurance . . . . .	141
Trauma Centers . . . . .	141
Medicaid-Physician Assists., Hospices . . . . .	142
Health Facilities Authorities . . . . .	142
Advance Directives for Health Care . . . . .	142
Encouragement of Breast Feeding . . . . .	143
Health Care for Infants and Toddlers . . . . .	143
Medicaid--Rural Hospitals . . . . .	144
Family Practice Teaching Hospitals . . . . .	144
Communicable Diseases . . . . .	145





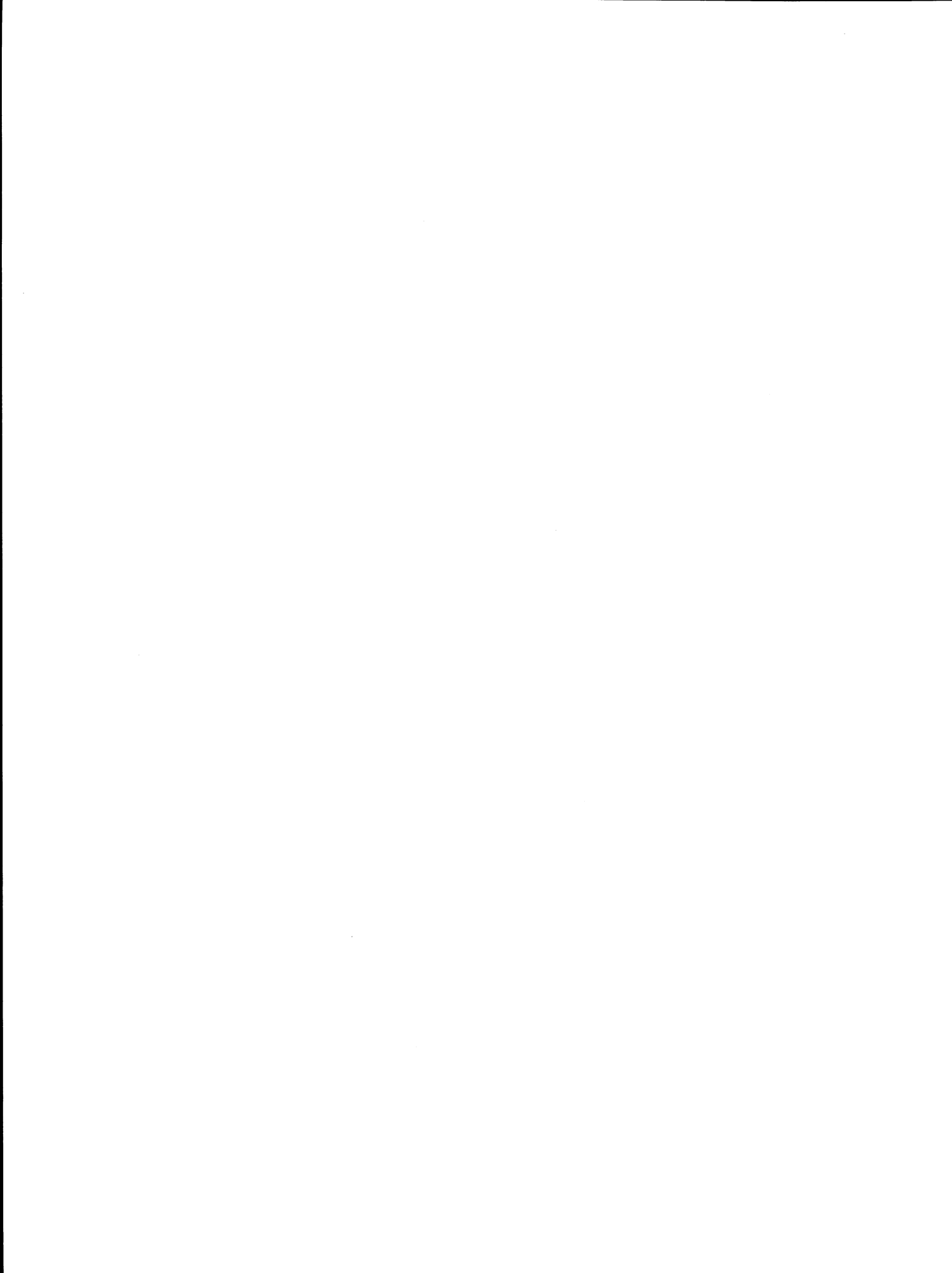
Regional Poison Control Centers .....	145
<b>HEALTH AND REHABILITATIVE SERVICES .....</b>	<b>147</b>
Child Welfare and Dependency .....	147
Child Support Enforcement Transfer .....	148
Indoor Recreational Facilities .....	148
Developmental Services .....	149
Vocational Rehabilitation .....	150
Continuing Care Facilities .....	155
Medicaid Reimbursement .....	155
Sexually Transmissible Disease .....	156
Drugs--Purchasing and Classification .....	156
<b>INSURANCE .....</b>	<b>159</b>
PIP Bill of Rights .....	159
MEWAs; credit ins.; mutual insurers .....	159
MV Service Agreement Exclusions .....	159
<b>LAW ENFORCEMENT AND CRIMINAL JUSTICE .....</b>	<b>161</b>
Juvenile Justice Reform .....	161
Violent Crime Act Revisions .....	166
Crime Victims Act .....	167
Felony Arrests of Early Releasees .....	167
Sexual Battery Prosecutions .....	168
Horticulture Products .....	168
Illegal Dumping as Trespass .....	168
Fleeing and Eluding An Officer .....	168
Equity Skimming .....	169
Weapons on School Property .....	169
<b>LOCAL GOVERNMENT .....</b>	<b>171</b>
State Codes and Standards .....	171
Local Government Code Enforcement .....	172
Local Government Fiscal Issues .....	172
Public Construction--Land Transfer .....	173
County, Municipal Permit Fees .....	174
County Boundaries .....	174
Southeast Florida 2025 .....	174
Municipalities-Ordinance Enforcement .....	175
Municipal Annexation Procedures .....	175



Civil Traffic Infraction Hearing Officer . . . . .	175
Deputy Sheriff Protection . . . . .	175
Tourism and Sports Special Districts . . . . .	176

## **MOTOR VEHICLES AND TRANSPORTATION . . . . . 179**

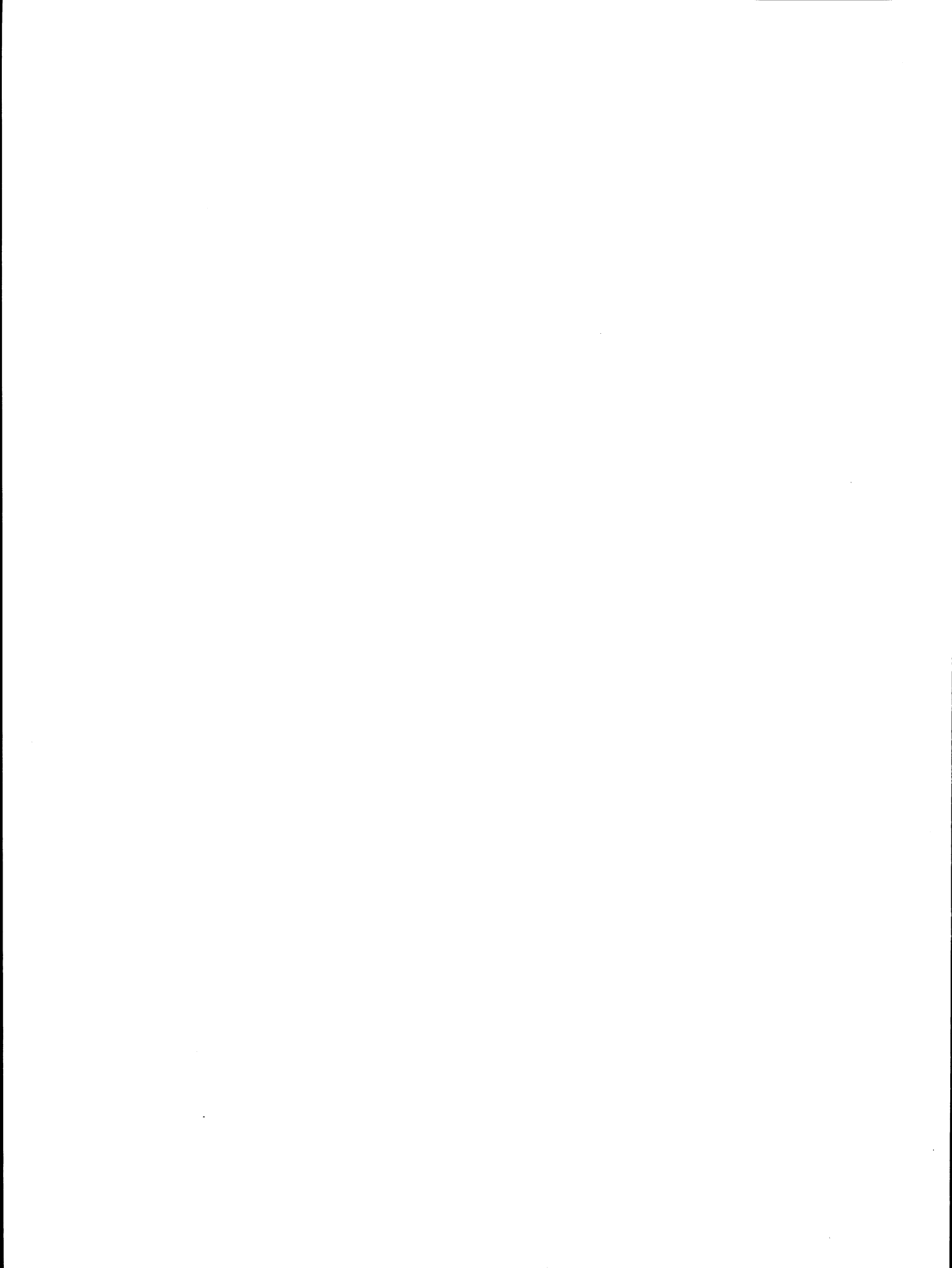
Transportation Administration . . . . .	179
Turnpike . . . . .	179
Toll Facilities Revolving Trust Fund . . . . .	179
Western Beltway . . . . .	179
Contract Services . . . . .	179
Liquidated Damages on Construction Contracts . . . . .	179
Aviation . . . . .	179
Commuter Rail . . . . .	180
Outdoor Advertising . . . . .	180
Tolls . . . . .	180
Program Objectives . . . . .	180
Functional Classification . . . . .	181
Local Option Gas Tax . . . . .	181
Dade County Expressway Authority . . . . .	181
Bus Benches and Transit Shelters . . . . .	181
Transportation Disadvantaged . . . . .	181
Career Service Classification Study . . . . .	181
Right-of-Way . . . . .	181
Construction Ready Projects . . . . .	181
Central Connector . . . . .	181
Seaports . . . . .	181
Highway Safety and Vehicles Revisions . . . . .	182
Motor Carrier Fuel Tax . . . . .	182
Community Service Program . . . . .	182
School Buses . . . . .	182
Motor Vehicles . . . . .	182
Bicycle . . . . .	183
Child Restraints . . . . .	183
Driver Improvement . . . . .	183
Motor Vehicle Registration . . . . .	183
Motor Vehicle Dealers . . . . .	183
License Plates . . . . .	184
Commercial Motor Vehicles . . . . .	184
Driver's Licenses . . . . .	184
Financial Responsibility . . . . .	185





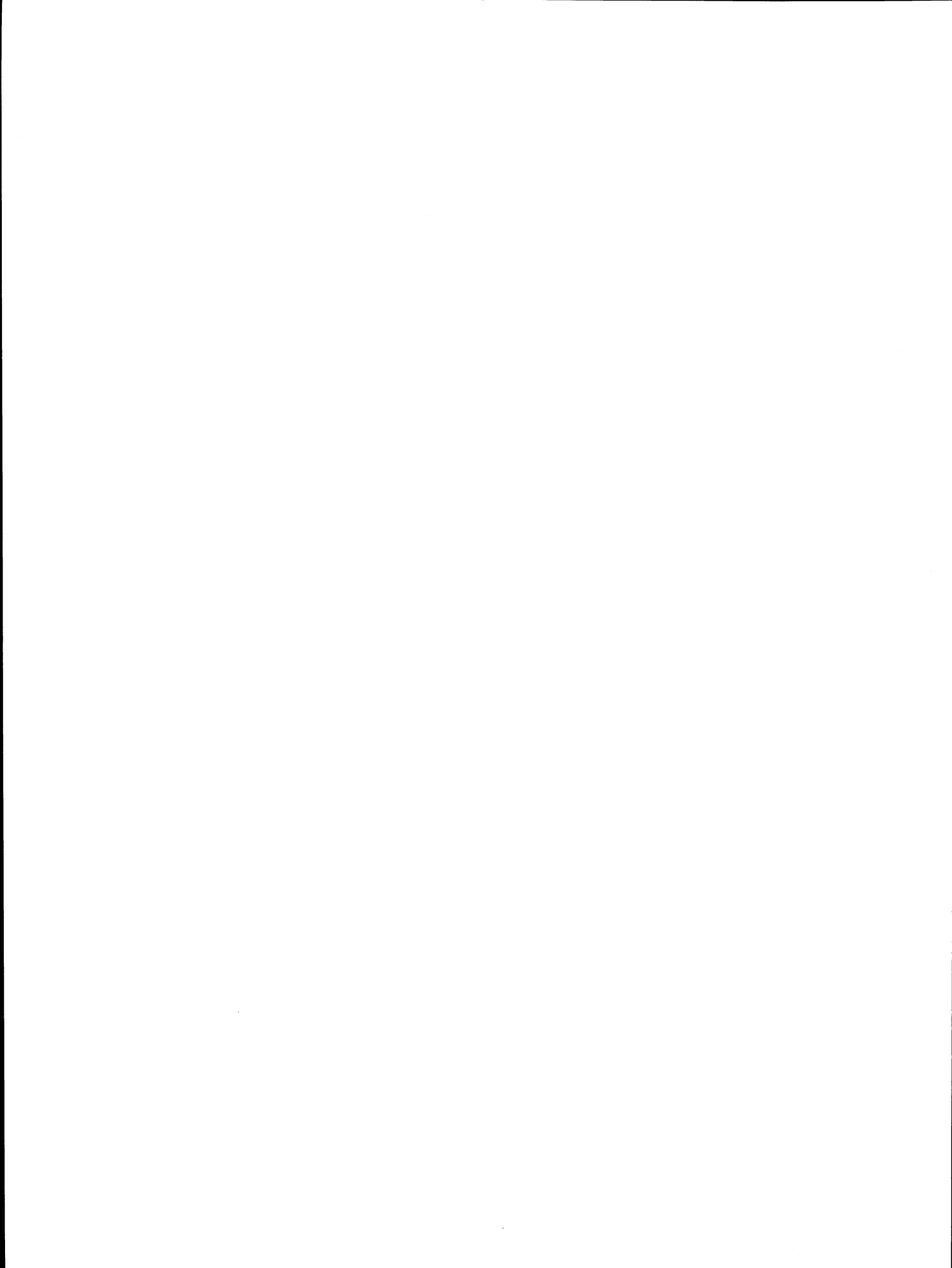
Municipal Government .....	185
School Crossing Guards .....	185
Transportation Disadvantaged .....	186
Airport Zoning Regulations .....	186
Traffic Law Enforcement .....	186
Traffic Citations .....	186
Government-Owned Vehicle Sales .....	186
Medicaid Fraud Unit Motor Vehicles .....	186
Motor Vehicle Registration .....	186
Fleet License Plates .....	187
Florida Arts Council License Plate .....	187
Educational License Plate .....	187
Save the Children License Plate .....	187
Indian River Lagoon License Plate .....	187
Professional Sports Teams License Plates .....	188

<b>STATE GOVERNMENT .....</b>	<b>189</b>
Performance and Accountability .....	189
Executive Branch Management .....	190
Competitive Bidding .....	191
State Surplus Property Program .....	192
Public Records Management .....	193
Community Service Commission .....	195
Information Technology Resources .....	195
Indoor Air Quality .....	195
Energy Savings Contracts .....	196
Medicaid Fraud Unit .....	196
Performance Audits .....	196
Mileage Allowance .....	197
Common Carriers Officers .....	197
Division of Treasury .....	197
<b>PUBLIC RECORDS EXEMPTIONS .....</b>	<b>197</b>
Live Birth Information .....	197
Fingerprinted Children .....	197
Medical Tests and Domestic Violence .....	197
Medical ID Records .....	198
Medical Review Committees .....	198
Medical Examination Reports .....	198
Claims Files Records .....	198
Insurance Claims Files .....	199



Money Transmitter Records . . . . .	199
Trade Secrets Documentation . . . . .	199
Arbitration Awards . . . . .	199
Loan Brokering and Unclaimed Property . . . . .	199
Currency Transactions . . . . .	199
Condominiums and Cooperatives . . . . .	200
Mobile Home Park Disputes . . . . .	200
Mobile Home Park Finances . . . . .	200
Firearm Purchase or Transfer . . . . .	200
Law Officer Training . . . . .	200
Officer Misconduct Information . . . . .	200
Intercepted Communications . . . . .	201
Confidential Informants . . . . .	201
Fire Fighter Applicants . . . . .	201
Code Enforcement Officers . . . . .	201
Prosecutors Personal Data . . . . .	201
Grand Jury Records . . . . .	201
Grand Jury Testimony . . . . .	201
Discrimination Complainants . . . . .	202
Hate Crimes Information . . . . .	202
Sexual Battery Victim . . . . .	202
Sexual Offense Victims . . . . .	202
Criminal Justice Records . . . . .	202
Criminal Justice Information . . . . .	202
Criminal History Records . . . . .	202
Crime Compensation Records . . . . .	203
Youthful Offender Records . . . . .	203
Correctional Records . . . . .	203
PRIDE Records . . . . .	203
Executioner Identity . . . . .	203

<b>1992-1994 FLORIDA LEGISLATURE - SPECIAL SESSION D . . . .</b>	<b>205</b>
------------------------------------------------------------------	------------





## 1992-1994 FLORIDA LEGISLATURE - SPECIAL SESSION C\*

The Governor called the Legislature into special session for the period beginning at 2 p.m. on Monday, November 1, 1993, until 11:59 p.m., Friday, November 5, 1993--the session ultimately adjourned on November 10, 1993--to address the following issues:

1. Amendment of workers' compensation statutes.
2. Statutory implementation of recommendations of the Study Commission on Property Insurance and Reinsurance.
3. Amendment of provisions in Chapter 790, F.S., relating to possession of a firearm by a juvenile or delivery of a firearm to a juvenile under certain conditions.
4. Legislation to encourage industrial employment in Florida in response to reduction in defense related contracting.

The summaries of the enactments of that special session follow.

### ***Workers' Compensation Law Revision***

#### ***Administration***

SENATE BILL 12-C (CHAPTER 93-415) is the legislative response to one of the principal reasons for the convening of that body pursuant to the call of the Governor in a special session, i.e., amendment of the Florida Workers' Compensation Law, Chapter 440, F.S. The major provisions of the act are as follows:

The act creates Section 440.211, F.S., to authorize collective bargaining agreements between an individually self-insured employer or other employer upon consent of the employer's carrier and a recognized or certified exclusive bargaining representative.

The new language of Subsection 440.20(4), F.S., provides that a carrier may make compensation payments for a period of 120 days without affecting its right to contest compensability.

Section 440.19, F.S., is reworded to revise the statute of limitations for filing petitions for benefits.

The Employee Assistance and Ombudsman Office within the Division of Workers' Compensation of the Department of Labor and Employment Security is created under Section 440.191, F.S., which provides that injured employees who have not received benefits that they believe they are entitled to must participate in an informal dispute resolution conference before filing a petition for benefits and authorizes the assistance office to compel the parties to attend the informal dispute resolution conference. Provides that an ombudsman may be assigned to assist the injured employee in resolving the dispute. Any settlement agreement that is reached by the parties must be submitted to the Office of the Judges of Compensation Claims (JCT) for approval. If the parties fail to reach an agreement, the employee may file a petition for benefits. If the employee so requests, the assistance office will aid the employee in completing and filing a petition for benefits.

Under the provisions of new Section 440.192, F.S., the Division of Workers' Compensation must refer the petition to the Office of the Judges of Compensation Claims.

Amended Section 440.25, F.S., requires JCT to schedule a mandatory mediation conference. If the parties fail to reach an agreement, a pretrial and final hearing will be scheduled.

Revised Section 440.055, F.S., requires notice of noncoverage to be posted at worksites

---

\*Prepared by Legislative Library

when the employer elects not to be covered under the workers' compensation system.

As created by this enactment, Section 440.107, F.S., authorizes the Division to enforce employer compliance with the coverage requirements of Chapter 440, F.S.

Section 51 of this law allows the Division to examine each carrier as often as warranted to ensure that carriers are fulfilling their obligations under the law.

By amendment of Section 440.49, F.S., this legislation revises the legislative intent relating to the purpose of the Special Disability Trust Fund. It limits the conditions which qualify as a permanent physical impairment and revises the requirements for employer knowledge. This measure also establishes a preferred worker program and sets a \$10,000 deductible which must be reached before a claim is reimbursed. The assessment formula is revised.

#### *Indemnity*

Section 440.09, F.S., is amended to provide that compensation shall be paid if the employee suffers an accidental injury or death arising out of work performed in the course and scope of employment and that injuries must be established by medical evidence.

As amended, Subsection 440.15(1), F.S., limits the eligibility for permanent total benefits to those claimants with catastrophic injuries, which are enumerated in Subsection 440.02(34), F.S., as added by the legislation.

The duration of temporary total disability and temporary partial disability benefits are reduced from 260 to 104 weeks by revised Subsections 440.15(2) and (4), F.S., respectively, with the additional requirement that once the employee reaches the maximum number of weeks allowed, temporary disability benefits shall cease and the injured worker's permanent impairment shall be determined.

Paragraph 440.15(2)(d), F.S., is added to provide that employers and carriers are not required to make any payment of benefits for

temporary total disability for any period during which the employee willfully fails or refuses to report all earned income, including income from social security.

Pursuant to Subparagraph 440.15(3)(a)2., as revised, determinations of permanent impairment are permitted to be made by physicians, osteopaths, chiropractors, podiatrists, optometrists and dentists.

New Subparagraph 440.15(3)(a)3., F.S., establishes that permanent benefits are paid weekly at the rate of 50 percent of the employee's average weekly temporary total benefit, for a duration of 3 weeks for each percentage point of impairment.

Paragraph 440.15(3)(b), F.S., is added to provide that supplemental benefits are paid to claimants with an impairment rating of 20 or more, who have not returned to work or have returned to work earning less than 80 percent of the employee's average weekly wage as a direct result of the employee's impairment, and have attempted to obtain employment.

Under new Subsection 440.15(6), F.S., employers with more than 50 employees are required to make available, within 30 days after the carrier notifies the employer of maximum medical improvement and the employee's physical limitations, work appropriate to the employee's physical limitations. Employers who are unable to make a good faith effort to find work available within a 100-mile radius of the employee's residence are subject to a fine of \$250 for each \$5,000 of premiums or payroll, not to exceed an aggregate fine of up to \$2,000.

#### *Medical*

Section 440.491, F.S., is created to provide for a voluntary system of re-employment assessments, training and education, and medical care coordination for the rehabilitation of injured workers.

Reworded Section 440.13, F.S., provides for medical services and supplies, penalties for violations, and limitations on chiropractic care.

Paragraph 440.13(2)(b), F.S., provides for attendant care.

Paragraph 440.13(3)(a), F.S., provides for certification and authorization of providers by the Division.

Paragraph 440.13(4)(b), F.S., provides filing requirements.

Subsection 440.13(5), F.S., provides for Independent Medical Examinations (IMEs) chosen by the employer, carrier or employee, and limitations thereon.

Paragraph 440.13(5)(d), F.S., provides penalties for failure to cooperate with an IME.

Subsection 440.13(6), F.S., provides enhanced utilization review procedures.

Subsection 440.13(9), F.S., provides for expert medical advisors, certified by the Division, to assist the Division and the JCCs regarding disputes in utilization and reimbursements and also provides criteria for certifying advisors.

Subsection 440.13(10), F.S., provides for witness fees.

Subsection 440.13(11), F.S., provides for audits by the Division.

Subsection 440.13(12), F.S., provides for revised fee schedules.

Paragraph 440.13(12)(a), F.S., provides for hospital inpatient charges to be reimbursed at 75 percent of usual and customary charges until per diem rates can be adopted. Hospital outpatient charges are to be reimbursed at 75 percent of usual and customary charges.

Paragraph 440.13(12)(c), F.S., provides for uniform reimbursement rates for all other medical providers and facilities.

Paragraph 440.13(14)(c), F.S., provides for a \$10 copayment for all medical services rendered after maximum medical improvement (MMI).

Subsection 440.13(15), F.S., provides for practice parameters.

Effective January 1, 1997, Paragraph 440.134(2)(b), F.S., provides for the delivery of all medical services and supplies solely through managed care networks.

Section 95 of this enactment provides that until managed care becomes mandatory, a premium credit, not to exceed 10 percent, is provided to employers who utilize managed care arrangements.

Subsection 440.135(1), F.S., is revised to provide for pilot programs for a 24-hour policy.

#### *Attorney's Fees*

Subsection 440.34(1), F.S., as amended, modifies the provisions relating to attorney's fees to reduce by 5 percent the multipliers used in calculating attorney's fees and limits the amount of fees to be paid for future indemnity benefits.

Section 440.32, F.S., as revised, provides attorneys may be fined for continuing any frivolous case.

Section 440.442, F.S., is revised to provide a code of judicial conduct for the judges of compensation claims.

Section 440.45, F.S., is reworded to require minority representation on the statewide nominating commission. The Governor is to choose a Chief Judge who is to be confirmed by the Cabinet. When the term of a judge of compensation claims expires, the Governor may choose from a list of three candidates, one of whom may be the incumbent judge of compensation claims.

#### *Insurance*

As revised, Section 440.38, F.S., requires insurance carriers and self-insurers to provide for the security for payment of compensation.

Amended Section 440.381, F.S., provides penalties when certain applications for coverage are willfully misreported to the carrier.

Section 76 of this enactment transfers the regulatory authority of group self-insurers to the Department of Insurance from the Department of Labor and Employment Security.

Sections 631.90-631.995, F.S., Part V of Chapter 631, F.S., creates a self-insurance fund guaranty association which includes commercial self-insurance funds, assessable mutual insurers

and group self-insurance funds. Their participation in the Florida Self-Insurance Fund Guaranty Association is required.

Subsection 627.311(4), F.S., is substantially rewritten to provide for a self-funded joint underwriting association with three separate subplans. Subplan "A" includes those insured whose annual premium does not exceed \$2,500 and who have neither incurred any lost-time claims nor incurred medical-only claims exceeding 50 percent of their premium for 2 years.

Subplan "B" includes insurers that are employers identified by the Board of Governors as high-risk employers due solely to the nature of the operations being performed by those insured and for whom no market exists in the voluntary market, and whose experience modifications are less than 1.00.

Subplan "C" includes all other insured within the plan and provides for the option of issuing assessable policies to insured of the subplan "C".

Pursuant to revised Subsection 627.4133(1), F.S., insurers who provide coverage for workers' compensation and employer's liability insurance must abide by the provisions relating to the notice of cancellation or nonrenewal of policies or renewal premiums for all insurance other than that covering motor vehicles.

Sections 627.90-627.992, F.S., Part XXII of Chapter 627, F.S., creates the Workers' Compensation Insurance Purchasing Alliance to provide clear, uniform information on each workers' compensation policy offered by workers' compensation underwriters to its members.

#### *Fraud*

This legislation provides penalties ranging from a first-degree misdemeanor to a third-degree felony for illegal activities. New Section 440.1051, F.S., provides for fraud reporting. A civil cause of action is created in Section 440.106, F.S., and new Section 440.107, F.S., provides authority for the Department of Insurance, Division of Workers' Compensation

Fraud, to enforce compliance with coverage requirements.

Funding of the Bureau of Fraud within the Department of Insurance is provided by the revision of Paragraph 440.50(1)(a), F.S.

Subsection (4) is added to Section 27.34, F.S., to provide for the prosecution by the state attorney or the Justice Administration Commission of criminal violations of the Workers' Compensation Law and related crimes.

#### *Safety*

Amended Section 627.0915, F.S., establishes a safety credit for the implementation of an approved safety program which is to be considered in formulating a rating plan.

Section 442.012, F.S., is created to provide for the implementation of safety committees within certain businesses.

#### *Other*

Subsection 440.11(1), F.S., is revised to provide for employer immunity, clarifying legislative intent regarding exclusiveness of employer immunity, and extending the immunity enjoyed by an employer to employees of county constitutional officials.

As modified, Section 440.102, F.S., provides for the requirements of a drug-free workplace program, including standards necessary for employer discounts and drug testing; specifying medical screening criteria and notice requirements; including provisions for safety-sensitive positions and special-risk positions; and substituting the Agency for Health Care Administration for the Department of Health and Rehabilitative Services as the agency for the oversight.

New Section 440.103, F.S., requires contractors to provide proof of coverage or exemptions prior to obtaining a building permit.

A cause of action and penalties for a contract award obtained by a contractor who violates the provisions of this chapter are created in Section 440.104, F.S.

A Workers' Compensation Oversight Board to advise the Legislature and the Division on workers' compensation issues is created in new Section 440.4416, F.S.

***Insurance Premiums Growth Rate***

SENATE BILL 54-C (CHAPTER 93-412) amends Subsection 627.4243(3), F.S., to require a statement of premium growth calculations to be filed with the Department of Insurance when the premium growth calculated by an insurer exceeds 33 percent.

***Group Self-Insurance Fund Account***

SENATE BILL 64-C (CHAPTER 93-424) creates the Florida Group Self-Insurance Fund Account, developed to provide a mechanism for the payment of claims arising under Chapter 440, F.S., and to avoid delays in payment and insolvency. This account is to be managed by the fund members of the Florida Group Self-Insurance Guaranty Association as provided in Section 631.90, F.S.

***Disclosure Exemptions***

Several laws which create exemptions to public records disclosure requirements reference statutory sections created by SENATE BILL 12-C (CHAPTER 93-415) and therefore take effect at the same time as this revision of the Workers' Compensation Law (Chapter 440, F.S.).

***Injured Worker's Medical Records***

SENATE BILL 56-C (CHAPTER 93-421) provides for the exemption to the public records requirement mandated under the Florida Constitution (Article I, Section 24(a)) and the Open Government Sunset Review Act (Section 119.14, F.S.) for specified records of the Department of Labor and Employment Security, Division of Workers' Compensation. These records are those made pursuant to Section 440.13, F.S., relating to medical records and bills and are declared exempt to protect the confidentiality of patients.

***Insurance Investigatory Records***

HOUSE BILL 137-C (CHAPTER 93-419) provides for the exemption to the public records requirements mandated under the Florida Constitution (Article I, Section 24(a)) and the provisions of Subsection 119.07(1), F.S., for the investigatory records of the Department of Insurance. These records are the medical records maintained under Section 440.134, F.S., and are deemed exempt to protect the confidentiality of those persons being investigated.

***Occupational Health and Safety Reports***

SENATE BILL 58-C (CHAPTER 93-422) provides for the exemption to the public records requirement mandated under the Florida Constitution (Article I, Section 24(a)) and the Open Government Sunset Review Act (Section 119.14, F.S.) for specified records of the Department of Labor and Employment Security made under Chapter 442, F.S., relating to Occupational Health and Safety, involving employees who exercise their rights and report matters relating to workplace safety. Such records are exempt to protect the confidentiality of those persons in order to prevent possible harassment.

***Self-Insurance Fund Guaranty Association***

SENATE BILL 60-C (CHAPTER 93-423) provides for the exemption to the public records requirements of Article I, Section 24(a), of the Florida Constitution and the Open Government Sunset Review Act (Section 119.14, F.S.) for the reports and recommendations made by the Board of Directors of the Florida Self-Insurance Fund Guaranty Association made under Section 631.95, F.S., and are made exempt to protect the confidentiality of delinquency proceedings regarding the Fund and its members.

***Florida Hurricane Catastrophe Fund***

HOUSE BILL 31-C (CHAPTER 93-409) creates Section 215.555, F.S., to establish the



Florida Hurricane Catastrophe Fund which requires the State Board of Administration to contract with each insurer writing covered policies in this state.

The contract will establish the premium that must be paid each year by the insurer. The Board must select an independent consultant to develop a formula to determine the premium. The formula will assess premium cost based on the value of policies within a zip code. The insurer shall pay the required annual premium pursuant to a periodic payment plan specified in the contract.

The money in the Fund can only be used to pay for the obligations of the Fund arising out of reimbursement contracts, payments of debts arising out of revenue bonds issued under this act, costs of procuring reinsurance, and costs to administer the Fund. However, if no covered events occurred in the prior year, 2 percent of the prior year's premium shall be available for legislative appropriations. The Legislature must appropriate the 2 percent for infrastructure development to protect against hurricane damage.

The Fund may be terminated by law at any time. Upon termination, the Fund assets revert to the General Revenue Trust Fund.

Reimbursements from the Fund to insurers come only from losses in a covered event. Insurers will be reimbursed for 75 percent of all losses in excess of two times the insurer's gross direct written premium from covered policies for the prior year. However, an insurer who has a surplus of \$15 million or less will be entitled to reimbursement for 75 percent of all losses in excess of 1.5 times the insurer's gross direct written premium.

If the amount in the Fund is not enough to cover reimbursement at the levels promised, the Board must enter into agreements with local governments for the issuance of revenue bonds for the benefit of the Fund. The term of these bonds may not exceed 15 years, and the bonds

must be paid out of the moneys received by the Fund.

### ***Insured Values Under Covered Insurance***

HOUSE BILL 73-C (CHAPTER 93-413) exempts from application of the public records disclosure provisions of the Florida Constitution (Article I, Section 24(a)) and the Open Government Sunset Review Act (Section 119.14, F.S.) the reports of insured values under covered insurance policies by zip code which contain proprietary and trade secrets information. These reports are submitted to the State Board of Administration by insurers pursuant to Section 215.555, F.S., as created by HOUSE BILL 31-C (CHAPTER 93-409) summarized immediately above.

### ***Property and Casualty Insurers***

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 33-C AND 43-C (CHAPTER 93-410) amends Subsection 624.316(2), F.S., to increase the frequency of examination of newly licensed insurers while allowing for less frequent examinations of older insurers that have demonstrated sufficient compliance, and authorizes the Department of Insurance to contract with an independent examiner upon agreement with an insurer.

The law also revises Paragraph 624.407(1)(a), F.S., to increase initial surplus requirements to \$5 million for property and casualty insurers to obtain a certificate of authority and adds Subparagraph 624.408(1)(a)5., F.S., to increase the surplus requirement to maintain a certificate of authority for property and casualty insurers to \$4 million. This \$4 million requirement will be phased in over 10 years for property and casualty insurers who hold a certificate of authority on December 1, 1993. Moreover, this enactment increases the minimum surplus requirements for surplus lines insurers in Paragraph 626.918(2)(d), F.S., to \$15 million. The \$15 million can be phased in over a 10-year

schedule for currently eligible surplus lines insurers.

This measure allows insurers to amortize assessments for funding deficits in the Windstorm Pool (Subsection 627.351(2), F.S.), the Florida Property and Casualty Joint Underwriting Association (FPCJUA) (Subsection 627.351(5), F.S.) and the Residential Property and Casualty Joint Underwriting Association (RPCJUA) (Subsection 627.351(6), F.S.), by limiting annual assessments and allowing for bonding.

Under new Sub-subparagraph 627.351(5)(a)1.g., coverage in the FPCJUA for condominium associations and other commercial residential structures is activated. Pursuant to amended Sub-subparagraph 627.351(5)(a)1.d., F.S., the Department is allowed to trigger coverage in the FPCJUA based on a finding that certain types of policies are inadequately available to the public.

This legislation creates Section 627.7013, F.S., to prohibit insurers from cancelling or nonrenewing, in any 1 year, more than 5 percent of its personal lines residential policies of all types and classes throughout the state or more than 10 percent in any county. The statewide 5 percent cannot be allocated to only one kind of residential policy. An insurer may not cancel or nonrenew more than 5 percent of homeowner's policies or 5 percent of mobile homeowner's policies. Also, the countywide 10 percent cannot be allocated to only one kind of residential policy. An insurer may not cancel or nonrenew more than 10 percent of homeowner's policies or 10 percent of mobile homeowner's policies. An insurer can ask to cancel more residential policies by filing a phaseout plan with the Department at least 90 days prior to the effective date of the plan. The plan will not be implemented unless the plan is approved by the Department. If the Department rejects the plan or the insurer decides the number of cancellations allowed by the plan are insufficient, the insurer can apply for approval of additional

cancellations or nonrenewals on the basis of an unreasonable risk of insolvency.

This legislation creates Subsection 627.8405(3), F.S., to prohibit premium financing in excess of 70 percent of the premium for policies 12 months or more in duration and in excess of 50 percent for policies less than 12 months in duration.

### ***Policies Cancellation or Nonrenewal***

HOUSE BILL 131-C (CHAPTER 93-411) revises provisions contained in Paragraph 627.7013(2)(b), F.S., as created by COMMITTEE SUBSTITUTE FOR HOUSE BILLS 33-C AND 43-C (CHAPTER 93-410) relating to exemptions from the phaseout of the moratorium on cancellations or nonrenewals of certain property insurance policies. The phaseout on the moratorium set out by this enactment will apply to all insurers. However, an insurer will be allowed to cancel or nonrenew policies pursuant to House Bill 89-B, Chapter 93-401, Laws of Florida, where the insurer has a final order or judicial action challenging a denial of cancellations or nonrenewals under said chapter. The order must be final or the action must have been pending on or before November 5, 1993.

### ***Safe Streets Initiative***

HOUSE BILL 113-C (CHAPTER 93-417) makes technical and substantive revisions to the Safe Streets Initiative of 1994 which passed as Chapter 93-406, Laws of Florida, in Special Legislative Session B of the 1992-1994 Legislature held May 24-28, 1993. This measure substantially modified the sentencing process for convicted felons. A major provision revises Paragraph 921.001(4)(b), F.S., to eliminate the ability of certain convicted felons to opt for the new sentencing structure and mandates the new structure apply to only those convicted felons whose offense was committed on or after January 1, 1994.

A second major provision of this enactment amends Subsection 947.1405(2), F.S., to allow the continuation of the conditional release program established pursuant to Section 947.1405, F.S.

As revised, Section 921.188, F.S., redefines a class of state inmates who may be placed in local detention facilities.

Subsection 921.0011(6), F.S., is amended to incorporate "emergency control release" within the meaning of "control release" and a revision of Paragraph 921.001(10)(b), F.S., includes conditional medical release and emergency control release as conditions for release from incarceration for persons convicted of crimes committed on or after January 1, 1994.

#### ***Private Correctional Facility***

HOUSE BILL 125-C (CHAPTER 93-418) ratifies and affirms the selection process performed by the Board of County Commissioners for Gadsden County and the Florida Department of Corrections for obtaining a successful bidder for the financing, construction and private operation of a major correctional institution located near the city of Gretna and funded by Special Appropriation 1934C in Section 2B of Chapter 91-193, Laws of Florida, the 1991 General Appropriations Act. This law further directs the Florida Department of Corrections to execute certain documents to expedite the construction of the correctional facility.

#### ***Juveniles and Firearms***

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 91-C (CHAPTER 93-416) amends Chapter 790, F.S., relating to weapons and firearms.

Section 790.22, F.S., is amended to create a first-degree misdemeanor "possession" of a firearm offense for a minor under the age of 18. Penalties for the first offense for possession of a firearm include 100 hours of community service,

forfeiture of the firearm, and driver's license suspension, revocation or withholding of the issuance of the driver's license for up to 1 year. In all cases under this legislation, if the minor's driver's license is already suspended or revoked, the Department of Highway Safety and Motor Vehicles will extend that period for the time imposed under this law. If the minor does not yet possess a license due to his age, the suspension period will begin to run when the minor reaches the legal age to obtain a license.

The minor under 18 who is charged with a second or subsequent offense for possession of a firearm will be required to perform not less than 100 hours and not more than 250 hours of community service, his driver's license will be suspended, revoked, or issuance withheld for up to 2 years, and the firearm will be forfeited.

The measure requires that either the Department of Health and Rehabilitative Services (DHRS), its district juvenile justice boards or county juvenile justice councils establish community service programs that can be utilized under this legislation. The court will be permitted to require that the community service be performed on private property with the owner's permission for such purposes as removing graffiti and fixing vandalized property.

In addition, this measure revises Subsection 790.25(5), F.S., to clarify the Legislature's intent that possession of a firearm in a private conveyance is only lawful, and not in violation of the open carry law (Section 790.053, F.S.) or the concealed firearms law (Section 790.01, F.S.), for a person 18 years of age or older.

Therefore, a minor under 18 will not be permitted to carry a firearm in a vehicle under most circumstances, except while the firearm is unloaded and the minor is traveling directly to or from lawful hunting, a marksmanship competition or practice, or a lawful recreational shooting activity as provided in new Paragraph 790.22(3)(c), F.S. A violation will constitute the newly created offense of possession of a firearm by a minor.

This law creates Paragraphs 790.22(3)(a) and (b), F.S., to delineate when a minor may lawfully possess a firearm. Possession of an unloaded firearm at his home will be permitted. A 16- or 17-year-old minor can lawfully possess a firearm if he is engaged in a lawful hunting activity, lawful marksmanship competition or practice, or other lawful recreational shooting activity. A minor under 16 can lawfully hunt if he is supervised by an adult, or engaged in lawful marksmanship competition or practice, or other lawful recreational shooting activity and is supervised by an adult who is acting with the consent of the minor's parent or guardian. The minor's parent or guardian will be permitted to transfer possession of a firearm to a minor for these lawful purposes.

Subsection 790.22(2), F.S., currently provides that a parent or guardian, or other adult responsible for the welfare of a minor who knowingly and willfully permits the minor to unlawfully possess a BB gun, or air or gas-operated gun in violation of Subsection 790.22(1), F.S., to be charged with a second-degree misdemeanor. Subsection 790.22(4), F.S., is added to make the knowing and willful permission of a parent, guardian or responsible adult for a minor to possess a firearm in violation of Subsection 790.22(3), F.S., a third-degree felony. In addition, the parent or guardian, whether custodial or noncustodial, may be required by the court to participate in parent education classes upon the minor's first conviction and upon subsequent convictions to attend additional parent education classes or perform community service hours together with the minor.

Section 790.17, F.S., is amended to provide that the degree of the offense for anyone who knowingly and willfully sells or transfers a firearm to a minor under 18 is increased from a first-degree misdemeanor to a third-degree felony, punishable by up to 5 years in prison and up to a \$5,000 fine. A person is prohibited from selling, lending, transferring or giving a minor

under 18 a firearm except that a person may transfer ownership of a firearm to a minor (gifts and will devises) with parental permission or transfer temporary possession of a firearm to a minor for lawful firearm activities as provided under Section 790.22, F.S.

Section 790.18, F.S., is amended to provide that the offense of selling firearms to minors under 18 by firearms dealers is enhanced two degrees, from a first-degree misdemeanor to a second-degree felony, punishable by up to 15 years in prison and up to a \$10,000 fine.

Retailers of firearms will have to amend and update the warning statements that they are required to conspicuously post pursuant to Section 790.175, F.S., to reflect the changes in this legislation.

The enactment amends Section 790.23, F.S., to create an offense of possession of firearms by a person adjudicated delinquent of a crime that would be a felony if committed by an adult. A similar crime already exists for a convicted felon who has not had his civil rights, including the authority to possess a firearm, restored. It will be a second-degree felony for a person who has been adjudicated delinquent to own or have in his care, custody, possession or control a firearm unless the juvenile court's jurisdiction has expired.

Subsection 790.22(8), F.S., provides adjudicated delinquent minors who commit the newly created second-degree felony possession offense or minors who commit an offense that involves the use or possession of a firearm, other than the newly created misdemeanor possession offense, or an offense during the commission of which the minor possessed a firearm, must be detained initially in secure detention, unless release is authorized by the state attorney, for up to 24 hours. The court may continue the detention thereafter if it finds that the minor meets the current statutory requirements for detention. Effective April 15, 1994, the court may continue the minor's detention if it finds by clear and convincing evidence that the minor is

a clear and present danger to himself or the community. If the court so finds, it must specify in writing the need for detention and the benefits derived by the minor or the community by placing him in secure detention. Demographic information on the minor shall be collected and sent to the Division of Economic and Demographic Research of the Joint Legislative Management Committee.

Pursuant to new Subsection 790.22(9), F.S., if the minor is not committed to a residential program and it is his first offense, this legislation requires the court to sentence him to a mandatory 5 days in secure detention and the minor will be required to perform 100 hours of community service.

Further, Subsection 790.22(10), F.S., is added to provide that the minor's driving privilege will be suspended, revoked, or issuance withheld for up to 1 year. For a second or subsequent offense, he must serve a mandatory 10 days in secure detention and perform not less than 100 hours and not more than 250 hours of community service. The minor will additionally lose his driving privilege for up to 2 years.

Effective July 1, 1994, a minor who is 14 years of age or older who has committed three prior felony offenses, at least one of which involved a firearm, may be prosecuted as an adult. The state attorney shall request the minor be prosecuted as an adult or provide written reasons for not doing so and, if the judge denies the request, he shall provide written reasons for denying the request.

The DHRS will be required to prepare public service announcements for dissemination of the information contained in this legislation to parents throughout Florida.

The Legislature authorized 94 full-time positions and a sum of \$2,197,810 from the General Revenue Fund for the DHRS Juvenile Justice Program. This appropriation will be used for operational funding for secure detention, case management for the mandated community service, and commitment programs

for delinquent youth. A further appropriation of \$4.6 million is to be transferred from current surplus in the General Revenue Fund previously appropriated for Aid to Families with Dependent Children (AFDC), to be used for additional commitment resources for the DHRS Juvenile Justice Program.

### ***Defense Dependent Industries Incentives***

COMMITTEE SUBSTITUTE FOR SENATE BILL 32-C (CHAPTER 93-414) creates Section 288.104, F.S., a tax refund program within the Department of Commerce for qualified defense contractors who become certified. Under Subsection 288.104(3), F.S., the application for certification is reviewed and scored by the Division of Economic Development of the Department of Commerce and then finally approved or disapproved by the Secretary of Commerce. Refunds are paid on an annual basis, and are allowed for:

- 1) taxes on sales, use and other transactions (Chapter 212, F.S.);
- 2) corporate income taxes (Chapter 220, F.S.);
- 3) intangible personal property taxes (Chapter 199, F.S.);
- 4) emergency excise taxes (Chapter 221, F.S.);
- 5) excise taxes paid on documents (Chapter 201 F.S.); and
- 6) ad valorem taxes paid (as defined in Paragraph 220.03(1)(a), F.S.).

Paragraph 288.104(5)(c), F.S., requires local financial support from local sources, public or private, to be paid to the Economic Development Trust Fund equal to 20 percent of the annual tax refund for a qualified defense contractor. If the local financial support is less than 20 percent, the tax refund is reduced and in no event can the tax refund paid exceed 5 times the local financial support received. Paragraph 288.104(2)(e), F.S., requires that for the first 6 months of each fiscal year, 30 percent of the appropriated funds are set aside for

contractors with fewer than 500 full-time employees. Pursuant to Paragraph 288.104(2)(b), F.S., the certified defense contractor can only receive a refund limited to \$5,000 times the number of jobs provided under a new contract, consolidation, or conversion.

Subparagraph 288.104(3)(d)1., F.S., requires the average wage of covered jobs must be 115 percent of the average wage in the county or standard metropolitan area.

In addition, Paragraphs 288.104(2)(b) and (c), F.S., stipulate no contractor can receive more than \$2.5 million in tax refunds in any fiscal year, no more than \$7.5 million in all fiscal years, and under Paragraph (d), the secretary may approve \$10 million in tax refunds or the amount appropriated per fiscal year.

The entire program is repealed on June 30, 1998, unless no qualified defense contractor has entered into a new Department of Defense contract or has commenced a consolidation which will result in the employment of at least 1,000 full-time employees by April 15, 1994, in which case the act would be repealed. There is no appropriation for this enactment.

SENATE BILL 30-C (CHAPTER 93-420) creates Section 288.106, F.S., to establish an open records exemption for proprietary information submitted to the Department of Commerce in its administration of the defense reinvestment tax refund program established in COMMITTEE SUBSTITUTE FOR SENATE BILL 32-C (CHAPTER 93-414). The types of proprietary information that would be kept confidential for 10 years would include:

- 1) federal employer identification numbers;
- 2) Florida sales tax registration numbers;
- 3) percentage of gross receipts derived from Department of Defense contracts during the 5 preceding tax years;
- 4) the amount of refundable taxes paid during the last 5 years;
- 5) information concerning the defense contractor's need for the tax refunds; and

- 6) receipts pertaining to the payment of taxes.

### ***Joint Rule on Lobbying***

HOUSE CONCURRENT RESOLUTION 67-C amends Rule One of the Joint Rules of the Senate and House of Representatives and implements the changes to the legislative branch lobbying laws created by Chapter 93-121, Laws of Florida.

The concurrent resolution defines the term "lobbyist" and requires all lobbyists before the Florida Legislature to register with the Joint Legislative Management Committee. For purposes of registration and reporting, a series of exemptions are provided which exclude among others, state officers holding elective office, officers of a political subdivision of the state holding elective office, persons appearing as witnesses or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.

If a principal has one lobbyist registered, the registration of subsequent lobbyists is dependent upon the principal naming a "designated lobbyist." The law requires lobbyists or designated lobbyists to report the lobbying expenditures of the principals and lobbyists with specific exceptions. The exceptions include:

- 1) expenses of less than \$2.50 (exempting the ride from the airport and a cup of coffee);
- 2) salaries of lobbyists and principals; and
- 3) office expenses, including printing and research if done "in-house."

The concurrent resolution allows the Joint Legislative Management Committee to establish the registration fee not to exceed \$50 annually. The legislation requires lobbyists to file quarterly reports with the Joint Legislative Management Committee and to report expenses in categories which are defined in the rule. The concurrent resolution provides for a 75-day automatic extension if requested by the lobbyist.



The concurrent resolution also identifies specific state employees which are exempt for paying the lobbyist registration fees.

The concurrent resolution provides for the filing of complaints based upon the personal knowledge of the complainant. It also provides for both formal and informal opinions to be issued to those who are required to comply with the rule or the law.

## AGRICULTURE AND CONSUMER SERVICES\*

### ***Department of Agriculture Regulations***

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 1705 AND 1781 (CHAPTER 94-335) contains many small changes in the regulatory programs of the Department of Agriculture and Consumer Services. These changes include:

- 1) removing certain registration requirements for petroleum fuel (Paragraph 525.01(2)(a), F.S.);
- 2) clarifying the Department's inspection authority with regard to petroleum fuel businesses (Subsection 525.08(1), F.S.);
- 3) allowing the Department to issue information concerning food safety, when the information is supported by sound scientific evidence (Subsection 570.07(21), F.S.);
- 4) allowing proceeds from marketing orders to be used for mitigation under certain circumstances (new Subsection 573.114(6), F.S.); and
- 5) reenacting an exemption in the seed law for low-volume seed dealers (Subsection 578.08(4), F.S.).

The act also contains the food-recovery program provisions contained in SENATE BILL 1504 (CHAPTER 94-234).

### ***Food Recovery Programs***

SENATE BILL 1504 (CHAPTER 94-234) creates Section 570.0725, F.S., which authorizes programs to recover surplus or slightly blemished fresh fruits and vegetables that are often destroyed in current production processes and to distribute them to needy citizens around the state. The act defines these food recovery programs and allows the Department of Agriculture and Consumer Services to help

coordinate the establishment of these organizations (Subsection 570.07(35), F.S.) and to support their continued and efficient operation (Paragraph 570.0725(1)(c), F.S.).

### ***Consumer Protection Regulations***

SENATE BILL 580 (CHAPTER 94-298) cleans up consumer protection statutes enforced by the Department of Agriculture and Consumer Services. These regulatory laws involve health studios (Sections 501.0125 and 501.016, F.S.), telemarketers (Sections 501.059 and 501.615, F.S.), motor vehicle repair shops (Section 559.904, F.S.), and sellers of travel (Section 559.927, F.S.). The act creates Section 501.145, F.S., the Bedding Label Act, which requires bedding manufactured and sold in the state that contains any previously used materials to bear a conspicuous label notifying the consumer of that fact. This law also revises Section 501.2105, F.S., to provide for a discretionary award of attorney's fees to the prevailing party in an action for an unfair and deceptive trade practice.

[Both the motor vehicle repair shop and the sellers of travel programs should show an increase in the number of registrants due to the statutory changes effected through this legislation. This translates to an increase in revenues from registration fees going into the General Inspection Trust Fund. Because the inception of these two programs is recent, the amount of increased revenue is unknown at this time.]

### ***Nitrate Contamination***

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 2420 (CHAPTER 94-311) clarifies and revises several provisions relating to the

underground petroleum storage tanks programs administered by the Department of Environmental Protection (DEP). The act reopens the Abandoned Tank Restoration Program (ATRP) until June 30, 1996, and clarifies the criteria for eligibility (Subsection 376.305(7), F.S.). This law provides up to \$300,000 of restoration coverage, for discharges reported to the DEP prior to January 1, 1995, under the Petroleum Liability and Restoration Insurance Program (PLRIP), for small businesses, small community colleges, religious or charitable institutions, and small counties and municipalities, which are not currently in the PLRIP, provided that certain conditions are met (Subparagraph 376.3072(2)(a)3., F.S.). The enactment provides a criminal penalty for fraudulently submitting reimbursement requests or misrepresenting eligibility under the reimbursement program (Subsection 376.302(5), F.S.). The measure also directs the DEP to revise its pollutant storage tanks program rules to implement the recommendations of the Statewide Grand Jury Report (Section 6 of the act).

This law also addresses the problem of nitrate contamination of ground water in Florida. For each license to distribute fertilizer there is a \$100 fee. For each of the first 5 specialty fertilizer registrations by a licensee there is a \$100 fee and a \$25 fee for each additional specialty registration. A fee of 0.50 cents per ton is provided for all fertilizer containing nitrogen sold in the state (Subparagraphs 576.045(2)(a)1. and 3., F.S., respectively). The revenue generated will be used to fund research and development of best management practices (BMP's) for fertilizer use and restoring ground water drinking wells with nitrate contamination in various areas throughout the state (Subsection 576.045(3), F.S.). The enactment provides a waiver of liability from the cost recovery provisions in Section 376.307, F.S., for property owners or leaseholders under certain conditions (Subsection 576.045(4), F.S.).

### ***Solicitation of Contributions***

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 200 (CHAPTER 94-287) amends and reenacts the Solicitation of Contributions Act (Sections 496.401-496.424, F.S.) relating to the regulation of fundraising activities by charities, and streamlines the renewal process. The act no longer requires persons soliciting for a named individual and organizations soliciting from their own membership to file for an exemption from the law. The enactment expands registration fee categories (Subsection 496.405(4), F.S.) and increases certain fees (Subsection 496.409(3) and 496.410(3), F.S.) to assure that the program is totally fee funded. The legislation also strengthens the requirements for an organization to solicit as a sponsor (Section 496.426, F.S.) and requires police organizations to disclose specific membership information (Subsection 496.426(2), F.S.). The provisions of this act take effect October 1, 1994.

### ***Fair Rides Safety***

SENATE BILL 546 (CHAPTER 94-297) amends Section 616.101, F.S., to provide for the annual review of accounts and records of fair associations, and revises Subsection 616.242(6), F.S., to prohibit the operation of fair rides unless all permit and inspection fees have been paid to the Department of Agriculture and Consumer Services.

### ***Farm Labor Contractors***

HOUSE BILL 2333 (CHAPTER 94-179) amends Subsection 450.30(3), F.S., to change the deadline for crew chiefs to renew their registration and revises Paragraph 450.31(1)(b), F.S., to require crew chiefs to register with the federal government before they register with the state. Crew chiefs must pay the \$75 registration fee by cash, certified check, or money order pursuant to modified Paragraph 450.31(1)(c), F.S., to stop the loss of fees from bad checks.

This law also amends Subsection 450.33(4), F.S., to require crew chiefs to post information about the rate of pay and other terms and conditions of employment in English and in the language spoken by most of the non-English speaking employees. [Such a requirement addresses the language needs of Haitian, Creole, and Jamaican employees as well as those employees who speak Spanish.]

The enactment revises Subsection 450.38(2), F.S., to provide that any person who violates the farm labor contractor laws is subject to a fine not to exceed \$1,000 per violation. Such fine must be paid by cash, certified check, or money order.

Added Subsection 450.38(4), F.S., aims at improving investigations involving crew chiefs who violate the law. The secretary of the Department of Labor and Employment Security is given the authority to issue subpoenas to compel the attendance of witnesses and the production of evidence.

### ***Florida Food Safety Act***

HOUSE BILL 2365 (CHAPTER 94-180) amends the 1992 Florida Food Act (Chapter 500, F.S.) that regulates inspection of food establishments such as supermarkets, convenience stores, meat markets and bakeries and renames the "Florida Food Safety Act." This law clarifies the regulatory jurisdiction of the Department of Agriculture and Consumer Services (Section 500.032, F.S.) and addresses certain operational inefficiencies, makes the state law consistent with new federal labeling regulations (Sections 500.10 and 500.11, F.S.), and allows the Department to provide certain food safety information to consumers (Paragraph 500.09(1)(a), F.S.).

The act also modifies the regulations pertaining to commercial and custom slaughter and meat processing facilities in the state (Sections 585.70, 585.715, 585.74, 585.78, 585.79, 585.83, 585.84, 585.89, 585.90, 585.903 and 585.91, F.S.). A voluntary inspection

program for nontraditional livestock, such as deer, bison, cattalo, and ostrich is established, which is provided on a fee-recovery basis (Section 585.93, F.S.).

### ***Milk, Milk Products, Frozen Desserts***

SENATE BILL 350 (CHAPTER 94-92) contains the recommendations from the Department of Agriculture and Consumer Services dairy inspection program report which was mandated by the 1993 Legislature (Section 4 of Chapter 93-68, Laws of Florida). The act transfers the responsibilities for inspecting unprocessed (raw) milk that is imported from outside of Florida from the Department to the milk plant operators (Paragraph 502.053(2)(c), F.S.). It also reorganizes and modernizes the construction of Chapter 502, F.S.

### ***Viticulture***

SENATE BILL 454 (CHAPTER 94-296) gives certified Florida farm wineries an opportunity to increase wine sales by allowing them to sell wine by the glass and not just by the bottle at Florida fairs, trade shows, expositions, and festivals (Paragraph 561.221(1)(b), F.S.). The act prohibits certified Florida farm wineries from selling wine at special events such as car races sponsored by beer companies. This law makes changes to the Viticulture Advisory Council (Section 599.002, F.S.) and State Viticulture Plan (Section 599.003, F.S.) in an effort to address the particular needs of the viticulture industry. The law saves from repeal: (1) the deposit of excise taxes imposed on Florida produced wine into the Viticulture Trust Fund, (2) Viticulture Trust Fund, (3) Viticulture Advisory Council, and (4) Viticulture State Plan (Repeal of Subsection 599.001(4), F.S., and Subsection 599.012, F.S., as created by Section 16 of Chapter 88-308, Laws of Florida).

### ***Commercial Feed***

COMMITTEE SUBSTITUTE FOR SENATE BILL 2704 (CHAPTER 94-282)

restructures the regulation of the commercial feed industry. The act revises Section 580.091, F.S., to require all feed distributors to have their feed tested by private laboratories that are certified by the state to help assure that all feed for commercial livestock is free of adulterants that could harm the animals or contaminate the meat for human consumption.

***Agriculture Center, Horse Park Authority***

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1194 (CHAPTER 94-301) creates Section 570.952, F.S., which establishes a direct-support organization within the Department of Agriculture and Consumer Services for the Florida Agriculture Center and Horse Park Authority. The act requires the Commissioner of Agriculture to appoint the 23 members of the Authority from various equine, agricultural, government and private sectors.

This measure authorizes the Department to provide administrative and staff support and suitable meeting space for the authority. Other than those expenses, prohibits the use of state funds for the planning, construction, or operation of the facility.

COMMITTEE SUBSTITUTE FOR SENATE BILL 2752 (CHAPTER 94-283) exempts, upon written request of the donor, the identity of a donor to the Florida Agriculture Center and Horse Park Authority from public records inspection requirements of Article 1., Section 24(a) of the Florida Constitution and Subsection 119.07(1), F.S., but makes the exemption subject to the Open Government Sunset Review Act (Section 119.114, F.S.).

***Animal Control***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1987 (CHAPTER 94-339) revises Section 767.12, F.S., which details the process of classifying a dog as dangerous by affording the owner written notice and a hearing before final

determination of the dog as dangerous. The act also adds Subparagraph 828.27(4)(a)3., F.S., to require county-employed animal control officers to complete post-certification training every 2 years; modifies Paragraph 828.27(4)(b), F.S., to increase the cruelty to animal violation surcharge from \$2 to \$5; and in Section 7 of the enactment requires all dogs and cats 4 months of age or older to be vaccinated against rabies by a licensed veterinarian. These provisions take effect October 1, 1994.

***Agricultural Service and Lab Fees***

SENATE BILL 1200 (CHAPTER 94-272) amends Subsection 585.61(4), F.S., to increase the maximum fees the Department of Agriculture and Consumer Services may charge for its laboratory tests involving diagnosis of disease or cause of death in animals. Subsection 585.002(5), F.S., is revised to increase fees for certain services to cover approximate costs. The act also modifies Subsection 585.145(3), F.S., to clarify actions relating to animal health requirements that constitute an illegal act. These provisions take effect October 1, 1994.

***Pest Control***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 749 (CHAPTER 94-194) establishes a committee to study current application practices for subterranean termites and make recommendations for improving construction and treatment practices (Section 9 of the act). This law authorizes the Department of Agriculture and Consumer Services to adopt rules regulating the application of pesticides used in preconstruction soil treatments for termites (Subsection 482.051(5), F.S.). It provides the Department with the express statutory authority to deny applications for a pest control license or renewal (Paragraph 482.071(2)(g), F.S.). An exemption is established for the noncommercial application of sanitizers, disinfectants, and ready-to-use pesticides purchased over the counter at retail (Subsection 482.155(4), F.S.). This

legislation changes the qualifications required to become a department inspector (Section 482.061, F.S.). These provisions take effect October 1, 1994.

***Agricultural Worker Safety Act***

SENATE BILL 1450 (CHAPTER 94-233) creates the Florida Agricultural Worker Safety Act. It provides protection to agricultural workers from the adverse effects of agricultural pesticides through training and written information. It adopts the United States Environmental Protection Agency Labeling Requirement for Pesticides and Devices, now effective, and the Worker Protection Standard regulations, effective January 1, 1995 (Section 487.204, F.S.). This enactment allows agricultural workers who comply or try to comply with the federal regulations to seek relief under existing Florida law (Section 487.206, F.S.) and also makes changes to the Pesticide Review Council (Section 487.0615, F.S.). The act takes effect January 1, 1995.

***Boll Weevil Eradication***

COMMITTEE SUBSTITUTE FOR SENATE BILL 1202, (CHAPTER 94-302) creates Section 593.1142, F.S., to authorize the Department of Agriculture and Consumer Services to place liens on all real and personal property owned by cotton growers who have not paid assessments arising from the boll weevil eradication program. The act also authorizes special liens against the cotton, cottonseed or any other extracted product of any grower who has failed to pay the Department for assessments and penalties. In spite of any provisions to the contrary in Chapter 697, F.S., any special lien on cotton for assessments, penalties, interest and costs which accrue before December 31, 1994, shall have equal dignity and the same priority as liens for taxes in favor of the state as described in Section 197.122, F.S.

Section 593.1141, F.S., is created to authorize the Department to enter into

agreements with the federal Agricultural Stabilization and Conservation Service (ASCS) for the purpose of allowing a cotton grower to tender payment of assessments, including penalties, to the ASCS.

***Citrus Canker***

HOUSE BILL 2437 (CHAPTER 94-346) officially ends the Citrus Canker Compensation and Eradication Programs. It appropriates \$3,824,260 to the Citrus Advertising Trust Fund to meet the funding formula established by the Legislature. Three trust funds are abolished by the act: Florida Citrus Canker Trust Fund, Citrus Canker Compensation Trust Fund, and the Citrus Canker Eradication Trust Fund. The legislation also appropriates \$13,550 to the Department of Legal Affairs to defray costs of the lawsuit filed by the Attorney General against the federal government to recover the federal government's share of the expenses of the citrus canker eradication.

Subsection 602.025(5), F.S., which provides for the disposition of federal funds received in excess of the cost of citrus canker programs between the General Revenue Fund and the Citrus Advertising Trust Fund, is deleted.

Subsection 602.065(9), F.S., is amended to direct the Department of Legal Affairs to take all necessary and appropriate action to ensure the federal government releases any available funds to the state which reimburse the state for the federal government's share of citrus canker eradication costs. Such funds are to be deposited 50 percent each into the General Revenue Fund and the Citrus Advertising Trust Fund.





## APPROPRIATIONS\*

### ***General Appropriations Acts***

HOUSE BILL 2221 (CHAPTER 94-357) the General Appropriations Act for Fiscal Year 1994-1995, appropriates \$38.62 billion in total. Specifically, it appropriates \$14.28 billion from the General Revenue Fund and \$24.34 billion from trust funds. It authorizes 121,648 positions. Various summaries are available from the Committee on Appropriations. HOUSE BILL 2223 (CHAPTER 94-358) contains the implementing language for the General Appropriations Act.

### ***Trust Funds***

The Appropriations Committee produced 72 bills related to trust funds that passed into law. These included SENATE BILL 1004 (CHAPTER 94-67) (review of trust funds), SENATE BILL 702 (CHAPTER 94-41) (exempt trust funds), SENATE BILL 700 (CHAPTER 94-265) (terminated trust funds), and SENATE BILLS 704-784, 788-822 and 952 (CHAPTERS 94-1 through 94-61), SENATE BILLS 824, 872, 912, 954 (CHAPTERS 94-266 through 94-269), and SENATE BILLS 994-1002 (CHAPTERS 94-62 through 94-66), and SENATE BILL 1006 (CHAPTER 94-68) (reenacted trust funds). SENATE BILL 2018 (CHAPTER 94-211) creates the Juvenile Justice Facility Construction and Operation Trust Fund within the Department of Juvenile Justice.

On November 4, 1992, the voters approved ballot Amendment 4 to the Florida Constitution. Among many other budget reforms, that amendment terminates most existing state trust funds on November 4, 1996. Several categories of funds are exempt from termination.

That provision of the Constitution also requires that any new trust fund the Legislature

creates may have a life span of only 4 years (unless it falls in one of the exemption categories).

For the 1994 Regular Session, 192 trust funds were reviewed. For those funds, the Legislature passed bills that reenact 70 funds, terminate 88 funds, and list 35 funds as exempt from the constitutional termination requirement. In addition to the 88 trust funds terminated, an additional 23 accounts within other trust funds were terminated.

From the 111 trust funds and fund accounts terminated, it is anticipated that \$13 million will be transferred to the General Revenue Fund. However, several programs that are now supported by those trust funds will be supported from General Revenue, so the \$13 million will not provide unobligated General Revenue funds. Many of the other terminated trust funds have no revenues, or their moneys are being combined with other funds in the same departments.

### ***Budget Stabilization Fund***

HOUSE BILL 2879 (CHAPTER 94-250) contains criteria for withdrawing funds from the Budget Stabilization Fund. The Constitution requires that these criteria be contained in a separate bill for that purpose only.

### ***Florida Keys Community College***

SENATE BILL 1076 (CHAPTER 94-79) appropriates \$520,000 from the Public Education Capital Outlay and Debt Service Trust Fund to Florida Keys Community College for emergency repairs to Buildings 100, 200 and 300, and for planning, site development and construction of replacement facilities for these structures. This appropriation is contingent

---

\*Based on House Appropriations Committee's after session reports.

upon the reversion of a like sum on February 1, 1994, from Specific Appropriation 1731 in Section 2C of Chapter 92-293, Laws of Florida, the 1992-1993 General Appropriations Act. In the event a lesser amount reverts, the appropriation authorized by this act would equal the lesser amount.

### ***Multicounty Library Grants***

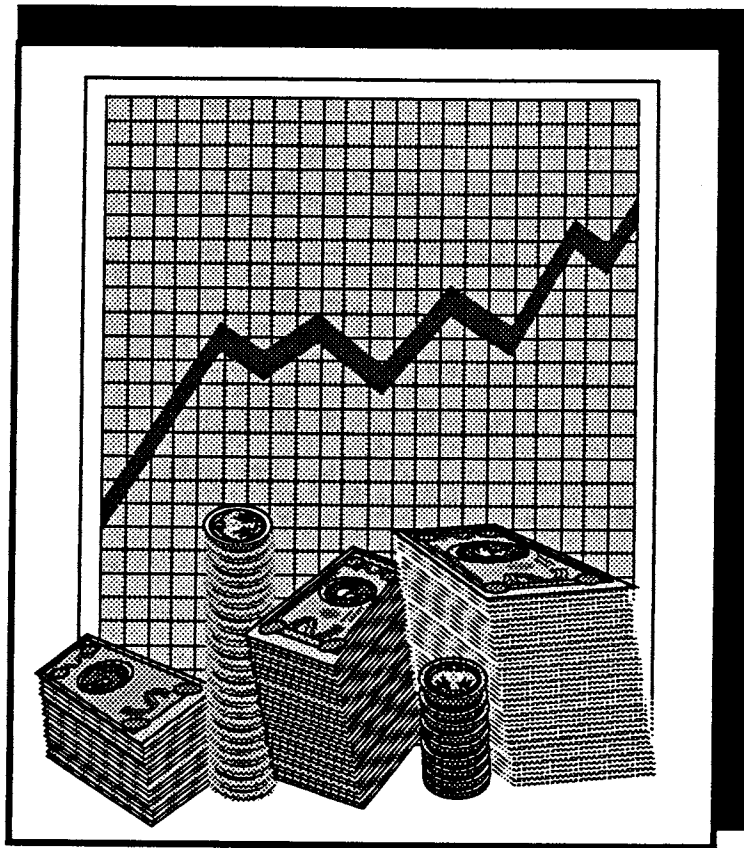
SENATE BILL 3120 (CHAPTER 94-109) amends Section 257.172, F.S., which provides for multicounty library grants and specifies the procedure for computing such grants. The act further provides that Section 257.21, F.S., relating to pro-rating library grant funds does not apply to multicounty library grant funds.

This measure validates expenditures for multicounty library grants in fiscal years 1992-1993 and 1993-1994 which would have been lawful if Section 2 of Chapter 92-305, Laws of Florida, had taken effect.

*For a more graphic presentation of appropriations, the current edition of the annual report, Fiscal Analysis in Brief, prepared jointly by the House and Senate Appropriations Committees, is reprinted in toto in the remaining pages of this article.*

# *Florida's Fiscal Analysis in Brief*

## **1994-95**



### **SENATE**

Pat Thomas, President  
Kenneth C. Jenne, Chairman

COMMITTEE ON APPROPRIATIONS

### **HOUSE OF REPRESENTATIVES**

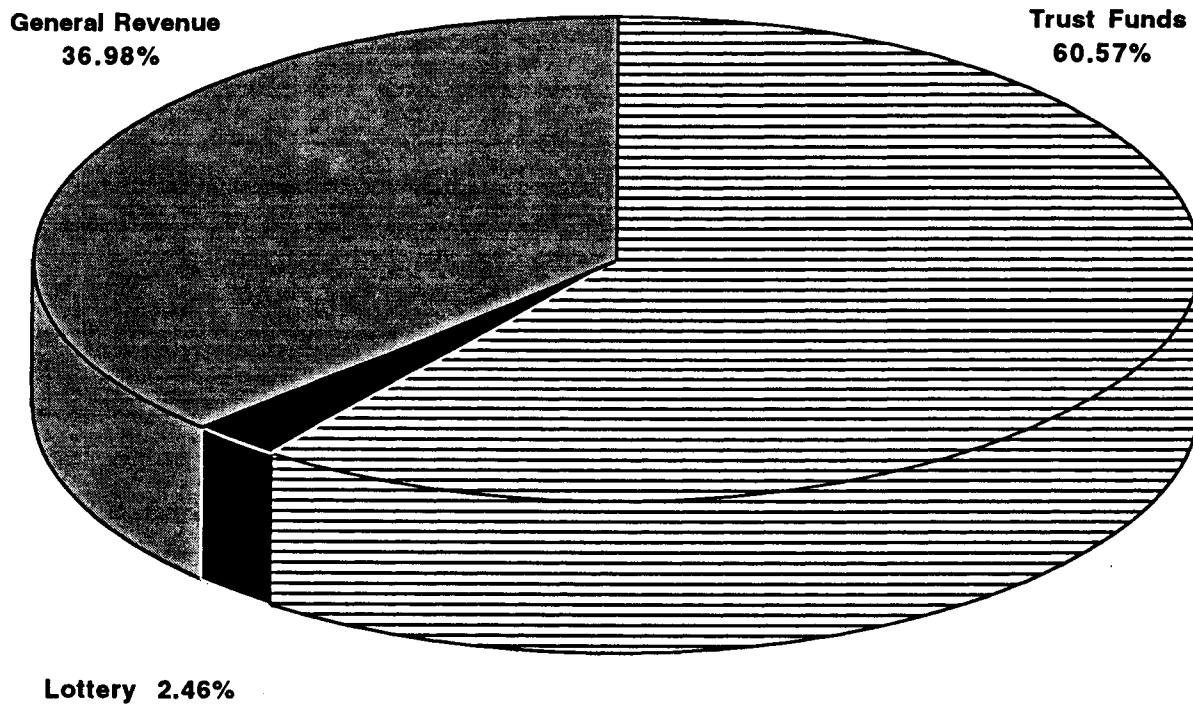
Bolley "Bo" Johnson, Speaker  
John Long, Chairman

COMMITTEE ON APPROPRIATIONS

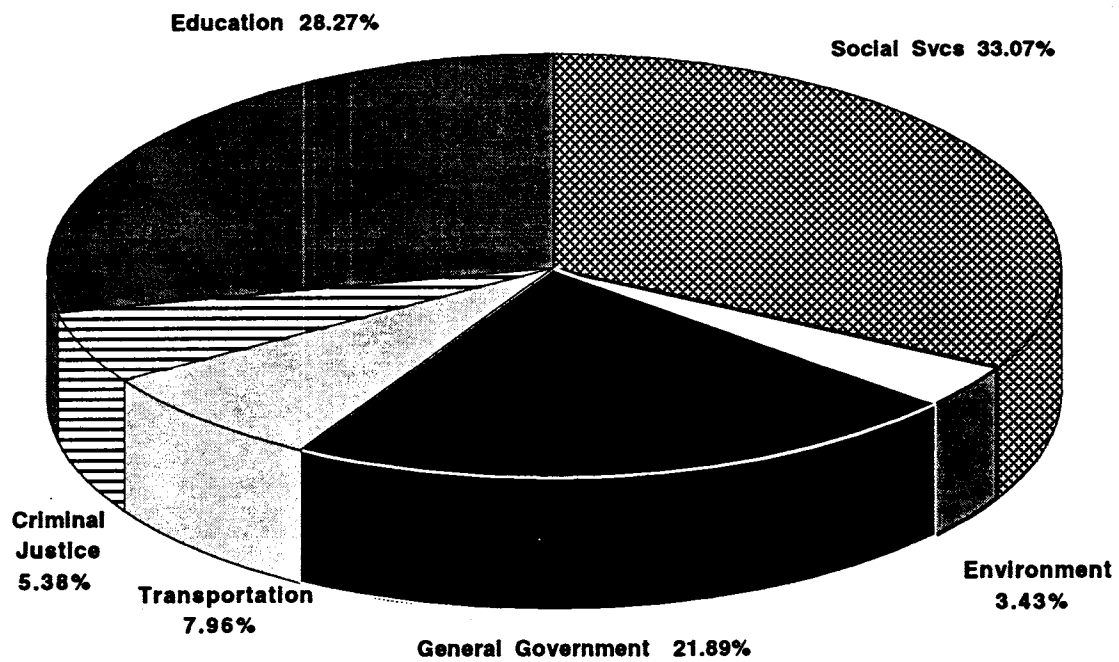
**GRAPHIC PRESENTATION OF  
1994-95 GENERAL APPROPRIATIONS ACT**

**FINAL CONFERENCE REPORT**

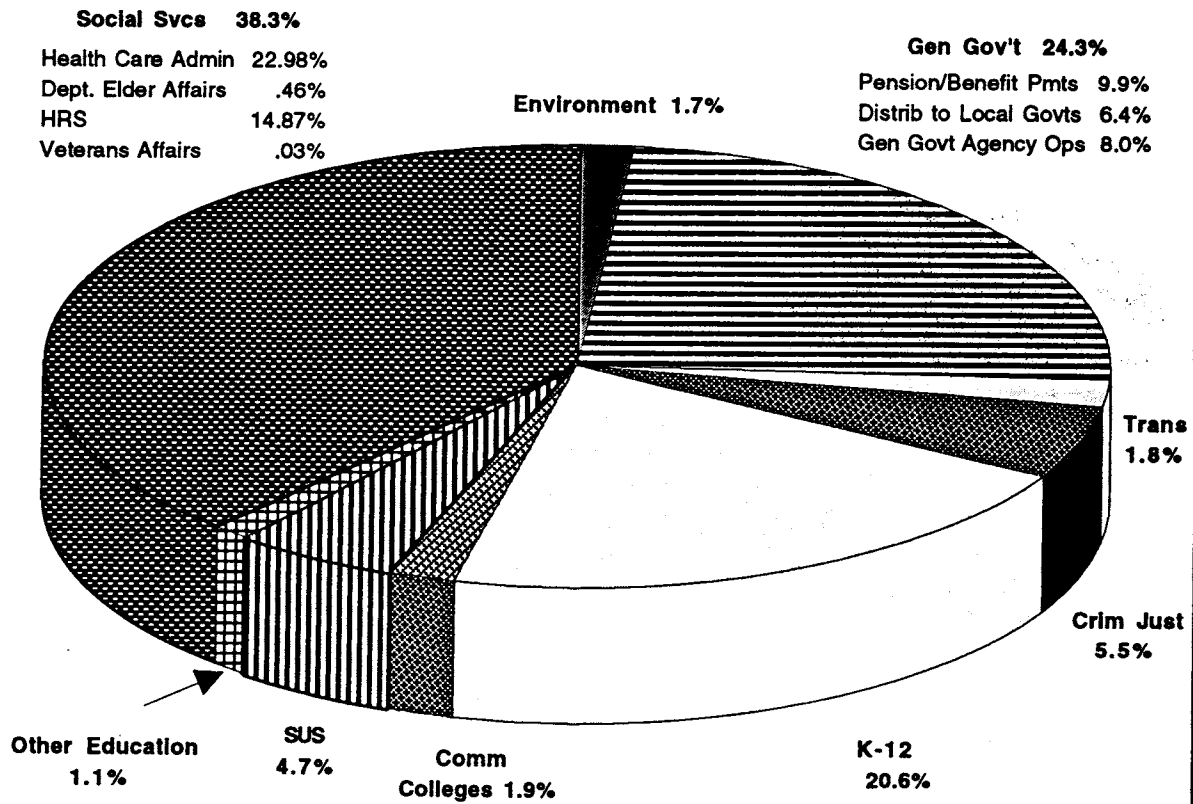
**1994-95 GENERAL APPROPRIATIONS ACT  
FUND SOURCE - ALL FUNDS  
\$38.6 BILLION**



**1994-95 GENERAL APPROPRIATIONS ACT  
DISTRIBUTION - ALL FUNDS  
\$38.6 BILLION**

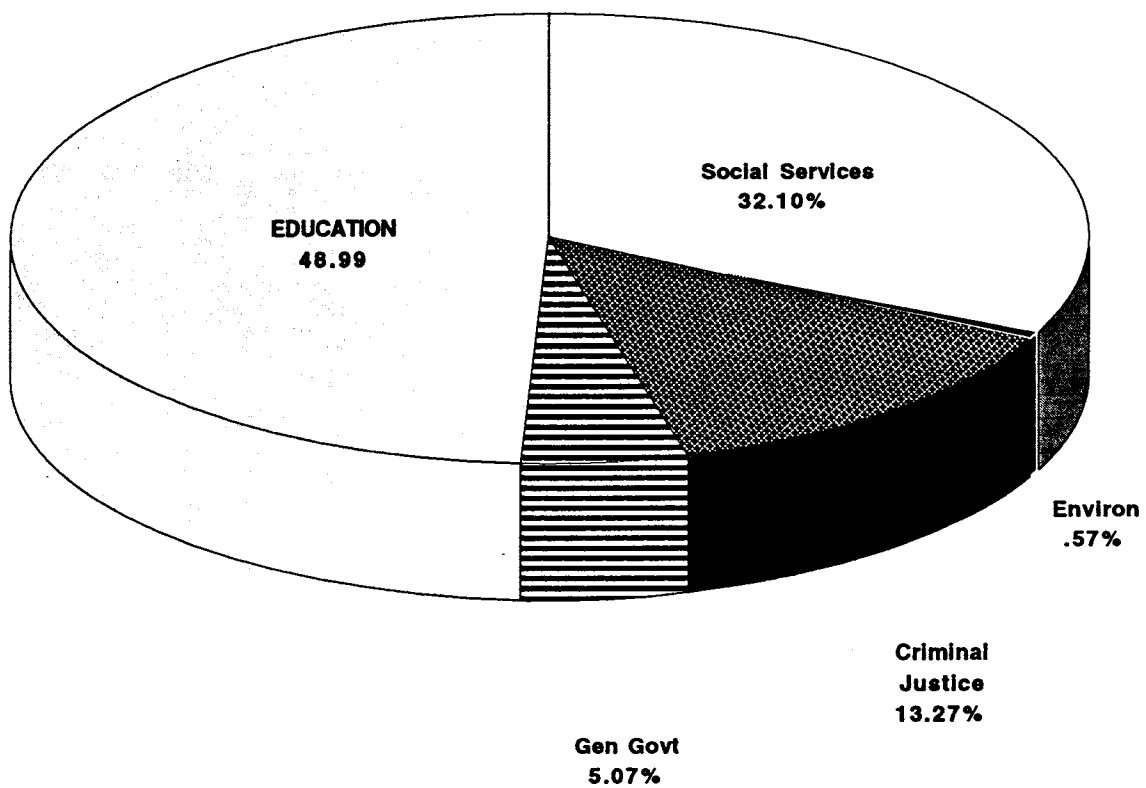


**1994-95 GENERAL APPROPRIATIONS ACT  
OPERATIONS ONLY - ALL FUNDS  
\$33.1 BILLION**

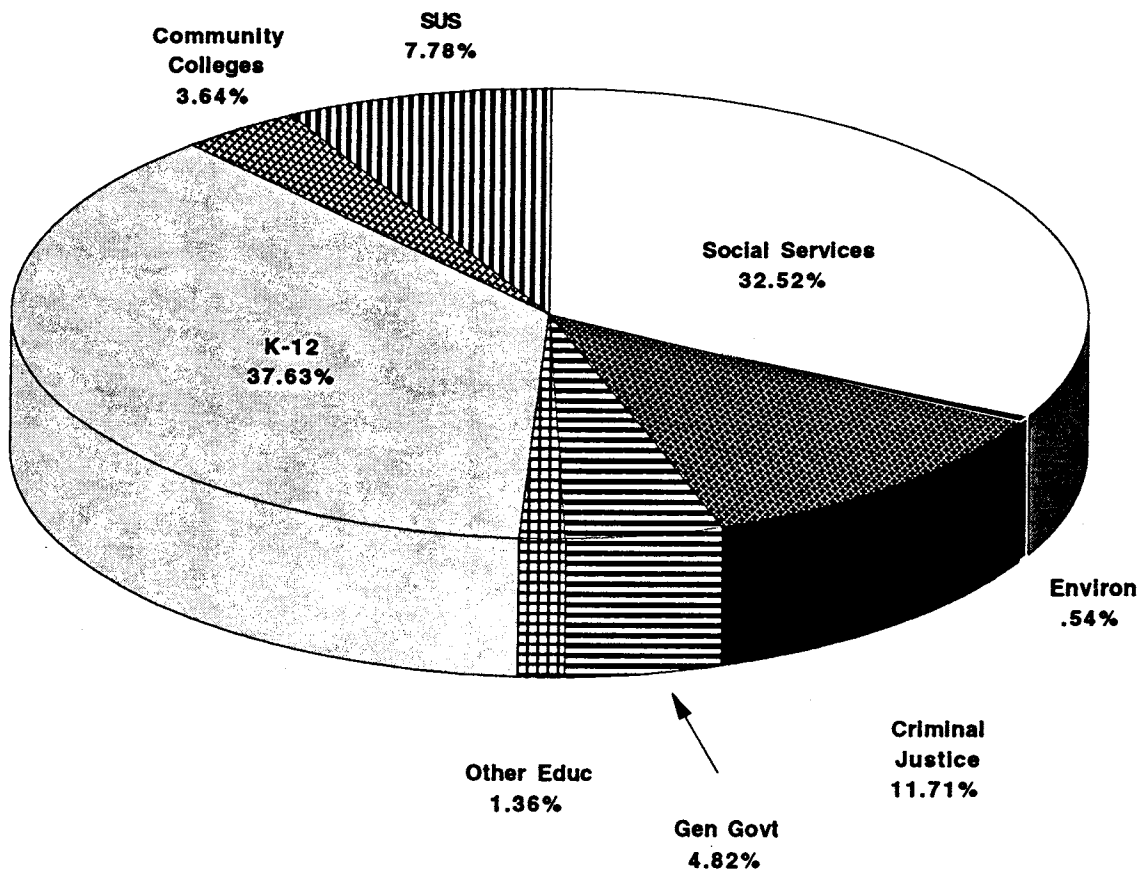




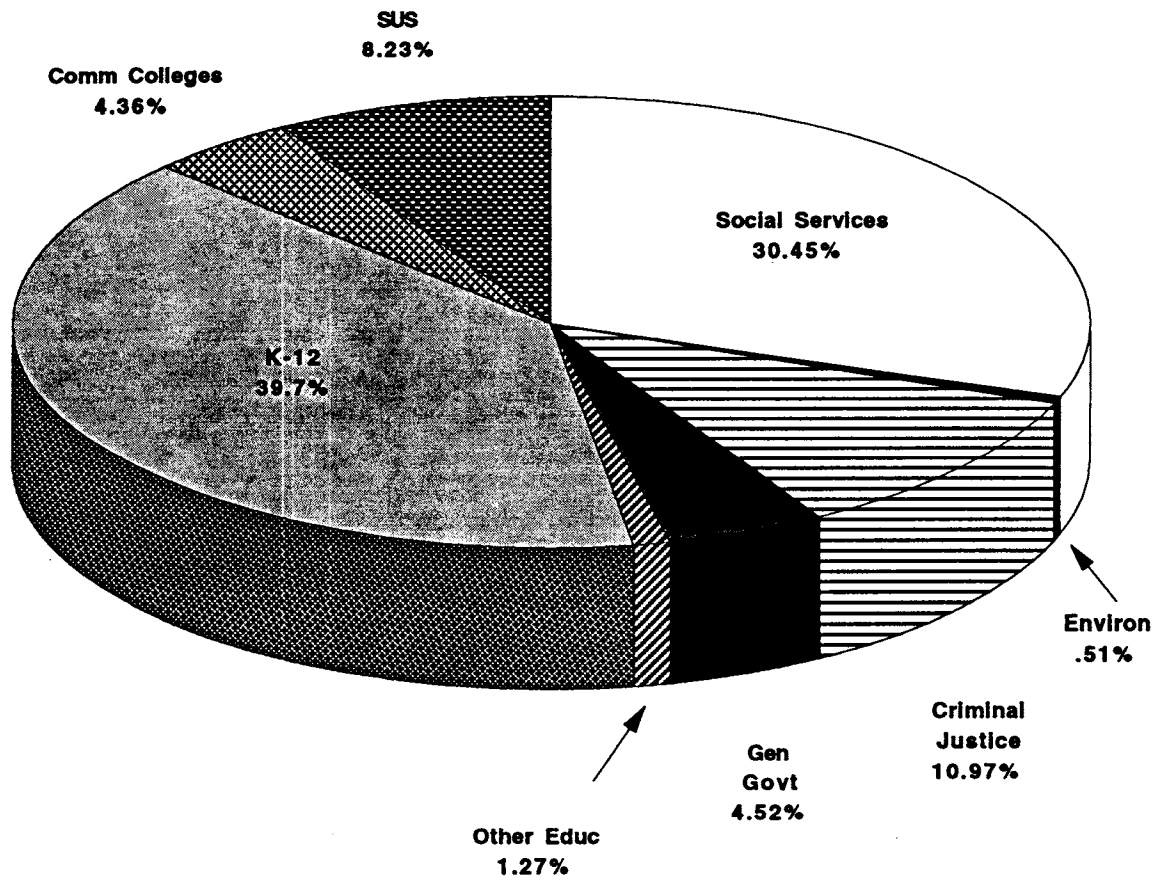
**1994-95 GENERAL APPROPRIATIONS ACT  
DISTRIBUTION - GENERAL REVENUE ONLY  
\$14.3 BILLION**



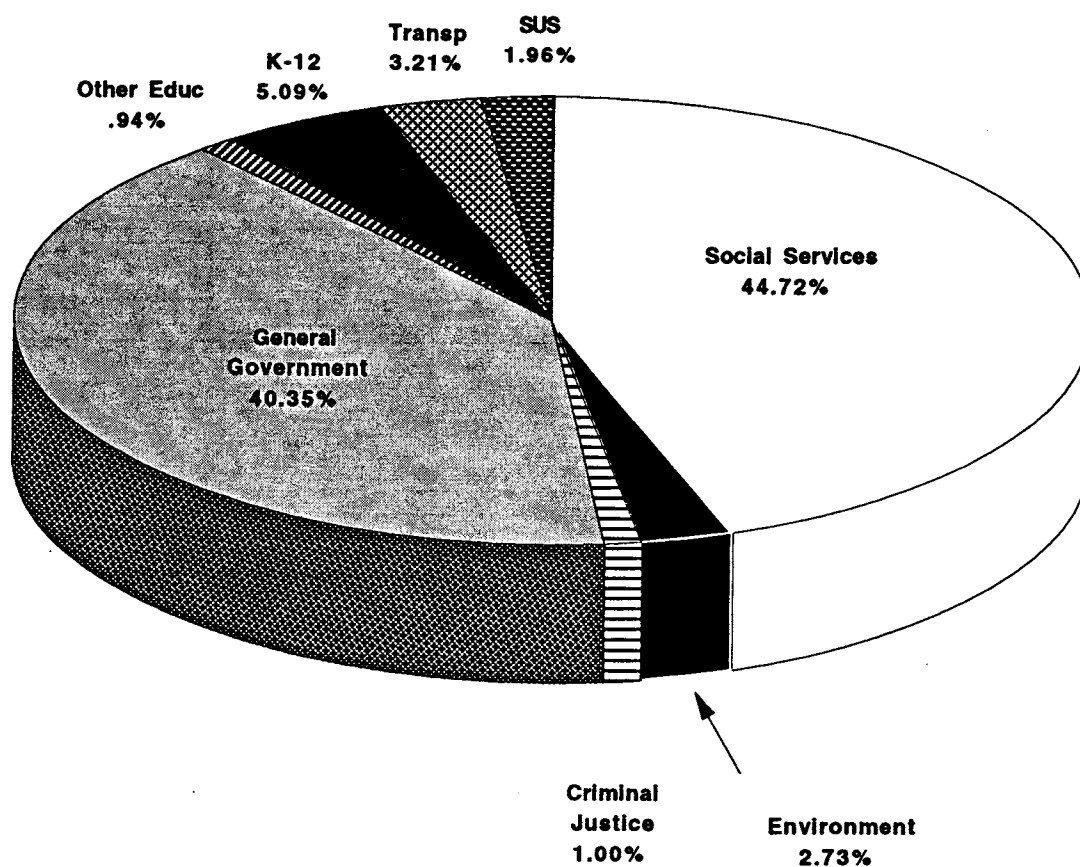
**1994-95 GENERAL APPROPRIATIONS ACT  
OPERATIONS ONLY - GENERAL REVENUE  
\$13.8 BILLION**



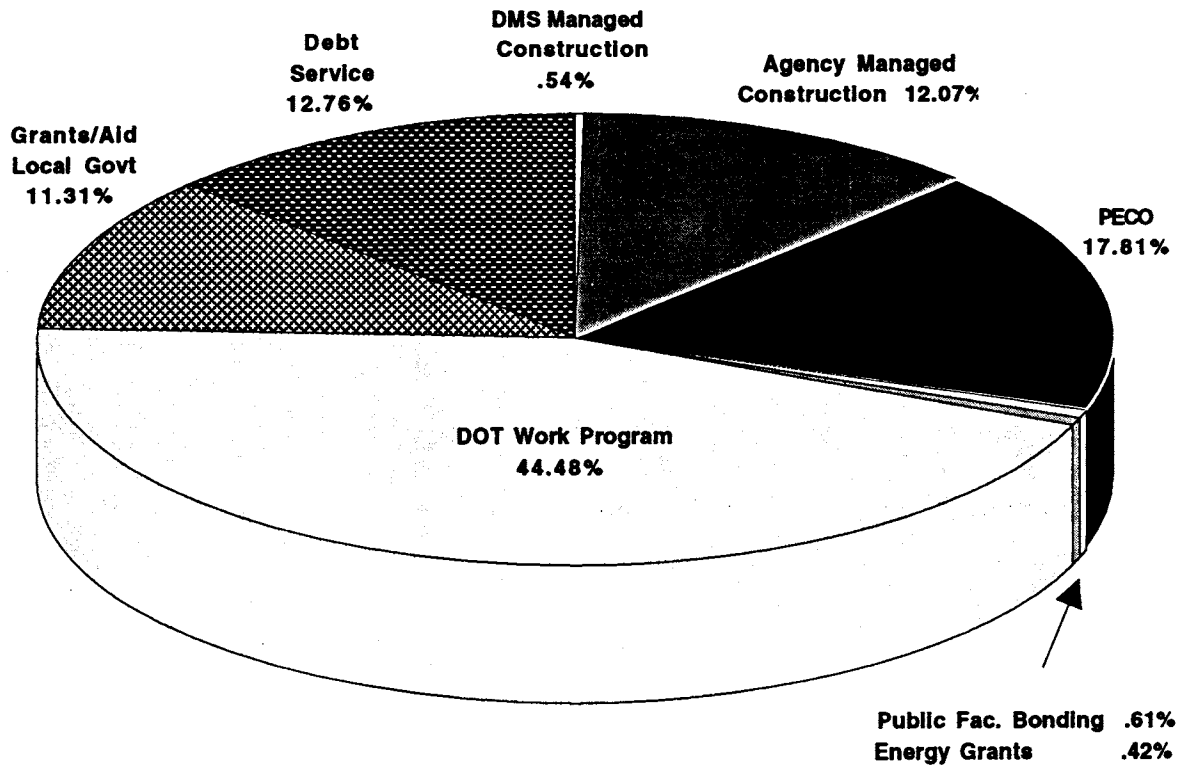
**1994-95 GENERAL APPROPRIATIONS ACT  
OPERATIONS ONLY - GR AND LOTTERY  
\$14.8 BILLION**



**1994-95 GENERAL APPROPRIATIONS ACT  
OPERATIONS ONLY - TRUST FUNDS (LOTTERY NOT INCLUDED)  
\$18.3 BILLION**



**1994-95 GENERAL APPROPRIATIONS ACT  
FIXED CAPITAL OUTLAY ONLY - ALL FUNDS  
\$5.5 BILLION**



**ESTIMATED REVENUES AND APPROPRIATIONS  
1994-95**

# **Summary of Total Effective Appropriations Fiscal Year 1994-95**

**(\$Millions)**

	<b>General Revenue</b>	<b>Lottery TF</b>	<b>PECO TF</b>	<b>Hurricane Andrew TF</b>	<b>Other Trust Funds</b>	<b>Total All Funds</b>
HB 2221 - General Appropriations Act						
Operations	8,011.3	946.4		15.8	15,193.8	24,167.3
Aid to Local Governments	5,917.5			68.4	3,580.9	9,566.8
Fixed Capital Outlay	353.0	2.4	1,433.5	0.0	3,099.8	4,888.7
<b>Total HB 2221</b>	<b>14,281.8</b>	<b>948.8</b>	<b>1,433.5</b>	<b>84.2</b>	<b>21,874.5</b>	<b>38,622.8</b>
Regular Session Special Appropriations Acts and Claims Bills	15.1				16.7	31.8
Statutorily Authorized Non-Operating Disbursements	3.0					3.0
<b>TOTAL EFFECTIVE APPROPRIATIONS</b>	<b>14,299.9</b>	<b>948.8</b>	<b>1,433.5</b>	<b>84.2</b>	<b>21,891.2</b>	<b>38,657.6</b>

## Summary of Estimated Revenues and Appropriations Fiscal Year 1994-95

<b>Estimated Revenues</b>	<b>General Revenue</b>	<b>Principal State School Trust Fund</b>	<b>Educational Enhancement (Lottery) TF</b>	<b>Budget Stabilization Fund</b>
Estimated Balance Forward from 1993-94	301.6	9.5	73.6	0.0
Estimated Revenues 1994-95	14,296.8	36.2	875.3	
Transfer to Budget Stabilization Fund	(120.6)			120.6
Measures Affecting Revenues Passed by the 1994 Legislature (Prior to Actions Taken by the Governor)	(19.5)			
<b>TOTAL ESTIMATED FUNDS AVAILABLE</b>	<b>14,458.3</b>	<b>45.7</b>	<b>948.9</b>	<b>120.6</b>
<b>EFFECTIVE APPROPRIATIONS</b>				
Appropriations Passed by 1994 Legislature (Prior to Actions Taken by the Governor)	14,299.9	45.7	948.8	0.0
<b>ESTIMATED ENDING BALANCE/RESERVES</b>	<b>158.4</b>	<b>0.0</b>	<b>0.1</b>	<b>120.6</b>



**LEGISLATIVE APPROPRIATIONS FOR 1994-95  
SUMMARY BY DEPARTMENT  
ALL FUNDS**

Department	Adj Current Yr Est Expend 1993-94 (\$Millions)	Legislative Appropriations 1994-95 (\$Millions)	Legis Approp	Legis Approp
			1994-95	1994-95
			Over/(Under) Adj Cur Est Exp 1993-94 (\$Millions)	Over/ Under Adj Cur Est Exp 1993-94 (Percent)
Administered Funds	19.5	132.2	112.7	577.9%
Agency for Health Care Admin	6,951.9	7,607.5	655.6	9.4%
Agriculture/Consumer Services	189.8	193.4	3.7	1.9%
Banking & Finance/Comptroller	69.9	66.3	(3.6)	-5.2%
Business & Professional Regulation	154.4	156.3	1.9	1.2%
Citrus	80.9	82.1	1.1	1.5%
Commerce	50.7	102.4	51.7	102.0%
Community Affairs	503.8	916.3	412.5	81.9%
Corrections	1,198.0	1,404.6	206.6	17.2%
Education	10,325.3	10,916.9	591.6	5.7%
Elder Affairs	132.0	150.8	18.8	14.2%
Environmental Protection	1,196.0	1,251.2	55.2	4.6%
Game/Freshwater Fish Commission	69.5	73.6	4.1	5.9%
Governor	21.8	22.0	0.2	0.9%
Health & Rehabilitative Services	4,705.4	5,007.0	301.7	6.4%
Highway Safety/Motor Vehicles	259.9	277.0	17.1	6.6%
Insurance	136.7	146.3	9.6	7.0%
Judicial Branch	284.0	293.3	9.3	3.3%
Labor & Employment Security	2,316.2	2,368.4	52.2	2.3%
Law Enforcement	112.1	121.0	8.9	7.9%
Legal Affairs	56.0	69.5	13.5	24.1%
Legislative Branch	142.6	149.5	7.0	4.8%
Lottery	140.1	150.5	10.4	7.4%
Management Services	1,531.6	1,737.9	206.4	13.5%
Military Affairs	13.9	12.9	(1.0)	-7.2%
Parole Commission	8.7	10.5	1.8	20.7%
Public Service Commission	24.4	25.8	1.4	5.7%
Revenue	1,733.9	1,794.8	61.0	3.5%
State Court System	171.6	179.6	8.0	4.7%
State	115.7	119.9	4.2	3.6%
Transportation	2,755.6	3,074.2	318.6	11.6%
Veterans' Affairs	8.6	8.9	0.3	3.5%
TOTAL OPERATING AND FIXED CAPITAL OUTLAY	35,480.4	38,622.6	3,142.5	8.9%

**LEGISLATIVE APPROPRIATIONS FOR 1994-95  
SUMMARY BY DEPARTMENT  
GENERAL REVENUE FUND ONLY**

Department	Adj Current Yr Est Expend 1993-94 (\$Millions)	Legislative Appropriations 1994-95 (\$Millions)	Legis Approp	Legis Approp
			1994-95 Over/(Under) Adj Cur Est Exp 1993-94 (\$Millions)	1994-95 Over/ Under Adj Cur Est Exp 1993-94 (Percent)
Administered Funds	10.5	84.8	74.3	707.6%
Agency for Health Care Admin	2,213.6	2,354.9	141.3	6.4%
Agriculture/Consumer Services	91.4	94.5	3.1	3.4%
Banking & Finance/Comptroller	39.9	34.0	(5.9)	-14.8%
Business & Professional Regulation	0.1	0.1		0.0%
Commerce	16.0	23.4	5.4	30.0%
Community Affairs	14.0	16.2	2.2	15.7%
Corrections	1,123.2	1,352.2	229.0	20.4%
Education	6,561.8	6,996.2	434.4	6.6%
Elder Affairs	55.2	61.8	6.6	12.0%
Environmental Protection	85.6	62.1	(23.5)	-27.5%
Game/Freshwater Fish Commission	18.7	20.0	1.2	7.0%
Governor	12.7	13.4	0.7	5.5%
Health & Rehabilitative Services	2,052.6	2,161.0	108.4	5.3%
Highway Safety/Motor Vehicles	94.6	94.7	0.1	0.1%
Insurance	1.5		(1.5)	-100.0%
Judicial Branch	262.9	270.6	7.7	2.9%
Labor & Employment Security	25.3	27.7	2.4	9.5%
Law Enforcement	64.6	70.2	5.5	8.7%
Legal Affairs	21.3	23.6	2.3	10.6%
Legislative Branch	135.5	141.7	6.2	4.6%
Management Services	33.0	33.0		0.0%
Military Affairs	8.6	8.0	(0.6)	-7.0%
Parole Commission	8.7	10.6	1.8	20.7%
Revenue	82.0	83.7	1.8	2.1%
State Court System	163.2	167.9	4.6	2.9%
State	63.5	69.2	5.7	9.0%
Veterans' Affairs	6.4	6.5	0.2	1.6%
<b>TOTAL OPERATING AND FIXED CAPITAL OUTLAY</b>	<b>13,266.4</b>	<b>14,281.9</b>	<b>1,013.4</b>	<b>7.6%</b>

**1994-95  
SUMMARY OF MAJOR FUNDING ISSUES  
BY SUBCOMMITTEE**

**Appropriations General Government Subcommittee  
Summary  
1994-95**

	Gen Rev (Millions)	Total Funds (Millions)
<b>Subcommittee Total</b>	<b>\$721.6</b>	<b>\$12,720.9</b>
<b>LESS: Non-Recurring</b>	<b>\$78.8</b>	<b>\$3,717.4</b>
<b>Total Recurring Funds</b>	<b>\$642.8</b>	<b>\$9,003.5</b>
<b>LESS: 1993-94 Recurring Expenditures</b>	<b>\$613.7</b>	<b>\$8,010.4</b>
<b>1994-95 Increase Over 1993-94 Recurring Expenditures</b>	<b>\$29.1</b>	<b>\$993.1</b>
<b>1994-95 Percentage Increase Over 1993-94 Recurring Expenditures</b>	<b>4.7%</b>	<b>12.4%</b>

**Major Funding Issues**

1. Enterprise Florida	9.8
2. Increased Vocational Rehabilitation Federal Grant Award	1.5
3. Department of Revenue Integrated Tax System	2.1
4. Division of Forestry Equipment Replacement	2.9
5. Dept. of Citrus Advertising Increase Promotional Campaign	1.3
6. International Trade Grants & Educational Linkages	1.5
7. Enhancements in the State Automated Management Accounting System (SAMAS)	1.9
8. Game and Fresh Water Fish Commission Vehicle and Equipment Replacement	2.5
9. Regional Planning Councils	2.5
10. State Aid to Libraries and Library Cooperatives	4.6
11. Transfer Excessive Administrative Lottery Funds to DOE	20.0
12. Law Enforcement Enhancement - Highway Patrol (48) Troopers	1.3
DOT TR	2.0
Total	3.3
13. Forestry Work Camps (30 positions)	2.5
14. Venture Capital for Minority Business	2.0

**Fixed Capital Outlay**

**Department of Commerce**

1. Economic Development Transportation Projects	10.0
2. Defense Reinvestment	3.0
3. Performance Based Incentive Program	31.6
4. Base Realignment and Closure	1.3
5. Hemispheric Summit (Miami)	2.0

**Department of Environmental Protection**

1. Sewage Treatment Construction Revolving Loan Program	109.0
2. Beach Management Activities	3.3

**Department of Labor and Employment Security**

1. Co-location of Jobs Services, Workers' Comp., Unemployment Comp and Vocational Rehabilitation at six sites statewide	9.4
-------------------------------------------------------------------------------------------------------------------------	-----

**Department of Management Services**

1. Construction of state office buildings Debt Service	1.8
-----------------------------------------------------------	-----

**Department of State**

1. Library Construction Grants	2.1
2. Acquisition and Restoration of Historic Properties	11.1
3. Cultural Facilities Program	7.8
4. Ringling Museum Emergency Repairs and Code Correction	1.5

**Appropriations Education Subcommittee  
Summary  
1994-95**

	Gen Rev (Millions)	Total Funds (Millions)
<b>Subcommittee Total</b>	<b>\$6,996.3</b>	<b>\$10,916.9</b>
<b>LESS: Non-Recurring</b>	<b>\$15.6</b>	<b>\$1,627.6</b>
<b>Total Recurring Funds</b>	<b>\$6,980.7</b>	<b>\$9,289.3</b>
<b>LESS: 1993-94 Recurring Expenditures</b>	<b>\$6,508.8</b>	<b>\$8,770.5</b>
<b>1994-95 Increase Over 1993-94 Recurring Expenditures</b>	<b>\$471.9</b>	<b>\$518.8</b>
<b>1994-95 Percentage Increase Over 1993-94 Recurring Expenditures</b>	<b>7.30%</b>	<b>5.90%</b>

**Division of Public Schools**

1.	FEFP (GR)	294.0
	State School Trust Fund	9.0
	District Discretionary Lottery Funds (Lottery)	18.5
	Required Local Effort	169.8
	Enrollment: 69,146 FTE increase; allows summer school 55% above state average	
	Hold harmless: 2.55% increase per weighted FTE student	
	Safe schools: \$60.4 million for middle school after-school programs, school resource officers and alternative sites for disruptive students	
	Discretionary millage: 0.51 mills + additional millage, not to exceed 0.25 mills, to raise a maximum \$50 per FTE student	
	Discretionary equalization: state funds will provide the difference between the amount generated by a 0.25 mill levy and an amount equal to \$50 multiplied by a district's FTE student enrollment	
	Total state/local funds increase: \$711.8 million	
	Total state/local funds increase per weighted FTE: \$133.45 (4.2%)	
2.	Instructional Materials	6.0
3.	Student Transportation	7.5
4.	Pre-school Projects (Lottery)	25.6
5.	Full Service Schools	8.3
6.	Performance Based Incentive Funds (Lottery)	2.0
7.	Parent Involvement in Education	5.0
8.	Instructional Technology	7.6

**Division of Community Colleges**

1.	Community College Program Fund	25.1
	5.3% Increase	
	Includes funds for new facilities cost, enrollment workload and equity	
	No tuition increase	
2.	Endowment Matching Program	5.5
3.	Library Resources	5.4

**Division of Universities**

1.	Enrollment growth (E&G 3,705 FTE Students; IFAS 404; UF Health Center 90)	34.2
2.	Teaching and Departmental Incentive Program	5.0
3.	Eminent Scholars/Major Gifts/Facilities Challenge Grant Programs	11.8
4.	Equity Funding Adjustment	5.3
5.	Tenth University	3.3
6.	Comprehensive University Plan	3.6
7.	Distance Learning Program/System	4.0
8.	Increased funding for library resources and automation	9.0
9.	Increased funding for selected research activities and institutes and research centers	5.5
10.	Operating cost of new facilities	4.9
11.	Minority scholarships	1.8
	Tuition maintained at current level	

**Student Financial Aid**

1.	Public Student Assistance Grants	5.5
2.	Undergraduate Scholars' Program	2.6
3.	Vocational Gold Seal Scholarships	1.6
4.	Tuition Vouchers	1.3

**Appropriations Social Services Subcommittee  
Summary  
1994-95**

	Gen Rev (Millions)	Total Funds (Millions)
<b>Subcommittee Total</b>	<b>\$4,584.2</b>	<b>\$12,774.2</b>
<b>LESS: Non-Recurring</b>	<b>\$80.1</b>	<b>\$128.0</b>
<b>Total Recurring Funds</b>	<b>\$4,504.1</b>	<b>\$12,646.2</b>
<b>LESS: 1993-94 Recurring Expenditures</b>	<b>\$4,264.1</b>	<b>\$11,607.9</b>
<b>1994-95 Increase Over 1993-94 Recurring Expenditures</b>	<b>\$240.0</b>	<b>\$1,038.3</b>
<b>1994-95 Percentage Increase Over 1993-94 Recurring Expenditures</b>	<b>5.6%</b>	<b>8.9%</b>

**Major Funding Issues**

1. Services for Elders	
a. Community Care for the Elderly & Alheimers Programs	3.8
b. Expanded the Medicaid Home & Community Based Waiver Svcs	3.4
c. New Medicaid Waiver for Severly Impaired ACLF Residents	2.3
d. Establish a Third Nursing Home Geographic Region for Reimbursement Adjustments	2.6
2. HRS Services for Families	
a. Adoption Maintenance Subsidies	12.7
b. Children's Foster Care, Emergency Shelter & Group Care Wkld	1.2
c. Day Care	18.3
d. FLORIDA System Enhancements & Other Automated Info Systems	22.2
e. Child Welfare Services	7.6
f. Food Stamp Error Rate Reinvestment Program	5.6
g. Child Support Enforcement Enhancements	6.3
h. Domestic Violence Shelters	1.8
3. HRS Lawsuits (Children's Therapeutic Svcs & Sanbourne SFSH)	10.5
4. Juvenile Justice (Also See Fixed Capital for Additional Funds)	71.4
5. Mental Health and Drug Abuse	
a. Purchased Residential Treatment Svcs (PRTS) for Children	5.0
b. Increased Funding for Workload	4.9
c. Forensic Mental Health	1.7
6. Health Services	
a. Healthy Start ( Midwifery, Family Planning, Developmental Evaluation, & Intervention, and School Health Services)	12.8
b. Increased Funding for AIDS	3.0
c. TB Community Program Funds	3.0
d. Children's Managed Health Care, Medical Foster Care, & Expand Primary Care	2.7
e. Healthy Kids Corporation	4.0
f. Area Health Education Program	1.8
7. Medicaid Services	
a. Workload and Price Level Increases	767.2
b. Expand Medicaid to Physician Assistant Coverage	1.9
c. Bone Marrow Transplant Medicaid Coverage	11.0
d. Eliminate Prior Authorization Requirement for Prescribed Drugs	27.3
8. Community Provider Rate Increases	5.3
9. HRS Lease Deficits Funded & Replacement of Motor Vehicles	18.9
10. Expand Medicaid Waiver for Developmentally Disabled Svc. Wkld	6.8

**Fixed Capital Outlay**

Juvenile Justice Facilities	53.7
County Public Health Units	13.1
HRS Centrally Managed Facilities	10.1
Mental Health & Drug Abuse Centers	6.9

**Appropriations Criminal Justice Subcommittee  
Summary  
1994-95**

	Gen Rev (Millions)	Total Funds (Millions)
<b>Subcommittee Total</b>	<b>\$1,894.9</b>	<b>\$2,078.5</b>
<b>LESS: Non-Recurring</b>	<b>\$285.7</b>	<b>\$292.0</b>
<b>Total Recurring Funds</b>	<b>\$2,180.6</b>	<b>\$1,786.5</b>
<b>LESS: 1993-94 Recurring Expenditures</b>	<b>\$1,510.5</b>	<b>\$1,639.5</b>
<b>1994-95 Increase Over 1993-94 Recurring Expenditures</b>	<b>\$3,691.1</b>	<b>\$147.0</b>
<b>1994-95 Percentage Increase Over 1993-94 Recurring Expenditures</b>	<b>169.27%</b>	<b>9.00%</b>

**Major Funding Issues**

1. Annualization of Department of Corrections Prison Facilities and Alternative Beds Programs	\$29.8
2. Scheduled Phase-In of Department of Corrections Prison Facilities	\$21.8
3. State Attorney and Public Defender Workload	\$6.7
4. Judicial Certification (Additional 14 Judgeships)	\$1.0
5. Operation of New Prison Facilities which will open in FY 94-95	\$19.9
6. Department of Corrections Additional Secure and Non-Secure Drug Treatment Beds (202 Alternative Beds) (Total Funds \$3.3)	\$1.7
7. Department of Corrections Probation and Parole Workload	\$3.0
8. Fund Shift for Expiring Federal Grant:	
Dept. of Corrections Probation Drug Treatment Services	\$2.0
Statewide Prosecutor Drug Prosecutions	\$0.3
Dept. of Law Enforcement Money Laundering Investigations	\$0.2
9. Parole Commission Workload	\$1.2
10. Department of Legal Affairs Workload	\$0.7
11. Productivity Plan for Crime Laboratory Personnel - FDLE	\$0.5
12. Violent Crime Emergency Fund	\$0.5

**Subcommittee Reductions:**

(\$7.8)

Department of Corrections Prior Year Reversions (\$2.9m)  
Decrease in Prison Admissions and Releases (\$1.7m)  
Fund Shift prison legal services to Inmate Welfare funds (\$.2m)  
Reduce Jury Management Program due to savings (\$1.1m)  
Department of Law Enforcement fund shift data processing services (\$.3m)  
Justice Data Center Efficiency (\$1.5)

**Fixed Capital Outlay**

1. Department of Corrections Additional Prison Capacity (17,033 Beds)	\$263.9
2. Department of Corrections	
Major Repairs/Renovations to Existing Facilities	\$1.0
Correct Environmental Deficiencies	\$1.0
Enhance Perimeter Security at Existing Facilities	\$2.0
3. State Courts System - Land Acquisition for 5th DCA expansion	\$0.6
4. State Courts System Capital Improvements to Existing Facilities	\$0.2
5. Other Nonrecurring Expenditures:	
Lease County Jail Beds (327 Alternative Beds)(Total Funds \$4.6m)	\$1.4
Bradenton Drug Treatment Program (80 Alternative Beds)	\$0.6
Complete computer assisted reception process at reception centers	\$0.5
CESA Additional Education Computer Labs	\$1.0
Final payment for upgrade to Justice Data Center	\$0.9
Second payment for upgrade to Fl. Crime Information System	\$3.8
Additional Office Automation for Dept. of Legal Affairs	\$0.1
Replacement Office Automation for Parole Commission	\$0.5
Complete Office Automation System for District Courts of Appeal	\$1.4
Justice Administration Office Automation	\$0.3

**ADDITIONAL CAPACITY FOR DEPARTMENT OF CORRECTIONS  
FOR FISCAL YEAR 1994-95**

<b><u>COSTELLO BEDS</u></b>	<b># BEDS</b>	<b>AMOUNT (in millions)</b>
<b>MAJOR INSTITUTIONS:</b>		
COMBO (Supplemental to 93/94 Funding)		
Everglades	131	8.7
Taylor	149	5.3
Homestead	176	5.3
Washington	149	5.3
<b>SINGLE CELL INSTITUTIONS</b>		
Annex	1,318	32.9
Annex - Lease/Purchase to be operated by DOC	1,318	
<b>COMBO INSTITUTIONS</b>		
Hendry Annex	1,183	26.1
Hamilton Annex	1,183	26.1
Desoto Annex	1,183	26.1
Taylor Annex	1,183	26.1
<b>WORK CAMP</b>		
Walton	262	2.5
Hardee	262	2.5
Mayo	262	2.5
Lake	262	2.7
<b>ADDITIONS TO CURRENT FACILITIES</b>		
Homestead - Mental Health Unit	200	5.3
Lake - Mental Health Unit	90	5.8
<i>Single Cell Units:</i>		
Calhoun	176	3.5
Holmes	176	3.5
Liberty	176	3.5
Walton	176	3.5
Century	176	3.5
Jackson	176	3.5
Gulf	176	3.5
Mayo	176	3.5
Columbia	176	3.5
Hamilton	176	3.5
Madison	176	3.5
Sumter	176	3.5
Lake	176	3.5
Central Fl. Reception Ctr.	176	3.5
Martin	176	3.5
No. Fl. Reception Ctr.	176	3.5
Everglades (4)	704	14.0
<i>Renovations:</i>		
Desoto - 5 Dorms	182	0.4
Sumter - 4 Dorms	128	1.0
Brevard - Conversion of PRIDE Bldg.	24	0.2
<b>Subtotal DOC operated facilities</b>	<b>13,165</b>	<b>\$254.8</b>
<b>PRIVATIZED FACILITIES:</b>		
Authorized Special Session B	1,500	
Additional Authorization - Adult Close/ Medium	1,318	0.1
Additional Authorization - Youthful Offender	1,050	0.1
<b>Subtotal Privately Operated facilities</b>	<b>3,868</b>	<b>\$0.2</b>
<b>PLANNING FUNDS</b>		3.4
<b>LAND ACQUISITION</b>		2.5
<b>ADDITIONS/RENOVATIONS TO MEDICAL FACILITIES</b>		3.0
<b>Total Costello Beds</b>	<b>17,033</b>	<b>\$263.9</b>
<b><u>ALTERNATIVE BEDS</u></b>		
Contract Jail Beds (1)	327	4.6
Non-Secure Drug Treatment Beds	94	1.2
Secure Drug Treatment Beds	108	2.1
Bradenton Drug Treatment Program	80	0.6
<b>Subtotal Alternative Beds</b>	<b>609</b>	<b>\$8.5</b>
<b>TOTAL COSTELLO AND ALTERNATIVE BEDS</b>	<b>17,642</b>	<b>\$272.4</b>

*Note: Sites listed are anticipated; no specific designation in proviso*

*(1) Unobligated funding from current fiscal year of \$3.2m continued in Implementing Bill*





## BUSINESS AND PROFESSIONAL REGULATION\*

### *Regulation of Nonmedical Professions*

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 2076 (CHAPTER 94-119) contains the legislative package relating to nonmedical professions for the Department of Business and Professional Regulation (DBPR). The affected professions are auctioneering, talent agencies, employee leasing companies, engineering, land surveying, accountancy, veterinary medicine, real estate sales, real estate appraisal, cosmetology, massage therapy, architecture and interior design, landscape architecture, contracting and hearing aid specialists. Also included are changes to Chapter 455, F.S., relating to general provisions affecting all persons and entities regulated by the Department. One such provision (Section 455.2171, F.S.) authorizes the Department to use professional testing services to administer computerized examinations.

The act contains many provisions allowing for more efficient regulation and making regulation more cost effective and consumer friendly. In order to conform with newly created inactive status provisions in Chapter 455, F.S., provisions related to various professions for biennial license renewal; automatic license expiration; automatic reverter to inactive status; and various fees, including those related to reactivating an inactive license, are deleted. Sections 455.271, 455.273 and 455.275, F.S., are created to provide standard inactive license procedures for all professionals regulated under the Department with the exception of harbor pilots and the real estate industry. Several provisions are designed to combat unlicensed activity and lead to more effective prosecution (Sections 455.217, 455.2235, 455.227 and 455.228, F.S.).

In addition, the enactment includes provisions relating to: electric and alarm system contracting, registration of athletic trainers, the hearing impaired, real estate brokers and salespersons, architecture and interior design, and harbor piloting.

This act also includes a provision (Section 477.0132, F.S.) that requires persons whose practice is confined to hair braiding to register and attend a 2-day, 16-hour course on HIV/AIDS and other communicable diseases, diseases of the scalp, sterilization/sanitation methods and studies regarding laws affecting cosmetology.

### *Departmental Organization*

COMMITTEE SUBSTITUTE FOR SENATE BILL 2654 (CHAPTER 94-218) amends various sections of law relating to the organization of the Department of Business and Professional Regulation (DBPR) and the regulation of professions and business entities by the Department. The act includes changes to Chapter 120, F.S., (Administrative Procedure Act); Chapter 215, F.S., (Financial Matters--General Provisions); and Chapter 455, F.S., (Regulation of Professions and Occupations--General Provisions). All of the above relate to the general powers and duties of the Department as a regulatory agency.

This law revises the Sunrise Act (Section 11.62, F.S.) concerning legislative review of proposed regulation of unregulated functions, to clarify that proponents of legislation proposing to regulate currently unregulated professions or occupations must supply specified information to the state agency that

---

\*Based on House Business and Professional Regulation Committee's after session report

is proposed to have jurisdiction over the regulation.

As a supplement to the initial reorganization plan required by Section 10 of Chapter 93-220, Laws of Florida, this enactment requires the DBPR to conduct a study and prepare a report, with recommendations, concerning what programs and resources of the Department could be enhanced by relocating those functions in Orlando in proximity to the regional service center and the Division of Real Estate. The report, which is to be made to the presiding officers of the Legislature, is due no later than December 1, 1994.

Subsection 399.035(2), F.S., is revised to require buildings more than three stories high rather than three or more stories high to be constructed to contain at least one operational passenger elevator that will accommodate an ambulance stretcher 76 inches long and 24 inches wide in the horizontal position.

#### ***Real Estate Industry***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1789 (CHAPTER 94-337) adds Paragraphs 475.01(1)(i) through (n), F.S., to provide definitions for terms applicable to the regulation of real estate brokers, salespersons and schools (fiduciary, disclosed dual agent, transaction broker, single agent, buyer and seller); adds Subsection 475.011(11), F.S., to exempt persons who rent, or advertise for rent, for transient occupancy, public lodging establishments licensed under Chapter 509, F.S.; amends Paragraph 475.25(1)(q), F.S., to require certain notice and consent in relation to a sale, exchange, purchase or lease of real property or any interest in real property. Failure to provide notice and consent is included as grounds for disciplinary action. In addition, the legislation specifies that payment or promise of payment of compensation to a licensee does not necessitate whether an agency or transaction brokerage relationship has been created between a licensee

and another party. These provisions take effect on October 1, 1994.

#### ***Hearing Impaired Protection***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1585 (CHAPTER 94-160) contains a number of provisions regarding the hearing impaired and the distribution of hearing aids. The major feature of the act is new Section 468.1246, F.S., which provides a 30-day trial period and moneyback guarantee for a consumer purchasing a hearing aid. This measure also provides for the notification by an audiologist and hearing aid specialist concerning telecoil (T-Coil) technology (Paragraph 468.1135(4)(b), F.S.), and the benefits of conducting a hearing test in a certified testing room (Subsection 468.1225(6), F.S.).

#### ***Impaired Harbor Pilot Practitioners***

HOUSE BILL 2483 (CHAPTER 94-349) amends Section 310.102, F.S., to provide that if a harbor pilot voluntarily drops out of practice while seeking treatment for a substance abuse problem, and if no disciplinary charge is filed or pending, the fact that treatment is sought will not become public record. However, this exemption is subject to open government sunset review.

#### ***Dentists and Dental Hygienists***

COMMITTEE SUBSTITUTE FOR SENATE BILL 1482 (CHAPTER 94-105) revises Subsections 466.007(2) and (3), F.S., to allow graduates of both accredited dental colleges or schools and foreign-trained dentists to take the national dental hygiene or dental examination and the state dental hygiene examination to obtain a license to practice dental hygiene in Florida. Requirements for additional dental hygiene course work prior to taking the examination are deleted. Graduates must take one or more courses meeting the requirements of

law for instructing health care providers on the human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS).

Section 466.0282, F.S., is created to establish requirements for dentist specialists.

Paragraph 466.028(1)(jj), F.S., is added, to make advertising specialty services in violation of Chapter 466, F.S., a ground for disciplinary action by the Board of Dentistry.

### ***Board Minority Membering***

COMMITTEE SUBSTITUTE FOR SENATE BILL 340 (CHAPTER 94-213) provides policy regarding the membership of statutorily created decisionmaking or regulatory boards, commissions, councils and committees to ensure proportionate minority representation. Minority person is defined to include an African-American, a Hispanic American, an Asian American, a Native American or an American Woman. This act takes effect January 1, 1995.

### ***Opticianry Establishments***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 677 (CHAPTER 94-192) modifies Section 484.007, F.S., to require the permitting of optical establishments by the Board of Opticianry within the Department of Business and Professional Regulation (DBPR). Persons seeking permits must submit a completed application form and a nonrefundable application fee in an amount not to exceed \$500. Owners and/or partners of the establishment must be identified by name and address. Permits issued to optical establishments are not transferrable by any means.

Pursuant to new Subsection 484.018(3), F.S., physicians licensed under Chapter 458, F.S., osteopathic physicians licensed under Chapter 459, F.S., or optometrists licensed under Chapter 463, F.S., are not required to obtain a permit under this part for operation of an optical establishment. This act takes effect on October 1, 1994.

### ***Dentistry Definitions***

SENATE BILL 1468 (CHAPTER 94-104) adds Subsection 466.003(13), F.S., to provide a definition for "oral and maxillofacial surgery" within Chapter 466, F.S., the Dental Practice Act. The definition, however, does not apply to physicians or surgeons performing surgical procedures involving the oral cavity according to Subsection 466.002(1), F.S.

### ***Public Accountancy Specialty***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1635 (CHAPTER 94-151) creates Section 473.3145, F.S., to provide for the use of five different specialty designations by Florida Certified Public Accountants (CPAs). The five specialty designations for which the State Board of Accountancy is authorized to issue certificates stating "Board Certified in ...(specialty)..." are: Taxation, Business and Financial Services, Management Advisory Services, Financial Planning and Managerial Accounting. These specialty designations are voluntary and would not prevent any CPA from practicing within any lawful area, whether or not they have certification in that specialty. The act prohibits a CPA from holding oneself out as a "board certified" specialist without being certified by the Board in that particular area. After July 1, 1997, the Board is authorized to create additional specialty designations by a two-thirds vote. An examination is required to receive the initial certificate. A nine-member "Specialization Advisory Committee," appointed by the Board, is created to assist the Board in carrying out its duties under this new program. This act takes effect October 1, 1994.

### ***Chiropractic Licensure***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1025 (CHAPTER 94-173) creates Section 460.4061, F.S., which allows

a chiropractor who holds a degree from an accredited chiropractic college, who has been licensed as a chiropractor in another state since 1979 and who has actively practiced for the previous 5 years to apply for a restricted license to practice in Florida without having to take the examination required for initial applicants. The applicant must meet all other requirements of Chapter 460, F.S. Upon completion of a 2-year period with a restricted license, the chiropractor would receive a permanent chiropractic license if no disciplinary action is pending. Technical changes are made to Section 460.406, F.S., to clarify that prior to taking the chiropractic examination in Florida (not entering chiropractic college), the applicant must have received a bachelor's degree from an accredited college or university. Finally, any chiropractic license that became null and void pursuant to Section 460.407, F.S., may be reinstated within 60 days after the effective date of this act, upon payment of a \$500 reinstatement fee and compliance with applicable continuing education requirements.

#### ***Sport Professionals and Medicine***

COMMITTEE SUBSTITUTE FOR SENATE BILL 612 (CHAPTER 94-96) creates Section 455.2185, F.S., which exempts from Florida licensure requirements out-of-state and foreign professionals who are employed or designated in their professional capacity by a sports entity visiting the state for a specific sporting event.

Section 458.326, F.S., is created to authorize the prescription or administration of certain controlled substances by a physician in the treatment of intractable pain under certain conditions and circumstances. Section 464.027, F.S., is created to provide for recognition of registered nurses who meet certain criteria as "registered nurse first assistants." Definitions, duties, legislative intent and reimbursement for services under certain conditions are provided for registered nurse first assistants.

#### ***Construction Fraud***

COMMITTEE SUBSTITUTE FOR SENATE BILL 70 (CHAPTER 94-110) creates Section 252.361, F.S., to facilitate, under certain circumstances, the ability to criminally prosecute contractors who have failed to begin or complete a construction project after having received the funds pursuant to an emergency order or proclamation.

#### ***Private Security Industry***

HOUSE BILL 711 (CHAPTER 94-172) makes numerous technical and clarifying changes to statute regulating the private investigative, private security and repossession services. The act amends Subsection 493.6115(8), F.S., to delete the current training requirements for those who obtain a statewide firearms license and establish the minimum requirement at 28 hours.

Subsection 493.6303(4), F.S., is revised to establish the minimum training requirements for security officers at either 40 hours of training before initial application for a class "D" license or completion of 24 hours of training before initial application for, and 16 hours of training upon the first application for renewal of, a class "D" license. Persons licensed prior to October 1, 1994, are exempt from the additional training requirement as a prerequisite to license renewal.

Subsection 493.6403(2), F.S., is modified to delete the current incremental training requirement for recovery agent interns and to establish a minimum 40 hours training as a license application requirement. The effective date of this act is October 1, 1994.

#### ***Charitable Bingo***

HOUSE BILL 1763 (CHAPTER 94-326) revises Section 849.0931, F.S., to permit residents of recreational vehicle parks to

## 1994 SUMMARY OF GENERAL LEGISLATION

---

conduct bingo games for charity in the same manner as residents of mobile home parks.



## COMMERCE\*

### *Money Transmitters Code*

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2653 (CHAPTER 94-354) provides for the regulatory oversight by the Department of Banking and Finance of those who deal with money orders, wire transfers, currency exchanges and check cashing, including provisions for net worth requirements and check cashing fee ceilings.

Current provisions of Chapter 560, F.S., relating to the sale of money orders is replaced by the Money Transmitters Code, the general provisions of which are contained in a new Part I of the Chapter (Sections 560.101-560.128, F.S.).

Within Part I, Section 560.123, F.S., is designated as the Florida Control of Money Laundering in the Money Transmitters Act.

New Part II of the Chapter (Sections 560.200-560.213, F.S.) is the Payment Instruments and Funds Transmission Act.

Part III of the Chapter (Sections 560.301-560.310, F.S.) constitutes the Check Cashing and Foreign Currency Exchange Act.

The general provisions of the Code and component acts contain similar provisions relating to:

- 1) the purpose, application and scope of each;
- 2) definition of terms as used within each;
- 3) exemption of specific entities from the provisions of each;
- 4) application and registration requirements for each;
- 5) enforcement authority for the Department through the adoption of appropriate administrative rules for each;

- 6) immunity or limited liability for acting upon the rules, orders or declaratory judgments issued by the Department;
- 7) procedures for disciplinary action pursuant to each; and
- 8) authorization for the levying of fees and fines under each.

Paragraph 658.295(2)(j), F.S., is revised to include Texas within the definition of region for purposes of regional reciprocal banking.

COMMITTEE SUBSTITUTE FOR SENATE BILL 2380 (CHAPTER 94-238) contains identical provisions to this measure except for the amendment to Paragraph 658.295(2)(j), F.S.

### *Reciprocal Banking Act*

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1207, (CHAPTER 94-203) revises Section 658.295 to create the Florida Reciprocal Banking Act. The new provisions replace the Regional Reciprocal Act of 1984, which allowed the acquisition of a Florida bank or Florida bank holding company within a 13-state region. This act permits nationwide banking in Florida through acquisition of a Florida bank or bank holding company by any out-of-state bank or holding company upon approval of the Department of Banking and Finance.

For the purpose of determining the state in which a bank holding company's principal place of business is located, the law provides it to be the state in which the total amount of deposits of all subsidiaries was the largest on July 1, 1984, or the date the bank holding company was established. The enactment prohibits the acquisition of a Florida bank or Florida bank

\*Based on House Commerce Committee's after session report



holding company and all bank subsidiaries that have been in existence and continuously operating for less than 2 years.

Paragraph 658.73(2)(i), F.S., is revised to make an out-of-state bank holding company, rather than a regional bank holding company, subject to a \$7,500 application fee for acquisition of a Florida bank or bank holding company. The effective date of this legislation is May 1, 1995.

### ***ATM Safety Standards***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2043 (CHAPTER 94-343) creates Sections 655.960-655.965, F.S., to establish the state's first safety standards for lighting and landscaping the areas surrounding Automated Teller Machines (ATMs). It requires ATM operators to comply with these standards within 1 year of the legislation's effective date (October 1, 1994) and exempts certain ATMs from these standards which preempt local rules, regulations, codes or ordinances regarding customer safety at ATMs.

### ***Worthless Checks—Identity of Issuer***

HOUSE BILL 1637, (CHAPTER 94-207) amends Subsection 832.07(2), F.S., in order to provide an additional option to establish evidence of identity that may be used in prosecution or action against an individual presenting a worthless check, i.e., the person accepting a check for payment must record on the check the person's driver's license number or state identification number, specifying the state in which the identification was issued. The wording of an existing option is clarified. The act takes effect October 1, 1994.

### ***Consumer Finance Companies***

HOUSE BILL 2403, (CHAPTER 94-108) amends Subsection 516.031(3), F.S., to authorize consumer finance companies to charge a borrower two new fees and increase the fee when a borrower makes a payment with a bad

check. The first new fee allows a consumer finance company to charge loan applicants a maximum of \$10 to investigate their credit. The second establishes a \$25 annual charge for a line-of-credit account. In addition, the act increases the maximum allowable fee for bad checks from \$10 to \$20.

Further, this law adds Subsection 516.12(2), F.S., to authorize a consumer finance company with two offices in Florida to keep their records at an off-site location upon written request to the Department of Banking and Finance. In order to compensate the state for travel expenses incurred during the examination and investigation of records kept at an off-site location, the measure adds Subsection 516.11(2), F.S., to provide that the licensee must pay the Department usual travel expenses for such examinations and investigations.

### ***Pay- and Transfer-On-Death Accounts***

COMMITTEE SUBSTITUTE FOR SENATE BILLS 1228 AND 1910 (Chapter 94-216) creates Section 655.82, F.S., to establish pay-on-death accounts within Florida's financial institutions which provide for the distribution of funds upon an account owner's death to a named beneficiary without the beneficiary having access to the account during the lifetime of the account owner. This act creates Sections 711.50-711.512, F.S., the Transfer-on-Death Security Registration Act which allows a securities owner to establish transfer-on-death accounts permitting the transfer of such securities directly to a designated beneficiary upon the securities owners' death. The act takes effect January 1, 1995.

### ***Corporate Fictitious Name***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 441 (CHAPTER 94-87) adds Subsection 865.09(14), F.S., prohibiting the registration of a fictitious name containing the words "Corporation" or "Incorporated" or their abbreviations unless the registrants are

incorporated or have received a certificate of authority to transact business in Florida pursuant to Chapter 607, F.S., (the Florida Business Corporation Act) and Chapter 617, F.S. (the Florida Not For Profit Corporation Act).

In addition, this enactment creates Section 205.023, F.S., which requires a business to submit to a county or municipality a copy of the business' fictitious name registration or a signed statement why the business cannot comply with the registration requirements prior to receiving or transferring a business or occupational license.

#### ***Not For Profit Corporate Directors***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 443 (CHAPTER 94-165) amends the "Florida Not For Profit Corporation Act," Chapter 617, F.S., by amending Section 617.0831, F.S., to:

- 1) removing the exemption from personal liability for directors appointed by the developer to the board of directors of a homeowners' association; and
- 2) eliminating the ability to be reimbursed for court proceedings for directors appointed by the developer to the board of directors of homeowner's associations, condominium associations, cooperative associations, and time-share managing entities.

The measure further provides for application of the "Florida Business Corporation Act," Chapter 607, F.S., to not for profit corporations only when specifically referenced in Chapter 617, F.S.

#### ***Unclaimed Property Disposition***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 543 (CHAPTER 94-191) relates to disposition of unclaimed property. This act adds Subsection 717.135(2), F.S., to require agreements between a "finder" and an apparent owner of unclaimed property to contain a notice that the agreement is unenforceable if it is made within the immediate 12 months after such

property is first reported to the Department of Banking and Finance. The enactment also amends Subsection to 717.114(2), F.S., to exempt gift certificates with a purchase price of \$10 or less from being considered as abandoned property.

The duration of the Unclaimed Property Amnesty Program is extended from March 31, 1994 until December 31, 1994, by revision of Section 3 of Chapter 93-280, Laws of Florida.

#### ***Corporate Regulations***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2217 (CHAPTER 94-327)

- 1) adds Subsection 607.1430(3), F.S., to extend judicial dissolution to a corporation with 35 or fewer shareholders;
- 2) creates Section 607.1434, F.S., to provide alternative remedies to a judicial dissolution;
- 3) adds Subsections 607.1602(7) and 607.0720(7), F.S., to provide civil penalties, respectively, for the improper use of corporate and shareholder lists;
- 4) amends Paragraph 607.0732(a), F.S., the authorization provisions of shareholder agreements, to allow the agreements to be set forth in writing and be unanimously approved by the shareholders;
- 5) modifies Subsection 607.1302(4), F.S., to exempt certain types of shares which are traded on NASDAQ along with the New York Stock Exchange from the valuation procedures for dissenting shareholders;
- 6) creates Subparagraph 607.0902(2)(d), F.S., to exempt from the definition of a control share acquisition the acquisition of shares of a corporation which has been approved by the corporation's board of directors; and
- 7) revises Paragraph 607.10025(2)(b), F.S., to allow a corporation to increase the

## 1994 SUMMARY OF GENERAL LEGISLATION

---

number of shares as well as decrease the number of authorized shares.

## CONSERVATION AND NATURAL RESOURCES\*

### ***Apalachicola Bay Oyster Licenses***

HOUSE BILL 1209 (CHAPTER 94-174), reenacts provisions in statute (Subsection 370.06(5), F.S.) relating to the Apalachicola Bay Oyster Harvesting License program which was created by the Legislature to provide comprehensive resource management and a reliable source of emergency assistance funding for licensed harvesters during closed seasons. The statutory provisions, which were scheduled to expire July 1, 1994, establish time limitations for license application and late application fees (Paragraph 370.06(5)(c), F.S.). The act also adds marketing to the list of topics statutorily required to be addressed in the educational seminars offered to licensed harvesters on the subjects of oyster biology, aquaculture, boating and water safety, sanitation, resource conservation and small business management (Subparagraph 370.06(5)(i)3., F.S.). The enactment also redefines resident, for purposes of obtaining an Apalachicola Bay Oyster Harvesting License, to conform to the definition of resident used for obtaining freshwater and saltwater fishing licenses (Subparagraph 370.06(5)(a)2., F.S.).

### ***Waste Incinerator Moratorium***

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1141 (CHAPTER 94-325) amends Section 1 of Chapter 92-31, Laws of Florida, to extend the moratorium on the construction of new biomedical waste incinerators from October 1, 1994 until October 1, 1996. Fully permitted facilities which have commenced construction prior to the effective date of the act (March 20, 1992) are exempt from the prohibition. This law directs the Department of Environmental Protection (DEP) to submit recommendations to

the Legislature before the 1995 Regular Session for proposed statutory amendments or additional funding sources needed to implement the recommendations of the November 1993 Biomedical Waste Treatment Report.

The DEP and the Department of Health and Rehabilitative Services are directed to review, and where appropriate, adopt rules to provide more stringent standards for the management and treatment of biomedical waste by October 1, 1995.

The DEP also is directed to reevaluate biomedical waste generation and treatment capacity and to report its findings and recommendations to the Legislature by December 1, 1995.

### ***Clean Vessel Act***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 389 (CHAPTER 94-241) creates the Florida Clean Vessel Act to provide for the regulation of the discharge and disposal of sewage from vessels and floating structures. The act creates Section 327.53, F.S., to require the use of toilets and marine sanitation devices on houseboats and described vessels and structures and prohibits the discharge of any raw sewage from a vessel. This law also amends Subsection 327.25(12), F.S., to provide funds for the removal of vessels and floating structures deemed hazardous to public safety. Section 327.803, F.S., is created to establish a Boating Advisory Council and Subsections 327.37(2) and (3), F.S., are revised to prohibit persons from engaging in water skiing or aquaplaning unless wearing approved flotation devices.

Section 327.56, F.S., is modified to authorize inspection of marine sanitation equipment and Section 327.73, F.S., is amended to add to the

---

\*Based on House Conservation and Natural Resources Committee's after session report

list of noncriminal infractions of boating laws of the state relating to marine sanitation. A civil penalty fine is provided. The act takes effect October 1, 1994.

### **DEP Reorganization**

HOUSE BILL 2445 (CHAPTER 94-356) generally addresses provisions related to the internal structure of the Department of Environmental Protection (DEP), technical revisions related to the 1993 merger of the Departments of Environmental Regulation and Natural Resources into the DEP, and a regulatory process to consolidate several of the various permits issued by DEP. The new regulatory procedures are intended to streamline the permitting process while retaining public access to appeal avenues. Specifically, this act as adopted by the Legislature:

1. Creates a deputy secretary for programs, a deputy secretary for regulation and an executive coordinator for ecosystem management. (Subsection 20.255(2), F.S.)
2. Reduces from 12 to 9 the number of divisions within DEP and renames some of them to reflect their combined duties. (Subsection 20.255(6), F.S.)
3. Addresses DEP's dual membership on several boards and councils, a result of the 1993 merger. (Sections 229.8058, 253.022, 282.403, 373.1965, 380.061, 380.31, 388.46 and 403.7165, F.S.)
4. Transfers DEP's vessel registration and titling program to the Department of Highway Safety and Motor Vehicles (Section 2 of the act).
5. Retains the current appeals process for certain orders of the DEP secretary to be brought to the Governor and Cabinet, sitting as the Land and Water Adjudicatory Board (Section 5 of the act). [This appeals process was due to expire in July 1994. The type of order that

would remain eligible for such appeal includes designations of slow-speed zones to protect manatees.]

6. Corrects now-erroneous references to the Departments of Environmental Regulation and Natural Resources (DNR) and generally replaces references to the Governor and Cabinet sitting as head of the DNR, substituting the DEP secretary (Sections 14 through 129 of the act).
7. Consolidates the process (Section 161.055, F.S.) and review (Section 373.427, F.S.) of permit applications where a project requires both an environmental resource permit (ERP) and permission from the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund, to use state-owned lands. The consolidation of permit processes includes a new appeals process to the Governor and Cabinet, sitting concurrently as the Board of Trustees and as the Florida Land and Water Adjudicatory Commission (FLAWAC). The Governor and Cabinet will hear challenges to the DEP's or a water management district's recommended final order on concurrently processed applications. The Governor and Cabinet sitting as FLAWAC will review the ERP, and the Trustees will review the sovereignty lands issue. If FLAWAC makes its determination first to grant the ERP, that permission is held in abeyance until the Trustees makes its decision. If the Trustees agrees to grant approval to use sovereignty lands, then the secretary of DEP will issue a single order granting ERP and state lands approval. An applicant must receive both the sovereignty lands and ERP approvals before he may proceed with his project.

8. Addresses appropriations-related issues. The required contribution from the Northwest Florida and Suwannee River Water Management Districts under the matching formula for the state's Surface Water Improvement and Management (SWIM) projects were reduced to 20 percent, rather than 40 percent, as it has been for the last 3 years (Subsection 373.459(3), F.S.). The act appropriates \$453,000 from the Pollution Recovery Trust Fund to the Suwannee River Water Management District and \$242,947 to DEP to help implement the ERP program (Section 511 of the act). Finally, \$200,000 from the Pollution Recovery Trust Fund is appropriated to DEP to write and publish a wetlands delineation manual (Section 512 of the act).
9. Provides that 77 state park officers be transferred from the DEP's Division of Recreation and Parks to DEP's Division of Law Enforcement and that they be given full police powers to escort DEP field officers into areas where a law enforcement presence is needed (Section 484 of the act).
10. Sets penalties for fishermen who intentionally violate the East Coast Gear Rules. These rules were developed to better protect endangered marine turtles from commercial fishing operations. For a first offense, the penalty is a 90-day suspension of the violator's Saltwater Products License. A second offense within a 7-year period carries with it a \$5,000 fine and a 12-month license suspension. For third and subsequent offenses, the penalty is a \$5,000 fine, lifetime license revocation and forfeiture of all gear and equipment used in the illegal activity. (Subparagraph 370.021(1)(c)8., F.S.)
11. Allocates to local governments a greater percentage of tire-recycling grant moneys. Local governments' share rises from 45 to 55 percent, while the percentage set aside for private enterprise drops from 40 to 30 percent. (Paragraphs 403.709(d) and (c), respectively.)
12. Reverts to pre-1993 wording of statutory language related to DEP's commenting role in the development of ports and marinas. (Paragraph 380.0651(3)(e), F.S.) [DEP had determined that a 1993 change to Section 380.0651, F.S., which gave DEP the ability to trigger a full-fledged Development of Regional Impact (DRI) review of certain types of marinas and port facilities where manatees might be impacted, was unworkable because it failed to give the agency specific rulemaking authority. The DEP has indicated that protection for manatees will not suffer as a result of the reinstatement of earlier language.]

#### ***Dry Cleaning Contamination Cleanup***

HOUSE BILL 2817 (CHAPTER 94-355) amends Paragraph 376.303(1)(d), F.S., to establish a state-conducted dry cleaning contamination cleanup program to be administered by the Department of Environmental Regulation (DEP). The act provides for the establishment of a registration program for dry cleaning facilities and wholesale suppliers by June 30, 1995, with a tiered annual registration fee, beginning December 31, 1995, based on the previous year's annual gross receipts. Beginning October 1, 1994, pursuant to new Subsection 376.70(1), F.S., a 1.5 percent gross receipts tax is levied on businesses engaged in dry cleaning, laundering, uniform rental or linen supply services. Beginning January 1, 2004, the tax will be 2 percent. Gross receipts from coin-operated laundry machines or laundry done on a wash, dry and fold basis is not subject

to the tax. New Subsection 376.75(1), F.S., provides that beginning October 1, 1994, there is a \$5 per gallon tax on the sale of perchlorethylene at the point of production or importation into the state.

Under new Paragraph 403.725(3)(d), F.S., registration fees, taxes and other funds will be deposited into the Hazardous Waste Management Trust Fund to be used for dry cleaning facility and wholesale supplier site restoration. New Subsection 376.3078(3) and new Paragraph 376.313(5)(a), F.S., of the enactment absolves owners or operators of dry cleaning facilities and wholesale suppliers from liability for site rehabilitation, provided the dry cleaning facility is in compliance with Department rules. This law provides a schedule for cleanup of eligible dry cleaning facilities in Paragraph 376.3078(3)(d), F.S., using the dry cleaning fees, taxes and funds collected, with increasing owner deductibles. The measure creates Section 376.3079, F.S., which directs the Department to assist owners of dry cleaning facilities and wholesale suppliers in obtaining third-party liability insurance by contracting with an insurance provider.

#### ***Environmental Equity and Justice***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1369 (CHAPTER 94-219) creates an Environmental Equity and Justice Commission to study the possible disproportionate concentration of hazardous sites in areas where minority and low-income populations live.

The Governor is required to appoint 17 people to the Commission representing a wide variety of interests, including civil rights, environmental, labor, government, industry, university and health representatives. The Commission has to hold several public workshops and must issue a final report addressing a list of issues by December 1995. The Commission also is required to draft model

legislation to be considered by the Legislature in 1996.

For administrative purposes, the Commission will be housed at the Florida Agricultural and Mechanical University. The act appropriates \$100,000 from the Pollution Recovery Trust Fund to fund the activities of the Commission.

#### ***Everglades Restoration***

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1350 (CHAPTER 94-115) amends Section 373.4592, F.S., to create the Everglades Program and the Everglades Construction Project. The Project requires six stormwater treatment areas (STAs) to be built (Subparagraphs 373.4592(4)(a)2.-7., F.S.). These STAs will collect and clean discharges from the Everglades Agricultural Area (Subparagraph 373.4592(4)(a)8., F.S.). Further, the South Florida Water Management District has to increase by 28 percent the amount of water flowing into the Everglades Protection Area (Subparagraph 373.4592(4)(b)2., F.S.). The act requires the Department of Environmental Protection (DEP) and the District to conduct a research and monitoring program to evaluate most aspects of the Everglades system and the construction project (Paragraph 373.4592(4)(d), F.S.). As part of the Everglades Program, the DEP is required to adopt a phosphorus criterion (Subparagraph 373.4592(4)(e)2., F.S.). If a criterion is not adopted by December 31, 2003, the criterion becomes 10 parts per billion by default, until a rule is adopted. This law provides a method for determining phosphorus discharge limits for permits (Subparagraph 373.4592(4)(e)3., F.S.). In addition, agricultural entities have to use best management practices for 12 years (Subparagraph 373.4592(4)(f)4., F.S.). After that they will be required to meet full permitting requirements.

Agricultural entities initially will be taxed \$24.89 per-acre to help pay for the Everglades Construction Project. The tax will climb in four

steps, ending in a \$35 per-acre tax (Subparagraph 373.4592(6)(c)1., F.S.). After the year 2013, the tax will revert to \$10 per-acre (Subparagraph 373.4592(6)(c)6., F.S.). The enactment provides incentive credits to allow agricultural entities to reduce their per-acre payments (Subparagraph 373.4592(6)(c)3., F.S.). The setoffs cannot exceed an amount that would cause the aggregate annual amount of taxes collected to drop below \$12,322,500.

This legislation provides a scheme for allowing producers of agricultural commodities that own or operate agricultural lands designated for STAs or water retention purposes to have priority in leasing certain lands belonging to the Trustees (Paragraph 373.4592(5)(c), F.S.). It provides that the farmers who lease available lands may renew the leases for an additional 20 years (Paragraph 373.4592(5)(d), F.S.). It allows certain agricultural farmers located outside the Everglades Agricultural Area, whose lands are designated to be used for STAs, to have priority in leasing certain lands in the St. Johns River Water Management District (Paragraph 373.4592(5)(e), F.S.).

This measure creates Section 373.4593, F.S., to establish an emergency interim plan to help restore Florida Bay. It provides a method for granting limited eminent domain authority to the District for purposes of buying portions of the Frog Pond area. The District is given \$25 million from the Conservation and Recreation Lands (CARL) Trust Fund to buy lands as part of the plan. The act also allows the District to use Alligator Alley toll moneys to fund restoration activities in the Bay.

The enactment also amends Subsection 373.4592(3), F.S., to specifically allow moneys that would have gone to the District for purposes of buying lands to implement the Everglades SWIM plan to go towards purchases of land necessary to implement the Everglades Construction Project.

### ***Major-Source Air-Operation Permits***

HOUSE BILL 2463, (CHAPTER 94-321) corrects several problems contained in Chapter 403, F.S., related to the major-source air-operation permit program. Subsection 403.061(36), F.S., is created to authorize the Department of Environment of Protection (DEP) to set standards and training requirements for persons engaged in reading and making determinations regarding visible air emissions. The act clarifies that the conditions imposed by DEP pursuant to a federally delegated permit program preempt any conflicting terms and conditions contained in any: (1) multipurpose hazardous waste facility siting certification (Section 403.781, F.S.), (2) natural gas transmission pipeline siting certification (Section 403.9402, F.S.), or (3) jobs siting certification (Section 403.951, F.S.).

This legislation also adds Subsection 377.709(6), F.S., to exempt certain waste-to-energy facilities from the need determination process conducted by the Public Service Commission. [These facilities are not subject to the Power Plant Siting Act but voluntarily utilize the process. This exemption clarifies that they do not have to undergo the need determination process as part of the Power Plant Siting Act.] Subsection 768.28(18), is added to indemnify specific municipal employees against personal liability that they may otherwise be exposed to when taking certain actions pursuant to the federal Clean Air Act Amendments of 1990 (42 U.S.C. Sect. 7401 et seq. Supp. IV (1992)).

The act modifies Subsection 288.041(3), F.S., to allow the Department of Commerce (DOC) to make expenditures to encourage solar energy companies to come to the state and to promote solar energy products and services. The DOC is directed to promote the development, use and export of solar technologies and projects demonstrating agricultural applications of solar technology. This enactment adds Paragraph 377.703(3)(m), F.S., to require the Department of Community Affairs to facilitate solar power



technologies for emergency power, lighting and water heating services during electric power outages. Section 25 of this law promotes a policy for governmental facilities and fleet vehicles to use energy conservation technologies. The DOC is required to submit an annual report to the Governor and the Legislature on the impact of the solar energy industry on the economy of the state. By November 1994, the Governor must report to the Legislature on energy conservation matters and on the status of energy-saving initiatives already underway through agencies of the state.

### ***Green Swamp Land Acquisition***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1717 (CHAPTER 94-212) amends Section 259.045, F.S., to provide for the use of less-than-fee-simple acquisition as a tool to protect the Green Swamp Area of Critical State Concern, one of the state's most important watersheds.

The act creates Section 380.0677, F.S., to establish a 10-member Green Swamp Land Authority, comprised of the county managers of Polk and Lake counties or their designees, six members appointed by the Governor and the executive directors of the Southwest Florida and St. Johns River Water Management Districts. The two districts' executive directors are nonvoting members. Subsection 380.0677(8), F.S., appropriates \$10 million in each of the next 3 years to acquire lands or rights to lands, or to enter into land protection agreements, with eligible property owners within the Green Swamp Area of Critical State Concern. Of the annual \$10 million, \$4 million will come from the Conservation and Recreation Lands (CARL) Trust Fund, \$3 million will come from the Florida Communities Trust portion of Preservation 2000 funds and \$3 million will come from the St. Johns River and Southwest Florida Water Management Districts' share of the Water Management District Lands Trust Fund.

Under Subsection 380.0677(7), F.S., assisted by the two districts, the land authority will write rules related to project selection and other operating procedures, including an annual acquisition list of projects. The two districts will act as acquisition agents for the land authority, and title to lands or rights or interests in lands acquired will vest in the districts. The Governor must approve the land authority's annual list and review its annual budget request (Subsection 380.0677(4), F.S.).

### ***Indian River Lagoon Discharges***

SENATE BILL 1362 (CHAPTER 94-274) amends Section 2 of Chapter 90-262, Laws of Florida, to grant to certain local governments a 9-month extension of time to eliminate all discharges from sewage treatment facilities into the Indian River Lagoon System. To qualify for the extension of time, a local government has to have by July 1, 1995: (1) obtained from the Department of Environmental Protection (DEP) a construction permit to eliminate the existing discharge, (2) issued a construction contract to install such improvements, and (3) begun work on the construction project. Without an extension, these facilities will be required to eliminate all discharges by July 1995. [Due to financial considerations, some of the local governments affected need an extension of time.]

### ***Lake Jesup Restoration***

COMMITTEE SUBSTITUTE FOR SENATE BILL 2120 (CHAPTER 94-279) creates the Friends of Lake Jesup to advise the St. Johns River Water Management District on issues relating to the restoration and enhancement of Lake Jesup. The act provides for the management team's composition and appropriates \$375,000 from the Pollution Recovery Trust Fund in order to fund the Team for 1 year.

### ***Marine Fisheries Commission***

HOUSE BILL 2371 (CHAPTER 94-247) by the Committee on Natural Resources reenacts provisions which create and authorize the Marine Fisheries Commission (MFC) and the Marine Fisheries Commission Trust Fund. This law abrogates the repeal of Sections 370.025 through 370.029, F.S., which were scheduled for repeal on October 1, 1994, until October 1, 1999, and provides for legislative review prior to that date.

[In 1983, the Legislature created the MFC to take on the task of rebuilding and maintaining the health and abundance of Florida's overfished and declining marine resources. The statutory sections creating and authorizing the MFC within the Department of Natural Resources were scheduled for "Sundown" repeal on October 1, 1993, unless reenacted by the Legislature. During the 1993 Legislative Session, attempts to reach a compromise between various proposals regarding the MFC were unsuccessful. However, provisions reauthorizing the MFC until October 1, 1994, with prior legislative review, were passed. The act which merged the Department of Natural Resources and the Department of Environmental Regulation into a new Department of Environmental Protection (DEP), Chapter 93-213, Laws of Florida, assigned the MFC to the Board of Trustees of the Internal Improvement Trust Fund. This legislation also directed the MFC to conduct a study of the potential impacts of the Save Our Sealeife constitutional initiative petition drive and to report by December 31, 1993, on various options to compensate those who may suffer direct economic loss due to amendment adoption. After the 1993 Regular Session, the MFC established the Ad Hoc Committee on Compensation which published a report to provide the Legislature with information about the rationale for compensating groups directly impacted by the ban and 10 options for possible forms of compensation.

[During the 1994 Legislative Session, reauthorization of the MFC received less emphasis than issues related to compensation for persons impacted by the possible constitutional marine net ban that could be approved by the electors at the General Election in November 1994.]

### ***Oil and Gas Resources Regulation***

COMMITTEE SUBSTITUTE for HOUSE BILL 739 (CHAPTER 94-193) revises the manner in which small property interests in oil and gas exploration and production operations are regulated. The act creates Section 377.247, F.S., to provide a method for the Department of Environmental Protection (DEP) to administratively designate the operator as the lessee for revenue and accounting purposes. The working interest penalty that "carried" (unknown or unlocated) owners must pay the operator is increased from 200 to 300 percent of the cost of drilling, developing and producing the well (Paragraph 377.2411(2)(b), F.S.). This law also creates Section 377.247, F.S., to establish minimum bonus and royalty payments for, and provide for the disposition of earnings owed to, owners of mineral rights who are unknown or who cannot be located. The Department will act in receivership for unknown or unlocated owners and will administer earnings deposited into the Petroleum Exploration and Production Bond Trust Fund on their behalf (Paragraph 377.22(2)(x), F.S.). Any unclaimed funds remaining in the Trust Fund for a period of 5 years shall revert to the state and shall be made available for use by the Department (Subsection 377.247(6), F.S.). This enactment takes effect October 1, 1994.

### ***Silver Glen Run and Springs Boating***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2025 (CHAPTER 94-341) requires the Department of Environmental Protection (DEP) to mark a navigation channel within the Silver Glen Run and Silver Glen

Springs and place permanent anchorage buoys there. The act prohibits boaters from anchoring to the bottom of the Springs or the Run but allows the boats to raft or tie on to each other in an orderly fashion. Violators of these requirements will be cited with a Uniform Boating Citation, as provided in Subsection 327.73(3), F.S. Violators who refuse to sign the citation or post bond will be guilty of a second-degree misdemeanor, punishable by up to 60 days in jail and a \$500 fine.

### ***State Lands Acquisition***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 161 (CHAPTER 94-240) streamlines Conservation and Recreational Lands (CARL) program land acquisitions and the state's process for acquiring lands with Preservation 2000 funds. It consolidates in Chapter 259, F.S., statutory provisions currently in Chapter 253, F.S., that relate specifically to the acquisition and management of lands acquired through the CARL program and lands acquired with Preservation 2000 funds where title vests in the Board of Trustees of the Internal Improvement Trust Fund (Section 253.023, F.S., amended and renumbered as Section 259.032, F.S.). This consolidation groups in one chapter all statutory provisions related to the acquisition of, and general policy considerations related to, lands held for preservation, conservation and recreational purposes.

The current acquisition statutes also were streamlined to remove unnecessary obstacles in the state's land-buying program. The Board of Trustees of the Internal Improvement Trust Fund is given broad authority to waive most of the acquisition procedure provisions of the new Section 259.041, F.S., if it is in the public's interest. This waiver authority does not extend to acquisitions through condemnation or to emergency purchases. The Division of State Lands also would benefit from more flexibility in

the acquisition process and is directed to write new rules to implement the statutory changes.

Pursuant to revised Section 372.074, F.S., the Florida Game and Freshwater Fish Commission is provided authority to use the Fish and Wildlife Habitat Trust Fund to acquire mitigation lands in partnership with state and local entities.

The act also provides for earlier and more comprehensive management planning for environmental lands. The legislation amends Paragraph 259.035(2)(a), F.S., to require the Land Acquisition Advisory Council to develop a management policy statement for each new project on the CARL list. The agency assigned management responsibility for a particular project must develop a management prospectus that includes the management goals, a timetable for implementing management objectives, and an estimate of how much funding and personnel will be needed to adequately manage the property. Under revised Subsection 259.032(10), F.S., formal management plans are due within 1 year after the acquisition of individual parcels or, in the case of multiparcel projects, within a year of the acquisition of the essential parcel or parcels.

Finally, the law makes payment in lieu of taxes to small counties a direct deduction from CARL rather than a deduction from moneys earmarked for land management, potentially providing an additional \$2 million each year for land management purposes.

### ***Wastewater Reuse***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1305 (CHAPTER 94-243) creates Section 367.0817, F.S., which allows certain utilities to submit reuse plans to the Public Service Commission for approval, provides that prudent and reasonable costs associated with reuse implementation may be recovered in increased rates for service and authorizes revenues attributed to those rate increases to be escrowed in some cases.

The act creates a new section (Section 373.250, F.S.) that encourages the use of reclaimed domestic wastewater. The law defines when reclaimed water is considered available to a user and requires the water management districts, in consultation with the Department of Environmental Protection (DEP), to promulgate rules to provide for the allocation of water from other sources to permitted users of reclaimed water in emergencies or in circumstances where reclaimed water is unavailable. The legislation also requires each water management district to submit an annual progress report to the Legislature on the use of reclaimed water by permitted consumptive users.

The enactment also amends Section 403.064, F.S., to require certain wastewater treatment facility construction or operation permit applications to include a reuse feasibility study and sets guidelines for and exemptions from such a study. New language requires construction and operation permits issued by DEP to be consistent with specified reuse requirements of consumptive use permits issued by the water management districts. Further, the law provides limitations as to when reuse of wastewater is feasible and also defines circumstances for employing reuse and Class I injection well disposal options.

The measure amends Section 403.1838, F.S., to modify the Small Community Sewer Construction Assistance Act to allow financially disadvantaged small communities, with a population of 7,500 or less and a per capita annual income less than the state per capita annual income, to receive grants from the Department of up to 100 percent of the cost of planning, designing, constructing, upgrading or replacing wastewater facilities. In addition, Section 5 of the legislation provides for the DEP to use federal funds, available for the drinking water state revolving loan fund, for grants and loans to the owners of public water systems and to allow the Department to promulgate rules to satisfy requirements to receive those federal

funds. The act provides that the DEP shall report to the Legislature by January 1, 1995, the status of any drinking water state revolving fund program authorized by federal law.

### ***Wastewater Reuse/Florida APRICOT Act***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1743 (CHAPTER 94-153) creates the Florida APRICOT (A Prototype Realistically Innovative Community of Today) Act. The act amends Section 403.086, F.S., to specify requirements for backup discharges of reclaimed water from wastewater treatment plants (WTPs). The act authorizes DEP to require backflow prevention devices on potable water lines within reuse service areas and requires that DEP promulgate rules to determine when such devices are necessary and when they are not. The legislation revises Section 403.859, F.S., to also require DEP to promulgate rules for the injection of reclaimed wastewater into the Floridan and Biscayne aquifers by WTPs seeking an operation permit for a reuse system or expanding an existing facility.

### ***Water Distribution Mains Regulation***

COMMITTEE SUBSTITUTE FOR SENATE BILL 1296 (CHAPTER 94-132) amends Section 403.1815, F.S., to provide counties or municipalities with delegated authority from the DEP to regulate the construction of water transmission and sewage collection lines from a plant not wholly owned by the county or municipality. Additionally, the act revises Subsection 556.102(2), F.S., to modify the definition of the term "excavation" for purposes of the Underground Facilities Damage Prevention and Safety Act and amends Section 556.108, F.S., to provide for exemptions for certain agricultural, utility and railroad excavations and demolition.

### ***Personal Watercraft***

SENATE BILL 450 (CHAPTER 94-295) amends Subsection 327.39(3), F.S., to exempt an

agent or employee of a fire or emergency rescue service from the prohibition on the operation of personal watercraft from one-half hour after sunset to one-half hour before sunrise.

### ***WMD Limited Liability***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1227 (CHAPTER 94-144) revises Section 373.1395, F.S., to add horseback riding and bicycling to the list of activities specifically included in the term "outdoor recreational purposes," enumerated for purposes of limiting water management district liability with respect to areas made available to the public for recreational purposes without charge. The statute already enumerates hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, motorcycling and visiting historical, archaeological, scenic or scientific sites as the kinds of activities that are outdoor recreational purposes.

### ***WMD Review Commission***

COMMITTEE SUBSTITUTE FOR SENATE BILL 1068, (CHAPTER 94-270) creates the Water Management District Review Commission, composed of 21 members (7 each to be selected by the Governor, the Senate President and the Speaker of the House of Representatives, according to certain specified criteria), to hold public hearings, study, evaluate and report to the Governor and the Legislature, regarding the operations and funding mechanisms of Florida's 5 water management districts. The Commission will review the overall need for a system of water management districts, ways to improve acquisition and management planning activities for district lands, funding mechanisms available to the districts and ways to improve the financial and programmatic accountability of the districts. The Commission will also make recommendations as to whether the district governing boards should be elected or should continue as appointed bodies.

Recommendations will be submitted in a report to the Governor and the Legislature by September 1, 1995.

### ***Wetlands Delineation Ratification***

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1346 (CHAPTER 94-122) provides for the amendment and ratification of the wetlands delineation methodology adopted by the Environmental Regulation Commission. The act also conforms several statutes to changes in the methodology and to the new environmental resource permit regulatory process. The ratified rule provides for the delineation of the landward extent of wetlands by the application of reasonable scientific judgment and the combined evidence of specified plant species, hydrology and hydric soils. This law further requires legislative ratification of any future amendments to the delineation rule.

The legislation also adds members to the Land Use and Water Planning Task Force and directs the task force to make recommendations to the Legislature on the mechanisms and procedures for establishing and amending water policy. (Subsection 2 of Section 77 of Chapter 93-206, Laws of Florida, as amended by Section 16 of this act.)

Section 18 of this enactment revises grandfathering provisions for certain qualified developments to delineate after July 1, 1995, wetlands contiguous to surface waters pursuant to pre-Henderson Act rules (rules in effect prior to 1984). Isolated wetlands will be delineated pursuant to the new delineation methodology.

Section 19 of this law requires the DEP to provide a report to the Legislature by January 1, 1995, identifying and describing any such qualifying developments and to determine the public policy benefits of pre-Henderson wetland delineations for such developments.

Under amended Subsection 373.414(16), F.S., certain specified limerock and limestone mining operations receive extensions of existing

exemptions. The areas for which exemptions are extended are delineated in the act by township, range and section numbers.

This legislation also creates Section 373.4145, F.S., to exempt the Northwest Florida Water Management District (NFWMD) from implementation of the Environmental Resource Permit Program and provides for a sunset of this exemption in 5 years. Isolated wetlands in the NFWMD will be delineated by the U.S. Army Corps of Engineers.



## CONSTITUTIONAL AMENDMENTS\*

Each chamber of the Legislature adopted one proposed amendment to the Florida Constitution to be submitted to the people for ratification or rejection at the General Election of November 8, 1994.

COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION 2606 would amend Section 3(b) of Article III of the state organic law to provide that the annual 60-day session of the Legislature would begin on the first Tuesday after the first Monday in March, rather than February, of each odd-numbered year and on the first Tuesday after the first Monday in March, rather than February, or such other date as may be fixed by law, of each even-numbered year. This amendment would take effect upon approval.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION 2053 would add Section 1(e) of Article VII of the State Constitution to limit state revenue collections for a fiscal year to the state revenues, as defined in the amendatory text, allowed for the prior fiscal year plus an adjustment for growth based on the growth of state personal income for the preceding 5 years. Excess collections would be deposited in the budget stabilization fund until fully funded and then refunded to the taxpayers. The Legislature could increase the limit by a two-thirds vote and the limitation would have to be adjusted to reflect transfers of responsibility for funding governmental functions.

Section 21 is added to the Constitution's schedule (Article XII) to provide that the state revenue limitation amendment would take effect January 1, 1995, and first be applicable to state fiscal year 1995-1996.





## CORRECTIONS\*

### ***State Prison System Capacity***

HOUSE BILL 2441 (CHAPTER 94-111) amends Paragraph 947.146(7)(c), F.S., to allow the Department of Corrections to utilize 100 percent of the lawful capacity of the prison system. It also amends Subsection 947.146(2) and Paragraph 947.146(7)(b), F.S., to provide that no early release credit can be awarded unless the prison system is between 99 and 100 percent of lawful capacity.

The act includes provisions for declaration of emergencies: (1) when the prison population exceeds 100 percent of lawful capacity for 14 days the control release authority must establish emergency release dates for eligible inmates. Subsections 947.146(2) and (7), F.S.; and (2) when the inmate population exceeds 100 percent of lawful capacity for 21 days the Governor is empowered to use his emergency authority to notify federal jurisdictions with concurrent or consecutive sentence or any active detainer on any prisoner in the state system of his intention to transfer such prisoner within 30 days. (Section 944.0231, F.S.) [The passage of this law immediately allows the state to house an additional 500 inmates with no additional prison construction.]

### ***Prison Industries Enhancement Program***

HOUSE BILL 2443 (CHAPTER 94-155) creates Subsection 946.006(3), F.S., to authorize the Department of Corrections and, if federal law permits, Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE) to become certified in the federal Prison Industries Enhancement (PIE) program which will authorize contracts with private businesses to conduct their industries inside correctional institutions. The purposes of the program are

enumerated. [Pursuant to federal law, private companies may use prison inmates inside institutions to manufacture goods for sale on the open market; currently the sale of prison-made products is restricted.]

### ***Life Sentences Without Parole***

SENATE BILL 158 (CHAPTER 94-228) amends Subsection 775.082(1), F.S., to provide life sentences without parole for murder in the first degree unless sentenced to death and for a capital felony involving a destructive device which results in the death of another person under Subsection 790.161(4), F.S., which is conformed to the revision of Subsection 775.082(1), F.S.

### ***Prison Siting***

COMMITTEE SUBSTITUTE FOR SENATE BILL 1320 (CHAPTER 94-273) provides procedures to expedite prison siting. This act streamlines the appraisal process for land acquisition (Section 944.10, F.S.) and provides procedures for acquiring property through eminent domain upon approval of the Governor and the Cabinet. (Section 945.27, F.S.)

The law amends Subsection 945.215(1), F.S., to require that the money deposited in the Inmate Welfare Trust Fund be deposited in the Treasury and appropriated by the Legislature through the Grants and Donations Trust Fund. The legislation prohibits these funds from being used for cable television subscriptions, the rental of video cassettes, the purchase of video cassette recorders and other audio-visual equipment not used for training or education. It also provides that the money can only be used for certain purposes.

---

\*Based on House Corrections Committee's after session report

Section 7 of the measure includes provisions requiring that inmates be charged a copayment of from \$1 to \$5 for nonemergency medical visits. Further, it provides a repeal of the Correctional Education School Authority (Section 242.68, F.S.) on July 1, 1996.

***State Civil Suit Settlement Agreements***

HOUSE BILL 2541 (CHAPTER 94-181) revises Section 45.062, F.S., to provide for advance notification to the Legislature and the Attorney General of any settlement or presettlement agreement or order within 5 days before it is to be made final for any civil suit requiring the expenditure of state funds. The act also prohibits the executive branch from pledging any current or future action of another branch of government as a condition for settlement. It also requires a closure date to be negotiated as soon as possible.

***Florida Corrections Commission***

COMMITTEE SUBSTITUTE FOR SENATE BILL 1748 (CHAPTER 94-117) revises Section 20.315, F.S., to prescribe the membership and duties of the Florida Corrections Commission which was created by Chapter 93-404, Laws of Florida. The Commission is an advisory and oversight body for the Department of Corrections. Its duties include reviewing the Department's budget, plans, and activities, and making recommendations to the Legislature and the Governor on the Department's operations and programs.

***Correctional Privatization Commission***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1401 (CHAPTER 94-148) adds Subsection 957.03(5), F.S., to authorize the Correctional Privatization Commission to adopt rules for the purposes of carrying out its contracting and monitoring responsibilities. Added Paragraph 957.04(7)(a), F.S., allows the Commission to choose a qualified appraiser from

an approved list without competitive bidding. Subsection 957.04(6), F.S., permits the Commission to enter into a lease-purchase agreement without approval of the Board of Trustees of the Internal Improvement Trust Fund if the Commission finds there is a need to expedite the process. The act amends Section 957.06, F.S., to clarify which duties of the Commission may not be delegated to a private prison contractor.

Section 957.12, F.S., is modified to bar contact between any member, employee or consultant to the Commission and a bidder or potential bidder regarding a request for a proposal, the proposal itself, or the evaluation or selection process for a private correctional facility from the time a request for a proposal to build the facility is announced until notification of intent to award the contract is announced.

Section 957.13, F.S., is created to permit the Florida Department of Law Enforcement to accept fingerprints of applicants for employment at a private correctional facility and for the Department to exchange individual criminal history records with the Commission for the purpose of conducting background checks.

Section 957.14, F.S., is created to delineate guidelines and responsibilities of the Commission in terminating contracts with private vendors. Section 957.07 is amended to permit the addition of competitive-area differential wages into the cost of a correctional facility in those counties where such differential wages are paid.

***State Contract for County Jail Beds***

SENATE BILL 1016, (CHAPTER 94-214) revises Section 921.188, F.S., to authorize the Department of Corrections to contract for county jail beds on a full or partial per diem basis. The act establishes that the payment may not exceed the full per diem rate published in the Department's annual report. Further, the legislation conforms inmate jail placement eligibility requirements to the current sentencing guidelines structure. The contract may include

all operational functions, or only housing with the Department supplying staffing and medical costs.

***Work Projects for County Prisoners***

HOUSE BILL 1513 (CHAPTER 94-149) modifies Sections 925.08, 951.01 and 951.05, F.S., to expand the type of work for which all county prisoners may be used to include projects for which the governing body of a county may lawfully expend funds necessary for the public health, safety and welfare. Revision of Subsection 951.22(1), F.S., adds tobacco products to the contraband list for county detention facilities. The act takes effect October 1, 1994.

***Payment by Prisoners for Medical Care***

COMMITTEE SUBSTITUTE FOR SENATE BILL 428 (CHAPTER 94-294) amends Sections 948.03, 947.146 and 947.1405, F.S., to allow a court, the Control Release Authority, or the Parole Commission, as appropriate, to require a person, as a condition of his probation, control release, or conditional release, to pay for medical care received while that person was confined in a county or municipal detention facility.

***Probation Officer Training Fee***

COMMITTEE SUBSTITUTE FOR SENATE BILL 234 (CHAPTER 94-290) modifies Paragraph 948.09(1)(a), F.S., to assess a \$2 fee for all felony offenders who have been placed on various types of supervision. The money from this assessment is to be used to train and equip probation officers who carry firearms.



## COURTS AND CIVIL LAW\*

### ***Food Products Disparagement***

COMMITTEE SUBSTITUTE FOR SENATE BILL 1072 (CHAPTER 94-131) allows a producer of perishable agricultural food products or an association of such producers to recover damages from a person who disparages perishable agricultural food products. The plaintiff may recover compensatory and punitive damages in addition to any other relief the court deems appropriate.

"Disparagement" is defined as "willful or malicious dissemination to the public in any manner of any false information that a perishable agricultural food product is not fit for human consumption." Within the definition of disparagement, false information is defined as information "not based on reliable, scientific facts and scientific data which the disseminator knows or should have known to be false."

Treble damages may be awarded in addition to compensatory and punitive damages to the plaintiff if the defendant intentionally disparaged the food products for the purpose of harming agricultural food producers.

A 2-year statute of limitations begins from the date the disparagement takes place. This act takes effect October 1, 1994.

### ***Organ and Tissue Donations***

COMMITTEE SUBSTITUTE FOR SENATE BILL 1278 (CHAPTER 94-305) amends Subsections 732.913(4) and 732.914(3), F.S., to declare that public policy prohibits the making of an anatomical gift which restricts the possible recipients of that gift on the basis of a specified race, color, religion, sex, national origin, age, physical handicap, health status, marital status, or economic status and makes such restrictions void. Various sections of

Chapter 381, F.S., are revised to transfer duties and responsibilities to the Agency for Health Care Administration.

### ***New Circuit and County Judgeships***

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1950 (CHAPTER 94-137) amends Sections 26.031 and 34.022, F.S., respectively, to create new circuit and county judgeships. Eight new circuit judgeships are created as follows: two each in the ninth and eleventh circuits and one each in the fifth, twelfth, fourteenth, and eighteenth circuits. Six new county judgeships are created, one each in Broward, Dade, Hillsborough, Palm Beach, Santa Rosa, and Seminole counties.

The judges filling the new offices will be elected in the nonpartisan elections held in 1994. They will take office on the first Tuesday after the first Monday in January 1995.

The act includes new language relating to the residency of judges. Judicial nominating commissions and the Governor must consider whether the existing judges and the potential nominees or appointees, respectively, reflect the geographic distribution of the population within the circuit, the geographic distribution of the caseload within the circuit, the racial and ethnic diversity of the population within the circuit, and the geographic distribution of the racial and ethnic minority population within the circuit.

### ***Bailiff Appointment and Employment***

HOUSE BILL 2087 (CHAPTER 94-177) repeals Chapter 71-462, Laws of Florida, as amended, which provides for the employment and appointment of bailiffs by the presiding

---

\*Based on Senate Judiciary, Commerce, Finance and Tax, and Criminal Justice Committees' after session reports

judge in the Third and Fifth Judicial Circuits of Florida.

***Distribution of Florida Cases Reports***

HOUSE BILL 2545 (CHAPTER 94-352) revises various provisions of Chapter 25, F.S., relating to the distribution of Florida Supreme Court and District Courts of Appeal opinions to change "bound volumes" to "copies," and specify the Supreme Court Librarian as the proper officer to file an affidavit with requesting replacement copies lost or destroyed. The reports of these opinions are deemed public property of the state after distribution to public officers of the state. Copies of the reports may be exchanged by these officers for reports in an alternate format to the extent they are available and in conformity with Supreme Court guidelines. The enactment authorizes publication of the reports of opinions in alternate format by the West Publishing Corporation as authorized by contract with the Supreme Court and Attorney General.

***Jury Selection in Criminal Cases***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 239 (CHAPTER 94-184) creates Subsection 910.03(3), F.S., to permit a court, on its own motion or that of any party, to select a jury from other than the county where the offense was committed when the court has determined a fair and impartial jury cannot be impaneled in the county where the offense was committed and that once chosen, the jury will be sequestered. Demographic similarities will govern the selection of the county. Once impaneled the jury will be brought to the county where the offense was committed.

***Foreign Money Judgments***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 51 (CHAPTER 94-239) creates Section 55.601, F.S., the "Uniform Out-of-country Foreign Money-Judgment Recognition Act." [This law has been approved by the

National Conference of Commissioners on Uniform State Laws and the American Bar Association.] The legislation also amends Section 55.03, F.S., which specifies the interest rate on judgments to provide a variable interest rate.

Under Section 55.602, F.S., the measure defines "foreign state" as any governmental unit other than the United States or any state, district, commonwealth, territory, insular possession thereof, or the Panama Canal Zone, the Trust Territory of the Pacific Islands, or the Ryukyu Islands. "Foreign judgment" is defined as any judgment of a foreign state granting or denying recovery of a sum of money, other than a judgment for taxes, a fine, or other penalty.

Pursuant to Section 55.603, F.S., the enactment applies to any foreign judgment which is final, conclusive and enforceable where entered, even if an appeal is pending or can be made. To enforce such a judgment in Florida, new Section 55.604, F.S., provides the judgment holder must file it with the clerk of the court and record it in the county or counties where enforcement is sought. Notice of the filing and recordation is to be served on the judgment debtor, who then has 30 days after service to file a notice of objection with the clerk of the court specifying the grounds for nonrecognition or nonenforceability.

Upon application of any party, the circuit court may conduct a hearing and enter an order granting or denying recognition in accordance with the law. If the judgment debtor fails to object, the clerk is to record a certificate stating that no objection has been filed. Upon entry of an order recognizing the foreign judgment or recording of the certificate of failure to object, the judgment is enforceable in this state in the same manner as a judgment of a court of this state.

A lien is created only when both the certified copy of the judgment and a copy of the clerk's certificate or the order recognizing the foreign judgment are recorded. The priority of the lien

is established as of the time of the latter of the two recordings.

As provided by Section 55.605, F.S., a foreign judgment is not to be recognized if:

- 1) it was rendered under a system which does not provide due process;
- 2) the court entering the judgment did not have personal jurisdiction over the defendant; or
- 3) the court entering the judgment did not have subject matter jurisdiction.

A foreign judgment need not be recognized if:

- 1) the defendant did not receive timely notice;
- 2) the judgment was obtained by fraud;
- 3) the underlying cause of action upon which the judgment is based is repugnant to the public policy of this state;
- 4) the judgment conflicts with another judgment;
- 5) the proceeding was contrary to an agreement between the parties;
- 6) the foreign court was a seriously inconvenient forum; or
- 7) the foreign jurisdiction would not recognize a similar judgment rendered in this state.

Section 55.607, F.S., provides that enforcement of the judgment may be stayed if the defendant can show that an appeal is pending, that he intends to appeal, or that he has obtained a stay in the foreign court.

As explained below, the enactment changes the interest rate for purposes of judgment interest, interest on state warrants not timely issued (Paragraph 215.422(3)(b), F.S.) on loans without an agreed interest rate (Section 687.01, F.S.) and on construction and maintenance contracts not timely paid (Subsection 337.141(3), F.S.). [Under current market conditions, the interest rate would be below the 12 percent rate in the statute.]

As set forth in Section 55.03, F.S., on December 1 of each year, beginning December 1, 1994, the Comptroller of the State of Florida

is to set the rate of interest that is to be payable on judgments or decrees for the year beginning January 1 by averaging the discount rate of the federal reserve bank of New York for the preceding year, then adding 500 basis points to the averaged federal discount rate. The Comptroller must inform the clerk of the court and chief judge for each judicial circuit of the rate which has been established for the upcoming year. The initial interest rate established by the Comptroller takes effect on January 1, 1995, and the interest rate established by the Comptroller in subsequent years takes effect on January 1 of each following year. Judgments obtained on or after January 1, 1995, use the previous statutory rate for time periods before January 1, 1995, for which interest is due and apply the rate set by the Comptroller for time periods after January 1, 1995, for which interest is due.

The rate of interest for the other circumstances set forth above must be the same as that for judgment interest. The law takes effect October 1, 1994.

### ***Juveniles--Indigent Parent or Guardian***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 101 (CHAPTER 94-329) creates Section 39.017, F.S., which authorizes the court to appoint an attorney to represent a parent or a legal guardian of a juvenile involved in a proceeding under Chapter 39, F.S., upon a determination that the parent or legal guardian is indigent. For such purposes, a procedure is created by which courts are to determine whether a parent or a guardian is indigent. Pursuant to this procedure, a judicial finding of any one of the following facts creates a presumption that the parent or legal guardian is not indigent:

- 1) the parent or legal guardian has no dependents and has a gross income exceeding \$250 per week;
- 2) the parent or legal guardian has dependents and has a gross income



exceeding \$250 per week plus \$100 per week for each dependent;

- 3) the parent or legal guardian owns cash in excess of \$1,000; or
- 4) the parent or legal guardian has an interest exceeding \$1,000 in value in a single motor vehicle.

Thus, upon finding of the existence of one of these facts there is a presumption that the court need not appoint an attorney to represent the parent or guardian at a hearing held under Chapter 39, F.S.

The legislation also requires the court to consider the following factors before determining whether a parent or legal guardian is indigent:

- 1) the probable expense of being represented in the case;
- 2) the parent's or legal guardian's ownership of, or equity in, any intangible or tangible personal property or real property or expectancy of an interest in any such property; and
- 3) the amount of debts the parent or legal guardian owes or might incur because of illness or other misfortunes within the family.

The court has continuing jurisdiction to assess attorney's fees and costs against a parent or legal guardian for whom an attorney has been appointed, if it is subsequently determined that the parent or legal guardian is not indigent. Upon the court's entry of the order requiring payment of the fees and costs, a lien is to be created in the name of the county where the legal services were rendered. The lien is to be imposed upon the real and personal property of the parent or legal guardian and constitutes a claim against the person and the estate of the parent or legal guardian.

The judgment ordering the payment of attorney's fees and costs is to be filed for recording in the office of the clerk of the circuit in the county where the parent or legal guardian resides and in each county where the parent or legal guardian owns property.

As an alternative procedure, the court may order the parent or legal guardian to execute a lien upon all real and personal property the parent or legal guardian currently owns or later acquires. This lien is to secure the debt created by the court's order requiring the payment of attorney's fees and costs. The lien is to be recorded in the public records maintained by the clerk at no charge and is to be enforceable in the same manner as a mortgage.

The board of county commissioners of the county where the attorney was appointed is authorized to enforce, satisfy, compromise, settle, subordinate, release, or otherwise dispose of a lien that was imposed upon the property of a parent for whom an attorney was appointed for representation in a hearing held under Chapter 39, F.S. In addition, a board of county commissioners is authorized to contract with a collection agency to collect the amount secured by such a lien. However, the fee for the collection of such amount must be a contingency fee not to exceed 50 percent of the recovery.

A parent who has been ordered to pay attorney's fees or costs and who is not in willful default of that order may petition the court for a remission of the payment of such fees and costs or for a remission of any unpaid portion thereof. The court may remit all or part of the amount due or may modify the method of payment, if the court determines that the amount due or method of payment imposes a manifest hardship upon the parent or the immediate family of the parent.

#### ***Domestic Cases—Attorney's Fees***

HOUSE BILL 581 (CHAPTER 94-169) revises Subsection 61.16(1), F.S., to grant a trial court continuing jurisdiction to make temporary attorney's fees and costs awards reasonably necessary to prosecute or defend an appeal on the same basis and criteria as though the matter were pending before it at the trial level. In determining whether to make such awards, the court is required to consider primarily the

relative financial resources of the parties, unless the appellate party's cause is deemed frivolous. This act is to take effect October 1, 1994.

### ***Special Courts-Martial***

COMMITTEE SUBSTITUTE FOR SENATE BILL 576 (CHAPTER 94-261) adds Subsection 250.35(5), F.S., to provide additional authority for the Florida National Guard (FNG) to dismiss a member or discharge a member guilty of bad conduct under a special courts-martial proceeding rather than a general courts-martial proceeding if the offense so warrants. The powers of the special courts-martial are the same as those of the general courts-martial except that fines and confinement are limited to \$100 and 100 days, respectively, for a special courts-martial. This change conforms the appropriate section of the Florida Military Code (Section 250.35, F.S.) with its counterpart in the federal Uniform Code of Military Justice (10 U.S.C. Section 819 (1988)).

### ***Task Force To Review Article V***

HOUSE BILL 409 (CHAPTER 94-138) creates the Article V Task Force within the Department of Legal Affairs.

The Task Force consists of 19 members as follows:

- 1) The Chief Justice or another justice, and the following three appointments by the Chief Justice:
  - one district court judge;
  - one county court judge; and
  - one clerk of the circuit court.
- 2) Four members appointed by the Speaker of the House of Representatives:
  - two Representatives;
  - one public defender; and
  - one citizen who is not a lawyer.
- 3) Four members appointed by the President of the Senate:
  - two Senators;
  - one state attorney; and
  - one citizen who is not a lawyer.

- 4) The Governor or his designee and the following three appointments by the Governor:
  - two citizens who are not lawyers; and
  - one law professor.
- 5) Two members of The Florida Bar appointed by the President of The Florida Bar; and
- 6) The Attorney General or a designee thereof.

Each person appointing members of the Task Force must appoint at least one minority person. For purposes of this requirement, minority persons are Black Americans, Hispanic Americans, Asian Americans, Native Americans and American women.

The Task Force shall elect a chairperson from its membership.

The Task Force is to:

- 1) examine the process for selecting and retaining appellate and trial judges to determine if the process creates a judiciary that reflects the diversity of the state and places the most qualified candidates on the bench;
- 2) examine the process for disciplining judges to determine if appropriate sanctions are imposed on judges who engage in misconduct;
- 3) examine the qualifications for justices and judges, including the mandatory retirement requirement;
- 4) examine the process for training judges to determine if it is effective;
- 5) examine the court system structure to determine if a single-tier trial court would better serve the state's needs; and
- 6) submit a report to the Legislature recommending changes to Article V, of the Florida Constitution, to improve the process of selecting, retaining, disciplining and training judges as well as making recommendations to otherwise improve the administration of justice. In addition, the Task Force is to make

recommendations for the implementation of a single-tier trial court, if it concludes that a single-tier trial court would better meet the needs of the state. The report is to be filed by December 1, 1994, with the President of the Senate, the Speaker of the House of Representatives, and, in each chamber, the leader of the political party that is not the party of the presiding officer.

In a civil action arising out of matters that are a subject of examination by the Task Force, the actions, investigations, proceedings, and records of the Task Force are not subject to discovery and are inadmissible into evidence. Persons who attend meetings of the Task Force are prohibited from testifying in such a civil action or proceeding as to any evidence or matter produced at a Task Force meeting or as to any action of the Task Force or a member thereof.

The Task Force may appoint an executive director and may hire additional staff as necessary. In addition, the Task Force may procure professional services within the amount appropriated for its work.

The Task Force membership is to serve from April 15, 1994, until the adjournment sine die of the 1995 Regular Legislative Session at which time the Task Force is abolished.

#### ***Antitrust Actions and False Claims***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 551 (CHAPTER 94-316) amends provisions relating to funding the Attorney General's antitrust section. The act also creates the Florida False Claims Act.

The percentage of antitrust recoveries which are deposited into the Legal Affairs Revolving Trust Fund is increased from 20 to 30 percent by amendment of Subsection 16.53(2), F.S. The amount to remain in the Trust Fund at the end of the fiscal year is changed in revised Subsection 16.53(6), F.S., to three times the amount of the combined budgets for the antitrust and racketeering sections of the

Attorney General's office for the forthcoming fiscal year.

An amended Subsection 542.26(1), F.S., provides a 4-year statute of limitations imposed on commencement of antitrust actions brought under Sections 542.21 or 542.22, F.S. This provision applies only to causes of action accruing on or after July 1, 1994.

The stated purpose of the Florida False Claims Act is to deter persons from knowingly causing or assisting to cause state government to pay false claims, and to provide remedies for obtaining treble damages and civil penalties for the state when money is obtained from state government by reason of a false claim.

Specifically, the measure provides for the liability of any person who:

- 1) knowingly presents or causes to be presented to an agency a false claim for payment or approval;
- 2) knowingly makes, uses or causes to be made or used a false record or statement to get a false or fraudulent claim paid or approved by an agency;
- 3) conspires to deceive an agency for the purpose of getting a false or fraudulent claim allowed or paid;
- 4) has possession of property or money that is to be used by an agency and, intending to deceive the agency or knowingly to conceal the property, delivers less property than the amount for which the person receives a receipt;
- 5) is authorized to make or deliver a document certifying receipt of property used by the agency and, intending to deceive the agency, makes or delivers the receipt without knowing that the information on the receipt is true;
- 6) knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the agency, who may not lawfully sell or pledge the property; or

- 7) knowingly makes, uses, or causes to be made a false record or statement to conceal, avoid or decrease an obligation to pay money or transmit property to an agency. Persons who are found to be in violation are liable to the state for a civil penalty of at least \$5,000 and at most \$10,000. Furthermore, they are liable for three times the amount of damages sustained by the agency.

The court could reduce the treble damages under prescribed circumstances. In such cases, the court is required to award no less than twice the amount of damages sustained by the agency. The court is required to set forth in a written order its findings and basis for reducing the treble damages award.

The Department of Legal Affairs and the Department of Banking and Finance are authorized to investigate false claims violations. If the Department of Legal Affairs finds that a person has violated or is violating the law, it is authorized to bring a civil action under the enactment against the person. The Department of Banking and Finance is authorized to bring a civil action under the law only if the action arises from its investigation and the Department of Legal Affairs has not filed an action.

In addition, a person could bring a civil action on behalf of himself and the affected agency. Upon the filing of a false claims action by such a person, a copy of the complaint and written disclosure of substantially all material evidence and information the person possesses must be served on the Attorney General and on the Comptroller by registered mail. The departments could elect to intervene and proceed with the action, on behalf of the state, within 90 days after receiving both the complaint and the material evidence and information.

#### ***Service of Process and Landlord-Tenant***

HOUSE BILL 635 (CHAPTER 94-170) amends provisions relating to service of process and provisions relating to landlord-tenant.

Statutory fees imposed under Section 30.231, F.S., by the sheriff for service of process are increased. In an action for possession of residential or nonresidential premises, pursuant to revised Subsection 48.183(1), F.S., if the tenant cannot be found in the county or there is no person 15 years or older residing at the tenant's usual place of abode in the county, summons may be served by attaching a copy to a conspicuous place on the property. Amended Subsection 83.62(2), F.S., provides when a landlord requests the sheriff's assistance in removing a tenant's possessions or a mobile home, the landlord is to pay the sheriff a reasonable hourly rate set by the sheriff. In actions seeking injunctions for protection against domestic violence, under Subsection 741.2902(2), F.S., the court is to consider requiring the respondent to pay the sheriff filing fees and costs.

The legislation amends Subsection 83.56(5), F.S., which requires any residential tenant who wishes to defend against an action for possession for noncompliance with the rental agreement or relevant statute to post accrued rent with the court registry. As amended, the court is prohibited from setting a date for mediation or trial unless accrued rent is posted into the court registry. The court is required to issue a default-judgment for removal of the tenant immediately if the rent is not posted. For purposes of the residential landlord-tenant statutes, "legal holiday" means holidays observed by the clerk of the court as provided by Subsection 83.43(13), F.S.

The provisions of this legislation take effect October 1, 1994, with the exception of the new definition of "legal holiday" which takes effect July 1, 1994.

#### ***Divorce—Property, Child Support***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1259 (CHAPTER 94-204) amends the provisions on property division in dissolution of marriage actions (Subsection 61.075(6), F.S.) to allow property to be classified

and valued as of different dates. The trial judge would no longer be able to pick a date other than those listed for classifying assets. However, the trial judge is given sole discretion for selecting the date to use in assessing the value of marital assets and liabilities and different assets may be valued as of different dates.

When a court is determining whether to vary from the child support guidelines amount by 5 percent or less, it must consider all relevant factors including the needs of the child or children, age, station in life, standard of living, and the financial status and ability of each parent pursuant to revised Paragraph 61.30(1)(a), F.S.

This law clarifies Section 61.401, F.S., to provide that a guardian ad litem appointed in a dissolution of marriage action is to act as next friend of the child, investigator, or evaluator, not as an attorney or advocate. Further, the guardian ad litem is to be a party to any judicial proceeding. Revised Section 61.402, F.S., permits state funds so designated to be used to conduct security background investigations of volunteers to be guardians ad litem.

### ***Domestic Violence and Repeat Violence***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1949 (CHAPTER 94-135) makes various revisions relating to domestic violence and incidences of repeat violence as follows:

Sections 741.30 and 784.046, F.S., are amended to provide that ex parte temporary injunctions for protection from domestic violence and ex parte temporary injunctions for protection from repeat violence are effective for a period not to exceed 15 days, instead of the 30-day maximum period currently provided by statute. The sections are further amended to provide that ex parte temporary injunctions may be extended until a full hearing is held to determine whether a permanent injunction will be granted, if a continuance is granted by which the full hearing will be held later than 15 days after the temporary injunction was granted.

Renumbered and revised Paragraph 741.30(8)(b) and revised Paragraph 784.046(9)(b), F.S., are amended to provide that persons arrested for violating an injunction for protection from domestic violence or for violating an injunction for protection from repeat violence must be held in custody until brought before the court for enforcing the injunction and for admittance for bail.

Sections 741.30 and 741.31, F.S., are amended to revise the manner in which injunctions against domestic violence are enforced. Paragraph 741.30(9)(a), F.S., is renumbered as (8)(a) and amended to repeal the requirement that the courts enforce the injunctions through civil or indirect criminal contempt proceedings. In addition, a provision which allows the court to impose a fine for violation of the order is repealed.

In lieu of civil or indirect criminal contempt proceedings, amended Section 741.31, F.S., provides that a respondent commits a first-degree misdemeanor if that person violates a domestic violence injunction by refusing to vacate, or by returning to a dwelling shared by the petitioner and respondent. Currently, such a violation is punishable as a second-degree misdemeanor in addition to any penalty which may be imposed through contempt of court proceedings. Under this legislation, any other violation of a domestic violence injunction by committing an act of domestic violence or by making "an intentional unlawful threat, by word or act, to do violence to the petitioner...with an apparent ability to do so, and doing some act that creates a well-founded fear that such violence is imminent" is also a first-degree misdemeanor.

Under amended Paragraph 741.30(8)(a), F.S., the court may enforce through civil contempt proceedings any violations of injunctions for protection from domestic violence which are not punishable as first-degree misdemeanors.

The act authorizes the courts to enforce compliance with injunctions through the

imposition of monetary assessments. Moneys derived from an assessment the court imposes upon persons for violation of a domestic violence injunction are to be collected and deposited into the Displaced Homemakers Trust Fund.

Paragraph 784.046(9)(a), F.S., is amended to provide that violations of injunctions against repeat violence are to be punished pursuant to civil contempt proceedings. The statute is further amended to provide that the court may impose a monetary assessment in lieu of a fine for violating an injunction against repeat violence. The clerk of the court is to collect these assessments, and transfer the moneys, each month, to the State Treasury for deposit in the Crime Compensation Trust Fund.

Sections 741.30 and 784.046, F.S., are amended to authorize law enforcement agencies to serve petitions for injunctions for protection from domestic and repeat violence and notices of hearings on the petitions upon the person enjoined. Current law allows only sheriffs to serve notice of such injunctions and hearings.

These statutes are (Subparagraphs 741.30(7)(a)1. and 784.046(8)(a)1., F.S.) amended to allow the chief judge of each circuit in consultation with "the appropriate sheriff" to authorize a law enforcement agency to serve these notices. Subparagraph 741.30(7)(a)1., F.S., is further amended to provide that the law enforcement agency must follow the sheriff's service and verification procedures in serving notice of an injunction enjoining domestic violence. Subparagraph 748.046(8)(a)1., F.S., is also revised to provide that the law enforcement agency may receive a portion of the service fee for serving notice of an injunction enjoining repeat violence.

The Domestic Violence and Repeat Violence Injunction Statewide Verification System is created by Paragraphs 943.05(2)(g), 741.30(7)(b) and 784.046(8)(b), F.S., within the Department of Law Enforcement. This system would establish a network of intrastate communication for all law enforcement agencies to verify the

existence and status of domestic violence injunctions and repeat violence injunctions issued by the courts in Florida.

Paragraphs 741.30(7)(c) and 784.086(8)(c), F.S., provide that within 24 hours after the court issues an injunction against domestic violence or against repeat violence, the clerk of the court must forward a copy of the injunction to the sheriff in whose jurisdiction the respondent resides. Similarly, the clerk must forward to that sheriff court orders changing or vacating such an injunction within 24 hours after the court enters the order.

Within 24 hours after serving process of an injunction against domestic violence or against repeat violence, the law enforcement officer must forward written proof of the service of process to the sheriff of the county where the respondent resides. Within 24 hours after receiving proof of service and a copy of the injunction, the sheriff must electronically transmit that information to the Department of Law Enforcement. The information will become available to other law enforcement agencies through the statewide verification system.

If the court terminates an injunction, the clerk of the court must notify the sheriff of such termination within 24 hours after the termination. The sheriff must notify the Department of the termination within 24 hours after receiving notice from the clerk.

Subparagraph 61.13(2)(b)2., F.S., is amended to create a rebuttable presumption regarding the court's determination of the parental rights that separated or divorced parents have with regard to their minor children. Under this provision, if a parent has been convicted for committing an act of domestic violence, which is a second-degree felony or a felony of a higher degree, there is a rebuttable presumption that the court's ordering shared parental responsibility by both parents would be detrimental to the child.

If the presumption is not rebutted, shared parental responsibility, "including visitation, residence of the child, and decisions made

regarding the child" may not be granted to the parent who was convicted of the felony. However, the parent may not be relieved of any obligation to provide financial support to the child.

The act establishes a Commission on Minimum Standards for Batterers' Treatment within the Office of the Governor by Section 11 of the act:

1. Membership

The Commission is to consist of at least seven members appointed by the Governor for a 1-year term. The membership of the Commission must include the following:

- two persons with expertise in the treatment of batterers;
- one person from a state-certified domestic violence center;
- one state attorney designee;
- one public defender designee;
- one certified addictions treatment professional; and
- one person from a state or county probation program.

The Governor may appoint up to four other persons to the Commission.

2. Duties of the Commission

The Commission is to set minimum standards for batterers' treatment programs. The Commission shall assure that batterers will receive services that hold them accountable for their actions and design ways to promote interagency and provider communications. Specifically, the Commission is to determine standards of care for treatment providers, general program policies and procedures, education and training for program staff, intervention approaches and standards, discharge criteria, program monitoring and evaluation requirements and standards to determine the correlation between substance abuse and domestic violence.

3. Duration of the Commission

The members of the Commission are to serve from July 1, 1994, until the adjournment sine die of the 1995 Regular Legislative Session. The Commission is required to render its final report to the Governor no later than December 31, 1994.

Section 28.101, F.S., is amended to impose an additional charge of \$18 upon each person who petitions for a dissolution of marriage. The clerks of the courts are to monthly transfer moneys derived from this charge to the Marriage License Fees Trust Fund to be directed to the Department of Health and Rehabilitative Services for the purpose of funding domestic violence centers.

Section 415.603, F.S., is revised to require the Department of Health and Rehabilitative Services (DHRS ) to certify, inspect and maintain minimum standards for domestic violence centers. In addition, the statute, as amended, requires DHRS to serve as a clearinghouse for information on domestic violence and to provide educational programs for those who care for and treat persons engaged in or subject to domestic violence.

Section 415.605, F.S., is amended to require domestic violence centers in order to be certified to maintain 24-hour hotlines, to provide case management services, to provide law enforcement training, and to provide assessment and referral of resident children.

Section 415.608, F.S., is amended to revise provisions relating to the confidentiality of domestic violence center clients. This section provides that domestic violence centers are private dwellings for purposes of searches and seizures. Staff and volunteers of a domestic violence center are allowed to divulge information regarding clients pursuant to a search warrant or a court order, or under emergency situations. Further, staff and volunteers of a domestic violence may report a

client who has committed a crime or committed child abuse or abuse of a vulnerable adult.

The law appropriates \$1.4 million from the Marriage License Fee Trust Fund to DHRS to fund domestic violence centers.

Identical provisions constitute COMMITTEE SUBSTITUTE FOR HOUSE BILL 525 (CHAPTER 94-134).

***Parenting Courses for Divorcing Parents***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 281 (CHAPTER 94-185) permits all judicial circuits in the state to approve a parenting course of a minimum of four hours to educate, train and assist divorcing parents in coping with the consequences of divorce on parents and children.

All parties to a dissolution of marriage proceeding or modification of a final judgment involving shared parental responsibilities, custody or visitation may be required to complete a parenting course prior to entry of a final judgment or modification of final judgment and to file proof of compliance with the court. A reasonable fee may be charged for the course.

Information or statements made by the parties at educational sessions may not be considered in adjudication nor any report of such sessions made a part of the record unless the parties stipulate in writing to the contrary. Parties to a dissolution of marriage may not be required to attend a parenting course together, but the court may hold any parent failing to complete a required parenting course in contempt and subject to sanction by the court as deemed appropriate, including denial of shared parental responsibility or visitation.

***Child Support and Paternity***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1587 (CHAPTER 94-318) provides for compliance with recently promulgated federal regulations pertaining to child support and paternity. The act makes several changes to the current law to assist in the

operation of the child support enforcement program and to increase collection of child support payments.

Subsection 382.013(2), F.S., is amended to permit hospital-based voluntary establishment of paternity.

Subsection 61.1301(4), F.S., is added to define how child support is to be allocated when there is more than one income deduction order against the same obligator and insufficient money to pay each obligation in full. Each family is to receive a prorated percentage for each support obligation.

Subsections 60.30(7) and (8), F.S., are revised to clarify how child care and health care costs are to be treated in the computation of child support when the noncustodial parent prepays those costs.

The legislation amends Subsection 742.12(2), F.S., to require the filing of written objections to the results of paternity testing 10 days prior to a hearing on the issue of paternity.

Section 12 of the law requires each employer with more than 250 employees to report new hires and rehires to the Department of Labor and Employment Security at the end of the first pay period following employment or reemployment. This information must be made available to the child support enforcement program for enforcement purposes.

Section 13 of this enactment creates the Advisory Council on Accelerated Employment Reporting which is to report to the Legislature on the methodology and format of the reporting of new and rehired employees required by Section 12 of this law. The final report of the Council is to be issued on October 1, 1995, following an interim report on January 1, 1995.

***Trust Fund Moneys***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2103 (CHAPTER 94-222) amends Section 741.01, F.S., to impose an additional charge of \$25 upon an applicant's receipt of an application for a marriage license.



The moneys derived from the fee must be transferred monthly to the Clerk of the Supreme Court.

The moneys transferred to the Supreme Court are to be deposited into the Family Courts Trust Fund or into the Grants and Donations Trust Fund if the Family Courts Trust Fund is not created by law. The Supreme Court, through the Office of the State Courts Administrator, must adopt a comprehensive plan for the operation of the trust fund and for the expenditures of moneys from the fund.

The comprehensive plan must address issues arising from families in litigation. The administration of the comprehensive plan must include administering domestic violence disputes, guardian ad litem programs, mediation programs, legal support, training, automation and "other related costs incurred to benefit the citizens of the state and the courts in relation to family law cases."

The Supreme Court is required, as part of its comprehensive plan, to evaluate the necessity for an installment plan or a waiver for any or all of the fees based on financial necessity and report its findings to the Legislature. In addition, this legislation creates Section 741.011, F.S., to provide that an applicant for a marriage license may pay the fees therefor in no more than three installments over a 90-day period. The clerks of the circuit court must accept payment of such fees in installments upon receipt of an affidavit from the applicant which states that the applicant is unable to pay the fees in one payment. If an applicant pays the marriage license fees in installments, the clerk may, as a processing fee, retain \$1 of the \$25 fee that is to be deposited into the Family Courts Trust Fund or the Grants and Donations Trust Fund.

#### ***Family Courts Trust Fund Established***

HOUSE BILL 2199 (CHAPTER 94-223) creates the Family Courts Trust Fund to be administered by the Supreme Court. Pursuant to Section 19(f)(2) of Article III of the Florida

Constitution, the Fund is to terminate July 1, 1998, unless terminated sooner.

Prior to the regular session of the legislature preceding the termination date, the Court and the Governor, based on a review of the Fund's purpose and use, are to recommend in their budget documents to the legislative presiding officers whether the Fund should be allowed to terminate or should be recreated with or without change. In the event of termination, the Court is to assume the outstanding debts or obligations of the Fund and the Comptroller is to clear the Fund from the state's accounting systems.

#### ***Eminent Domain Proceedings***

HOUSE BILL 2243 (CHAPTER 94-162) modifies Section 73.032, F.S., relating to offers of judgment made prior to eminent domain hearings as follows:

1. The deadline for making an offer of judgment is reduced from no later than 60 days before trial to no later than 20 days before trial. (Subsection 73.032(2), F.S.)
2. If a condemning authority makes an offer of judgment which is not accepted by the property owner and the judgment, exclusive of interest accruing after the offer is made, does not award the owner more compensation than the offer would have, the court may not award to the owner costs incurred after the offer was rejected. (Subsection 73.032(5), F.S.)
3. The property owner is allowed to make an offer of judgment for an amount under \$100,000 (Subsection 73.032(3), F.S.). If the offer is rejected by the condemning authority and the property owner obtains a judgment equal to or more than the offer exclusive of interest accruing after the offer was made, the condemning authority must pay all reasonable attorney's fees of the property owner as provided in Section 73.092,

F.S., as amended. (Subsection 73.032(6), F.S.)

4. A subsequent offer of judgment voids any prior offers. (Paragraph 73.032(4)(e), F.S.)
5. Evidence of an offer of judgment is admissible only to enforce an accepted offer or to determine costs and attorney's fees to be awarded to a property owner. (Subsection 73.032(8), F.S.)

Section 73.091, F.S., is amended to specify a procedure for a property owner to recover costs including attorney's fees, appraiser's fees, and, with regard to business damages, accountant's fees incurred in defending his interests in an eminent domain proceeding.

The property owner's attorney shall submit to the condemning authority a detailed statement of the services rendered by each expert witness, including the dates services were rendered, the nature of the services, the time spent performing services, and costs incurred. In addition, the attorney must provide the condemning authority a copy of the fee agreement between the expert and the property owner or the property owner's attorney. The statement and a copy of the fee agreement must be provided to the condemning authority no later than 30 days before a hearing to assess costs. (Subsection 73.091(2), F.S.)

The court is required, in assessing costs, to consider the reasonableness of all costs including fees paid to similar experts in similar hearings and the costs of similar services by similarly qualified persons. The court is to be guided by the amount the property owners would ordinarily be expected to pay for such services if the condemning authority were not paying therefor. The court is also required to make specific findings as justification for each fee awarded to an expert witness. (Subsections 73.032(3), (4) and (5), F.S.)

Section 73.092, F.S., relating to the payment of the property owner's attorney's fees by the condemning authority, is amended as follows:

1. Attorney's fees are to be based solely upon the benefits achieved for the property owner except as provided otherwise in the section. (Subsection 73.092(1), F.S.)
2. Interest from the benefits obtained by an attorney for a property owner are excluded in determining attorney's fees. (Paragraph 73.092(1)(a), F.S.)
3. In determining attorney's fees for prelitigation negotiations, attorney's fees may not be based upon the recovery of business damages unless the property owner's business records kept in the ordinary course of business are provided to the condemning authority. (Subparagraph 73.092(1)(a)1., F.S.)
4. If business and financial records are not provided to the condemnor before litigation, attorneys fees for benefits derived by recovering business damages must be based upon the difference between the amount of the final judgment or settlement and the first written offer made by the condemning authority within 60 days after receiving such records, if the authority makes a written request for discovery of the records within 45 days after the property owner files an answer in the proceeding. (Subparagraph 73.092(1)(a)2., F.S.)
5. The nonmonetary benefits the attorney obtained for the property owner are restricted to those which the court specifically identifies and which are reasonably quantifiable in determining benefits for which attorney's fees may be awarded. (Paragraph 73.092(1)(b), F.S.)
6. A schedule for the amount of attorney's fees that may be awarded is specified in Paragraph 73.092(1)(c), F.S., as follows:
  - Thirty-three percent of any benefit up to \$250,000, plus

- Twenty-five percent of the benefit in excess of \$250,000 but not more than \$1 million, plus
  - Twenty percent of benefits in excess of \$1 million.
7. Additional fees may be awarded to an attorney who defeats an order of taking, or litigates a proceeding for apportionment or other supplemental proceedings. In determining the amount of these fees, pursuant to revised Subsection 73.092(2), F.S., the court is to consider:
- The novelty and difficulty of the issues involved;
  - The attorney's skill, time, labor, and responsibility incurred;
  - the amount of money involved;
  - customary charges made for similar legal services; and
  - any amount awarded to the attorney based on percentage of benefits.

The provisions of this act take effect October 1, 1994, and apply only to actions filed after that date.

### ***Condominiums—Eminent Domain***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1741 (CHAPTER 94-336) creates Section 73.073, F.S., which provides a special procedure by which a condemning authority may purchase or take portions of the common elements of a condominium.

The act provides that the condemning authority need not name a unit owner as a defendant in an eminent domain proceeding unless the unit owner objects to the purchase or taking or the appraised value of the property within 30 days after receiving from the condemning authority notice of its intent to purchase or take the parcel (Subsection 73.073(4), F.S.). The failure of a unit owner to object within this time period constitutes an acquiescence by the unit owner to the association acting as the unit owner's

representative in any subsequent proceeding relating to the parcel at issue.

The law also creates in the association a limited power to convey portions of the common elements of the condominium to a condemning authority for public purposes when no unit owner has raised an objection within the 30-day period (Paragraph 718.112(2)(n), F.S.). The act takes effect October 1, 1994.

### ***Condominium Management***

HOUSE BILL 2493, (CHAPTER 94-350) revises a number of statutory provisions relating to community association management, condominiums, and cooperatives.

The law includes the following provisions relating to community association management: (1) clarifies the definition of the term "community association management" (Subsection 468.431(2), F.S.); (2) requires each applicant for a community association manager's license to submit fingerprints to Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI) to enable the Division to perform a complete background check on the applicant (Paragraph 468.433(4)(a), F.S.); (3) restructures the Advisory Council on Community Association Managers (Subsection 468.434(1), F.S.); (4) authorizes the Division to order a manager to return association funds and property, to pay injured persons financial restitution (Subparagraph 468.436(1)(d)2., F.S.); and (5) to pay costs associated with investigation and prosecution of a manager for any violation of the manager's statutory duties (Subparagraph 468.436(1)(d)5., F.S.). The enactment further clarifies that a time-share facility is only required to have one licensed manager at each noncontiguous facility (Subsection 468.438(2), F.S.).

The legislation also sets out the procedure by which a condominium (Subparagraph 718.112(2)(a)2., F.S.) or cooperative board (Subparagraph 719.106(1)(a)2., F.S.), must

respond to a unit owner's complaint, provides that annual funding of the statutorily required reserve accounts may be reduced or waived only upon the vote of a majority of the total voting interest of the condominium (Subparagraph 718.112(2)(j)2., F.S.) or cooperative (Subparagraph 719.106(1)(j)2., F.S.), and provides consistency in the recall provisions of condominium (Paragraph 718.112(2)(k), F.S.) and cooperative (Paragraph 719.106(1)(f), F.S.) board members.

The measure authorizes the board, upon approval of a majority of the total voting interests in the condominium, to install, repair, and maintain hurricane shutters (Subsection 718.113(5), F.S.) and assess the costs pro rata to the unit owners (Paragraph 718.115(1)(c), F.S.).

The law also clarifies provisions relating to: (1) the liability of first mortgagees for unpaid common expenses and assessments upon acquisition of the condominium unit by foreclosure (Subsections 718.116(1), (5) and (8), F.S.); (2) broadens the class of leases which are presumed to be unconscionable as a result of a lease term authorizing periodic rental increases (Section 718.122, F.S.); (3) expands the types of disputes which the Division may arbitrate to include those involving appurtenances to condominium units (Subparagraph 718.1255(1)(a)1., F.S.); (4) deletes the requirement that the Division distribute "market information" to tenants who have a right of first refusal upon the conversion of existing improvements to condominium (Subsection 718.614(2), F.S.) or cooperative ownership (Subsection 719.614(2), F.S.); and (5) provides that the funding of conversion reserves by the developer is to be based on current replacement cost rather than specific per unit amounts (Paragraphs 718.618(1)(a) and 719.618(1)(a), F.S.).

The enactment allows cooperatives and mobile home cooperatives (Section 719.1055, F.S.) to make material alterations to the size or configuration of units and common elements

upon the approval of 75 percent of the total voting interests. The legislation also allows a tenant who is renting a condominium unit to waive his rights in the use of the common elements to the unit owner (Subsection 718.106(4), F.S.) and provides that condominiums are to be considered residential rather than commercial property for casualty-risk classification (Section 23 of the law). The Division is directed to study the current law relating to mandatory homeowners' associations to determine whether statewide regulation is necessary (Section 22 of the enactment).

This measure also addresses recreation district issues. Section 418.21, F.S., is revised to permit the board of supervisors of a recreation district to consist of more than five members and to permit the establishment of specific geographic areas within a district which are to be represented on the board.

Section 418.22, F.S., is modified to allow the exclusive assignment of recreational facilities within a district to district residents and property owners.

Section 418.24, F.S., is amended to provide that the potential for proliferation of crime, automobile traffic flow, district development, availability of facilities outside the district or other factors as grounds for making district facilities available only to district residents or property owners. Unless otherwise stated in the act, its provisions take effect October 1, 1994.

### ***Rosewood Incident of 1923***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 591 (CHAPTER 94-359) compensates the victims of the racial conflict which took place in Rosewood, Florida, in January 1923.

The Florida Department of Law Enforcement is directed to investigate the crimes committed in and around Rosewood in 1923 to determine if any criminal prosecutions are possible. The Department is to report its findings to the Legislature.

An appropriation of \$500,000 from the General Revenue Fund is made to the office of the Attorney General to compensate African-American families who can demonstrate real and personal property damages sustained as a result of the destruction of Rosewood. Each eligible family is to receive \$20,000, but the Attorney General is authorized to settle claims up to \$100,000 if he finds the losses exceed \$20,000.

Any African-American resident of Rosewood living upon the effective date of this act (December 31, 1994) present and affected by the violence and evacuated during the week of January 1, 1923, is eligible for up to \$150,000 in compensation. Eligible individuals must be identified and located by December 31, 1994, from state records and newspaper notices or they will become ineligible. Persons seeking compensation must supply the Attorney General with reasonable proof of eligibility and extent of damages. The Comptroller is to distribute the \$1.5 million from the General Revenue Fund based on information supplied by the Attorney General and to prorate the funds if they are insufficient to make maximum awards to each eligible person. Unused funds revert to the Working Capital Fund.

The legislation establishes a Rosewood Family Scholarship Fund of no more than 25 scholarships a year to be administered by the Department of Education with preference given to direct descendants of Rosewood families. Each scholarship is worth up to \$4,000, but should not exceed tuition and registration fees. The Department may prorate funds if they are insufficient to supply a full scholarship to each person who the Department is to rank according to need. Payments are to be made to the head of each educational institution in advance of the registration each semester beginning with the 1994-1995 academic year for students who meet specified requirements.

The State University System is to continue to research Rosewood and the history of race

relations in Florida and to develop appropriate instructional materials on these subjects.

### ***Legal Change of Name***

Subsection (5) is added to Section 68.07, F.S., by SENATE BILL 1254 (CHAPTER 94-304) to require court clerks to report the final judgment of a change of name to the Florida Department of Law Enforcement if the petitioner is a convicted felon. The report must contain sufficient information to identify the original criminal record of the petitioner, the new name of the petitioner and the file number of the judgment. The Department must report the change of name of petitioners with out-of-state or federal convictions to appropriate out-of-state offices of law enforcement records or the Federal Bureau of Investigation, respectively.

### ***Administrative Hearings-Evidence***

HOUSE BILL 1981 (CHAPTER 94-161) creates Subparagraphs 120.58(1)(a)2. and 3., F.S., of the Administrative Procedures Act. The act applies provisions similar to those contained in the Rape Shield Law (Section 794.022, F.S.) to administrative proceedings involving sexual misconduct of licensed professionals. Specifically, evidence of a complainant's prior sexual history would be inadmissible unless it can be demonstrated to the hearing officer in camera that: (1) the victim was mistaken as to the identity of the perpetrator, or (2) such conduct bears on the question of consent which is at issue.

A complainant would not be required to present corroborating evidence of the sexual misconduct.

### ***Public Nuisances***

HOUSE BILL 601 (CHAPTER 94-242) modifies Subsection 893.138(1), F.S., to provide additional circumstances which may constitute a drug- or prostitution-related public nuisance subject to local administrative action, i.e., any

place or premises used on more than two occasions within a 6-month period for:

- 1) violation of Section 796.07, F.S., which prohibits the use of a site for prostitution, lewdness or assignation;
- 2) a site used for the manufacture or delivery of any controlled substance; or
- 3) a site used on one occasion by persons unlawfully possessing a controlled substance, where such possession constitutes a felony and that has been previously used on more than one occasion as the site of the unlawful sale, delivery, manufacture or cultivation of any controlled substance.

The appropriate administrative board may enter an order requiring the owner of such a site to adopt abatement procedures or may order the site or a portion thereof closed.

For purposes of the section "controlled substance" is defined to include any substance sold in lieu of a controlled substance in violation of Section 817.563, F.S., or any imitation controlled substance defined in Section 817.564, F.S. The act is to take effect October 1, 1994.



## ECONOMIC DEVELOPMENT AND TOURISM\*

### ***Black Business Enterprises***

COMMITTEE SUBSTITUTE FOR SENATE BILL 1158 (CHAPTER 94-271) creates Section 288.7091, F.S., which sets out the specific duties of the Florida Black Business Investment Board:

- 1) establish certification criteria, including criteria specified in the act, for black business investment corporations;
- 2) develop a memorandum of understanding with Enterprise Florida which outlines a collaboration strategy with Capital, Innovation and Jobs, and Education Partnerships;
- 3) include in the loan decision criteria occupational forecasting results found in Subsection 216.136(10), F.S.;
- 4) establish in communities which lack Black Business Investment Corporations memoranda of understanding with local financial institutions as sources of black business loan guarantees;
- 5) establish memoranda of understanding with specified state agencies detailing efforts of common interest and collaboration to promote black business development;
- 6) intensify efforts to increase the number of black construction and construction-related enterprises with emphasis on government projects at all levels; and
- 7) prepare an annual report on the performance of each Black Business Investment Corporation, number of jobs created or retained, the success or failure rate among loan recipients and the amount of funds extracted from other sources.

Section 288.71, F.S., is revised to require the Board to adopt rules that prescribe criteria to evaluate applications for financial assistance to black business enterprises.

Paragraph 288.711(2)(b), F.S., is amended to limit direct loans to black businesses to no more than 20 percent of the capital base of the Florida Investment Incentive Trust Fund.

### ***Sports Franchise Facilities Funding***

SENATE BILL 1502 (CHAPTER 94-275) adds Paragraph 125.0104(3)(o), F.S., to authorize a local option tourist development tax to be used to finance the construction, reconstruction, or renovation of a facility for a new professional sports franchise. Any county that has imposed the tax under Paragraph 125.0104(3)(l), F.S., may impose an additional tax that is no greater than 1 percent on transient rentals by a majority plus one vote of the membership of the board of county commissioners.

A county that imposes the tax authorized by this act may not expend any ad valorem tax revenues for the construction, reconstruction, or renovation of that facility.

The effective date of this levy and imposition of the tax is the first day of the second month following approval of the ordinance by the board of county commissioners or the first day of any subsequent month specified in the ordinance.

### ***Defense Conversion and Transition***

HOUSE BILL 2589 (CHAPTER 94-323) codifies as Section 288.973, F.S., the Florida Defense Conversion and Transition Commission created by Executive Order No. 93-118 in April of 1993. The Commission is given specific powers and duties, including advising the Governor, Legislature, state and local agencies

---

\*Based on after session reports of Committees with jurisdictions in the subject areas of the article



and local governments on issues and programs relevant to the impacts of defense spending reductions on businesses and communities of this state.

An optional, alternative comprehensive planning process for the reuse of military bases is created as Section 288.975, F.S. The base reuse planning process requires that a base reuse plan be consistent with the nonprocedural requirements set out in Part II, Chapter 163, F.S., (Local Government Comprehensive Planning and Land Development Regulation Act). Specific time limits and duties are provided in new Sections 288.976 and 288.977, F.S., for state and local regulatory entities involved with reviewing such plans.

In addition, a grant program is created as Section 288.980, F.S., to assist local governments with military installations that would be adversely affected by federal base realignment or closure actions.

Subsection 288.03(29), F.S., is added to direct the Division of Economic Development in the Department of Commerce to provide advice and assistance to local governments or federally recognized community base reuse commissions seeking federal grants for activities associated with the closure or realignment of a military installation where appropriate or upon request of the local government or community base reuse commission.

Section 403.953, F.S., is revised to provide eligibility under the Jobs Siting Act (Sections 403.950-403.972, F.S.) for any project proposed for location on a closed military installation or which is necessary to implement military base reuse plans officially recognized by the U.S. Secretary of Defense.

## ***Economic Development***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2679 (CHAPTER 94-136) contains various economic development provisions. The legislation:

- 1) provides technical and clarifying changes to programs of the Department of Commerce;
- 2) continues the Qualified Defense Contractor Tax Refund Program;
- 3) creates the Qualified Target Industry Businesses Tax Refund Program;
- 4) expands the authority of the Public Service Commission regarding economic development expenses;
- 5) modifies the planning and budgeting activities of the Department of Commerce; and
- 6) continues and modifies the enterprise zone program. Specifically, the Florida Enterprise Zone Act of 1994 and the state tax incentives utilized with the program are reenacted; and the enterprise zone program and community contribution tax incentive program are transferred from the Department of Community Affairs to the Department of Commerce.

The act contains provisions to change the name of the direct-support organization of the Florida Commission on Tourism from the Tourism Promotion Investment Corporation to the Florida Tourism Industry Marketing Corporation (Section 288.1226, F.S.). An unused trust fund of the Commission, the Tourism Promotion Investment Trust Fund, is repealed (Section 288.1225, F.S.).

## ***Designation of State Enterprise Zones***

The current 30 enterprise zones will expire December 31, 1994, and up to 20 new enterprise zones will be designated in the state. Under a new competitive process, set out in a reworded Section 290.0065, F.S., the Department of Commerce is authorized to designate up to 5 enterprise zones within each of the following categories as described in Subparagraphs 290.0065(3)(a)1.-5., F.S.:

1. Communities consisting of census tracts in areas having a total population of 150,000 persons or more.

2. Communities consisting of census tracts in areas having a total population of 50,000 persons or more but less than 150,000.
3. Communities having a population of 20,000 persons or more but less than 50,000 persons.
4. Communities having a population of 7,500 persons or more but less than 20,000 persons.
5. Communities having a population of less than 7,500.

Subsection 290.0065(2), F.S., states that applications from local governments for designation of areas as enterprise zones are to be ranked competitively within these population categories based on: (1) the pervasive poverty; (2) unemployment and general distress (weighted at 35 percent); (3) strategic plan, including local fiscal and regulatory incentives (weighted at 40 percent); and (4) prospects for new investment and economic development in the area (weighted at 25 percent).

All areas nominated for designation as an enterprise zone must meet the following criteria pursuant to Subsection 290.0055(4), F.S.:

1. The selected area cannot exceed 20 square miles and must have a continuous boundary, or consist of not more than three noncontiguous areas.
2. The selected area cannot exceed the following mileage limitations:
  - For communities having a total population of 150,000 persons or more, the selected area shall not exceed 20 square miles.
  - For communities having a total population of 50,000 persons or more but less than 150,000 persons, the selected area shall not exceed 10 square miles.
  - For communities having a total population of 20,000 persons or more but less than 50,000 persons, the

selected area shall not exceed 5 square miles.

- For communities having a total population of 7,500 persons or more but less than 20,000 persons, the selected area shall not exceed 3 square miles.
  - For communities having a total population of less than 7,500 persons, the selected area shall not exceed 3 square miles.
3. The selected area cannot include any portion of a central business district unless the poverty rate for each block numbering area in such district is not less than 30 percent, except in a county that has a population under 50,000.
  4. The selected area must suffer from pervasive poverty, unemployment and general distress. Pervasive poverty is determined using the following criteria as specified in Subsection 290.0058(2), F.S.:
    - For each block numbering area within a nominated area, the poverty rate shall not be less than 20 percent; and
    - For at least 50 percent of the block numbering areas within the nominated area, the poverty rate shall not be less than 30 percent.

Paragraph 290.0058(2)(d), F.S., provides that if an area is split into three noncontiguous parcels, each parcel must separately meet the criteria above.

Subsection 290.0058(3), F.S., stipulates unemployment for the area cannot be less than the state's average of unemployment. Under Subsection 290.0058(4), F.S., general distress is determined by evidence describing adverse conditions, such as a high incidence of crime, abandoned structures, and deteriorated infrastructure.

Prior to submitting an application to the Department of Commerce for designation of an area as an enterprise zone, the local government must create an enterprise zone development

agency as required by Section 290.0056, F.S., to oversee and monitor the zone, and create and adopt a strategic plan as mandated by Section 290.0057, F.S., for developing the enterprise zone. The strategic plan must contain commitments from the local government to enact and maintain local fiscal and regulatory incentives as provided by Paragraph 290.0057(1)(e), F.S.

Paragraph 290.0065(4)(a), F.S., requires any area existing as a state enterprise zone originally approved through a joint application from a county and municipality (city of Chipley, Washington County and city of Milton, Santa Rosa County) to be redesignated as a state enterprise zone upon the creation of an enterprise zone development agency and the completion of a strategic plan.

An area designated as a federal empowerment zone or enterprise community pursuant to Title XIII of the Omnibus Budget Reconciliation Act of 1993 shall be designated a state enterprise zone under certain circumstances set out in Paragraphs 290.0065(5)(a) through (e), F.S.

In Section 81 of the act, funds are appropriated from the Working Capital Fund to the Department of Commerce for the local government federal empowerment zone and enterprise community designations received in Florida contingent upon the local government's receipt of federal matching funds under Title XIII of the Omnibus Budget Reconciliation Act of 1993.

#### *State Incentives*

Section 290.007, F.S., identifies the state incentives as: enterprise zone jobs credit, the enterprise zone property tax credit, the community contribution tax credit, the sales tax exemption for building materials used in the rehabilitation of real property located in an enterprise zone, the sales tax exemption for electrical energy used in an enterprise zone, the sales tax exemption for business property used

in an enterprise zone, and the credit against sales tax for job creation in enterprise zones are modified. These revised incentives are effective July 1, 1995.

*Enterprise zone jobs credit* (Section 220.181, F.S.)--Only those businesses located in an enterprise zone are eligible to receive this tax credit. Language requiring the new employee to be an enterprise zone resident or aid to families with dependent children (AFDC) or Job Training Partnership Act (JTPA) recipient is removed. The new employee is required to perform his or her duties at a site located in the enterprise zone. This credit is only available for up to 12 months for eligible businesses. Any business may receive a credit of 10 percent of the expected monthly wages paid to any new employee who is earning \$1,500 a month or less. However, if 20 percent or more of the employees of the eligible business are residents of an enterprise zone, the business is eligible to receive a credit of 15 percent of such wages.

*Enterprise zone property tax credit* (Section 220.182, F.S.)--Language requiring 20 percent of the employees of the business to be residents of an enterprise zone in order for a business to be eligible for a tax credit is removed. Any eligible business located in an enterprise zone may receive a tax credit of up to \$25,000 for up to 5 years. However, if 20 percent or more of the employees of the eligible business are residents of an enterprise zone, the business is eligible for a tax credit of up to \$50,000 for up to 5 years.

*Community contribution tax credit* (Sections 220.183 and 624.5105, F.S.)--This credit is available for projects located in an enterprise zone or projects designed to construct or rehabilitate low-income housing only and reduces the funding available for this credit from \$3 million to \$2 million.

*Sales tax exemption for building materials used in the rehabilitation of real property located in an enterprise zone* (Paragraph 212.08(5)(g), F.S.)--Language requiring a 30 percent increase in the

assessed value of the property before the taxpayer is eligible for this refund is removed. Applications for refunds must be submitted to the Department of Revenue (DOR) within 6 months after the rehabilitation is substantially completed. Any eligible business located in an enterprise zone is eligible for a refund of up to \$5,000. However, if 20 percent or more of the employees of the eligible business are residents of an enterprise zone, the business is eligible for a refund of up to \$10,000.

*Sales tax exemption for electrical energy used in an enterprise zone* (Subsection 212.08(15), F.S.)--Language requiring 20 percent of the employees of the eligible business to be residents of an enterprise zone to be eligible for a refund is removed. Applications for refunds must be submitted to the DOR within 6 months after the occurrence of the qualifying provisions. Any eligible business is eligible for an exemption of 50 percent. However, if 20 percent or more of the employees of the eligible business are residents of an enterprise zone, the business is eligible for an exemption of 100 percent.

*Sales tax exemption for business equipment used in an enterprise zone* (Paragraph 212.08(5)(h), F.S.)--Language requiring 20 percent of the employees of the eligible business to be residents of an enterprise zone to be eligible for a refund is removed. Applications for refunds must be submitted to DOR within 6 months after the property is purchased. Any eligible business located in an enterprise zone is eligible for a refund of up to \$5,000. However, if 20 percent or more of the employees of the eligible business are residents of an enterprise zone, the business is eligible for a refund of up to \$10,000.

*Credit against sales tax for job creation in enterprise zones* (Section 212.096, F.S.)--Only those businesses located in an enterprise zone are eligible to receive this tax credit. Language requiring the new employee to be an enterprise

zone resident or AFDC or JTPA recipient is removed. This credit is only available for up to 12 months for eligible businesses. The new employee is required to perform duties at a site located in the enterprise zone. The business is required to file for this credit within 4 months after hiring the new employee. Any business may receive a credit of 10 percent of the expected monthly wages paid to any new employee who is earning \$1,500 a month or less. However, if 20 percent or more of the employees of the eligible business are residents of an enterprise zone, the business is eligible to receive a credit of 15 percent of such wages.

*Linked deposit program* (Section 290.0075, F.S.)--An enterprise zone linked deposit program is established. The Department of Commerce, in consultation with the Enterprise Zone Interagency Coordinating Council, is required to nominate one enterprise zone from each population category for participation in the program. The Treasurer shall make available up to \$10 million of the state's short-term treasury deposits for deposit in participating financial institutions selected by the governing body of each selected enterprise zone. The amount of deposit must be matched by the governing body up to \$2 million.

*Discount tariff rates* (Subsection 290.007(8), F.S.)--The Public Service Commission may allow public utilities and telecommunication companies to grant discounts of up to 50 percent on tariffed rates for services to small businesses located in an enterprise zone.

*Quick Response Training Program* (Subsection 288.047(5), F.S.)--The Department of Commerce is required to set aside 30 percent of the amount of funds appropriated for the Quick Response Training Program to fund instructional programs for businesses located in an enterprise zone or to instruct residents of an enterprise zone. Any unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide funding for any program qualifying for funding under the Quick Response Training Program.

### *Other Incentives*

Pursuant to Subsection 290.0056(10), F.S., enterprise zone development agencies, contingent upon approval by the local government, are permitted to invest funds in community investment corporations, provided such corporations:

1. Match such investment on a one-to-one basis.
2. Provide loan guarantees only to small minority businesses within the zone.
3. Provide such guarantees only to those applicants who have been unable to obtain a loan through normal financial institutions.

A community investment corporation is defined in revised Subsection 290.004(1), F.S., as a black business investment corporation, certified development corporation, or small business investment corporation incorporated under Florida law, that has limited its investment policy to making investments solely in small and minority businesses.

### *Tax Refund Programs*

Changes are made to the Qualified Defense Contractor Tax Refund Program (Section 288.104, F.S.) that the Legislature passed in November 1993. These changes include:

- 1) expanding the authorization of tax refunds to contracts for reuse of a defense related facility, which must be located in a port (Paragraph 288.104(1)(p), F.S.);
- 2) authorizing an exemption from the local financial support requirement for certain rural counties (Paragraph 288.104(1)(q), F.S.);
- 3) limiting payment of approved tax refunds to 25 percent in any one fiscal year (Paragraph 288.104(2)(b), F.S.); and
- 4) extending the contingent repeal date for the program from April 15 to December 1, 1994 (Section 7 of the act).

A tax refund program is created for qualified target industry businesses (Section 288.106, F.S.). These businesses would be identified pursuant to criteria developed by the Department of Commerce through rulemaking in consultation with Enterprise Florida, Inc., and would include corporate headquarters locations (Paragraph 288.106(2)(p), F.S.). This program is modeled after the Qualified Defense Contractor Tax Refund Program and would allow businesses that are certified by the Secretary of Commerce to receive tax refunds based on jobs created of up to \$5,000 per job or \$7,500 if located in an enterprise zone (Paragraph 288.106(3)(b), F.S.). The refunds are contingent upon an annual appropriation by the Legislature, and the secretary may approve not more than \$10 million in tax refunds for the Qualified Defense Contractor and Qualified Target Industry Business or the amount appropriated in any fiscal year (Paragraph 288.095(3)(a), F.S.).

### *Public Utilities--Development Expenses*

The Public Service Commission (PSC) is authorized by Section 288.035, F.S., to allow public utilities to recover reasonable economic development expenses. The expenses would be limited to expenses for operational assistance, strategic plans of local governments, and marketing and research services. The Commission is required to adopt rules for the recovery of economic development expenses, including the sharing of expenses by shareholders.

### *Black Businesses*

It contains provisions to allow for coordination between the Black Business Investment Board and the programs of Enterprise Florida (Paragraph 288.9515(3)(d), F.S.).

### *Department of Commerce--Film Funding*

The Department of Commerce is authorized to contract with the Florida Film Direct Support Organization utilizing funds, to include paid advertising and promotion funding, provided for

the Florida Film and Television Investment Act commencing in fiscal year 1993-1994 (Section 82 of the law).

Excess funds of certain fee-generating activities, such as seminars, conferences, and publishing and copying, of the Department of Commerce are to be deposited in the Department's trust funds, rather than the General Revenue Fund, and used to carry out the duties of the Department (Subsections 288.025(18) and (21), 288.03(22) and (29), and Paragraphs 288.121(1)(h) and (i), F.S.). The Division of Tourism is authorized to develop sales and promotional programs for the state's welcome centers and the use fees generated from them to further the mission of the welcome centers (Subparagraph 288.12(1)(c)2., F.S.).

Finally, the act contains some "housekeeping" issues for the Department of Commerce, to clarify provisions in the Quick Response Program (Subsection 288.047(5), F.S.) and the Economic Development Transportation Fund (Paragraph 288.063(2)(d), F.S.), and to change the date of the small business annual report (Subsection 288.701(4), F.S.).

### ***Community Redevelopment Act***

COMMITTEE SUBSTITUTE FOR SENATE BILL 1944 (CHAPTER 94-236) amends the Community Redevelopment Act (Chapter 163, Part III, F.S.) to specifically provide for the development of affordable housing within community redevelopment areas. The enactment creates Subparagraph 163.370(1)(e), 7., F.S., to allow counties and municipalities to solicit requests within the community redevelopment area for the redevelopment of parcels of real property prior to acquisition of such parcels by the community redevelopment agency.

### ***Minority Businesses—State Contracts***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2587 (CHAPTER 94-322)

amends provisions of law relative to the state minority business enterprise program, which establishes goals and procedures to assist minority businesses in competing for state contracts. The act amends Section 287.0945, F.S., to create the Commission on Minority Economic and Business Development, which is comprised of the Governor and Cabinet. The Commission is assigned to the Department of Commerce. Effective July 1, 1994, the Small and Minority Business Advocate and the Minority Business Enterprise Assistance Office, currently housed in the Department of Commerce and the Department of Management Services, respectively, are consolidated as the Minority Business Advocacy and Assistance Office (MBAAO), under the direction and oversight of the Commission pursuant to Section 16 of the enactment.

The measure revises Section 287.0943, F.S., to provide for the establishment of a statewide certification system for minority businesses. Certification of minority businesses by any governmental entity would receive reciprocity by all participating entities. The MBAAO will set up a Certification Task Force made up of representatives of state and local governments to draft the first set of rules and procedures for certification, and possibly create an application form for use by all participating governmental entities. The final list of criteria and procedures proposed by the Task Force will be subject to approval of the Commission on Minority and Business Development.

The law creates Section 287.09431, F.S., to adopt a statewide and interlocal agreement to be used for such certifications.

Agencies are directed by new Paragraph 287.057(6)(c), F.S., to consider the use of price preferences of up to 10 percent, weighted preference formulas, or other preferences for awarding construction contracts, as determined appropriate by the MBAAO, in collaboration with the Division of Building Construction, to increase minority participation. New Subsection

255.102(2), F.S., directs the MBAAO, in collaboration with the Division of Building Construction of the Department of Management Services and the State University System, to adopt rules to determine what is a "good faith effort" for purposes of contractor compliance with minority participation goals currently existing in law.

Under modified Section 287.0945, F.S., the MBAAO has enhanced abilities to challenge bids awarded where there is no minority participation. The MBAAO has the right to review agency bid and design specifications, and may suggest alternative procurement procedures for contracts over \$60,000. Agencies are permitted to provide price preferences for minority businesses by new Subsection 255.102(1), F.S.

The definition of minority business in Subsection 288.703(1), F.S., is amended to include firms with up to 100 employees and \$3 million in new worth.

Reworded Section 287.0947, F.S., permits the Commission on Minority Economic and Business Development to create the Florida Council on Small and Minority Business Development for the purpose of advising and assisting the Commission in carrying out its duties.

### ***State Historical Markers***

HOUSE BILL 487 (CHAPTER 94-190) creates Paragraph 267.061(3)(n), F.S., authorizes the Division of Historical Resources of the Department of State to administer the state historical marker program. The informational nature of the program is described and a methodology is established for the Division to employ in collecting, categorizing, approving for recognition, storing, and disseminating historical and cultural site information for the general public. The legislation also creates the State Historical Marker Council in Subparagraph 267.061(3)(n)7., F.S., to provide assistance, advice, and recommendations to the Division in

evaluating proposals for Official Florida Historical Markers, and to identify goals for the state marker program.

Subparagraph 267.061(3)(n)10., F.S., states that funds to erect an approved official state historical marker are to be provided by the entity proposing such a marker; however, the Division is also authorized to erect such markers at its own expense and to make competitive grants from the Historic Preservation Trust Fund for proposed markers. All Official Florida Historical Markers will be considered the property of the state.

### ***Ringling Museum of Art Trustees***

HOUSE BILL 627 (CHAPTER 94-157) revises the geographic criteria in Subsection 265.26(1), F.S., for members of the John and Mable Ringling Museum of Art Board of Trustees. The act also provides that the Board members' terms of office expire on December 31 of the 4th year after the date of appointment. The measure revises Subsection 265.26(6), F.S., to extend the authority of the museum's direct-support organization to include fundraising and the provision of operational and maintenance services for the museum under a contract with the Trustees. The legislation revises the requirement that admissions and rental funds be held in trust by the Trustees to allow the direct-support organization to retain the funds. The measure revises Section 627.27, F.S., to authorize the Trustees to loan artifacts owned by the museum, in addition to objects of art.

### ***Florida Sesquicentennial Commission***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1689 (CHAPTER 94-152) establishes the Florida Sesquicentennial Commission within the Department of State to oversee the development of Florida's 150th statehood anniversary celebration. The act provides for the appointment of a specified 18-member board and authorizes that board to carry out certain functions relative to the planning and leading of the celebration. This enactment provides for an

appropriation from the General Revenue Fund of \$125,000 to the Department of State to carry out the purposes of this legislation. The Commission terminates on January 1, 1996.

### ***State Festival and Rodeo***

COMMITTEE SUBSTITUTE FOR SENATE BILL 1392 (CHAPTER 94-97) creates Section 15.0445, F.S., designating the Italian Renaissance Festival at Vizcaya as an official renaissance festival of the state. The festival is presented by the Renaissance Historical Society of Florida, Inc., a not-for-profit educational corporation annually on the third weekend in March.

Section 15.0391, F.S., is created to designate the biennial Silver Spurs Rodeo of Osceola County an official state rodeo.





## EDUCATION, K-12 AND VOCATIONAL\*

### ***Education Facilities***

SENATE BILL 312 (CHAPTER 94-292) makes a number of modifications in Chapter 235, F.S., the Education Facilities Act. The changes would decentralize the education facilities construction process and increase the accountability of local school boards and community college boards of trustees. Reporting requirements would be decreased, the construction project approval process would be simplified, and new construction and scheduling techniques would be encouraged. Some of the specific changes include:

- 1) clarifying the duties of the Department of Management Services regarding construction at the Florida School for the Deaf and the Blind (Subsection 235.014(11), F.S.);
- 2) creating a procedure to secure authorization to use less than standard size sites for urban schools and to construct multistory facilities (Subsection 235.19(3), F.S.);
- 3) directing the State Board of Education to adopt rules for boards to follow if they chose to prequalify contractors for construction management contracts or the design build process (Section 235.211, F.S.);
- 4) requiring the Board of Regents to administer the Capital Improvement Fee Trust Fund and the Building Fee Trust Fund (Section 240.2805, F.S.); and
- 5) providing that the services of a registered architect are not required for certain minor projects (Section 235.211, F.S.).

Many of the changes in the act reflect the recommendations of the 1993 Facilities Task

Force appointed by the Commissioner of Education. This legislation creates the 21-member Florida Education Facilities Study Committee to evaluate problems relating to Florida's public education facilities. The Committee is to make a report to the Legislature, the Governor, and the State Board of Education by November 1, 1994.

This law also revises Subsection 236.081(4), F.S., to specify the tax roll is to be used in calculating allocations of state and local dollars appropriated through the Florida Education Finance Program (FEFP). This change ensures a timely calculation of the allocations and precludes repeated calculations and allocations every time there are changes in a county's property tax roll used for school purposes.

### ***Prekindergarten Early Intervention***

SENATE BILL 364 (CHAPTER 94-293) amends Paragraph 230.2305(4)(g), F.S., to delete the requirement that principals and administrators responsible for a prekindergarten early intervention program obtain six university credit hours in preschool education. Instead, beginning October 1, 1994, principals and administrators must demonstrate knowledge of prekindergarten programs.

The Department of Education must develop rules to govern the process by which principals will demonstrate their knowledge and must submit the rules to the State Board of Education for approval.

### ***Holocaust History***

Through revision of Section 233.061, F.S., SENATE BILL 660 (CHAPTER 94-114) requires the public schools to teach the history of the Holocaust (1933-1945), the systematic, planned

---

\*Based on Senate Education Committee's after session report

annihilation of European Jews and other groups by Nazi Germany. The history is to be taught in a manner that would lead to an understanding of the ramifications of prejudice, racism and stereotyping, and include an examination of how democratic values and institutions must be protected in a pluralistic society.

***Jobs and Education Partnership***

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1018 (CHAPTER 94-232) contains the following six major provisions:

- 1) creates (Section 288.0475, F.S.) the Jobs and Education Partnership of Enterprise Florida;
- 2) creates (Section 239.249, F.S.) a voluntary, market-driven, performance-based funding incentive program for public vocational education programs for adults;
- 3) makes a number of changes in laws relating to vocational education (Chapter 239, F.S.);
- 4) codifies the administrative rules for the operation of the Florida School for the Deaf and the Blind (Sections 242.3305-242.345, F.S.), makes the school a budget entity in the Department of Education (Section 242.337, F.S.), and creates a commission to study the Division of Blind Services (Section 28 of the act);
- 5) amends laws relating to teacher certification (Chapter 231, F.S.); and
- 6) amends and deletes laws to add further flexibility to Florida's system of Education Reform and Accountability, Blueprint 2000 (Sections 229.591-229.593, F.S.).

These provisions are presented in detail below:

1. The Jobs and Education Partnership is a not-for-profit corporation governed by a Board of Directors. Its members include a member of the Senate and of the House of Representatives. Its purpose is to create an economy characterized by better employment opportunities leading to higher wages by creating and maintaining a highly skilled workforce that responds to rapidly changing technology and diversified market opportunities. It has significant responsibility to implement the performance-based funding incentive program and to designate institutes of applied technology.
2. The voluntary, market-driven, performance-based funding incentive program will enable vocational education programs operated by school districts or community colleges to earn fiscal rewards if they achieve certain outcomes. The formula that designates the outcomes and rewards will be developed by the Jobs and Education Partnership, with significant cooperation by people who have expertise in vocational education and job training programs.
  - The formula must provide rewards for positive outcomes for people who are dislocated, disadvantaged, or members of identified populations; and the positive outcomes must include placement in a high-wage occupation.
  - A vocational equipment challenge grant program is authorized that will enable eligible vocational education agencies to improve equipment used in vocational programs.
  - The incentive fund must provide at least 60 percent of the reward money from sources other than education budgets. The Community College Program Fund and the Florida Education Finance Program may

- provide no more than 40 percent of the funds.
- The 1994 Appropriations Act contains \$31.5 million for the incentive fund and the equipment challenge grant program. The funds are derived from discretionary funds authorized for various federal education and training programs, including the Governor's discretionary Job Training Partnership Act funds, unmatched Project Independence funds and the Quick Response Training Program in the Department of Commerce.
3. The changes in vocational programs are as follows:
  - The method of calculating funding weights of vocational programs is changed (effective in 1995-1996) so that the weights are based on cost categories rather than program types. (Paragraph 236.081(1)(c), F.S.)
  - Indirect costs may be charged only for services received. (Section 237.36, F.S.)
  - Local funds are added to the requirement that 80 percent of funds generated by vocational education programs must be spent on those programs. (Section 239.201, F.S.)
  - The law requiring outcome reports of vocational education programs is rewritten. The emphasis on employment (placement) that is related to the vocational instruction is removed. (Section 239.233, F.S.)
  - A requirement is deleted that placement rates reported to consumers must represent instruction-related placement rates. (Section 239.245, F.S.)
  - The name of the vocational division within the Department of Education
- is changed to the Division of Applied Technology and Adult Education.
- A study is required by the Postsecondary Education Planning Commission and the Accountability Commission of vocational education reporting requirements. (Paragraphs 20.15(2)(a) and (4)(b), F.S.)
- The name of vocational education is changed to "career education." (Section 16 of the act.)
4. Current administrative rules are codified that govern the operation of the Florida School for the Deaf and the Blind. The school is made a budget entity under the Division of Public Schools in the Department of Education; however, its Board of Trustees would continue to be responsible for the preparation of the budget and the management and operation of the school. In addition, the school's security force will have police powers on the school's campus. The security officers will have to meet law enforcement training requirements. Provision is also made to create a commission for the purpose of studying the Division of Blind Services in the Department of Education and its delivery of services to the blind. (Sections 242.3305-242.345, F.S.)
5. The majority of the changes in the laws affecting teacher certification are designed to accommodate and support education reform and accountability as expressed through Blueprint 2000. Following are brief descriptions of some of the more significant provisions:
  - Applicants for a teaching certificate will be required to identify and demonstrate comprehension of the Principles of Professional Conduct for Educators. (Subparagraph 231.17(2)(a)9., F.S.)
  - The State Board of Education is authorized to waive the College Level

Academic Skills Test (CLAST) requirement for certificate applicants who have already successfully passed the test, or who passed the old Florida Teacher Certification Examination. (Paragraph 231.17(2)(b), F.S.)

- Applicants for certification in the area of teaching English or language arts to limited-English-proficient students may receive up to two additional 2-year temporary certificates in order to complete licensing requirements. In addition, a 1 year extension of a temporary certificate will be available to foreign educated applicants completing professional requirements for licensure, and to bilingual curriculum content teachers of limited-English-proficient students. (Subparagraphs 231.17(2)(c)4. and 5., F.S.)
  - An alternative to CLAST will be available to certificate applicants who have failed the same exam subtest four times. The Department of Education is to develop the alternative process; however, it will be based in part on assurance by the applicant's employing superintendent that the applicant has demonstrated sufficient knowledge of the content area in question to perform in a satisfactory manner in his or her teaching assignment. (Subparagraphs 231.17(2)(e)1. and 2., F.S.)
  - School boards are authorized to identify local areas of critical teacher shortage, and employ noncertificated personnel to fill the areas of need. Persons so employed will be required to have academic training in the area of assignment, and they must be fingerprinted. (Paragraph 231.1725(1)(d), F.S.)
  - Fast-track certification will be available to administrators moving to Florida from other states as long as their out-of-state credential is valid, and they have been employed as a school administrator for two consecutive years out of the previous five. [Fast-track certification has been available to out-of-state teachers for the past several years.] (Subsection 231.173(3), F.S.)
  - College credits or inservice points earned in the areas of drug abuse, child abuse and neglect, English for Speakers of Other Languages (ESOL), dropout prevention, and school improvement in support of Blueprint 2000 may be used for certificate renewal in specialization areas until the year 2000. (Subparagraph 231.24(2)(a)1., F.S.)
  - School district master inservice plans must include provisions for teachers to earn inservice points toward certificate renewal in ESOL and middle grades education. (Subparagraph 236.0811(2)(a)1., F.S.)
  - Procedures are provided for the Education Standards Commission to work with colleges of education to restructure teacher education programs to support the school improvement philosophy of Blueprint 2000. (Subsection 240.529(2), F.S.)
  - The Education Standards Commission must also develop the requirements a teacher must meet to gain a certificate endorsement in urban education. (Section 47 of the act.)
6. The necessary changes are made to continue the statutory abeyance and waiver process created by Blueprint 2000, the public school accountability and reform act. Repealed are all those statutes that were held in abeyance and not specifically funded for the last 3 years, except the laws concerning school

resource officers and providing a law education program. Also repealed are those laws held in abeyance for 3 years regardless of funding considerations, except statutes pertaining to secondary schools' use of security programs and district and school assessment programs. Legislative intent is expressed to continue to repeal statutes after they have been held in abeyance for 3 years.

7. The authority for the State Board of Education to waive certain statutes, and the procedure for school boards and schools to request such waivers will be continued until 1996. The list of statutes eligible for waiver is retained with the exception of the law requiring equity in the offering of high school activities. [This law was amended by the 1993 Legislature and its purpose made very specific and not subject to waiver.] In addition, laws relating to the high school grading system, the use of instructional materials, and occupational specialists are added to the waiver eligibility list. (Subsection 229.952(6), F.S.)

### ***Education of Exceptional Students***

SENATE BILL 1244 (CHAPTER 94-303) amends provisions of Chapters 228, 230, 232, 233, 236 and 242, F.S., governing exceptional student education to conform the terminology to the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Section 1400 et seq. (1988)). Pursuant to revised Subsection 233.25(13), F.S., publishers of instructional materials, who now are required to grant the Department of Education permission to copy the materials for the visually handicapped, are required to permit copying for other students with disabilities.

### ***Educational Support Employees***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 751 (CHAPTER 94-195) creates Section 231.3605, F.S., to establish an employment procedure for school district educational support employees which provides that, after successfully completing a probationary period, such employees can reasonably expect continuing employment unless they are terminated for cause or there is a districtwide reduction in personnel. Termination procedures must be in accordance with the local collective bargaining agreement or, in the absence of an agreement, school board rules. A procedure for appeal of termination is also provided. A third provision of this law revises Section 231.434, F.S., which makes educational support personnel eligible for annual leave if they are employed on a 12-month basis.

### ***Developmental Research Schools***

HOUSE BILL 2353 (CHAPTER 94-319) contains the following major provisions:

- 1) creation of a new classification system for employees of district school boards;
- 2) amendment of Sections 228.053 and 228.054, F.S., to bring the developmental research schools into alignment with the state system of education reform and accountability (Blueprint 2000);
- 3) creation of Section 229.595, F.S., to provide educational responsibility for school-to-work transition efforts; and
- 4) creation of Section 446.31, F.S., to form a new commission, housed within the Executive Office of the Governor, to make recommendations about human resource development.

These provisions are outlined specifically below:

1. The classification system will specify the types of personnel and expenditures that must be reported as administrative rather than instructional. Each school district is required to list each employee as administrative, administrative support,

instructional, instructional specialist, instructional support, or school support personnel. Each category is defined in terms of the amount of time actually spent with students, and the schools are required to report the number of each type of employee to parents in the annual school report. The legislation further requires a certain method of calculating class size and teacher-to-student ratios, using only instructional personnel in the calculations. Expenditures are listed that must be reported as administrative expenditures. [These classifications differ from those required by the state's automated staff and financial database, but the measure states that the database should not be changed. In addition, the Appropriations Act requires a report of personnel with different definitions. Therefore, three or more taxonomies will be required, and reports must be generated in two or more ways when they include personnel categories.]

2. The state's four developmental research schools (often called lab schools) are brought into alignment with Blueprint 2000 by requiring each of them to establish a school advisory council and implement a school improvement plan. Flexibility is provided with regard to student admissions by authorizing an exemption to Section 228.2001, F.S., the equity act.
  - There is a change in current practice, under which teachers employed by lab schools prior to the 1991-1992 school year do not have to be certified, so that all teachers must be certified by the 1995-1996 school year. Another current practice is codified by specifying particular statutes that may be held in abeyance or waived for the lab schools through

their joint committee. The joint committee will grant waiver of those statutes, in addition to those available for waiver by other public schools, so that lab schools may avail themselves of something like a "super waiver" in pursuing their mission of research and demonstration of new educational practices. The Commissioner of Education may intervene in this waiver process in case of threats to the public interest or health, safety, welfare or civil rights of the students.

- Section 228.054, F.S., is amended to add new duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee. The joint committee will annually review rules of the Board of Regents and the Department of Education for conflicts or barriers, approve or disapprove waiver requests, and report to the Legislature additional statutes that hinder the mission of developmental research schools.
  - Additional resources are not provided to the lab schools to employ research coordinators.
3. School districts are required to include workforce education in their accountability efforts. Any assessment required for a student to earn a high school diploma will have to include items to identify workforce preparation.
  4. The Florida Human Resource Development Commission is created to advise the Cabinet and the Legislature on all matters related to programs for education, training and employment of the labor force. It may request waivers of policies and report annually a description and evaluation of program effectiveness. It may recommend modifications in policy and practice.

- The Commission will be housed in the Executive Office of the Governor and staffed by an executive director who may appoint technical and support personnel. Additional staff will be full-time staff of each of the four participating agencies, who will work out of the Governor's Office on Commission activities, but remain in the employment of their agencies.
- The members will be the President of the Senate; the Speaker of the House of Representatives; the Commissioner of Education; the secretaries of the departments of Labor and Employment Security, Health and Rehabilitative Services, and Commerce; and four Governor's appointees representing the Chamber of Commerce, Associated Industries of Florida, and the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO).

***African American History Required***

COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 2665 (CHAPTER 94-225)  
amends Section 233.061, F.S., adding the  
teaching of the history of African Americans to  
the list of prescribed courses of study for public  
school students.





## EDUCATION, HIGHER\*

### *Access and Accountability*

COMMITTEE SUBSTITUTE FOR  
SENATE BILL 636 (CHAPTER 94-230)  
contains the following provisions:

1. The State University System is provided greater decisionmaking flexibility and authority that will enable it to manage revenue certificates, bonds and debts. Specifically:

- The Board of Regents (BOR) will be authorized to issue bonds to finance or refinance capital projects approved by the Legislature. (Subsection 240.2093(1), F.S.)
- The BOR is authorized to use a direct-support organization or educational facilities authority to issue or refinance debt for projects approved by the Legislature. These projects, regardless of their sources of funds, must be included in the university master plan approved by the BOR. (Subsection 240.2093(2), F.S.)
- The State University Housing Loan Fund will be replaced with the State University System Facilities Loan and Debt Surety Program to enable universities to acquire funds or credit enhancement for income generating, self-supporting enterprises such as student housing, parking and athletic facilities. Projects must be approved by the Legislature before the Board can issue revenue certificates. A surety pledge for a project is limited to an amount equal to 1 year's debt service or lease payments, and is not

to extend beyond the first 5 years. (Section 240.296, F.S.)

- University direct-support organizations will be authorized to enter into agreements to finance, design and construct, lease, lease-purchase, purchase, or operate facilities needed by the university as determined by the BOR and approved by the Legislature. (Subsection 240.299(5), F.S.)
- The BOR is provided the authority necessary to issue bonds and manage debt, borrow money and issue revenue certificates to acquire projects approved by the Legislature, and to pledge and combine any unobligated trust funds to secure a debt. (Section 243.02, F.S.)
- The current interest rate limitation of 7.5 percent per annum on revenue certificates will be removed and new limitations established in accordance with Subsection 215.84(3), F.S.
- Certificates will be offered by public sale or negotiation rather than private sale, and the maturity term would be reduced from 50 to 30 years. (Section 243.03, F.S.)
- The prohibition against issuing other debt certificates on parity with revenue certificates is removed. The Board's broad powers to provide security and marketability of revenue certificates is revised to make these consistent with issuers of similar

- purpose such as the Division of Bond Finance. (Paragraph 243.04(6)(a), F.S., and Subsection 243.04(10), F.S.)

  - Tax-exempt status is provided for revenue certificates issued for BOR properties, revenues, and assets making the revenue certificates legal investments for public bodies and financial institutions. (Section 243.105, F.S.)
  - The BOR is authorized to request the State Board of Administration to evaluate the fiscal sufficiency of a proposed revenue certificate issue and to invest all funds including reserve funds. (Section 243.141, F.S.)
  - State universities are authorized to enter into agreements with corporations registered to do business in the state. Agreements regarding land and facilities secured by purchase or lease-purchase agreements must be consistent with the BOR's systemwide master plan and approved by the Legislature. No agreement for lease-purchase may exceed 30 years, or the life expectancy of the facility. Facilities constructed, lease-purchased or purchased must be on the basis of competitive bids and conform to the construction standards and codes applicable to universities facilities. (Section 243.151, F.S.)
2. The community college mission statement is revised to codify the current practice of open-door admissions. Community colleges will be authorized to grant vocational certificates for college credit courses, but will no longer be required to routinely offer the General Educational Development (GED) test. Only colleges designated as the sole provider of adult education in the planning region will be authorized to give the test. (Section 240.301, F.S.)
3. The Mary McLeod Bethune Scholarship Challenge Grant Fund is changed to the Mary McLeod Bethune Scholarship Program and Trust Fund. State appropriations to the Mary McLeod Bethune Scholarship Trust Fund will be divided into scholarship awards and distributed to the Florida Agricultural and Mechanical University, the Bethune-Cookman College, Edward Waters College and the Florida Memorial College on a proportionate share of the matched contributions received on behalf of these institutions. The Department of Education is responsible for establishing a rating system for the distribution of awards. Priority for awards will be given to needy students as determined by the institutions. Institutions that have Mary McLeod Bethune scholarship recipients must submit annual reports to the DOE on the scholarships awarded. (Section 240.4125, F.S.)
4. The following changes are made regarding access and accountability in university education:
  - Students who transfer to state institutions will receive full credits providing their postsecondary institutions participate in the common course numbering system and their courses are determined to be equivalent under the common course designation system. (Section 240.115, F.S.)
  - The Postsecondary Education Planning Commission's review role in the postsecondary education accountability process will be expanded to include: (1) assessment of independent postsecondary institutions that

participate in the Florida Resident Access Grant Program; (2) reviews of the design and implementation of the state university and community college systems' accountability processes and reports; and (3) an evaluation, at least every 5 years, of the extent to which the systemwide institutional plans contribute to the achievement of accountability goals. (Subsections 240.147(15) and (16), F.S.)

- The Board of Regents (BOR) is authorized to establish variable fee schedules for universities in which the variation may be no more than 10 percent of the fee revenues authorized through the legislative appropriations process. The increase in cost to students taking 15 credit hours per term is limited to 5 percent. Revenues generated by the variable fee schedule must be used to implement a plan (developed in consultation with students) for achieving accountability goals; containing student costs, improving quality of instruction and graduation rates; and maintaining access for qualified students regardless of financial need. (Paragraphs 240.209(3)(e) and (5)(a), F.S.)
- The BOR is also authorized to establish rules to grant out-of-state waivers to nondegree seeking students who pursue nonfundable credit courses which can be paid for from fees charged to all students. (Subsection 240.235(9), F.S.)
- The State University System accountability process is revised to require that the annual accountability report include goals and measurable objectives related to the systemwide master plan. Some of the current accountability measures are revised to

permit valid assessments, and three new measures relating to classroom contact hours, universities administrative and support functions, and students cumulative debt are added. (Section 240.214, F.S.)

- Corridor funding as it currently exists will be eliminated. Universities must explain enrollment over the 5 percent corridor on the basis of categories of enrollment used in general appropriations. When a university's enrollment falls below the 5 percent corridor for 2 consecutive years, its enrollment plan will be reduced. (Paragraph 240.271(5)(a), F.S.)
  - Universities will be permitted to use their carry forward funds for nonrecurring expenses, matching challenge grants and maintaining access to course offerings in the event of revenue shortfall. (Subsection 240.272(1), F.S.)
  - The state tuition voucher program is renamed the Florida resident access grant program and its funding will be based on a formula composed of planned enrollment and the state cost of funding undergraduate enrollment at public institutions. (Section 240.605, F.S.)
5. Section 240.2605, F.S., is amended to consolidate the intent and structure of the Florida Endowment Trust Fund for Eminent Scholars, the Trust Fund for Major Gifts and the Trust Fund for New Donors into a new Trust Fund for Major Gifts Program. The program will be administered under a uniform set of donation matching criteria, and operate out of a single

trust fund which receives and disperses challenge grant moneys.

6. Urban internships will be established for university students to study the social, economic, educational, and political life of inner cities in metropolitan areas, and in socially and economically disadvantaged areas of the state that may not be in an inner city of a metropolitan area or an urban setting. Internship students will work in teams and can earn up to 12 semester hours of credit. Each team's work will be published in a report distributed to the colleges of education in the State University System. (Section 38 of the act.)
7. The State Board of Community Colleges is authorized to designate center of technology innovation at any community college that developed expertise in one or more specialized technologies. A center can be at the same time a center for technology innovation, a technology transfer center, a facility for incubation of small business concerns, and an economic development center, providing such benefits as curricular development, faculty development, research, testing, technology transfer, instructional equipment, materials, and partnerships with industries that needed to stay current or to convert technology--especially the conversion of defense-related technologies to other technologies. (Section 240.3335, F.S.)
8. As part of its responsibilities, the State Board of Community Colleges will be required to adopt rules and procedures to be followed by the district boards of trustees for the recruitment, consideration and selection of community college presidents. The rules and procedures must provide for: (1) gender, ethnic and cultural representation of each community on the college presidential

search committees; and (2) consideration of a candidate pool that reflects the ethnic and gender diversity appropriate for the community college district. (Subsection 240.311(7), F.S.)

### ***Law School Scholarships***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1309 (CHAPTER 94-145) add Subsection 240.498(8), F.S., to establish the law scholarship program and the pre-law scholarship loan program as a component of the Florida Education Fund, effective July 1, 1994, to encourage minority students to pursue studies in law.

The intent of the law school scholarship program is to increase to 200, over a 3-year period, the number of minorities enrolled in Florida law schools. Students will have to sign a written contract agreeing to take The Florida Bar examination and, upon being admitted to the Bar, practice law in the state for up to 3 years or repay the aid received.

The objective of the pre-law scholarship loan program is to provide over a 4-year period, fees, room, board, books, supplies, and other support to 136 minority undergraduate students. These students will pursue undergraduate studies at public and independent colleges and universities in Florida with the intent of attending law school in the state. Pre-law students will have to sign a written agreement to enter a Florida law school within 2 years of graduation, or repay with interest the scholarship loan amount.

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

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1801 (CHAPTER 94-244) revises Section 240.535, F.S., to provide that the State University System will serve with Miami-Dade Community College and the

Dade County Public School System in the governance of the New World School of the Arts, with the community college acting as the school's fiscal agent. The Board of Regents (BOR) will select the university partner or partners for the school. In making its selections, the BOR will consider the accreditation status of a university's core program. Florida International University will be one of the university partners of the school pending satisfaction of accreditation criteria. The executive board is reconstituted with the governing partners appointing members that may include representatives of the community and must reflect proportionately the participating institutions.

The school's foundation is assigned the statutory purpose of providing auxiliary financial support for the school's programs. The Department of Education, the Division of Community Colleges, the Board of Regents and legislative staff are required to participate in the development of a formula to produce the school's annual budget request to the Commissioner of Education and the Legislature. The Board of Regents will be responsible for utilizing the faculty resources throughout the university system to develop the curriculum and courses for the New World School of the Arts.

### ***Child Care at Community Colleges***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1813 (CHAPTER 94-220) amends Section 240.382, F.S., to authorize community colleges to establish conveniently located child development centers to assist their student-parents in the acquisition of their education by making available for them adequate and inexpensive child care and preschool instruction at convenient hours. These centers will also provide clinical experiences for prospective child care, early instructional and administrative personnel.

A child development center will be governed by a board of directors with the district board of

trustees establishing local policies and performing oversight and operational guidance. Each center will charge a fee and offer students a sliding fee scale. Community colleges are authorized to use a portion of the funds generated by the student activity and service fee and the capital improvement fees to support the operation of centers.

### ***College Reach-Out Program***

HOUSE BILL 2229 (CHAPTER 94-246) reauthorizes the College Reach-Out Program (CROP), and strengthens the program requirements contained in Section 240.61, F.S. Specifically, the Department of Education is required to develop definitions of low-income and educationally disadvantaged students using such criteria as family taxable income, family receipt of public assistance, a student's attendance and promotion patterns and grade point average.

In a given year, at least 60 percent of the students recruited by CROP projects must be from grades 6-9. Institutions are restricted from selecting for participation students who are already enrolled in programs with similar goals.

College Reach-Out Program projects will be competitively funded with 80 percent of the appropriations distributed to institutional projects that satisfy certain minimum performance standards. The remaining 20 percent of appropriated funds will be used as incentives for projects that exceed the minimum standards.

Section 240.62, F.S., requiring an annual report on the cohort of college reach-out participants is repealed. The longitudinal cohort studies provisions are consolidated under Section 240.61, F.S., which requires the collection, maintenance, retrieval and analysis of data to assess the extent to which the program has accomplished its objectives. From the funds appropriated annually by the Legislature to support the CROP, money

will be allocated to the Postsecondary Education Planning Commission to conduct annual longitudinal evaluations for submission to the Legislature. The program becomes eligible for legislative review in 1999.

The College Reach-Out Advisory Committee is renamed the College Reach-Out Advisory Council to more accurately reflect its permanent status. Staggered terms are provided for council members.

Statutes to reflect the change of name of the Council on Postsecondary Accreditation to the Commission on Recognition of Postsecondary Accreditation.

### ***Prepaid Expense Board***

HOUSE BILL 1143 (CHAPTER 94-200) revises Subparagraph 240.551(5)(c), F.S., to empower the Prepaid Postsecondary Education Expense Board to require purchasers of advance payment contracts to verify, under oath, any requests for contract conversions, substitutions, transfers, cancellations, refund requests or contract changes of any nature.

### ***Florida Gulf Coast University***

HOUSE BILL 2419 (CHAPTER 94-248) revises Subsection 240.2011(11), F.S., to name the tenth university in the state system Florida Gulf Coast University and to specify the location of its campus in Fort Myers.

This act also authorizes the transfer of buildings and property of the University of South Florida contiguous to the Fort Myers Campus of Edison Community College to that community college whereupon the property and buildings are to be leased to the University of South Florida pending completion of the transfer to Florida Gulf Coast University.

The Department of Education is to recommend to the Legislature appropriate compensation for the restoration of facilities supporting upper and graduate classroom instruction and student activities removed from the State University System by this transfer.

### ***Accreditation Commission***

SENATE BILL 2184 (CHAPTER 94-310) amends appropriate sections of the Florida

## EMPLOYEES, BARGAINING AND BENEFITS\*

### *FRS and Other Pension Plans*

COMMITTEE SUBSTITUTE FOR SENATE BILLS 302 and 196 (CHAPTER 94-259) makes several changes affecting public retirement systems in Florida. [Changes affecting the Florida Retirement System (FRS) should generate statewide savings of about \$12 million in fiscal year 1995-1996.]

With regard to the FRS, the act:

- 1) adjusts the contribution rates for the FRS and for the Institute of Food and Agricultural Sciences, based on the 1993 valuation of those systems by consulting actuaries (Sections 121.052, 121.055, 121.071 and 121.40, F.S.);
- 2) increases the contribution rate for the FRS retiree's health insurance subsidy to keep the trust fund healthy, so this subsidy to retirees can continue to be provided (Paragraph 112.363(8)(d), F.S.);
- 3) authorizes FRS members to buy retirement credit for their out-of-state public service with a state or local government employer. The cost for each year of credit is based on the member's salary for his or her first full work year under the FRS, but no less than \$12,000, multiplied by 20 percent. Interest accrues at the rate of 6.5 percent, compounded annually from the date of first annual FRS salary earned until the date paid (Section 121.1115, F.S.); and
- 4) declares the regular receivership employees of the Division of Rehabilitation and Liquidation of the Department of Insurance to be state employees and members of the FRS (Subsection 121.051(9), F.S.).

The law amends Section 112.61, F.S., which relate to local pension plans to clarify that added benefits in local plans must be based on total actuarial experience (that is, must consider both gains and losses). The enactment requires state acceptance of certain police-fire pension plans under Part VII of Chapter 112, F.S., before premium taxes will be distributed to affected municipalities and special fire control districts (Sections 175.121, 175.401, 185.10 and 185.50, F.S.).

Section 121.056, F.S., relating to contribution rate adjustments is repealed.

The measure amends Paragraph 121.052(4)(d), F.S., to allow justices and judges who have terminated their judicial service in compliance with the mandatory retirement at age 70 requirements of Section 8, Article V of the Florida Constitution to purchase additional retirement credit at their own expense under certain conditions. COMMITTEE SUBSTITUTE FOR SENATE BILLS 76 AND 90 (CHAPTER 94-254) consists of an identical amendment to this paragraph.

### *State Personnel System*

SENATE BILL 620 (CHAPTER 94-113) establishes "telecommuting" as a permanent work option for state employees and amends various provisions within Chapter 110, F.S., relating to the state personnel system.

Under the provisions of reworded Section 110.171, F.S., the act provides that the Department of Management Services is responsible for the administration of the program, which includes the appointment of a statewide telecommuting coordinator to

---

\*Based on House Employee and Management Relations Committee's after session report



provide technical assistance to state agencies, the promulgation of rules as necessary, and the development of telecommuting guidelines for state agencies to follow. In addition, the Department is given the responsibility of identifying state employees and their associated job classifications through the state personnel payroll information subsystem (COPES).

By October 1, 1994, the law requires all state agencies to identify and maintain current, a list of job classifications and positions which the agency deems appropriate for telecommuting. Subsequently, those agencies electing to establish a telecommuting program are required to comply with certain statutory criteria.

Further, the enactment amends a wide variety of state personnel and training provisions, the primary components of which:

- 1) create the Office of Labor Relations within the Division of Personnel Management Services of the Department of Management Services (Subparagraph 20.22(2)(g)1., F.S.);
- 2) allow employees to receive training and career development (Subsection 110.1099(2), F.S.) and requires agencies to evaluate training programs (Subsection 110.235(4), F.S.);
- 3) clarify the duties of affirmative action-equal employment opportunity officers and procedures for implementing affirmative action plans (Subsections 110.112(2) and (3), F.S.);
- 4) correct employee union dues deduction provisions (Subsection 110.114(3), F.S.);
- 5) provide each part-time employee a personal holiday on a prorated basis (Subsection 110.117(3), F.S.);
- 6) clarify criteria for sick leave forfeiture (Subsection 110.122(5), F.S.); and
- 7) remove from Chapter 110, F.S., obsolete references to employment examinations and conforms Career Service screening and selection procedures in that chapter to the federal Americans with Disabilities

Act (42 U.S.C. Section 12101 et seq. (Supp. IV 1992)).

### ***Death Benefits for Dependents***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 665, (CHAPTER 94-171) amends Paragraphs 110.123(4)(e), 112.19(2)(g) and 112.191(2)(f), F.S.) to provide the surviving dependents of state and local public safety officers who are killed in the line of duty under certain conditions the same health insurance benefits they would have received had the officer lived. The act also revises beneficiary provisions for police (Subsection 185.162(3), F.S.) and firefighters (Subsection 185.162(3), F.S.) by eliminating remarriage penalties and reinstating death benefits to surviving spouses of police and firefighters at an amount that would have been payable had the benefit not been terminated.

### ***Florida National Guard-Tuition Waiver***

SENATE BILL 574 (CHAPTER 94-229) amends Paragraph 250.10(6)(e), F.S., to increase the number of national guardsmen permitted to participate annually in the State University Tuition and Fee Waiver Program from 250 to 1,000.

### ***FHP Officers Mandatory Retirement***

SENATE BILL 26 (CHAPTER 94-81) repeals Subsection 321.04(4), F.S., which mandates that Florida Highway Patrol officers shall not continue to serve as patrol officers beyond the age of 62.

### ***Unemployment Compensation-Drugs***

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 673 AND 1405 (CHAPTER 94-158) and SENATE BILL 1820 (CHAPTER 94-118), taken together, amend the Florida Unemployment Compensation Law (Chapter 443, F.S.) to address problems Florida employers have experienced in

getting a claimant disqualified for unemployment benefits based on drug test results.

**COMMITTEE SUBSTITUTE FOR HOUSE BILLS 673 AND 1405 (CHAPTER 94-158)** amends Section 443.101, F.S., to declare that a claimant will be disqualified for benefits if the Division finds he was discharged, or was rejected from offered employment, on the basis of a positive confirmed drug test. Drug test results will be self-authenticating and admissible in compensability hearings, and a rebuttable presumption of illegal drug use will be created, if three conditions are met:

1. Employers covered by the Workers' Compensation Law must have instituted a drug-free workplace program under Sections 440.101 and 440.102, F.S. Other employers must be in compliance with equivalent or more stringent drug testing standards established by federal law or regulation.
2. Only laboratories licensed and approved as provided by Section 440.102(9), F.S., may perform such tests.
3. Disclosure of test results and related information is governed by the provisions of Section 443.1715, F.S.

Implementation of this act is tied to enactment of SENATE BILL 1820 (CHAPTER 94-118) which provides an exemption (Section 443.1715, F.S.) from the open records law and spells out circumstances under which drug test results and identifying information must be held confidential, and circumstances under which this information may be disclosed. Sections 409.7015 and 443.171, F.S., are conformed to the new provisions.

#### ***Florida Disaster Volunteer Leave Act***

HOUSE BILL 1055 (CHAPTER 94-159) creates the "Florida Disaster Volunteer Leave Act" (Section 110.120, F.S.). As provided by the legislation, state employees who are certified by the American Red Cross as a "disaster service

volunteer" may be granted administrative leave for purposes of assisting the organization with disaster relief within the geographic boundaries of the state.

As provided within the act, the administrative leave shall not exceed 15 working days within a 12-month period, must be requested by the American Red Cross, and may only be granted with the approval of the employee's employing agency.

In addition, the legislation specifically provides that employees on such leave shall not be deemed to be an employee of the state for purposes of workers' compensation benefits.

#### ***Unemployment Compensation—Claims***

HOUSE BILL 2447 (CHAPTER 94-347) amends the Florida Unemployment Compensation Law (Chapter 443, F.S.) to accomplish three major things:

- 1) incorporate into Florida law federally mandated provisions establishing conditions for continued eligibility (requiring claimants identified as "likely to exhaust benefits" to make use of reemployment services to remain eligible for benefits) (Paragraph 443.091(1)(d), F.S.);
- 2) extend for an additional 3 years statewide authority for the Division of Unemployment Compensation to handle unemployment claims by mail (Paragraph 443.111(1)(b), F.S.); and
- 3) set a limit on attorneys' fees payable by the Division of Unemployment Compensation at no more than one-half of the regular benefits awarded to the claimant during the benefit year (Paragraph 443.041(2)(b), F.S.).

The measure also addresses several administrative problems:

1. There were two differing definitions in Florida law for "employee leasing

companies" — one in Chapter 468, F.S., (which regulates these companies) and a different one in Chapter 443, F.S., the Florida Unemployment Compensation Law. This caused confusion. The legislation revises Subsection 443.036(16), F.S., to synchronize the two definitions.

2. The law rewords Subsection 443.111(1), F.S., to change the time frames for tax notification and reporting to make the process fairer and easier for employers to comply with.
3. The act changes the law (Section 443.131, F.S.) to treat all successor employers alike administratively.
4. The legislation allows employers who pay their long-term debts to be assigned new earned tax rates sooner (Paragraph 443.131(3)(h), F.S.).
5. Further, the enactment clarifies the term "work" as it relates to disqualification for benefits (Paragraph 443.101(1)(a), F.S.).

The legislation adds Paragraph 110.205(2)(t), F.S., to statutorily exclude any employee or officer of the State Board of Administration from the Career Service System and amends Subsections 215.47(6) and (11), F.S., to authorize the Board to invest in domestic or foreign notional principal contracts. ["Notional principal contracts" are over-the-counter investments with short-term risks.]

The major thrust of this legislative initiative, however, is the removal of the statutory language in Subsection 215.47(11), F.S., which currently prohibits the use of funds invested by the State Board of Administration toward the purchase of any obligation or security of any South African corporation, of any South African government-owned corporation, or of the South African government.

### ***Collective Bargaining—Public Attorneys***

HOUSE BILL 2281 (CHAPTER 94-89) adds Paragraph 447.203(3)(j), F.S., to specifically exempt government lawyers from collective bargaining with their employers. [The Legislature determined that the extremely personal nature of the attorney-client relationship would not exist if the attorney were able to continuously sue his or her client-employer to enforce the terms of a collective bargaining agreement. Therefore, the Legislature determined that the state has a compelling interest in excluding government lawyers from the collective bargaining process in the same manner in which it has excluded other persons who have managerial, confidential or otherwise unique employment relationships with the state or local government.]

### ***State Board of Administration***

SENATE BILL 650 (CHAPTER 94-264) relates to the State Board of Administration.

## ETHICS AND ELECTIONS\*

### ELECTIONS

#### ***Voter Registration Act***

HOUSE BILL 2325 (CHAPTER 94-224) implements the National Voter Registration Act of 1993 for federal and state elections (P.L. 103-31, 107 Stat. 77 (1993)). In January of 1995 when the provisions of this law will go into effect, there will be significant changes in the way voter registrations are taken. The act creates Section 97.057, F.S., which requires persons be given the opportunity to register when applying for or renewing a driver's license or identification card with the Department of Highway Safety and Motor Vehicles.

The measure also creates Section 97.058, F.S., to require certain agencies to offer voter registration services to applicants applying for services or assistance from that agency.

Agencies or offices that are required to provide this service, as defined by Subsection 97.021(26), F.S., include:

- 1) offices providing assistance through the food stamp program, the Medicaid program, Women, Infants and Children (WIC) program, and Aid to Families with Dependent Children (AFDC) program;
- 2) state offices that take applications from persons with disabilities for any service or benefit primarily related to their disability, such as Developmental Services offices, Vocational Rehabilitation offices, Blind Services offices, and Veteran's Affairs offices;
- 3) public libraries; and
- 4) centers for Independent Living.

Voter registration will also be made more accessible by the requirement of the legislation in created Section 97.053, F.S., that voter registration applications be accepted by mail. This law also creates Sections 98.045, 98.055, 98.065 and 98.075, F.S., to provide procedures for maintaining accurate voter registration lists. The Central Voter File Study Committee is established to determine the need for a central file of all of the registered voters in the state.

#### ***Voter Information Exemption***

HOUSE BILL 2321 (CHAPTER 94-345) creates three exemptions to the state public records laws which are necessary for complete compliance with the National Voter Registration Act. First, the enactment makes confidential any information pertaining to where an individual registers to vote. Second, the law makes any information pertaining to an individual's decision not to register to vote confidential. In addition, while an individual's signature, social security number and telephone number can be viewed or inspected by the public, this measure will make those items exempt from being copied. The provisions of this law take effect January 1, 1995.

#### ***Ballot Box Sealing***

HOUSE BILL 2255 (CHAPTER 94-208) amends Subsection 101.5614(1), F.S., to give the supervisor of elections in a county that uses electronic or electromechanical voting devices the authority to direct the pollworkers to keep the ballot boxes sealed and have them delivered to the central or regional counting location where the ballots can be mechanically counted. [Currently, at the end of the day,

---

\*Based on House Ethics and Elections Committee's after session report

pollworkers have to open the ballot boxes at the precinct and count, by hand, the number of voted ballots, unused ballots and spoiled ballots to determine whether the number of counted ballots corresponds with the number of ballots issued by the supervisor.] Under the provisions of this measure, the ballot boxes may remain sealed and the pollworkers will only have to count the ballot stubs in order to determine the number of ballots voted.

### ***1994 First Primary Date***

COMMITTEE SUBSTITUTE FOR SENATE BILL 424 (CHAPTER 94-69) changes the date of the 1994 First Primary Election from Tuesday, September 6 to Thursday, September 8, to avoid a conflict with Rosh Hashanah, the Jewish New Year. Other dates in the Election Code which are tied to the date of the first primary will be set as if the date of the first primary were to be held on September 6.

### ***Ballot Language Translation***

COMMITTEE SUBSTITUTE FOR SENATE BILL 626 (CHAPTER 94-300) requires the Department of State to provide a written translation of ballot language regarding statewide issues at the request of a supervisor of elections, as long as the request is filed at least 60 days prior to the general election. The translations must be made in the language of any language minority group specified in Section 203 of the Voting Rights Act of 1965, as amended (42 U.S.C. Section 1973 et seq. (1988)).

## **ETHICS**

### ***Code Refinements***

COMMITTEE SUBSTITUTE FOR SENATE BILL 1756 (CHAPTER 94-277) amends the Code of Ethics (Part III of Chapter 112, F.S.). The act adds appointed state officers to the list of officials prohibited

from lobbying their former agency for 2 years after leaving office (Subsection 112.313(9), F.S.). This provision will bring in members of all boards, commissions and councils with statewide jurisdiction. It also applies the prohibition to leading officials of the state university system (chancellor and vice chancellors, presidents, vice presidents, deans and general counsel to the Board of Regents); Public Service Commission (PSC) members and certain PSC staff. The legislation clarifies the prohibition against lobbying by legislative and other agency personnel for 2 years after leaving state employment.

The measure clarifies the term "State Agency" for the purpose of the state constitutional and code of ethics prohibition against the representation of clients for compensation by members of the Legislature during the term of office. "State Agency" is defined to include an entity of the legislative, executive, or judicial branch of government over which the Legislature exercises plenary budgetary and statutory control.

It revises Subsection 112.313(13), F.S., to apply the 2-year prohibition upon lobbying one's former agency after leaving office to school board members and superintendents, and authorizes school districts to apply the same provision to appointed officials and employees.

The legislation amends Subsections 112.313(2), (4), (5), (6) and (8), F.S., to clarify the provision of legal services by attorneys to units of local government for purposes of application of the standards of conduct in the Code of Ethics and applies certain standards of conduct to such attorneys.

By revision of Paragraph 112.3135(2)(a), F.S., the legislation prohibits the appointment, employment, promotion, or advancement of a relative of a public official by the governmental entity or collegial body of which the official is a member, but exempts appointments to boards (other than those with

land-planning or zoning responsibilities) in municipalities of less than 35,000 people.

The enactment applies the voting conflicts prohibition in Section 112.3143, F.S., to those measures which would inure to the public officer's private loss as well as gain. The measure revises Section 112.3185, F.S., to add Public Service Commission employees to the list of employees to whom contractual services standards of conduct applies. The measure amends Subsection 112.317(1), F.S., to increase from \$5,000 to \$10,000, the cap on a civil penalty the Commission on Ethics may recommend for a violation of the Code of Ethics by a public officer or employee pursuant to Subsection 112.317(1), F.S. The legislation clarifies the standard in Subsection 112.317(8), F.S., by which costs and attorney fees are awarded in ethics complaints. A complainant will be liable for costs and attorney fees if the complaint is determined to have been filed with malicious intent and with the knowledge that it contained false allegations or with reckless disregard for whether it contained false allegations.

The law amends Subsection 112.324(7), F.S., to designate the Governor as the proper disciplinary official in the case of state and local public officers and employees, former officer or employees, candidates and former candidates, with exceptions. (Exceptions are impeachable officers, members and former members of the Legislature, Judicial and Legislative branch employees, and certain commissions and council members attached to the Legislature.) The enactment, through revision of Section 112.326, F.S., authorizes agencies and political subdivisions of the state to adopt more stringent standards of conduct and disclosure requirements as long as such do not conflict with the Code of Ethics.

The legislation revises Paragraph 112.3148(6)(a), F.S., to add water management districts and the Tri-County Commuter Rail Authority to the list of governmental entities

authorized to give a gift over \$100 if a public purpose can be shown. The law is to take effect January 1, 1995.



## FINANCE AND TAXATION\*

Administrative procedures and requirements for a variety of taxes were revised during the 1994 Regular Session. Provisions were adopted to implement the "Save Our Homes" constitutional amendment, which limits increases in homestead property assessments. Other amendments relating to homestead exemptions require applicants for exemption to supply their social security numbers, increase the penalty for giving false information to claim exemption, and allow an owner of property that improperly received exemption 30 days to pay taxes and penalties before a tax lien is recorded. In addition, osteopaths were authorized to certify disability for exemption purposes. In the area of general ad valorem tax administration, fees and duties of tax collectors were revised. Amendments relating to sales tax administration:

- 1) provide a filing exemption for persons renting housing accommodations for more than 6 months;
- 2) revise the exemption for admissions to events sponsored by local governments;
- 3) revise the conditions under which quarterly or semiannual returns may be made; and
- 4) provide for temporary exemption certificates for newly organized charitable organizations.

Administration of the tax on amusement machine charges was also revised, and the rate of the tax reduced.

Other administrative provisions relate to the right of the Department of Revenue: (1) to participate in the distribution of surplus funds in mortgage foreclosure actions; (2) to share specified tax information; (3) to refund overpaid intangible personal property taxes automatically; and (4) to settle or compromise a taxpayer's

liability for a service fee or to modify reporting or filing periods under certain conditions. The Department was directed to notify the Comptroller of delinquent taxpayers, and the Comptroller was authorized to withhold payments to persons or businesses providing goods or services to the state. The application period for tax refunds was also revised.

In the area of ad valorem tax exemptions: (1) an exemption was authorized for space laboratories; (2) a retroactive exemption for certain property entitled to religious exemption was approved; and (3) the description of property deemed to serve a governmental purpose was expanded. Sales tax exemptions were authorized for: (1) nonprofit educational cable consortia; (2) the lease of or license to use taxicabs and related equipment; and (3) labor charges for repair and maintenance of certain aircraft. Provisions were also adopted for the exemption of charges for detective and burglar protection services performed in-state but used outside the state, and for refund or credit for advance disposal fees paid on containers purchased with food coupons or vouchers.

The distribution of several taxes was revised this session. The allocation of severance taxes was revised, the Land Reclamation Trust Fund abolished and a new Minerals Trust Fund created, and the rates of the taxes on solid minerals and heavy minerals increased. Distribution of alcoholic beverage excise taxes was revised, and a reallocation of administrative costs of collecting fuel taxes was adopted.

---

\*Prepared by House Bill Drafting Services



Clarifying amendments were adopted in the following areas: (1) the insurance retaliatory tax; (2) payment of the nonrecurring intangible personal property tax; and (3) the requirement that a deed be recorded before homestead exemption is granted. Other tax-related provisions adopted this year include a revision of the Dade County local option tax on food and beverages; a reduction of jai alai taxes and license fees; and a reduction and 1996 repeal of the supplemental corporate fee.

### **Sales Tax**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 307 (CHAPTER 94-186) amends Paragraph 212.08(7)(o), F.S., to include within the definition of "educational institutions" for sales tax exemption purposes nonprofit educational cable consortia which are exempt from federal income tax and whose primary purpose is the delivery of educational and instructional cable television programming.

HOUSE BILL 2557 (CHAPTER 94-353) includes several provisions relating to sales tax exemptions and administration. New Paragraph 212.08(7)(ee), F.S., exempts the lease of or license to use a taxicab or taxicab-related equipment and services provided by a taxicab company to an independent taxicab operator, if sales tax was paid on the acquisition of the taxicab and equipment. An amendment to Paragraph 212.05(1)(k), F.S., provides an exemption for charges for detective, burglar protection, and other security services performed in this state but used outside this state, provides requirements relating to transactions involving both taxable and exempt services, and requires sellers to maintain a monthly log of exempt services. SENATE BILL 3174 (CHAPTER 94-314), summarized below, provides a clarifying amendment to these provisions.

In the administrative area, this act amends Sections 212.03, 212.06 and 212.18, F.S., effective January 1, 1995, to specify that any

person who rents or grants a license to others to occupy any living quarters or accommodations in apartment houses, roominghouses, tourist camps, or trailer camps, and who exclusively enters into a written agreement for continuous residence for longer than 6 months in duration at such property, is not exercising a taxable privilege. (SENATE BILL 3174 (CHAPTER 94-314), summarized below, provides a corrective amendment to the latter section.) Finally, this act amends Subsection 212.11(1), F.S., to revise the conditions under which the Department of Revenue (DOR) may authorize a quarterly or semiannual sales tax return and payment.

SENATE BILL 3174 (CHAPTER 94-314) also contains other sales-tax-related provisions. It creates Paragraph 212.08(7)(ee), F.S., effective October 1, 1994, to provide an exemption for labor charges for the repair and maintenance of aircraft of more than 20,000 pounds maximum certified take-off weight. It amends Paragraph 212.08(1)(b), F.S., to direct the Department to make refunds or allow credits to a distributor equal to the advance disposal fee paid on containers purchased by consumers with food coupons or Special Supplemental Food Program for Women, Infants and Children vouchers.

With respect to the tax on admissions, this act amends Paragraph 212.04(2)(a), F.S., to clarify the exemption for athletic and recreational programs sponsored by governmental entities and require that the governmental entity by itself, or in conjunction with a tax-exempt organization, sponsor, administer, plan, supervise, direct, and control the program. It also provides that no admissions tax not actually collected before July 1, 1994, shall be due from any political subdivision of the state.

In addition, the tax on charges for use of coin-operated amusement machines imposed under Paragraph 212.05(1)(j), F.S., is substantially revised. Beginning January 1, 1995, the tax rate is reduced from 6 to 4 percent and a method for calculating the tax is provided which takes into account the sales tax rate within each county. Operators of such machines are required to affix an identifying device (decal), rather than a notice, to each machine. The annual fee for such decals is \$20, and tax collectors are authorized to issue them. Decals cannot be transferred, and operators are required to report machines removed from inventory to the Department. An amendment to Paragraph 212.20(6)(f), F.S., provides for deposit of decal fee proceeds in the General Revenue Fund. Paragraph 212.12(1)(b), F.S., is amended to require that sales made through such machines and the number of machines operated be separately shown on returns remitted after February 1, 1995.

New Paragraph 509.032(2)(f) and Section 561.1105, F.S., require the Division of Hotels and Restaurants and the Division of Alcoholic Beverages and Tobacco, in performing inspection duties, to inspect coin-operated amusement machines for compliance with law and report violations to the Department of Revenue. To implement these provisions, the Department is provided an appropriation, authorized to adopt emergency rules, and exempted from provisions regulating the procurement of property and services for a specified period.

HOUSE BILL 2143 (CHAPTER 94-178) creates Subsection 212.084(6), F.S., which authorizes the Department to issue a temporary exemption certificate to a newly organized charitable organization applying for sales tax exemption when a lack of historical information prevents the applicant from qualifying immediately for an exemption certificate. Certificates are valid for 12 months and can be

renewed for 12 additional months. If the recipient does not qualify for a permanent certificate, all taxes and interest on purchases made under the temporary certificate must be paid.

HOUSE BILL 2047 (CHAPTER 94-245) amends Sections 212.20 and 218.65, F.S., to provide an additional distribution of tax revenue from the General Revenue Fund to the Local Government Half-Cent Sales Tax Clearing Trust Fund for emergency distribution. The legislation replaces the current \$5.5 million allocation with a fixed percent of sales tax revenue, which will increase the current allocation amount over time.

#### ***Local Option Taxes***

Both HOUSE BILL 2509 (CHAPTER 94-351) and HOUSE BILL 2557 (CHAPTER 94-353), revise and clarify Section 212.0306, F.S., which authorizes Dade County to levy a local option tax on food and beverages for specified purposes. Businesses are required to determine their taxable status with respect to the exemption applicable to businesses which had revenues of \$400,000 or less in the previous year at the end of each calendar year and notify the tax collector of any change, and new businesses are required to collect taxes for 45 days to determine their exemption status. The exemption for veterans', fraternal, and other clubs is revised. The proceeds of the tax on food, beverages, or alcoholic beverages sold in establishments licensed for on-premises consumption are authorized to be used as collateral for any authorized projects, including bonds issued in connection therewith. The county is required to appoint an oversight board to prepare and submit for approval a plan for using the funds which are available for domestic

violence centers. The scheduled October 1, 2008, repeal of this section is eliminated.

HOUSE BILL 2509 (CHAPTER 94-351) also amends Paragraph 212.0305(4)(b), F.S., which authorizes Dade County to levy a charter county convention development tax. Additional uses are authorized for a portion of the tax proceeds. The qualifications and terms of members of the authorities appointed by each municipality in which projects are developed with tax proceeds are revised, and such authorities are authorized to appoint and dismiss an executive director, general counsel, and other consultants. Authorities are directed to use the previous year's budget if their budgets are not approved by the municipal governing body.

An amendment to Paragraph 125.0104(10)(a), F.S., by HOUSE BILL 2557 (CHAPTER 94-353), clarified by SENATE BILL 3174 (CHAPTER 94-314), authorizes counties levying the areas of critical state concern tourist impact tax to collect and administer the tax on a local basis.

### ***Ad Valorem Taxation***

HOUSE BILL 2557 (CHAPTER 94-353) contains numerous provisions in this area. It creates Section 193.155, F.S., to implement the "Save Our Homes" constitutional amendment, which provides for limitations on increases in homestead property assessments. This section provides for assessment of homestead property at just value on January 1, 1994, or January 1 of the year the property becomes a homestead, and limits annual increases in the assessment as specified in the Constitution. It provides for assessment at just value if there is a change of ownership, and for changes, additions and improvements to property, and for assessment of property that is destroyed or removed. It specifies the property subject to these limitations. It provides for correction of assessments and for liens and penalties when the homestead assessment limitation is granted to property not

entitled thereto. Related amendments to Sections 192.001 and 196.012, F.S., revise definitions. New Paragraph 193.461(3)(d), F.S., provides for application to homestead property included within property receiving an agricultural classification. Subsection 195.073(1), F.S., is amended to provide for subclassification of residential property on assessment rolls, and the form of the notice of proposed property taxes in Section 200.069, F.S., is revised. Section 195.0985, F.S., relating to annual ratio studies, is also amended.

Amendments to Sections 193.1142 and 196.011, F.S., require applicants for homestead exemption, homestead exemptions for disabled persons, and the additional \$500 exemption for widows, widowers, and blind and disabled persons to provide the applicant's and the applicant's spouse's social security numbers on the application, beginning with the 1995 tax year. Beginning with tax year 2000, such social security numbers are required for those exemptions and must be included on short form and renewal applications. These amendments took effect contingent on passage of SENATE BILL 670 (CHAPTER 94-130) which amends Subsection 193.114(6), F.S., to provide a public records exemption for those social security numbers. That act also creates Paragraph 119.07(3)(ee), F.S., to provide a public records exemption for social security numbers of state employees in state employment records.

Several other amendments in this law relate to homestead exemption administration. An amendment adopted last year to Subsection 196.031(1), F.S., which requires recording of the deed in the county records before homestead exemption may be granted, was clarified and its effective date delayed until January 1, 1995. Subsection 196.041(1), F.S., was amended to provide that lessees owning a leasehold interest in a

bona fide lease having an original term of 98 years or more in a parcel in a residential subdivision are deemed to have legal or beneficial and equitable title to the property and are qualified for homestead exemption. An amendment to Subsection 196.131(2), F.S., revises the penalty for giving false information to claim homestead exemption to require that this offense be committed willfully, in addition to knowingly, and to increase the fine from \$2,500 to \$5,000; this applies beginning with tax year 1995. Subsection 196.161(1), F.S., is amended to require the property appraiser to serve a notice of intent to record a notice of tax lien against property that improperly received homestead exemption and allow the owner 30 days to pay taxes, penalties, and interest, and to clarify that only property owned by the person improperly receiving the homestead exemption is subject to tax lien. An amendment to Paragraph 196.011(9)(a), F.S., similarly clarifies language relating to liens against property improperly receiving homestead exemption in counties which have waived the annual homestead exemption application requirement.

With respect to other ad valorem tax exemptions, this legislation creates Subsection 196.011(11), F.S., which allows the owner of property entitled to a religious exemption who failed to timely file an application for exemption and who, because of a misidentification of ownership on the tax roll, was not properly notified of the tax obligation, to file an application and be granted the exemption, retroactive to January 1, 1992.

New Section 196.1994, F.S., exempts space laboratories launched aboard the space shuttle for scientific research from ad valorem taxation, retroactive to January 1, 1994; this section expires in 10 years. Amendments to Subsections 196.101(3) and (5), F.S., by this enactment and SENATE BILL 3174 (CHAPTER 94-314), summarized above, deleted an award letter from the Social Security Administration as an acceptable document to prove total and

permanent disability for tax exemption purposes, allow osteopaths to certify disability, and require the certifying doctor's address on the certification form. An amendment to Subsection 196.012(6), F.S., revises the definition of "governmental, municipal, or public purpose or function" for tax exemption purposes to provide that use of property by a lessee, licensee, or management company as a convention center, visitor center, sports facility, concert hall, arena, stadium, park, or beach which is open to the public is deemed to serve such purpose or function, and that property deeded to a municipality by the United States which is required to be maintained for historical preservation, park, or recreational purposes is deemed to serve a municipal or public purpose.

In the area of ad valorem tax administration, this legislation amends Subsection 193.075(1), F.S., to revise the conditions under which a mobile home being held for display by a dealer or manufacturer is not taxable as real property. New Paragraphs 193.085(4)(d) and (e), F.S., allow the Department of Revenue to share railroad property tax returns with other states, and provide that venue in actions challenging assessments of such property is in Leon County. An amendment to Subsection 194.171(3), F.S., provides that payment of the taxes a taxpayer admits to be due, and timely filing of an action to contest an assessment suspends all procedures for the collection of taxes prior to final disposition of the action. Subsection 193.1142(2), F.S., is amended to provide a definition of "material mistakes of fact" for purposes of provisions relating to disapproval of assessment rolls. An amendment to Subsection 200.065(4), F.S., deletes a requirement that the resolution or ordinance adopted by a taxing authority stating its millage rate be sent to the Department of Revenue.

Several provisions of this law affect tax collectors. Section 197.332, F.S., is amended to provide that tax collectors shall be allowed to collect attorney's fees and court costs in actions to recover delinquent taxes. Subsection 197.402(3), F.S., is amended to reduce the number of advertisements required for real property with delinquent taxes. Amendments to Subsections 197.413(1) and (10), F.S., provide that the tax collector is not required to issue a warrant for delinquent personal property taxes of less than \$50, and allow an additional \$8 fee for each warrant issued. The fees collected by tax collectors for administering the transfer or redemption of tax certificates are increased by amendments to Subsections 197.462(4) and 197.472(3), F.S. These amendments all take effect January 1, 1995.

SENATE BILL 1766 (CHAPTER 94-98) deals with tangible personal property taxes. Under new Section 193.063, F.S., the property appraiser is authorized, at his discretion, to grant an extension for the filing of a tangible personal property tax return for up to 45 days. New Subsection 193.073(2), F.S., authorizes the property appraiser to estimate an assessment of tangible personal property when no return is filed.

### ***Tax Administration***

HOUSE BILL 2557 (CHAPTER 94-353), summarized above, includes several provisions relating to general tax administration. Subsection 69.041(4), F.S., is created to allow the Department of Revenue to participate in the distribution of surplus funds in mortgage foreclosure actions even though a default has been entered against the Department. The applicability of this subsection is clarified by SENATE BILL 3174 (CHAPTER 94-314), summarized above. An amendment to Subsection 45.031(7), F.S., provides for filing a copy of the report of disbursements of the proceeds of the sale of property pursuant to

court order with the Department. Subsection 72.011(3), F.S., which requires plaintiffs in actions contesting taxes to pay uncontested amounts and deposit with the court, or file bond for, contested amounts, is amended to provide that if failure to comply is due to a good faith de minimus error the plaintiff shall be allowed additional time before the action is dismissed. If the amount involved is 5 percent or less of the total assessment the error is presumed to be de minimus.

An amendment to Subsection 213.21(3), F.S., allows the Department to settle or compromise a taxpayer's liability for a service fee if it is determined that a dishonored check, draft, or order was returned due to an error committed by the issuing financial institution. New Subsection 213.21(6), F.S., allows the Department to modify the reporting or filing periods required for specified taxes for purposes of facilitating the calculation of penalty and interest due on tax payments made as a result of a taxpayer's voluntary self-disclosure or the Department's selection of a taxpayer for self-analysis. Paragraph 213.053(7)(m), F.S., is created to allow the Department to share certain sales tax information with the Office of Agriculture Law Enforcement of the Department of Agriculture and Consumer Services in the conduct of the Bill of Lading Program.

Subsection 215.26(2), F.S., is amended by this measure and SENATE BILL 3174 (CHAPTER 94-314), summarized above, to provide that, with certain exceptions, an application for a refund of taxes paid after September 30, 1994, must be filed within 5 years after the tax is paid. Sections 199.232, 211.125, 212.67 and 220.727, F.S., are amended to conform.

COMMITTEE SUBSTITUTE FOR  
SENATE BILLS 220 AND 348 (CHAPTER

94-82) creates Subsection 213.67(9), F.S., which requires the Department to notify the Comptroller of delinquent taxpayers. The Comptroller is directed to withhold payment to persons or businesses providing commodities or services to the state, leasing real property to the state, or constructing public buildings or public works for the state, and the Department is authorized to levy upon such withheld payments.

### **Fuel Taxes**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1317 (CHAPTER 94-146) revises the allocation of the administrative costs of collecting fuel taxes in amendments to Sections 206.45, 206.60, 206.605, 206.875, 206.9845, 212.69, 336.021, 336.025 and 336.026, F.S. It provides that, through fiscal year 1996-1997, the costs of administering all state and local fuel taxes, except the constitutional gas tax, will continue to be deducted from the county gas tax only. Beginning with fiscal year 1997-1998, the deduction of administrative costs from all these fuel taxes will be phased in over a 3-year period, and beginning July 1, 1999, administrative costs will be deducted proportionally from all fuel taxes except the constitutional gas tax. Administrative costs may not exceed 2 percent of collections. A formula is provided for allocating the administrative costs of the ninth-cent gas tax and the local option gas tax among the counties levying those taxes.

This legislation also creates Subsection 206.877(9), F.S., which exempts vehicles fueled by alternative fuels which are operated by state or local governmental agencies from the annual decal fee imposed in lieu of the tax on special fuels.

HOUSE BILL 2557 (CHAPTER 94-353) creates Subsection 206.028(6), F.S., which authorizes the Department of Revenue to contract with private companies to investigate applicants for a motor fuel refiner, importer, or wholesaler license. This act also amends

Subsection 212.67(1), F.S., to authorize transit systems, municipalities, counties, and school districts that are licensed as special fuel dealers to take a credit in lieu of a refund of the tax on sales of fuels.

### **Sin Taxes**

The distribution of alcoholic beverage taxes is revised by HOUSE BILL 2557 (CHAPTER 94-353), summarized above. Section 561.025, F.S., is amended, and Section 561.121, F.S., is created to provide that 2 percent of the excise taxes on beer, wine, and liquor are to be deposited in the Alcoholic Beverage and Tobacco Trust Fund, and the remainder in the General Revenue Fund. The Department of Business and Professional Regulation is authorized to retain \$2 million as reserve in the Trust Fund at the end of each fiscal year. This law also amends Sections 72.011, 72.031, 95.091 and 120.575, F.S. These amendments extend existing provisions which provide procedures for contesting the assessment or denial of refunds of taxes under the jurisdiction of the Department of Revenue in circuit court or under the Administrative Procedure Act, to include beverage, pari-mutuel, and tobacco taxes under the jurisdiction of the Department of Business and Professional Regulation.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2813 (CHAPTER 94-328) relates to jai alai fees and taxes. This act amends Subsection 550.0951(1), F.S., to reduce the daily license fee for each game from \$80 to \$40, and Paragraph 550.09511(2)(a), F.S., to reduce the tax on live handle from 7.1 to 5.0 percent and provide that the tax shall be paid on handle in excess of \$30,000 when the permitholder's live handle during the preceding state fiscal year was less than \$15 million. It also specifies that these reductions of the daily

license fee and the tax on handle and the revision of the portion of handle on which the tax is imposed shall not apply to any jai alai permitholder that begins legal casino-type gaming activities. New Section 550.2704, F.S., authorizes the licensing of one special Jai Alai Tournament of Champions Meet, consisting of four performances at different locations, each year. These performances are exempt from the tax on handle, and two separate credits against other taxes are provided, each in the aggregate amount of \$150,000, to be prorated among such permitholders and used for awards and expenses for these special meets. This legislation also amends the definition of "full schedule of live racing or games" applicable under the Florida Pari-mutuel Wagering Act as provided by Subsection 550.002(11), F.S., to provide for an adjustment for permitholders that are restricted by statute to certain operating periods.

#### ***Severance Taxes***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1093 (CHAPTER 94-197) deals with severance taxes. Section 211.31, F.S., is amended to increase the rate of the tax on the severance of solid minerals, except phosphate and heavy minerals, from 5 to 8 percent over the period July 1, 1995, to July 1, 1997. Distribution of the proceeds of the tax is revised to eliminate deposits in the Land Reclamation Trust Fund, abolish that fund in 1999, and provide for deposits in a new Minerals Trust Fund, to fund the administrative costs of programs established to reclaim lands disturbed by the severance of minerals, to fund the geological survey of the state, and to fund the regulation of oil and gas exploration and production. Section 211.3106, F.S., is amended to increase the base rate of the tax on the severance of heavy minerals over the same period from \$0.84 to \$1.34. The proceeds of this tax are distributed in the same manner as the proceeds of the tax on solid minerals. Distributions from the Oil and Gas Tax Trust

Fund under Section 211.06, F.S., and of the tax on the severance of phosphate under Section 211.3103, F.S., are revised beginning July 1, 1995, to provide for a distribution to the Minerals Trust Fund. In addition, the Department of Environmental Protection is directed to examine, in consultation with the industries affected, the administration of state programs for mineral evaluations and mined land reclamation and report to the Speaker of the House of Representatives and the President of the Senate by January 1, 1995. This act takes effect contingent on enactment of a separate law creating the Minerals Trust Fund, and that legislation was passed.

#### ***Minerals Trust Fund***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1095 (CHAPTER 94-198) creates the Minerals Trust Fund to be administered by the Department of Revenue. Funds collected pursuant to COMMITTEE SUBSTITUTE FOR HOUSE BILL 1093 (CHAPTER 94-197) shall be deposited into the Trust Fund to pay administrative costs of the Department of Environmental Protection (DEP) associated with land reclamation, geological surveys and the regulation of oil and gas exploration and production. The act provides for legislative review of the Trust Fund and repeal or reenactment by July 1, 1998.

#### ***Intangible Personal Property Tax***

HOUSE BILL 2557 (CHAPTER 94-353) creates Subsection 199.185(6), F.S., which provides that a liquor distributor authorized to do business under the Beverage Law is exempt from paying tax on accounts receivable which are derived from sales of alcoholic beverages transacted in another state with a customer in another state. New Subsection 199.232(7), F.S., authorizes the Department of Revenue to refund overpayments of intangible personal property

tax without a written claim by the taxpayer. This act also creates Subsection 199.135(4), F.S. This provision is intended to clarify and confirm the existing authority of mortgage lenders, and specifies that the taxpayer is solely liable for payment of the nonrecurring tax but may pass on the amount of the tax to the borrower or mortgagor.

### ***Corporate Income Tax***

HOUSE BILL 2557 (CHAPTER 94-353) amends Paragraph 220.13(1)(b), F.S., to allow subtraction from taxable income under the Florida Income Tax Code (Code) of imputed income from a controlled foreign corporation, applicable to tax years beginning on or after January 1, 1993.

SENATE BILL 672 (CHAPTER 94-86) amends Section 220.03, F.S., to update the definition of "Internal Revenue Code" under the Code, effective retroactively to January 1, 1994.

### ***Other Taxes and Fees***

HOUSE BILL 2557 (CHAPTER 94-353) exempts from the excise tax on documents any deed executed after January 1, 1994, by which a corporation conveys real property and improvements to an affiliated corporation to which is assigned one or more government contracts for development of aircraft engines or engine parts or space-propulsion-related products. This provision expires December 31, 1995.

Provisions relating to the insurance retaliatory tax are clarified in amendments to Subsections 624.5091(3) and (4), F.S., by SENATE BILL 3174 (CHAPTER 94-314), summarized above. This act specifies that the retaliatory tax does not apply to sales and use taxes and revises the description of special purpose obligations or assessments to which the tax does not apply to delete the requirement that they be imposed by another state. It defines "similar insurer" and specifies that the identical business activity used

in calculating Florida's premium tax is to be used in calculating taxes that would be imposed under the laws of the insurer's state of domicile.

This law also amends Subsections 617.0122(24) and 617.01225(1), F.S., to reduce the supplemental corporate fee from \$138.75 to \$68.75 effective January 1, 1995, and repeals the fee effective January 1, 1996.

HOUSE BILL 2557 (CHAPTER 94-353), summarized above, increases the motor vehicle temporary tag fee from \$1 to \$2 and provides for deposit of revenue from the increase in the Impaired Drivers and Speeders Trust Fund. SENATE BILL 3174 (CHAPTER 94-314), summarized above, specifies that the effective date of this provision is July 1, 1994.

Finally, this act amends Subsection 538.09(1), F.S., and Paragraph 538.25(1)(a), F.S., to revise the registration fee for secondhand dealers and secondary metals recyclers from \$24 to an amount equal to the federal and state costs for processing fingerprints.

### ***Financial Matters***

Trust funds are the subject of COMMITTEE SUBSTITUTE FOR HOUSE BILL 547 (CHAPTER 94-167). This act amends Sections 215.20, 215.22 and 215.24, F.S. It exempts the Camp Blanding Management Trust Fund from the 7-percent deduction for the General Revenue Fund and dismisses all previous charges and late penalties levied against the Fund. It also authorizes the Governor to certify that trust fund income from private grants is exempt from service charge deductions if such deductions would cause the state to lose the grant.





## HEALTH CARE\*

### ***Patient Care Quality Assurance***

SENATE BILL 400 (CHAPTER 94-260) is an open records exemption act relating to various patient care quality assurance review activities. With regard to trauma agency quality assurance activities, the law:

- 1) provides legislative findings and intent regarding the public necessity for the exemptions;
- 2) amends Section 395.3025, F.S., to authorize a trauma agency to receive otherwise confidential information for purposes of quality assurance activities, and to maintain the confidentiality of such information;
- 3) amends Section 395.4025, F.S., relating to selection of trauma centers, and to correct cross-references to otherwise confidential information;
- 4) creates Section 395.51, F.S., providing specific public records and public meeting exemptions for data used by trauma agencies, when such data are derived from data which are otherwise confidential, and makes quality assurance records or reports of a trauma agency confidential; and
- 5) amends Section 401.30, F.S., to allow trauma agencies to gain access to otherwise confidential emergency medical services records without consent of the recipient of those services.

This legislation also provides for the exemption from public records and meetings requirements those quality assurance activities conducted by the Department of Health and Rehabilitative Services (DHRS), a county public health unit, a healthy start coalition, a certified rural health network or a quality assurance

review panel or committee of any of these entities. The measure provides public necessity for such exemptions and creates Section 381.0055, F.S., which specifically provides for the confidentiality of information which is confidential by operation of law and obtained by these entities for quality assurance purposes.

### ***Trauma Centers***

SENATE BILL 402 (CHAPTER 94-129) is a trauma "glitch bill." With regard to the existing trauma provisions contained in Section 395.4025, F.S., this act authorizes:

- (1) an extension of the provisional status period for those trauma center applicants who have noncrucial program deficiencies;
- (2) deletes unnecessary date references in the annual cycle of the trauma center selection process;
- (3) deletes the provision which makes local or regional trauma agencies agents of DHRS; and
- (4) stipulates that trauma patient care quality assurance information not be subject to discoverability or introduction into evidence in civil or administrative action.

Section 395.50, F.S., is created to clearly authorize local or regional trauma agencies to carry out quality assurance activities: (1) this section defines the term "entity" as used in this context; (2) authorizes record sharing among those involved in the entity; (3) specifically authorizes local or regional trauma agencies to appoint a panel or committee to conduct quality assurance activities; and (4) provides for a number of legal aspects of quality assurance activities modeled after similar quality assurance provisions found elsewhere in statute.

---

\*Based on Senate Health Care Committee's after session report

***Medicaid-Physician Assists., Hospices***

COMMITTEE SUBSTITUTE FOR SENATE BILL 606 (CHAPTER 94-299) revises several Medicaid provisions contained in Chapter 409, F.S., to incorporate revisions relating to physician assistants and hospices. Section 409.906, F.S., relating to Medicaid optional services, is amended to add physician assistant services to the list of services which may be reimbursed by the Medicaid Program. Reimbursement for such services is not to be less than 80 percent of the reimbursement that would be paid to a physician who provided the same service. Section 409.908, F.S., relating to reimbursement of Medicaid providers, is amended to indicate that physician assistant services be reimbursed on a fee-for-service basis, and to modify the provision relating to hospice reimbursement, so that a hospice will be reimbursed using the methodology established for hospice reimbursement under Title XVIII of the federal Social Security Act (42 U.S.C. 1395 (1988)).

Subsection 409.912(13), F.S., relating to cost-effective purchasing of health care by Medicaid, requires the Agency for Health Care Administration to develop a procedure whereby an enrollee in a Medicaid prepaid plan who wishes to enter hospice care may be disenrolled from the prepaid plan within 24 hours after contacting the agency to request hospice care. The agency rule is to include a methodology for the agency to recoup prepaid plan payments on a pro rata basis if payment has been made for the month when disenrollment occurs.

Incorporated into the above-referenced statutes are the necessary technical and conforming revisions to reflect the July 1, 1993, transfer of the Medicaid Program from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration, as specified in Section 58 of Chapter 93-129, Laws of Florida.

***Health Facilities Authorities***

SENATE BILL 638 (CHAPTER 94-231) amends Subsection 154.209(14), F.S., relating to the health facilities authorities law, to authorize health facilities authorities to adopt resolutions to donate to the governing body of the local agency that created them any surplus funds, including fees and accrued interest, that remain in their accounts at the end of a fiscal year after payment of all costs and expenses. The governing body that receives such funds is then required to appropriate and disburse those funds to nonprofit human health service agencies.

***Advance Directives for Health Care***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 137 (CHAPTER 94-183) amends Chapter 744, F.S., the Florida Guardianship Law, and Chapter 765, F.S., the advance directives law. These laws are amended to eliminate ambiguities and conflicts resulting from revisions of the advance directives law in recent years.

Section 744.3115, F.S., is amended to incorporate a reference to Chapter 765, F.S., and to clarify the circumstances under which a probate court may either modify or revoke the authority of a surrogate to act on behalf of the principal once the principal is declared a ward of the court under the guardianship law. The guardianship law is further revised in Section 744.345, F.S., to eliminate the authority of a guardian to appoint a surrogate, and, in Paragraph 744.3215(4)(f), F.S., to remove the restriction on a limited guardian's ability to consent to terminating his or her ward's life support.

Subsection 765.101(1), F.S., is amended to refer to do-not-resuscitate orders only in the context of Chapter 401, F.S., relating to medical transportation services, as provided in Subsection 401.45(3), F.S., and to repeal a provision relating to do-not-resuscitate orders. Subsection 765.105(1), F.S., is also

modified to expand the reasons for reviewing a surrogate's or proxy's decision on behalf of his or her principal to include: (1) revocation of authority; (2) failure or inability to discharge delegated duties; (3) abuse of powers; and (4) whether the principal has sufficient capacity to make his or her own health care decisions.

The advance directive law is further revised to delete the requirement in Subsection 765.304(1), F.S., that a proxy be appointed to direct the affairs of a patient who has executed a living will, but who did not designate a surrogate, and to authorize the patient's physician to carry out the patient's instructions as provided in his or her living will. However, a 7-day waiting period is required to allow for a court challenge of a decision by the physician to withhold or withdraw life support.

Additional clarifications are made to the advance directive law to provide that: (1) a surrogate is to continue to act on behalf of his or her principal even after a guardian is appointed, unless a probate court modifies or revokes the surrogate's authority (Subsection 765.205(3), F.S.); (2) a proxy is subject to the same procedures as a surrogate, except that a proxy must support a decision to discontinue life support with clear and convincing evidence (Subsection 765.401(3) F.S.); (3) Subsection 765.401(4), F.S., is added to provide that the authority of a proxy who is appointed under the advance directive law does not preempt the designation of a proxy who is authorized to make treatment decisions on behalf of minors, as provided in Section 743.0645, F.S.; and (4) a health care facility as well as a health care professional is subject to the transfer requirement applicable when an instruction contained in a living will to withhold or withdraw life support is not honored by the health care provider (Section 765.308, F.S.). The provision that establishes as a rebuttable presumption that a medical condition exists based on a physician's signed documentation in a patient's medical record is repealed (Subsection 765.306(2), F.S.).

### ***Encouragement of Breast Feeding***

COMMITTEE SUBSTITUTE FOR SENATE BILL 1668 (CHAPTER 94-217) creates Section 383.016, F.S., which permits a facility lawfully providing maternity services or newborn infant care to use the designation "baby-friendly" on its promotional materials if the facility has complied with 80 percent of the requirements developed by the Department of Health and Rehabilitative Services (DHRS) in accordance with UNICEF and World Health Organization baby-friendly hospital initiatives.

Section 383.015, F.S., is amended to permit a facility which has established a breast-feeding policy in accordance with Section 383.016, F.S., to use the designation "baby-friendly."

Sections 383.011, 383.311 and 383.318, F.S., are revised to provide that nutritional and parental counseling shall include the encouragement of breast feeding.

The act creates a breast-feeding demonstration project for public employees within DHRS which is to be administered by the state health officer. The project will include distribution of draft-written policies developed by DHRS to all districts. The districts are to report back on the benefits and barriers associated with implementing the policies on an agency-wide basis in each of the districts. Dade County is to be demonstration worksite project for implementation of the policies beginning in November 1994.

### ***Health Care for Infants and Toddlers***

HOUSE BILL 499 (CHAPTER 94-140) revises provisions regarding three statewide maternal and child health care programs administered by DHRS through Children's Medical Services: the Regional Perinatal Intensive Care Centers (RPICC) Program (Sections 383.15-383.19 and 383.21, F.S.),

the Developmental Evaluation and Intervention (DEI) Program, and the Infant Hearing Impairment Program (IHIP) (Sections 391.301-391.307, F.S.).

Several changes are included to reflect implemented programmatic changes, primarily those occurring since 1989 concerning RPICC. These revisions delete obsolete references to "grants" and to "affiliated centers," and correct glitches in the Medicaid re-write legislation that was passed during the 1991 Legislative Session. Changes include: (1) identifying Medicaid reimbursement as the funding mechanism for the program (Subsection 383.19(2), F.S.); (2) expanding the list of available program services to include transportation to and from these services (Paragraph 383.19(1)(e), F.S.); and (3) deleting obsolete statutory references.

Existing statutory authorization in Section 391.303, F.S., is amended for the DEI Program and existing statutory authorization is repealed for the IHIP (Section 383.144, F.S.), which was merged into the DEI Program. Revisions to the DEI Program reflect program changes made over the years, most recently by Healthy Start legislation passed during the 1991 session. These changes include expanding hospital DEI Programs (Subsection 391.303(1), F.S.) and providing for a multidisciplinary team approach to provide family support for DEI clients (Paragraph 391.303(2)(c), F.S.).

The act accommodates the current program operations of IHIP, RPICC and DEI programs and will be accomplished within the existing budgets of these programs.

### ***Medicaid—Rural Hospitals***

HOUSE BILL 1199 (CHAPTER 94-120) clarifies the legislative intent regarding, and the funding formula used for, the federally funded disproportionate share program and the state-funded rural hospital financial assistance program. [These programs, created by the 1993 Legislature as Section 409.9116, F.S., are designed to provide financial relief to statutory

rural hospitals. The revisions to that statutory section contained in this act assure that all statutory rural hospitals receive payments under one of these programs, so that each of the 27 statutory rural hospitals receive financial assistance. The money for these payments is in the current year's budget, but has not been released pending these clarifications.]

### ***Family Practice Teaching Hospitals***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1745 (CHAPTER 94-182) authorizes the Agency for Health Care Administration to designate hospitals meeting certain criteria as family practice teaching hospitals. The legislative intent recognizes the importance of increasing the number of family practice physicians in Florida and the importance of family practice residency programs in meeting Florida's health care needs, and also the need to recognize this new category of teaching hospital. The term "family practice teaching hospital" is defined. The act provides the requirements for initial and subsequent designation. Hospitals designated as family practice teaching hospitals are required to have plans for the retention of family practice residents within the state.

The director of the Agency for Health Care Administration is required to appoint a 7-member Family Practice Physician Retention Advisory Committee, and the law specifies the representation on the Committee. The Committee is directed to develop a program for recruiting minority physicians into family practice residency programs and to promote efforts to retain and place minority physicians into local communities. The Committee is to report to the Legislature annually, beginning October 1, 1995, on the retention in Florida of family practice residents by family practice teaching hospitals and to track and report on the

placement of family practice physicians in medically underserved areas. The provisions of this act take effect October 1, 1994.

### ***Communicable Diseases***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2375 (CHAPTER 94-320) updates statutory provisions relating to communicable diseases; namely, immunizations and tuberculosis. With regard to immunizations, Subsection 232.032(3) F.S., is amended to:

- 1) make the immunization requirements of Chapter 232, F.S., applicable to grades preschool through 12;
- 2) authorize electronic transfer of immunization records using the Florida Automated System for Transferring Education Records;
- 3) authorize that permanent immunization exemptions may be certified by physicians licensed under Chapter 458 or 459, F.S.;
- 4) authorize physicians licensed under Chapters 458, 459 or 460, F.S., to certify a child's immunization status; and
- 5) incorporate conforming revisions relating to county public health unit directors or administrators and the State Health Officer.

A provision is also added (Subsection 232.032(2), F.S.) that directs DHRS, in conjunction with the Department of Education, the Florida Parent-Teacher Association, and the American Lung Association of Florida, to review the incidence of tuberculosis among school-age children, and to report back to the Legislature with any recommendations by December 15, 1994.

Several sections of Chapter 392, F.S., the Tuberculosis Control Act, are revised to:

- 1) provide additional definitions (Section 392.52, F.S.);
- 2) focus on treating tuberculosis until it is cured (Section 392.51, F.S.), including

the use of directly observed therapy (Subsection 392.55(2), F.S.);

- 3) clarify various references to "threat to the public health" throughout the Chapter;
- 4) authorize the execution of a certificate for involuntary hold if a person meets certain criteria threatening to the public health, to be initiated by the treating physician and executed by the State Health Officer (Section 392.565, F.S.);
- 5) incorporate details as to the content of tuberculosis treatment plans (Subsection 392.64(1), F.S.);
- 6) clarify provisions relating to the DHRS community tuberculosis control program (Section 392.61, F.S.);
- 7) authorize DHRS to enter detention facilities for the purpose of interviewing, examining, and treating any prisoner with tuberculosis (Section 392.655, F.S.); and
- 8) incorporate numerous technical, clarifying, and conforming revisions throughout the Chapter.

### ***Regional Poison Control Centers***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1371 (CHAPTER 94-147) adds Subsection (3) to Section 395.1027, F.S., to require local exchange telecommunications companies to print immediately below "911" or other emergency calling instructions on the inside front cover of the telephone directory, the words "Poison Information Center," the logo of the American Association of Poison Control Centers, and the telephone number of the local, if applicable, or other toll-free telephone number of the Florida Poison Information Center Network.

Only those facilities satisfying criteria established in the current "Criteria for

Certification of a Regional Poison Center" set by the American Association of Poison Control Centers, and the "Standards of the Poison Information Center Program" initiated by the Children's Medical Services Program Office of the Department of Health and Rehabilitative Services are permitted to list their facilities as a poison information center, poison control center or poison center.

Paragraph (c) is added to Subsection 768.28(10), F.S., to provide that for purposes of sovereign immunity, regional poison control centers are to be considered agents of the state, however, any contracts with poison control centers must, to the extent permitted by law, provide for the indemnification of the state by the agency for any liabilities incurred up to the sovereign immunity limits.

## HEALTH AND REHABILITATIVE SERVICES\*

### *Child Welfare and Dependency*

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2409 (CHAPTER 94-164) makes significant changes in dependency proceedings and other related areas in child welfare and provides additional options to try to keep families out of foster care by requiring a multidisciplinary case staffing for a family whose child is at risk of placement in foster care, when it is indicated in the case plan (Section 39.4032, F.S.) and by allowing mediation at any point in a child-in-need-of services proceeding (Section 39.4365, F.S.). It creates provisions to make parents more accountable for the support of their children while in the custody of the Department of Health and Rehabilitative Services (DHRS) by giving the juvenile court jurisdiction over child support matters in dependency proceedings (Section 39.40, F.S.) and requires that parents be informed during the initial abuse investigation of the financial obligation to support a child if a child is removed from the home (Subparagraph 415.504(4)(c)1., F.S.). Procedures are instituted to reduce the administrative burden on DHRS by requiring one case plan from protective services through to foster care for children in the child welfare system (Section 39.4031, F.S.) thus eliminating various duplicative plans and to allow DHRS with the concurrence of the court to conduct an administrative review in lieu of a judicial review for certain foster care cases (Paragraph 39.453(3)(d) F.S.). It provides more elaborate directions to the court and DHRS in critical stages of dependency and termination of parental rights proceedings to avoid certain problems in the permanent placement of the child either through family reunification or adoption.

Section 60 of the act requires a study to help policymakers understand the scope and complexities of the child-on-child sexual abuse issue. Such information will assist the Legislature in framing an appropriate response to the issue. The DHRS is required to receive reports involving known or suspected child-on-child sexual abuse and submit a report with policy recommendations on the issue to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders in both the Senate and House, not later than December 31, 1995.

The legislation initiates the establishment of a system for DHRS to develop a community continuum of alternative placement procedures and services for children in the custody of the Department (Paragraph 409.1673(1)(f), F.S.).

The act allows DHRS to aggressively respond to false reports of child abuse or neglect by establishing an administrative procedure to pursue false reports and allowing the secretary of DHRS to impose a fine, not to exceed \$1,000 for each violation, on a person who knowingly and willfully makes a false report of child abuse (Section 415.5131, F.S.).

The measure amends Subsection 119.07(7), F.S., to allow DHRS to provide information to the public in cases involving the death or serious bodily injury to a child or vulnerable adult. It allows DHRS to petition the court for an order for the immediate public release of records of the Department. Except as otherwise provided in the law, these provisions take effect October 1, 1994.

---

\*Based on Senate Health and Rehabilitative Services Committee's after session report



***Child Support Enforcement Transfer***

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1087 (CHAPTER 94-124) transfers the authority, administration and funding for the Child Support Enforcement Program (CSE) from the Department of Health and Rehabilitative Services (DHRS) to a newly created Division of Child Support Enforcement within the Department of Revenue (DOR), and designates DOR as the state agency responsible for the administration of the state's child support enforcement program under Title IV-D of the Social Security Act (Section 1 of the act).

The act directs the DOR executive director to restructure the CSE Program within DOR to ensure that federal regulations requiring direct line authority between the state office and field offices are met (Section 17 of the law). The legislation also addresses the following operational procedures:

- 1) requires DHRS to provide DOR with data processing services (FLORIDA System) (Section 1 of the measure);
- 2) requires that privatization contracts give priority consideration to CSE employees for employment (Section 1 of the legislation);
- 3) authorizes DOR to contract with private corporations or other governmental entities to provide CSE Program services (Section 1 of the enactment);
- 4) specifies that CSE legal services may be provided to DOR by contract rather than by the Department of Legal Affairs (Subsection 20.21(6), F.S.); and
- 5) Ensures that DOR provide certain confidential taxpayer information to CSE (Subsection 213.053(15), F.S., as revised).

***Indoor Recreational Facilities***

SENATE BILL 260 (CHAPTER 94-257) adds Subsection 402.302(13), F.S., to define "indoor recreational facility" as an indoor commercial facility which is established for the

primary purpose of entertaining children in a planned fitness environment through equipment, games, and activities in conjunction with food service and which provides child care for a particular child no more than 4 hours on any one day. An indoor recreational facility must be licensed as a child-care facility but is exempt from the minimum outdoor-square-footage-per-child requirement of a child-care facility, if the indoor recreational facility has at least 3,000 square feet of usable indoor floor space.

Paragraph 409.176(1)(a), F.S., relating to the licensure of residential child-caring agencies for dependent children, is amended to define "qualified association" as an association that is certified by a Florida statewide child-care organization which was in existence on January 1, 1984, and which publishes, and requires compliance with, its standards and files copies thereof with the Department of Health and Rehabilitative Services. All residential child-caring agencies must be registered with a qualified association before receiving any child for full-time care or custody.

Subsection 409.176(9), F.S., is modified to require a qualified association to notify the Department within 10 days of the suspension or revocation of the registration of any Type II residential child-care facility registered under Section 409.176, F.S. Type I facilities are registered under Section 409.175, F.S.

Subsection (15) is added to Section 409.176, F.S., to require qualified associations issuing certificates of registration to submit an annual report to the Department showing: (1) the number of Type II facilities registered during the most recent calendar year; (2) the names and addresses of the facilities; (3) the name of each facility's administrator; and (4) the total number of children served by each facility during the calendar year.

Section 3 of the act allows a person employed by a child-care facility on July 1, 1995, with a high school diploma or its equivalent and at least 10 years of documented experience since July 1, 1980, in child care; or 10 years of teaching early childhood education through grade 3 in a public or private school since July 1, 1980, to meet the minimum staff credential requirements of the licensing standards for child care facilities provided in Subsection 402.305(3), F.S.

### ***Developmental Services***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1873 (CHAPTER 94-154) amends Section 393.001, F.S., to change the name of the Florida Developmental Disabilities Planning Council to the Florida Developmental Disabilities Council, to reflect the name change that is in the 1994 federal reauthorization for these councils in each state.

Chapter 393, F.S., is the statute that relates to services and programs for individuals with developmental disabilities. This legislation amends several definitions in this statute both to provide clarification and to incorporate terms which are currently more acceptable when referring to people with developmental disabilities.

This act renumbers and revises Subsection 393.063(43), F.S., to extend the requirement of screening for employment to independent support coordinators.

Pursuant to modified Section 393.064(2), F.S., prevention services for high-risk and developmentally disabled children from birth to 5 years of age are provided by both the developmental services program office and the children's medical services program in DHRS. Revised Paragraph 393.064(2)(a), F.S., specifies that early intervention services for children ages birth to 3 years who are eligible for services under this section of Part H of the federal Individuals with Disabilities Education Act (20 U.S.C. Sections 1471 et seq. (1988)) (the Part H Program), are provided by the children's medical

services program unless funds are specifically appropriated to the developmental services program for this purpose. This legislation is effective October 1, 1994.

Subsection 393.065(1), F.S., is revised to clarify procedures and time frames in determining eligibility for prevention and early intervention services.

Section 393.0651, F.S., is modified to replace the habilitation plan with the family or individual support plan and to set out the responsibilities of the support planning team and the support coordinator.

Section 393.0655, F.S., is amended to provide for the screening of the direct service provider who is defined in the act as the counterpart of the caregiver in Chapter 415, F.S., relating to protection from abuse, neglect and exploitation or the caretaker in statutory provisions relating to employment security checks. Penalties are provided for the provider or employer who fails to comply with screening requirements.

Residential facilities and comprehensive transitional education programs are required by new Paragraph 393.067(4)(h), F.S., to certify that the staff of the facility or program will be trained to detect and prevent sexual abuse of residents and clients as part of their application for licensure.

Subsection (11) is added to Section 393.067, F.S., to require alternative living centers and independent living education centers to meet the siting requirements of community residential homes.

Section 393.11, F.S., is amended to set out the responsibilities of the developmental services program with respect to involuntary admission to residential services.

Pursuant to revised Paragraph 393.13(3)(a), F.S., the right to be free from sexual abuse is an additional right of all persons with developmental disabilities.

Sections 92.53, 92.54 and 92.55, F.S., are modified to extend to persons with mental

retardation the same rights as those accorded to children under the age of 16 with respect to the use of videotape and closed circuit televisions in judicial proceedings.

Section 914.16, F.S., is amended to accord the same rights to such persons who are victims of or witness to specified sexual crimes.

Section 914.17, F.S., is revised to provide an advocate for mentally retarded in certain criminal proceedings.

Section 918.16, F.S., as amended, provides for the clearing of the courtroom when the testimony of a mentally retarded person concerning any sex offense is to be given. The provisions of the act take effect October 1, 1994.

### ***Vocational Rehabilitation***

HOUSE BILL 1529 (CHAPTER 94-150) amends Section 413.615, F.S., to provide for annual transmittal to the Florida Endowment Foundation for Vocational Rehabilitation (FEFVR) 50 percent of the endowment fund principal generated during the reporting period, as well as earnings on the principal as currently provided by law. Obsolete language relating to startup funding is deleted. The act also revises language relating to the terms of members of the board of directors and amends the submission date and content of the report which must be submitted to the Governor and the Legislature.

The primary purpose of HOUSE BILL 2799 (CHAPTER 94-324) is to bring Florida law into compliance with the 1986 and 1992 amendments to the federal Rehabilitation Act of 1973 (29 U.S.C. Section 701 et seq. (1988)) and to amend numerous sections relating to the brain and spinal cord injury programs (Sections 413.46-413.74, F.S.) within the Division of Vocational Rehabilitation Division of the Department of Labor and Employment Security. Among the more important changes, the act:

1. Significantly amends Section 413.20, F.S., to update the terminology of Florida law to comply with the recent amendments to the federal Rehabilitation

Act of 1973 (Rehabilitation Act). The process includes consolidation of some definitions, elimination of others and modifications to still others.

2. Section 413.205, F.S., is revised to provide that payment of benefits to recipients under programs funded by vocational rehabilitation are not to be considered as collateral sources for the purposes of medical liability funds (Chapter 88-1, Laws of Florida) for the purposes of liability insurance funds (Chapter 86-160, Laws of Florida).
3. Section 413.215, F.S., is created to allow the Department of Labor and Employment Security to retain all rights and remedies against moneys awarded in workers' compensation cases.
4. Section 413.22, F.S., which authorizes the Department of Labor and Employment Security to promulgate rules for vocational rehabilitation programs is modified.
5. Section 413.23, F.S., is amended to provide authority to the Division to provide vocational rehabilitation services to persons with disabilities not previously covered by the Rehabilitation Act. The section also requires the Division to prepare a state plan for vocational rehabilitation as mandated by federal law and regulations.
6. Section 413.26, F.S., is altered to provide authority to the Division to develop cooperation agreements with any state or local governmental agency in order to enlarge and improve vocational rehabilitation services to individuals with disabilities.

7. Section 413.273, F.S., is created to establish that per diem, travel expenses, personal care attendants and interpreters shall be reimbursed for members of any council established under the vocational rehabilitation program. The section also provides that no council member may have a conflict of interest and establishes the grounds by which council members may be removed.
8. Section 413.275, F.S., relating to the Florida Council for the Hearing Impaired is revised and the name of the Council is changed to the Florida Council for Persons Who Are Deaf or Hard of the Hearing. The secretary of the Department of Elderly Affairs, or the secretary's designee, is added to the Council.
9. Section 413.30, F.S., is modified to provide for eligibility standards for receipt of vocational rehabilitation services to match the Rehabilitation Act. Any person with a disability who requires vocational rehabilitation services to prepare for or retain gainful employment is eligible for Department of Labor and Employment Security programs. The Division is required to determine the eligibility of an applicant within 60 days unless circumstances beyond the control of the Division force it to extend the time limit. If the applicant is determined to be ineligible, the Division must tell the applicant the specific reasons for the determination and that he or she may seek administrative remedies to challenge the Division's decision.

Individuals determined to have a disability pursuant to Title II or Title XVI of the Social Security Act shall be considered to have a physical or mental impairment which constitutes or results in a substantial impediment to employment and a severe physical or mental impairment which seriously limits one or more

functional capacities in terms of an employment outcome. Furthermore, an eligible individual shall be presumed to benefit in terms of an employment outcome from vocational rehabilitation services unless the Division can demonstrate by clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome. To demonstrate that an individual cannot benefit from vocational rehabilitation services due to the severity of the individual's disability, the Division shall conduct an extended evaluation, not to exceed 18 months. The evaluation must determine the eligibility of the individual and the nature and scope of needed vocational rehabilitation services.

If the applicant is determined eligible, the Division must complete an assessment for determining eligibility and vocational rehabilitation needs. The Division must then prepare an individualized written rehabilitation plan. The plan must be jointly completed between the applicant and the vocational rehabilitation counselor and is designed to achieve the applicant's employment objectives. Each plan must be reviewed annually but may be revised as needed.

The section also provides that if the Division cannot provide services to all eligible persons, the Division may establish an order of selection to first serve individuals with severe disabilities.

Section 413.341, F.S., is amended to restrict the release of harmful information through the individual's qualified representative.

Revised Section 413.371, F.S., gives the Division the sole discretion to contract with centers for independent living to provide vocational rehabilitation services.

Section 413.393, F.S., is created requiring the Division to develop a state plan for

independent living. The plan is to be developed jointly by the Florida Independent Living Council and the Division and must plan for the services necessary to meet the state's need for independent living. The state plan must provide information relating to the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address, on a statewide and comprehensive basis, needs in the state for the provision of state independent living services, specify the objectives to be achieved under the plan and establish timelines for the achievement of the objectives. The plan must explain how such objectives are consistent with, and further the purpose, of this part and provide that the state will offer independent living services under this part to individuals with severe disabilities. It will provide the services to such an individual in accordance with an independent living plan mutually agreed upon by an appropriate staff member of the service provider and the individual, unless the individual signs a waiver stating that such a plan is unnecessary. The state plan must describe the extent and scope of independent living services to be provided under this part to meet such objectives. If the state makes arrangements, by grant or contract, for providing such services, such arrangements must be described in the plan. In addition, the state plan must set forth the steps that will be taken to maximize the cooperation, coordination and working relationships among the independent living rehabilitation service program, the Florida Independent Living Council, centers for independent living, the Division, other agencies represented on such Council, other councils that address the needs of specific disability populations and issues, and other public and private entities determined to be appropriate by the Council.

The state plan for independent living must provide for the review and revision of the plan, not less than once every 3 years, to ensure the existence of appropriate planning, financial

support and coordination and other assistance to appropriately address, on a statewide and comprehensive basis, needs in the state for independent living.

The act amends Section 413.395, F.S., the section establishing the council on independent living to match the Rehabilitation Act. The name of the council is changed from the Florida Advisory Council on Independent Living to the Florida Council on Independent Living. The name change reflects initiative from the federal legislation to make the Council independent from the Division with joint powers in numerous areas. The 14-member Council, a majority of whom are individuals with disabilities and not employed by any state agency, will now consist of members recommended by the secretary of the Department of Labor and Employment Security and appointed by the Governor. At least one member must be a director of a center for independent living and may also include such persons as:

- parents and guardians of individuals with disabilities;
- advocates for individuals with disabilities;
- representatives for private businesses; or
- representatives from other organizations that provide for individuals with disabilities.

Each member shall serve for a term of 3 years with no member serving more than two consecutive full terms. To ensure consistency with the provisions of the Rehabilitation Act, the Florida Independent Living Council will function independently of the Division and is to be physically located within the Division for administrative purposes only.

The Council is required to jointly develop and submit in conjunction with the Division the state plan for independent living, to

monitor, review, and evaluate the implementation of the state plan for independent living, to coordinate activities with the Florida Rehabilitation Advisory Council and other councils that address the needs of specific disability populations and issues under other federal law, to ensure that all regularly scheduled meetings of the Council are open to the public and sufficient advance notice is provided and to submit to the Commissioner such periodic reports as the Commissioner may reasonably request, and keep such records, and afford such access to such records, as the Commissioner finds necessary to verify such reports.

Section 413.405, F.S., the section establishing the Florida Rehabilitation Advisory Council, is modified. The Council shall not exceed 33 members. The Council must include at least one member from the following categories:

- Florida Advisory Council on Independent Living;
- client assistance program;
- vocational rehabilitation counselor;
- community rehabilitation program services provider;
- representatives of advocates for individuals with disabilities; or
- four representatives for private businesses.

A majority of the Council must be individuals who are individuals with disabilities and not employed by any state agency. The members will be appointed by the Governor. Each member shall serve for a term of not more than 3 years.

The Council is responsible for: (1) advising the Division on the Division's performance; (2) writing the state plan in cooperation with the Division; (3) preparing an annual report; and (4) coordinating the Council's activities with other state agencies and councils.

Section 413.407, F.S., the section establishing the Florida Assistive Technology Advisory Council is created. The Council shall not exceed 27 members. The Council must include

up to 9 members from the following categories:

- representatives of academia, community agencies and state agencies concerned with assistive technology devices;
- representatives for private businesses and industry, including insurance industry representatives, concerned with assistive technology devices; or
- individuals with disabilities who are consumers of assistive technology devices.

A majority of the Council must be individuals who are individuals with disabilities and not employed by any state agency. The members will be appointed by the secretary of the Department of Labor and Employment Security. Each member shall serve for a term of not more than 3 years. The Council is responsible for advising and ensuring that consumers are involved in the creation, application and distribution of technology-related assistance to individuals with disabilities.

Section 413.46, F.S., is amended to provide legislative intent to ensure the referral of persons with moderate-to-severe brain or spinal cord injuries by appropriate individuals or public and private agencies to a coordinated rehabilitation program developed and administered by the Division. The program shall provide eligible individuals, as defined in Section 413.5011, F.S., the opportunity to obtain the necessary rehabilitative services enabling them to be referred to a vocational rehabilitation program or return to an appropriate level of functioning in their community. Further, it is intended that permanent disability be prevented whenever possible through prevention early identification, skilled emergency evacuation procedures, and proper medical and rehabilitative treatment.

Section 413.465, F.S., is created to provide a short title for the brain and spinal cord injuries program, the "Charlie Mack Overstreet Brain and Spinal Cord Injuries Act."

Section 413.48, F.S., relating to the central registry of persons with moderate to severe brain or spinal cord injuries is revised to require every public health agency, private health agency, public social agency, private social agency and physician to report to the Division within 5 days after identification or diagnosis of any person with moderate-to-severe brain or spinal cord injuries. The consent of the individual is not required.

Section 413.49, F.S., requiring the Division to develop and administer a multilevel treatment program for persons with brain or spinal cord injuries, which is to be known as the brain and spinal cord injury program. Within 15 days after any report of a person with brain or spinal cord injuries, the Division must notify the individual or the most immediate available family members of their right to assistance from the state, the services available, and the eligibility requirements. The Division is required to refer persons with brain or spinal cord injuries to other state agencies to assure that rehabilitative services, if desired, are obtained by the referred person.

The Division, in consultation with Emergency Medical Service, shall develop standards for an Emergency Medical Evacuation System which shall ensure that all individuals who sustain traumatic brain or spinal cord injuries are transported to a division approved trauma center that meets the standards and criteria established by the Emergency Medical Service and the acute-care standards of the brain and spinal cord injury program. The Division must develop standards for designation of rehabilitation centers to provide rehabilitation services for persons with brain or spinal cord injuries. The Division will determine the appropriate number of designated acute-care facilities, inpatient rehabilitation centers and outpatient rehabilitation centers

needed based on incidence, volume of admissions and other appropriate criteria.

The goal of a transitional living program for persons with brain or spinal cord injuries is to assist each person who has such a disability to achieve a higher level of independent functioning and to enable that person to reenter the community. The program shall be focused on preparing participants to return to community living. A transitional living facility for a person who has brain or spinal cord injuries shall provide to such person, in a residential setting, a time-limited, goal-oriented treatment program designed to improve the person's physical, cognitive, communicative, behavioral, psychological and social functioning, as well as provide necessary support and supervision. All residents shall use the transitional living facility as a temporary measure and not as a permanent home or domicile. Recipients of services under this section, from any of the above-cited facilities, shall pay a fee based on ability to pay.

Section 413.507, F.S., relating to the eligibility for the brain and spinal cord injury program is created. An individual will be accepted as eligible following certification by the Division that the individual has been referred to the central registry pursuant to Section 413.48, F.S., is a legal resident of Florida at the time of application for services, has suffered a traumatic injury as defined under Subsection 413.20(27), F.S., is medically stable as defined by Division regulation, and the Division has determined that there is a reasonable expectation that the individual will achieve reintegration into the community through rehabilitative services. In the event the Division is unable to provide services to all eligible individuals, it may establish an order of selection.

Section 413.605, F.S., relating to the Advisory Council on Brain and Spinal Cord

Injuries with 16 members. The Advisory Council will be composed of a minimum of 4 persons who have a brain injury or are family members of persons with a brain injury, a minimum of 4 persons who have a spinal cord injury or are family members of persons with a spinal cord injury and at least 2 persons who represent the special needs of children who have brain or spinal cord injuries. The remainder of the Council shall be composed of physicians, other allied health professionals, administrators of brain and spinal cord injury programs, and representatives from support groups with expertise in the areas related to the rehabilitation of individuals with brain or spinal cord injuries. Members of the Council shall be appointed to serve each term by the secretary. No individual shall serve more than two terms.

Any Council member who is unwilling or unable to properly fulfill the duties of the office shall be succeeded by a person chosen by the secretary to serve out the unexpired balance of the replaced council member's term. If the unexpired balance of the succeeded Council member's term is less than 18 months, then the succeeding Council member may be reappointed by the secretary twice. The membership of the Council shall be appointed not later than July 1, 1994.

The Council shall meet at least two times annually. The Council shall provide advice and expertise to the Division in the preparation, implementation, and periodic review of the brain and spinal cord injury program as referenced in Section 413.49, F.S..

Section 413.613, F.S., is revised to rename the "Impaired Drivers and Speeders Trust Fund" to the "Brain and Spinal Cord Injury Rehabilitation Trust Fund" and to make other technical changes.

Section 413.731, F.S., amended to clarify that the Division is the payor of last resort.

### ***Continuing Care Facilities***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1383 (Chapter 94-206) addresses several regulatory issues affecting retirement communities and nursing homes. New Subsections 651.118(8) and (12), F.S., allow continuing care facilities to convert or use their sheltered beds for community nursing home beds subject to approval by the Agency for Health Care Administration. The act also adds an exemption from the adult congregate living facility licensure law by revision of Paragraph 400.404(2)(d), F.S., for certain facilities which have been in existence for over 60 years. Regarding certificate of need, the law creates exemptions for certain entities which either are not open to the public or seek a limited increase in nursing home beds (Paragraphs 408.036(3)(j) and (k), F.S.). The measure also amends an exemption to the nursing home licensure law to include facilities owned either directly or indirectly by a nationally recognized fraternal organization (Paragraph 400.051(1)(c), F.S.).

### ***Medicaid Reimbursement***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 683 (CHAPTER 94-317) amends Subsection 409.905(8) and Paragraph 409.908(2)(a), F.S., to allow for Medicaid reimbursement for short-term utilization of Medicare certified skilled nursing care beds in hospitals without those hospitals having to meet nursing home licensing requirements under Chapter 400, F.S. This reimbursement is limited to 30 days unless prior authorization has been obtained from the Department of Health and Rehabilitative Services (DHRS). Medicaid reimbursement may be extended by 15 days if there are no nursing facility beds available and the patient's physician has certified that the patient requires only short-term rehabilitative and recuperative services.



Pursuant to added Subsection 395.1055(3), F.S., the Agency for Health Care Administration is directed to adopt rules with respect to the care and treatment of patients residing in distinct part nursing units of hospitals which are certified to participate in either the Medicare or Medicaid skilled nursing facility programs of the Social Security Act. The rules must take into account the types of patients treated in hospital skilled nursing units, the average length of stay of the patients and various applicable federal legislation.

Under Section 6 of the act, the Agency for Health Care Administration, in consultation with the Florida Hospital Association, the Association of Voluntary Hospitals, the Florida League of Hospitals, the Florida Association of Homes for the Aging, and the Florida Health Care Association, is directed to develop recommendations to determine the appropriate placement of Medicaid skilled nursing patients in skilled nursing facilities.

The Agency for Health Care Administration is also directed by new Subsection 409.912(13), F.S., to adopt rules in order to develop a process by which Medicaid prepaid plan enrollees who wish to enter hospice care may be disenrolled from the prepaid plan within 24 hours after contacting the agency regarding the request.

### ***Sexually Transmissible Disease***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1377 (CHAPTER 94-205) creates Section 384.287, F.S., to allow the agencies who employ law enforcement, correctional and correctional probation officers; fire fighters; and ambulance drivers, emergency medical technicians and paramedics who have experienced a significant exposure to human immunodeficiency virus (HIV) as defined in Section 381.004, F.S., during their employment to obtain a court order for screening for sexually transmissible diseases the person who comes into contact with the employee. The individual who has received the significant exposure is also

allowed to request the screening. In order to use the provisions of this section the employee must also be screened for the same sexually transmissible diseases. The cost of the screening is to be paid by the employing agency.

Results of the screening are exempt from the confidentiality requirements of Section 384.29, F.S., relating to the confidentiality of sexually transmitted diseases, for the purpose of releasing the results to the person who is the source of the significant exposure, to the person subjected to the significant exposure, to the physicians of the persons screened, and to the employer, if necessary for filing a worker's compensation claim or any other disability claim based on the significant exposure. Anyone who receives results of a test pursuant to this section is required to maintain confidentiality as specified in Section 381.004, F.S., relating to testing for HIV.

Subsection 796.08(6), F.S., is repealed because the provisions in that statutory subsection are contained in the new statutory section created by this act. This new section will clearly provide the specified professionals an ability to determine if they have been the object of a significant exposure by an individual who is infected with a sexually transmissible disease.

### ***Drugs—Purchasing and Classification***

COMMITTEE SUBSTITUTE FOR SENATE BILL 1784 (CHAPTER 94-309) revises Section 381.0203, F.S., to permit the Department of Health and Rehabilitative Services to contract on a statewide basis for the purchase of drugs to be used by state agencies and political subdivisions.

This act also creates Section 499.033, F.S., which declares ephedrine to be a prescription drug.

Four statutory sections not clearly reenacted in the 1992 Sunset review of Part

## 1994 SUMMARY OF GENERAL LEGISLATION

---

I of Chapter 499, F.S., relating to drug, cosmetic and household products, are reenacted in this law:

- 1) Section 499.035, F.S., (dimethyl sulfoxide);
- 2) Section 499.05, F.S., (departmental rulemaking to enforce Part I of Chapter 449, F.S.);
- 3) Section 499.051, F.S., (inspections and investigations to enforce Part I of Chapter 499, F.S., which is also amended herein to strike the public records exemption to information obtained in the course of an investigation by the Department); and
- 4) Section 499.066, F.S., (penalties and remedies for violations of Part I of Chapter 499, F.S.).



## INSURANCE\*

### ***PIP Bill of Rights***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 753 (CHAPTER 94-123) makes it a violation of the Insurance Code (CHAPTERS 624-632, 634-635, 637, 638, 641, 642, 648 and 651, F.S.) for an insurer to fail to timely provide benefits required under the Personal Injury Protection (PIP) law (Section 627.736, F.S.) if the frequency of such untimely payments constitutes a general business practice.

The act also creates Section 627.7401, F.S., which requires the Department of Insurance to promulgate, by rule, a form for the notification of insureds of their right to receive PIP benefits. Insurers are required to mail or deliver the notice to their insureds within 21 days after receiving notice of an accident or claim. The Department may grant an additional 30 days if the insurer is able to justify the need for an extension.

The provisions relating to notification take effect 60 days after adoption of the required rule. All other provisions of this measure take effect October 1, 1994.

### ***MEWAs; Credit Ins.; Mutual Insurers***

COMMITTEE SUBSTITUTE FOR SENATE BILL 2900 (CHAPTER 94-133) amends provisions of the Insurance Code relating to multiple-employer welfare arrangements (MEWAs), credit property insurance, and assessable mutual insurers. The law revises Subsection 624.438(1), F.S., to provide that a physician may obtain coverage through a MEWA even when the physician is not a member of the MEWA's sponsoring association, if the physician:

- 1) has more than one employee;

- 2) provides medical services to MEWA participants; and
- 3) agrees to waive any MEWA fees in the event the MEWA becomes insolvent.

The enactment clarifies that credit property insurance, as defined in Paragraph 624.605(1)(j), F.S., which is similar to other forms of credit insurance, is not property insurance. The legislation also provides procedures, through amendment of Section 628.6017, F.S., under which an assessable mutual insurer may convert into a stock insurer; including requirements for a two-thirds vote of the policyholders and for payment to policyholders of consideration for their membership interests in the assessable mutual.

### ***MV Service Agreement Exclusions***

COMMITTEE SUBSTITUTE FOR SENATE BILL 2264 (CHAPTER 94-280) amends the definition of "motor vehicle" (Subsection 634.011(6), F.S.) within the act that regulates motor vehicle service agreements (Part III of Chapter 634, F.S.) to specifically exclude vehicles which are designed primarily for commercial use that:

- 1) have a gross vehicle weight of 10,000 pounds or more;
- 2) are designated to transport more than 10 passengers, including the driver; or
- 3) are used in the transportation of materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act (49 U.S.C. Sections 1801 et seq. (1988)).

\*Based on House Insurance Committee's after session report



## LAW ENFORCEMENT AND CRIMINAL JUSTICE\*

### *Juvenile Justice Reform*

COMMITTEE SUBSTITUTE FOR SENATE BILL 68 and COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 2012, et al (CHAPTER 94-209) is sweeping in scope, providing an integrated statutory scheme that addresses:

- 1) the philosophy of juvenile justice in Florida;
- 2) the organizational structure for administering Florida's juvenile justice system;
- 3) delinquency prevention and intervention;
- 4) education and school safety, including curricula, truancy, dropout prevention, suspension and expulsion, alternative education, and interaction between juvenile justice and education;
- 5) enhancement of the Youthful Offender Program of the Department of Corrections, including three 350-bed youthful offender facilities architecturally designed for heightened rehabilitation;
- 6) an enhanced role for the Correctional Privatization Commission;
- 7) methods of handling juvenile offenders, including new direct file provisions for prosecuting juveniles as adults and a new Level X (maximum risk) restrictiveness level for committed juveniles;
- 8) revision of the law relating to juvenile criminal street gangs to enhance law enforcement's ability to enforce the law and authorize the use of Racketeer-Influenced and Corrupt Organizations (RICO) prosecutions of criminal street gang members;
- 9) provision for judges to enforce contempt powers against juveniles who are in direct or indirect contempt of court;
- 10) methods for testing innovative new programs while maintaining the flexibility to eliminate programs that are ineffective;
- 11) the establishment of a new Juvenile Justice Advisory Board, with program outcome evaluation duties;
- 12) the requirement of quality assurance by the Department of Juvenile Justice for all programs operated or contracted by the Department;
- 13) complete revision of the manner of handling juvenile records;
- 14) elevation of standards and training requirements and the introduction of postsecondary juvenile justice curricula and scholarships to enhance the professionalism of juvenile justice personnel;
- 15) methods to test the maximization of federal matching funds;
- 16) establishment of alternative residential schools for hard-core juvenile offenders;
- 17) study of juvenile sex offender programs;
- 18) enhancement of secure and nonsecure detention and establishment of a secure detention alternative sanctions continuum;
- 19) the establishment of a boot camp continuum; and
- 20) an aftercare program for all deep-end residential commitments and boot camp commitments.

\*Based on House Criminal Justice Committee's after session report

The act creates the Department of Juvenile Justice (Section 20.316, F.S.) effective upon becoming law, and provides that the Governor will appoint the Secretary of Juvenile Justice who, in turn, will appoint a Deputy Secretary for Operations (who will supervise 15 district managers) and an Assistant Secretary of Programming and Planning (who will supervise the Division of Prevention and Intervention and the Division of Detention and Commitment Programs). It authorizes the secretary to appoint a Deputy Secretary of Reorganization, which position will terminate by June 30, 1995. It provides for, effective October 1, 1994, a type four transfer of all programs, personnel, and resources administered by the Deputy Secretary of Juvenile Justice, together with associated administrative support, from the Department of Health and Rehabilitative Services (DHRS) to the Department of Juvenile Justice.

Effective October 1, 1994, the legislation creates the position of Assistant Secretary for Youthful Offenders in the Department of Corrections (Subparagraph 20.315(4)(a)2., F.S.), and provides for an enhanced rehabilitative focus of youthful offender institutions. The measure also revises provisions relating to the youthful offender basic training program (Sumter Boot Camp) (Section 958.045, F.S.). The measure authorizes the Correctional Privatization Commission to contract for the operation of three 350-bed youthful offender facilities designed for enhanced rehabilitative capacity (Section 107 of the act).

The enactment abolishes the Commission on Juvenile Justice (Section 39.023, F.S.) and creates the Juvenile Justice Advisory Board in the Executive Office of the Governor (Section 4 of the act); provides that the Board will be composed of nine members (seven members appointed by the Governor, one appointed by the President of the Senate, one appointed by the Speaker of the House); makes a type three transfer from the Commission to the Board (Section 5 of the law); and requires the Board to

conduct outcome evaluation of juvenile justice programs and services statewide and to act as a clearinghouse of juvenile justice information to district juvenile justice boards and to county juvenile justice councils (Section 4 of the measure).

The Department of Juvenile Justice is required to conduct quality assurance for all programs, and to cancel a provider's contract if the provider fails to meet established minimum performance standards within 6 months of when a deficiency is noted, unless extenuating circumstances are documented (Paragraph 39.021(10)(c), F.S.).

The act expands membership of county juvenile justice councils to include locally elected officials (Paragraph 39.025(5)(a), F.S.). It provides for one full-time staff person for each district juvenile justice board (Paragraph 39.025(6)(e), F.S.). It requires community juvenile justice partnership grant recipients to contribute at least a 20 percent match, in cash or in kind (Subparagraph 39.025(9)(a)7., F.S.).

The legislation elevates the Juvenile Justice Standards and Training Council to a Commission (Subsection 39.024(2), F.S.) and provides enhanced training requirements for juvenile justice personnel (Subsection 39.024(3), F.S.). It provides for the establishment of professional juvenile justice curricula and authorizes juvenile justice scholarships (Subsection 39.024(6), F.S.).

The measure provides for arbitration of siting disputes related to juvenile justice facilities (Subsection 39.074(8), F.S.).

The law also extends sovereign immunity to juvenile justice contract providers in specified limited circumstances (Subsection 768.28(11), F.S.).

With respect to contempt of court, the law permits judges to use secure detention as punishment when a juvenile delinquent is found to be in direct or indirect contempt of court (Subsection 39.0145(1), F.S.) and:

- 1) permits judges to use staff-secure shelters or appropriate substance abuse or mental health facilities when a child-in-need-of-services (truant, runaway, or ungovernable) is found to be in direct or indirect contempt of court (Paragraph 39.0145(2)(b), F.S.);
- 2) provides for uniform sanctions of up to 5 days for the first offense and up to 15 days for a second or subsequent offense in cases of contempt (Paragraph 39.0145(2)(a), F.S.);
- 3) requires the court to conduct a hearing within 24 hours and to review indirect contempt orders every 72 hours to determine whether it is appropriate for the juvenile to remain in secure detention (Paragraph 39.0145(4)(b), F.S.); and
- 4) permits judges to use secure detention or staff-secure shelters when a juvenile fails to appear or fails to comply with an order in traffic court (Subsection 316.635(4) and Paragraph 316.655(5)(b), F.S.). However, the enactment encourages juvenile court judges to use alternative sanctions before using secure detention, and creates the position of alternative sanctions coordinator to assist juvenile judges in each circuit develop alternative sanctions in the community (Subsection 39.0145(3), F.S.).

The measure expands preadjudicatory detention criteria to include all third-degree felonies, provided that one of five current qualifiers is met: (1) record of failure to appear; (2) record of violations pending a hearing; (3) the child has already been detained or released and is awaiting final disposition; (4) record of violent conduct resulting in injury to others; (5) possession of a firearm during the offense, released pending commitment placement (Paragraph 39.044(2)(f), F.S.); and it authorizes use of secure detention (when a respite home is not available) for a juvenile charged with domestic violence who does not otherwise meet

detention criteria (Subparagraph 39.042(2)(b)3, F.S.).

The legislation expands postadjudicatory detention as follows:

- 1) effective October 1, 1994, authorizes unlimited detention pending placement of a juvenile offender committed to a high-risk residential program (Level VIII, such as a training school or boot camp) (Paragraph 39.044(10)(b), F.S.);
- 2) effective July 1, 1995, authorizes unlimited detention pending placement of juvenile offenders committed to a maximum-risk program (Level X, such as a serious or habitual offender program) (Paragraph 39.044(10)(c), F.S.);
- 3) effective July 1, 1995, authorizes unlimited home detention and electronic monitoring pending placement of juvenile offenders committed to any residential program (Paragraph 39.044(10)(a), F.S.); and
- 4) restricts use of television in detention centers except for purposes of education or as a reward for good behavior, but permits the detention superintendent to determine policy (Paragraph 39.021(12)(c), F.S.).

Regarding parental responsibility, the legislation requires the court to order parents or guardians to pay fees equal to the actual cost of detention or commitment; permits the court to reduce or waive fees if the parent is unable to pay, if the parent was a victim, or if the parent made a good faith effort to prevent the delinquent act (Subsections 39.044(6), 39.054(2) and 39.059(5), F.S.); authorizes the court to garnish a portion of a parent's Aid to Families with Dependent Children (AFDC) or public assistance dollars to offset the costs of delinquency services (Subsection 39.044(6), F.S.); deletes the \$2,500 limit on parental liability for



restitution (Paragraph 39.054(1)(f), F.S.); and requires the Department of Juvenile Justice to notify sheriffs at prior and new addresses upon relocation of a violent juvenile offender who is under the Department's supervision (Paragraph 39.0585(2)(b), F.S.). Court approval is required prior to the temporary release of a juvenile offender from a facility for more than 3 days (Subsection 39.054(4), F.S.).

Prosecution of juvenile offenders as adults is enhanced in the law, including: (1) effective January 1, 1995, provides for direct filed adult prosecution of a 14- or 15-year-old charged with a specified serious felony (Subparagraph 39.0587(1)(e)1., F.S.); (2) effective January 1, 1995, mandates that state attorneys prosecute as adults juveniles of any age who have three prior felony adjudications and three prior residential commitments (Subparagraph 39.0587(1)(e)3., F.S.); (3) authorizes RICO prosecution of criminal street gangs (Subparagraph 895.02(1)(a)32., F.S.); and (4) specifies that "criminal street gang activity" includes delinquent acts and violations of law (Subsection 874.03(3), F.S.).

The measure provides for the establishment of juvenile assessment centers throughout the state (Section 39.0471, F.S.), and enhances and encourages diversion programs including civil citation (Section 39.0255, F.S.), teen court (Subparagraph 39.047(1)(a)1., F.S.), prison tours (Section 109 of the act), and counseling.

The law establishes a boot camp continuum by establishing low-risk boot camps (Level IV) for less serious juvenile offenders, with a 2-month residential program and at least 2 months of aftercare. It also requires a 4-month minimum-residential program and 4 months of aftercare for moderate- and high-risk boot camps; authorizes boot camps to have two residential phases (Subsection 39.057(6), F.S.); modifies boot camp eligibility criteria by prohibiting placement of violent first-degree juvenile offenders in boot camps and by permitting placement of juvenile offenders

charged with third-degree felonies (Subsection 39.057(3), F.S.); and establishes minimum standards for boot camp instructor training (Paragraph 39.057(12)(b), F.S.).

Effective January 1, 1995, the legislation establishes a maximum-risk residential commitment program (Level X) for serious or habitual juvenile offenders with lengths of stay from 18 months to 3 years (Section 39.0581, F.S.). Effective upon becoming law, the act establishes an accelerated commitment plan for Early Delinquency Prevention Program participants (Section 39.0584, F.S.); states legislative intent that aftercare be provided to all juveniles released from residential programs (Subsection 39.067(4), F.S.); creates the Alternative Education Institute charged with establishing alternative education programs in residential school facilities for juvenile offenders (Section 108 of the law); and directs the Department of Juvenile Justice, together with the Department of Education and the Department of Labor and Employment Security, to study development and implementation of a job education and training program (Section 114 of the measure).

Regarding juvenile records, the enactment:

- 1) authorizes law enforcement officers to release for publication the name, photograph, and other identifying information of a juvenile of any age charged with a felony offense or found to have committed three misdemeanors (Subsection 39.045(9), F.S.);
- 2) extends to age 24 (or age 26 if a serious or habitual juvenile offender) the length of time juvenile records are retained by the court (Subsection 39.045(2), F.S.);
- 3) provides for merger of the juvenile record into the adult record upon

subsequent conviction for a forcible felony as an adult (Subsection 943.0515(2), F.S.);

- 4) requires certain notification to schools and certain interagency information sharing (Subsections 39.045(11) and (5), F.S., respectively); and
- 5) authorizes the Department of Law Enforcement to expand its criminal history database to include juvenile criminal records (Subsection 943.0515(1), F.S.).

The legislation authorizes local governments to establish curfews and sets model guidelines (Sections 877.20-877.25, F.S.).

The act provides a 50-cent surcharge on auto tags with proceeds appropriated to addictions receiving facilities, crisis stabilization units and community partnership grants (Section 320.08046, F.S.).

With respect to education, the law:

- 1) aligns dropout prevention programs with Blueprint 2000 to give schools more control over these programs (Section 230.2316, F.S.);
- 2) provides for after-school programs;
- 3) permits school districts to honor expulsion orders of other districts (Subparagraph 230.23(6)(c)2., F.S.);
- 4) requires the Department of Education to conduct a study on the relation of suspensions and expulsions to juvenile crime (Section 147 of the measure);
- 5) permits school districts to include character development criteria in the curricula of each school (Section 233.0615, F.S.);
- 6) requires interagency coordination between DHRS and the school districts to meet the first state education goal (Paragraph 230.23(13)(b), F.S.);
- 7) focuses existing infrastructure of early education and child care programs on preparing children for school;
- 8) permits parents to be accompanied by an adult of their choice at meetings with

school district personnel (Section 230.2301, F.S.);

- 9) expedites the process for identifying and providing services to habitual truants (Section 232.19, F.S.);
- 10) requires teacher training in exceptional student education (Subparagraph 236.0811(2)(a)1., F.S.);
- 11) requires law enforcement to notify the superintendent when a school employee is arrested for abuse of a minor or for sale of a controlled substance (Paragraph 230.335(1)(a), F.S.); and
- 12) requires law enforcement and the courts to notify the superintendent and the superintendent to notify the principal and teachers when a student is taken into custody for a felony offense (Subsection 39.045(11), F.S.).

The act also:

- 1) establishes a task force on federal funds to optimize federal funding participation (Section 112 of the legislation);
- 2) establishes a juvenile sex offender and victim task force (Section 111 of the law);
- 3) requires the Joint Legislative Management Committee (JLMC) Economic and Demographic Research Division to study the feasibility of a statutory schedule for assessing parental fees (Section 113 of the enactment); and
- 4) requires the Advisory Council on Intergovernmental Relations to study the impact on local governments of direct file provisions (Section 110 of the measure).

A *Save the Children* license plate is created by COMMITTEE SUBSTITUTE FOR SENATE BILL 2016 (CHAPTER 94-210). This law provides that funds will be

allocated according to each county's proportionate share of fees collected and that funds will be used for programs and services designed to prevent juvenile delinquency, based on recommendations by the county juvenile justice councils.

***Violent Crime Act Revisions***

COMMITTEE SUBSTITUTE FOR SENATE BILL 1176 (CHAPTER 94-215) amends three areas of the Violent Crime Act of 1993: (1) the discretionary and mandatory duties of the Violent Crime Council (Subsection 943.031(4), F.S.); (2) the functions of the regional violent crime investigation coordinating teams (Subsection 943.04(4), F.S.); and (3) the criteria and procedures relating to the use of money in the Violent Crime Investigative Emergency Account within the Department of Law Enforcement Operating Trust Fund (Section 943.042, F.S.).

The grant program of the Council designed to help criminal justice agencies develop and implement violent crime prevention and investigative programs must include an innovation grant program to: (1) provide startup funding for local and state law enforcement agencies initiatives, (2) enhance community-oriented policing, and (3) provide additional undercover officers and other investigative officers to assist in the emergency investigation of violent crime.

The criminal justice research and behavioral science center is directed to provide key support to local law enforcement agencies undertaking unique or emergency violent crime investigations, including the mobilization of special task forces to directly target violent crime in specific areas.

Crime prevention services and educational programs offered to the public by the Council include enhanced victim and witness counseling services and a well-publicized rewards program for the apprehension and conviction of violent criminals.

Expansion of the use of community partnerships and community policing programs may include the use of civilian employees or volunteers to relieve law enforcement officers of clerical work in order to enable the officers to concentrate on street viability within the community.

The regional violent crime investigation coordinating teams established by the Florida Department of Law Enforcement (FDLE) are directed to provide key support in a timely manner to local law enforcement agencies undertaking difficult violent crime investigations.

The Violent Crime Emergency Investigative Account may be used to provide emergency supplemental funds to: (1) state and local law enforcement agencies involved in violent crime investigations which constitute a significant state emergency, or (2) counties which demonstrate a significant hardship or inability to cover extraordinary expenses generated by a violent crime trial. The Council and the FDLE are to consult in the development of rules supplying criteria for determining when these two situations exist.

The Council is also charged with establishing an expedited approval procedure for rapid disbursement of funds in emergency situations.

This enactment adds Subsection (3) to Section 285.18, F.S., to make the law enforcement agencies of the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida criminal justice agencies entitled to access to state and federal criminal history records for use in ongoing criminal investigations and specific criminal history background investigations. Applicants for employment by tribal educational programs, tribal law enforcement agencies, tribal government, and certain persons involved in a Class II Indian Tribal

gaming enterprise might be subject to background checks.

### ***Crime Victims Act***

HOUSE BILL 2027 (CHAPTER 94-342) creates the "Florida Civil Restitution Lien and Crime Victims' Remedy Act of 1994." The act requires the court to enter separate civil restitution lien orders in favor of crime victims, the state, its local subdivisions, and other aggrieved parties against the convicted offender for the damages and losses suffered by such individuals and entities. This measure supersedes law to the contrary. A restitution lien will attach to the convicted offender's real personal property, including current and future assets. The lien is supplemental to the existing statutory and common law remedies available for restitution. In addition, the enactment provides specified liquidated damages in favor of the victim, the state, its local subdivisions and other aggrieved parties. It also provides legislative findings and intent, as well as numerous definitions.

The legislation also amends numerous provisions in the Florida Crimes Compensation Act, Chapter 960, F.S., including the following:

- 1) extending the time of filing a claim for cases involving a death (Paragraph 960.07(2)(c), F.S.;
- 2) providing that compensation payments are considered "payment of last resort" (Subsection 960.13(3), F.S.) and "payment in full" (Subsection 960.14(4), F.S.) for services rendered;
- 3) requiring that claimants owing money to the fund have their compensation awards deducted by the amount of that debt (Subsection 960.14(2), F.S.);
- 4) allowing a minor victim to receive up to \$10,000 for continuing or periodic mental health care (Subsection 960.13(9)(b), F.S.;
- 5) providing that court costs which contribute to the compensation fund are

"automatically" assessed, unless specifically waived by the court (Subsection 960.20(2), F.S.); and

- 6) simplifying the written certification requirement to make it easier for victims of sexual offenses to have their initial physical examination paid for under this chapter (Subsection 960.28(1), F.S.). Section 960.28, F.S., which allows sexual offense victims to have their initial physical examination paid for, will be repealed on July 1, 1995.

In the meantime, the Department of Legal Affairs is directed by Section 16 of the act to submit a report to the Legislature and the Governor by December 1, 1994, which includes recommendations as to the delivery and payment of evidentiary examinations for victims of sexual offenses.

The law also creates Section 624.128, F.S., a crime victim's exemption to the state insurance code to ensure that insurance deductibles and copayments do not apply to persons eligible for crime compensation.

Furthermore, Paragraph 775.089(2)(b), F.S., provides that a restitution order can require a defendant to reimburse a victim for lost wages when the victim suffered no bodily injury as a result of the crime.

Under revised Subsection 960.001(2), F.S.), criminal justice agencies that are currently required to submit victim guidelines to the Governor are also directed to submit additional documents. The Executive Office of the Governor is also required to issue an annual report detailing each agency's compliance with its duties under Chapter 960, F.S.

### ***Felony Arrests of Early Releasees***

HOUSE BILL 2301, (CHAPTER 94-121) amends Section 947.141, F.S., to require that offenders who are on conditional release supervision (Section 947.1405, F.S.), control

release supervision (Section 947.146, F.S.), or conditional medical release supervision (Section 947.149, F.S.) and are arrested on a felony charge be detained without bond pending the initial probable cause determination. Upon a determination that there was probable cause for the arrest, such offenders may continue to be detained without bond for a period of up to 72 hours until the Parole Commission determines whether to issue a warrant charging the offender with violation of the conditions of release.

### ***Sexual Battery Prosecutions***

HOUSE BILL 21 (CHAPTER 94-80) amends the rules of evidence relating to sexual battery prosecutions. "Sexual battery" is defined in the Florida Statutes as "the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object" (Paragraph 794.011(1)(h), F.S. Chapter 794, F.S., provides penalties for sexual battery offenses and the victim's consent may be raised as a defense in most sexual battery prosecutions. This act adds Subsection 794.022(5), F.S., to provide that the offender's use of a prophylactic device, or a victim's request that the offender use a prophylactic device, is not, by itself, relevant to either the issue of whether or not the sexual battery offense was committed or the issue of whether or not the victim consented.

### ***Horticulture Products***

COMMITTEE SUBSTITUTE FOR SENATE BILL 1474, (CHAPTER 94-307) adds Subsection (9) to Section 810.011, F.S., by adding "commercial horticulture property" to the definitions of Chapter 810, F.S., relating to burglary and trespass. Commercial horticulture property is land that is cleared of its natural vegetation and planted in commercially cultivated horticulture products that are planted, grown, or harvested. The term also includes property that is used for the commercial sale, use, or distribution of horticulture products.

This measure also adds Paragraph 810.09(2)(e), F.S., to provide that a person who trespasses on posted commercial horticulture property commits a felony of the third degree. The posted signs must state that the area posted is commercial horticulture property and that persons who trespass upon the property commit a felony.

In addition, this legislation revises Section 921.0012, F.S., the offense severity ranking chart, to add trespass on posted commercial horticulture property as a level 2 offense.

### ***Illegal Dumping as Trespass***

SENATE BILL 616 (CHAPTER 94-263) expands the elements of the misdemeanor crime of trespass on property other than a structure or conveyance (Section 810.09, F.S.) to include the act of unlawfully dumping litter on property.

The act adds Subsection 810.12(6), F.S., to provide that such unlawful dumping is prima facie evidence of intent to trespass, and that the discovery of any dumped article containing the name of a person in a manner indicating that the article last belonged to that person raises a mere inference that the person identified has trespassed. If a court finds that the discovery of the location of an article is corroborated by the existence of an independent fact or circumstance which, standing alone, would constitute evidence sufficient to prove a trespass, such person is rebuttably presumed to have trespassed.

The terms "litter" and "dump" are defined in Section 810.011, F.S., for purposes of the law.

### ***Fleeing and Eluding An Officer***

SENATE BILL 1618 (CHAPTER 94-276) amends (Section 316.1935, F.S.), regarding fleeing and eluding a law enforcement officer. Specifically, the act:

1. Clarifies that the state's fleeing and eluding law applies to duly authorized law enforcement officers, not just municipal police officers.
2. Provides that if the officer conducts a high-speed vehicle pursuit as a result of the fleeing and eluding, the fleeing and eluding offense is punishable as a third-degree felony, punishable by imprisonment for up to 5 years, a fine not to exceed \$5,000, or both. The pursuing officer must be in a marked patrol car for this section of the statute to apply.
3. Creates the act of aggravated fleeing and eluding, making it a third-degree felony for the operator of a vehicle, in the course of unlawfully leaving or attempting to leave the scene of an automobile accident involving death, personal injury, or property damage, to flee or elude an authorized law enforcement officer who has directed the operator to stop. Aggravated fleeing and eluding also requires as an element of the offense that the fleeing or eluding cause injury to another person or cause damage to any property, and constitutes a separate offense for which a person may be charged in addition to the offense of unlawfully leaving the scene of an accident.

### ***Equity Skimming***

SENATE BILL 204 (CHAPTER 94-288) creates the offense of equity skimming and defines it as: (1) to purchase within a 3-year period, 2 or more single-family dwellings, two-family dwellings, three-family dwellings, or four-family dwellings, or a combination thereof, that are subject to a loan that is in default at the time of purchase or within 1 year after the time of purchase, which loan is secured by a mortgage or deed of trust; (2) fail to make payments under the mortgage or deed of trust as the

payments become due, regardless of whether the purchaser is obligated on the loan; and (3) apply, or authorize the application of rents from such dwellings for one's own use. This offense is punishable as a third-degree felony. These provisions take effect October 1, 1994.

### ***Weapons on School Property***

COMMITTEE SUBSTITUTE FOR SENATE BILL 228 (CHAPTER 94-289) expands current law in Subsection 790.115(1), F.S., to provide that a person who exhibits a firearm or weapon in the presence of one or more persons in a rude, careless, angry, or threatening manner while not acting in self-defense, not only on school property but also within 1,000 feet of a school during school hours or during the time of a sanctioned school activity is guilty of a third-degree felony.

Persons having a residence or owning private, real property within 1,000 feet of a school or a person authorized, licensed or invited by the owner to be on such property are exempt from the enhanced penalty.



## LOCAL GOVERNMENT\*

### *State Codes and Standards*

SENATE BILL 12 (CHAPTER 94-284) revises Subsection 553.06(1), F.S., to authorize the adoption of the Standard Plumbing Code, 1994 Edition, promulgated by the Southern Building Code Congress International as the minimum state plumbing code and permits the state Board of Building Codes and Standards to adopt updates and revisions of the State Plumbing Code pursuant to Chapter 120, F.S., the Florida Administrative Code. Local governments which have adopted the South Florida One and Two Family Dwelling Code (promulgated by the Council of American Building officials (CABO)) or Experimental Prototype City of Tomorrow (EPCOT) Plumbing Code may continue to use them if they meet or exceed the requirements of the State Plumbing Code. The authority of the Department of Business and Professional Regulation concerning sanitary facilities in public lodging and food service establishments is preserved. Subsection 553.06(2), F.S., is added to exempt recreational vehicles from application of the State Plumbing Code.

Subsection 404.056(3), F.S., is revised to distribute 37.5 percent of the Radiation Protection Trust Fund created for the radiation surcharge on building construction to the Department of Community Affairs and 62.5 percent to the Department of Health and Rehabilitative Services and to repeal the cutoff date for the surcharge.

Subsection 553.98(4), F.S., is created to require the statewide rules for radon-resistant buildings to be issued by the Department of Community Affairs to undergo legislative review before the effective date and be re-promulgated if rejected.

Section 553.994, F.S., is modified to apply the energy efficiency rating system to existing residential buildings and to permit its application to new residential buildings.

Paragraph 553.996(1)(b), F.S., is amended to require the energy-efficiency rating of a commercial or residential building be supplied to a purchaser on request.

Subparagraph 489.115(4)(b)2., F.S., is added to allow the Board of Building Codes and Standards to approve specialized continuing education courses on compliance with the wind resistance provisions for one and two family dwellings contained in the State Minimum Building Codes and any alternate methodologies for providing such wind resistance which have been approved by the Board. Division I certificateholders who complete such courses and demonstrate proficiency may certify plans and specifications for one and two family dwellings as in compliance with the code or alternate methodologies, except for dwellings located in floodways or coastal hazard areas as defined in the National Flood Insurance Program.

Added Subsection 553.79(15), F.S., allows local governments to accept or reject, with good cause, sealed plans and specifications of contractors certified pursuant to Subparagraph 489.115(4)(b)2., F.S., as to compliance with the code for wind resistance.

Subsection 489.503(15), F.S., grants telecommunication companies an exemption to any local ordinance requiring a worker permit for low voltage electrical work, including related technical codes and regulations if such work is necessary to

---

\*Based on Senate and House Community Affairs Committees' after session report



provide phone service and is noncompetitive. Subcontractors do not qualify for this exemption. The act is effective October 1, 1994.

### **Local Government Code Enforcement**

SENATE BILL 304 (CHAPTER 94-291) amends Chapter 162, F.S., the Local Government Code Enforcement Boards Act to clarify and strengthen the position of local government vis-a-vis the local code enforcement board. This act also revises Sections 162.09 and 162.10, F.S., to provide local government with additional enforcement capability that may be utilized in response to code enforcement violations. In lieu of constructive notice of a code enforcement violation by newspaper publication, this law modifies Subparagraph 162.12(2)(b)1., F.S., to authorize constructive notice by posting for 10 days at the site of the violation and on the door of the county courthouse or primary municipal government office.

Provisions within this measure:

- clarify that appointments to the code enforcement board are within the sole discretion of the local governing body (Subsection 162.05(2), F.S.);
- authorize code inspectors to request an immediate hearing for a condition causing a violation that presents a serious threat to public health, safety and welfare (Subsection 162.06(4), F.S.);
- authorize the code enforcement officer to respond to a repeat violation by issuing a citation immediately and without giving the violator a reasonable time in which to correct the violation (Paragraph 162.21(3)(b), F.S.);
- entitle the local governing body that prevails in prosecuting a case before the code enforcement board to costs incurred in prosecuting the case (Subsection 162.07(2), F.S.);
- authorize the governing body to make reasonable repairs to bring property into

compliance and to charge the violator with the reasonable cost of the repairs as well as a fine (Subsection 162.09(1), F.S.);

- authorize the code enforcement board to issue an order that includes the costs of repairs as well as a fine, or a fine including repair costs (Subsection 162.07(4), F.S.);
- clarify that a repeat violation begins with the date that the repeat violation is found to have occurred by the code inspector (Subsection 162.09(1), F.S.);
- clarify that a lien arising from a code enforcement board fine runs in favor of the local governing body, which body may execute a satisfaction or release of the lien (Subsection 162.09(3), F.S.); and
- authorize the local governing body to collect all costs incurred in recording and satisfying a valid lien (Section 162.10, F.S.).

### **Local Government Fiscal Issues**

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2079 (CHAPTER 94-344) deals with four fiscal issues:

1. *Municipal Resort Tax* -- Chapter 67-930, Laws of Florida, as amended, is revised to expand the municipal resort tax to include food and nonalcoholic beverages sold for consumption off the premises ("takeout" orders would be taxed). Municipalities collecting the tax are given the same enforcement and collection power as the Department of Revenue.
2. *Redevelopment Trust Fund* -- Section 163.387, F.S., is amended to permit contributions of less than 95 percent of each taxing authority's tax increment to fund community

redevelopment agencies (CRAs) created in Dade County after July 1, 1994. In no event is the contribution to be less than 50 percent of the tax increment. Community redevelopment areas would receive less money from taxing authorities and the taxing authorities would have to pay less.

3. *Special Assessment Authority* -- Sections 170.01 and 170.03, F.S., are amended to permit local governments to use special assessments to provide underground relocation of electrical, telephone and cable television utilities.
4. *Millage Rate Computation* -- Section 200.065, F.S., is amended to exclude the following from the taxable value computation of the "rolled-back rate":
  - property value increases of CRAs;
  - property value increases of properties that have undergone substantial rehabilitation; and
  - property value increases for properties that have been converted to condominiums.

As with the other exclusions from the rolled-back rate, these changes will permit local governments to impose ad valorem tax to cover these changes without having to advertise a tax increase.

### ***Public Construction--Land Transfer***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1325 (CHAPTER 94-175) amends Section 255.20, F.S., to require a county, municipality, special district as defined in Chapter 189, F.S., or other political subdivision, which seeks to construct or improve a public building, structure, or other public construction work, to competitively award to a licensed contractor each project which is estimated to cost more than \$200,000.

The term "competitively award" is defined to mean contracts based on the submission of sealed bids, proposals submitted in response to a

request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This includes contracts for construction-management services, design-build contracts, continuation contracts based upon unit prices, and any other contract arrangement with a private-sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law.

The act authorizes a county, municipality, special district, or other political subdivision to establish, by municipal or county ordinance or special district resolution, procedures for conducting the bidding process.

When a project is to be awarded based upon price, this enactment requires the award of the contract to the lowest qualified and responsive bidder in accordance with the applicable ordinance and in accordance with the applicable contract documents. The right to reject all bids and to rebid a project or elect not to proceed with a project is reserved under the law. The section is not intended to restrict the rights of any local government to reject the low bid of a nonqualified or nonresponsive bidder and to award the contract to any other qualified and responsive bidder in accordance with the standards and procedures of any applicable ordinance or resolution.

If a project uses a request for proposal or a request for qualifications, the request must be publicly advertised and the contract must be awarded in accordance with the applicable local ordinance. Further, if the project is subject to competitive negotiations, the contract must be awarded in accordance with Section 287.055, F.S., which is known as the Consultants' Competitive Negotiation Act.

All work performed by the local government must be supervised by a

properly licensed contractor and the project must be inspected under the procedures that apply to projects undertaken by private-sector bidders. The act specifies examples of projects which are not subject to its provisions.

The language of Subsection 255.22(3), F.S., is amended to provide that only conveyances of easements on or after October 1, 1988, are subject to provisions of general law, which authorizes the reconveyance of an easement to the conveying party, if it has not been used by a local government for 10 years from the date of conveyance. In addition, a reconveyance is not required to take place if a municipality or county has identified the proposed use of such property in a comprehensive plan or other public facilities plan during the 10-year period from the date of conveyance.

The law also amends Subsection 255.22(5), F.S., to provide that, in the event any party conveyed an easement to a local government on or before May 5, 1993, and did not receive any type of payment, and the local government has failed to use the easement, the party that conveyed the property, or a grantor's successor in title owning adjoining land, may receive a reconveyance of the property from the local government if the request is made in writing on or before October 1, 1994.

#### ***County, Municipal Permit Fees***

COMMITTEE SUBSTITUTE FOR SENATE BILL 1780 (CHAPTER 94-278) requires Water Management Districts and the Department of Environmental Protection to reduce or waive environmental permitting application fees for small counties (50,000 or less population) and cities with a population of 25,000 or less. Fee reductions or waivers are determined on the following conditions:

- the per capita taxable value is less than the statewide average for the current fiscal year;
- the percentage of assessed property value that is exempt from ad valorem taxation

is higher than the annual statewide average;

- any condition met under Section 218.503, F.S., Determination of Financial Emergency;
- the current operating millage is greater than 8 mills; or
- a financial condition that indicates the inability to pay.

The permit applicant must be the governing body or a third party under contract to the local government.

#### ***County Boundaries***

SENATE BILL 3098 (CHAPTER 94-313) amends general law (Sections 7.09 and 7.38, F.S.) to move the boundary line between Citrus and Levy counties from the north bank of the Withlacoochee River to the thread of the river. [The "thread" of a river is the measurement of the river at its lowest stage, giving the owners of either side access to the water, whatever its stage may be, and particularly at its lowest flow where only a trickle remains.]

The act shall take effect 30 days after the date the Department of Environmental Protection issues a written finding that there are sufficient protections in place to protect the manatee in the area of the Withlacoochee River affected by the law.

#### ***Southeast Florida 2025***

SENATE BILL 3062 (CHAPTER 94-227) creates a steering committee for the purpose of developing a comprehensive regional vision for Broward, Dade, Monroe, and Palm Beach counties called the "Southeast Florida 2025." Members of the committee will include the following county representatives: the chairs of the boards of county commissioners, the sheriffs, the chairs of the district school boards, the chair of the South Florida Water Management District, the chairs of the legislative delegations,

representatives from the applicable regional planning councils, and 10 members appointed by the Governor.

The vision is to include, but is not limited to: education; law enforcement; health; transportation; and human, physical, and natural systems. The visioning process of the steering committee may involve issue forums and town meetings. Staff support for the visioning process will be provided by the South Florida Regional Planning Council. Public opinion research on the region will be conducted by the Florida Institute of Government in consultation with the steering committee. A report will be prepared and transmitted to residents of the region and the Legislature.

#### ***Municipalities-Ordinance Enforcement***

SENATE BILL 96 (CHAPTER 94-255) provides statutory clarification, as called for by the Florida Supreme Court, as to the types of penalties which may be imposed for violation of municipal ordinances. While various constitutional and statutory provisions clearly recognize that municipal ordinances may carry criminal penalties, the enactment of the Municipal Home Rule Powers Act in 1973 (and accompanying repeal of various specific grants of power to municipalities) resulted in the absence of express statutory language specifying maximum fines and terms of incarceration.

This act specifies that a municipal ordinance may be enforced through the issuance of a citation, summons or notice to appear in county court, and a violation may be punished by the imposition of a fine not to exceed \$500 and imprisonment for a definite term not to exceed 60 days. Imprisonment must be in a municipal detention facility, or other facility if authorized by law.

#### ***Municipal Annexation Procedures***

HOUSE BILL 865 (CHAPTER 94-196) amends an annexation provision, Subsection 171.0413(6), F.S., added to Chapter 1701, F.S.,

in 1993. That provision allowed certain property to be annexed without referendum and with the consent of only a majority of the property owners (rather than all property owners, as is required for voluntary annexation) if there were no registered electors in the area to be annexed. With the enactment of this law, annexation of property in which no registered electors reside will require dual consent by: (1) a majority of property owners in the area to be annexed, and (2) the owner or owners of a majority of the property within the area to be annexed. The act takes effect October 1, 1994.

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

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1195 (CHAPTER 94-202) creates Section 318.325, F.S., which provides jurisdiction and procedures for a county or municipality that adopts the Civil Traffic Infraction Hearing Officer Program.

Sections 318.30-318.38, F.S., are revised to: (1) make the Program ongoing rather than a pilot program, (2) eliminate a caseload threshold necessary to establish the Program, (3) remove obsolete provisions, and (4) reduce continuing education requirements. The effective date of the act is October 1, 1994.

#### ***Deputy Sheriff Protection***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1165 (CHAPTER 94-143) provides job protection for deputy sheriffs from political and discriminatory firings. It provides a system of due process with a review board, whose decision is binding on both the sheriff and deputy sheriff. It holds harmless current provisions relating to deputy sheriffs in a county that, through a special act, general law, local charter, local ordinance or otherwise, has established rights or procedures that are equal to or greater

than the act, including those counties with collective bargaining rights.

***Tourism and Sports Special Districts***

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1875 (CHAPTER 94-338) provides for a new type of independent special district, to be called a "multijurisdictional tourism, sports, and entertainment special district." Provisions provide for:

- 1) extensive authority for the imposition of taxes;
- 2) issuance of general obligation bonds, revenue bonds, special assessment bonds, and various other types of debt instruments;
- 3) annexation and contraction;
- 4) adoption of land development regulations;
- 5) establishment of a transportation system;
- 6) operation of "media communication, transmission, and production systems";
- 7) granting of various types of exclusive and nonexclusive franchises;
- 8) taking of property by eminent domain; and
- 9) other miscellaneous powers are set forth for districts to be created in the future (by separate acts of the Legislature).

These general provisions are followed by the "establishing act" which creates, defines the boundaries of, and provides additional and expanded powers to a particular independent special district in Broward County, Dade County and the City of Miramar, to be called the "South Florida Sports and Entertainment Special District." [This district would provide the mechanism for financing and operating the proposed Blockbuster Park.]

The districts in general, and the "South Florida Sports and Entertainment Special District" in particular, appear to be given a broader array of taxing and revenue-raising authority than that possessed by any other type

of district in the state (or even the state itself). This authority includes ad valorem taxes, special assessments, Chapter 170, F.S., municipal special assessments, benefit special assessments, maintenance special assessments, franchise taxes or fees, and "fees, rates or other user charges for any service, program, or facility within the district." The South Florida district is also given "exclusive power" to require licenses and permits for the operation of "any business, service, or event" within that district.

Paragraph 288.1162(4)(b), F.S., is revised to require that an applicant for certification as a "facility for a new professional sports franchise" have a verified copy of a signed agreement with a new professional sports franchise for use of the facility for at least 10 years rather than 5 as current law provides.

Subsection (10) is added to Section 288.1162, F.S., to restrict the circumstances for second certifications.

Certain counties are authorized to impose an additional tourist development tax of up to 1 percent on transient rentals to pay debt service on bonds used to finance the construction, reconstruction, or renovation of a facility for a new professional sports franchise (Paragraph 125.0104(3)(o), F.S.).

In response to concerns about off-site, secondary impacts arising from the South Florida district and any districts which might be created in the future, a "designated planning area" must be established for the area outside of and surrounding any such district. Each local general-purpose government must also report to the Department of Community Affairs on potential impacts arising from development within any such district, and thereafter amend its comprehensive plan as necessary to implement and address findings in the report.

The "establishing act" for the South Florida Sports and Entertainment Special

District will not take effect unless each applicable local general-purpose government adopts an ordinance approving the establishment of the district within 90 days after this act becomes law. If Broward County and the City of Miramar approve the district, but Dade County does not, the establishing act will take effect, but the district's boundary will be modified to exclude the land within Dade County.



## MOTOR VEHICLES AND TRANSPORTATION\*

### *Transportation Administration*

COMMITTEE SUBSTITUTE FOR SENATE BILL 2156 (CHAPTER 94-237) addresses a wide range of transportation issues, in particular the Department of Transportation's administration of the state's transportation program. Major provisions in the act:

#### *Turnpike*

Excludes all district contributions to turnpike projects and federal moneys from having to be used in determining the economic feasibility of a proposed project or repaid to the State Transportation Trust Fund. (Subsection 338.223(3), F.S.)

Establishes a turnpike district, the eighth district of the Department of Transportation, with its headquarters located in Leon County. (Paragraph 20.23(4)(a), F.S.)

Increases the Southern Connector Extension project cost cap from \$82 to \$102.5 million. Renames the North Suncoast Corridor project to Suncoast Parkway Project 1. (Subsection 338.2275(3), F.S.)

Authorizes the Department to provide a broader scope of user goods and services on the turnpike. (Section 338.234, F.S.)

#### *Toll Facilities Revolving Trust Fund*

Forgives interest on Toll Facilities Revolving Trust Fund advances to local governments and accrued interest on existing agreements. (Section 338.251, F.S.)

#### *Western Beltway*

Mandates that either the Orlando-Orange County Expressway Authority or the

Department to construct, finance, operate, maintain Part A of the Northwest Beltway and Part C of the Western Beltway. (Sections 348.7544 and 348.7545, F.S., respectively.)

#### *Contract Services*

Clarifies that the Department is authorized to provide a period within which the contractor can initiate or complete a project, rather than set a specific start and finish date. In addition, authorizes the Department to withhold up to a 10-percent retainage of the completed work if the contractor fails to begin work on time or falls behind. (Subsection 337.015(5), F.S.)

#### *Liquidated Damages on Construction Contracts*

Requires the schedule of damages be based upon historical data which include anticipated costs of project related delays, loss of projected revenues on toll projects, and inconveniences to the Department and the traveling public. (Subsection 337.18(2), F.S.)

Requires the Department to forgo competitive bidding requirements on a maintenance contract when there is a delay in the required work because of an administrative challenge or bid protest on the original contract if there is a safety problem or if it would affect the Department's ability to preserve the facility. (Paragraph 337.11(6)(b), F.S.)

#### *Aviation*

Clarifies that public airports may use aviation grant funds to purchase capital

---

\*Based on House Transportation Committee's after session report



equipment and to acquire land for environmental mitigation purposes. (Subsection 332.004(4), F.S.)

Permits the Department to retroactively reimburse cities, counties or airport authorities for airport land acquisition costs if a joint participation agreement is executed prior to the land acquisition. (Paragraph 332.007(6)(b), F.S.)

Furthermore, permits the Department to license private and limited use airports for periods up to 5 years, instead of annually, based on operational characteristics of the airport. (Subparagraph 330.30(2)(e)2., F.S.)

#### *Commuter Rail*

Expands the jurisdiction of the Tampa Bay Commuter Rail Authority to include Hernando and Polk counties. (Subsection 343.73(2), F.S.)

#### *Outdoor Advertising*

Clarifies jurisdictional responsibilities of the Department as it relates to outdoor advertising. (Subsection 479.04(1), F.S.)

Deletes the requirement that the Department implement specific information panel program on the rights-of-way of federal-aid primary highways, so that the program applies only to the interstate highway system. (Subsection 479.02(4), F.S.)

Further, allows the Department access onto intervening private property to remove illegal signs where no other means of sign removal is available after getting the owner's consent or a court order. (Section 479.03, F.S.)

Provides that the sign violation notice be posted on the sign structure where it is visible from the main-traveled way; and allows the Department to remove, without notice, an unpermitted sign. (Section 479.107, F.S.)

Specifies that the Department's final orders revoking a permit becomes effective 30 days after issuance, and provides for an automatic stay of the order if an appeal is filed. (Section 479.08, F.S.)

Prohibits the removal of a sign which was erected legally, whether conforming or nonconforming, along the interstate or federal-aid primary highway system by a local governmental entity without paying compensation. Also, specifically provides that local governments may not cause the alteration of a lawful nonconforming sign along the interstate or federal-aid primary highway systems without paying just compensation if the alteration results in a taking. (Subsection 479.15(2), F.S.)

Creates a requirement that the Department shall adopt rules prohibiting signs which are lighted in a manner that impairs a motorist's vision, or which distract motorists so as to interfere with safe vehicle operations. (Subsection 479.11(5), F.S.)

#### *Tolls*

Authorizes the Department to suspend toll payments on a toll facility when necessary to assist in emergency evacuation. (Subsection 338.155(1), F.S.)

Exempts from toll payment, on state owned and operated toll facilities, marked vehicles of the Florida Highway Patrol, sheriff, and municipal police, when on official business. (Subsection 338.155(1), F.S.)

#### *Program Objectives*

Requires the Department, instead of the Florida Transportation Commission, to review the program objectives and recommend changes to the Commission. The Commission reviews the Department's recommendations and makes recommendations to the legislative transportation committees. Extends the repeal date for the current program objectives from January 1995 to June 1995. (Sections 7 and 8 of Chapter 93-614, Laws of Florida, as amended by Section 48 of this act.)

*Functional Classification*

Extends the due date for the Florida Transportation Commission's recommendations on the functional classification study to December 1994. (Section 50 of this enactment.)

*Local Option Gas Tax*

Requires public hearings to be held to periodically review interlocal agreements relating to the distribution of local option gas tax revenues. (Paragraph 336.025(1)(d), F.S.)

*Dade County Expressway Authority*

Facilitates the creation of an expressway authority by Dade County, created under the model Expressway Authority Act, and authorizes the Authority to use surplus funds for public transportation facilities. (Sections 348.0002-348.0005 and Sections 348.0011 and 348.0012, F.S.)

*Bus Benches and Transit Shelters*

Clarifies the authority of municipal and county governments to regulate bus benches, transit shelters and waste receptacles within their jurisdictions. (Subsection 337.408(2), F.S.)

*Transportation Disadvantaged*

Provides for better fiscal accountability for the transportation disadvantaged program and requires state agencies to annually report anticipated and actual expenses related to the program. (Subsection 427.015(3), F.S.)

*Career Service Classification Study*

Authorizes the Department, in conjunction with other state agencies and the Legislature, to develop and conduct a pilot career service classification system. (Section 77 of this measure.)

*Right-of-Way*

Removes the restriction that bonds for advance right-of-way acquisitions may only be

used on nontoll projects. (Subsection 337.276(3), F.S.)

Requires that the Department records document the basis for selecting parcels for advanced acquisition based on a recommendation by the Auditor General. (Subsection 337.276(1), F.S.)

The Department and local governments are authorized to prescribe and enforce rules for publicly owned rail corridors that are under their jurisdiction and control. (Subsection 337.401(1), F.S.)

Provides that responsibility of the Department for sign and light regulation does not include the county road system right-of-way and that counties have the authority to regulate signs, lights, and other structures on county road right-of-way. (Paragraphs 337.407(1)(a) and 125.01(1)(m), F.S., respectively.)

*Construction Ready Projects*

Removes the requirement that the Department maintain a list of construction ready projects. (Paragraph 339.135(4)(i), F.S.)

*Central Connector*

Prohibits the Department from spending state funds on the Central Connector, but permits completion of two hardship acquisitions and associated eminent domain costs. (Section 80 of this act.)

*Seaports*

Sets \$8 million as a minimum level of funding for the Florida Seaport Transportation and Economic Development Program, and expands allowable use of funds to include expenditure for economic and trade information. (Section 311.07, F.S.)

Authorizes \$25 million to be transferred from the State Transportation Trust Fund to the Florida Seaport Transportation and Economic Development Program for 4 years.

The transfer is contingent upon the enactment of law prior to June 25, 1995, providing a revenue source. (Section 78 of this act.)

***Highway Safety and Vehicles Revisions***

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1318 (CHAPTER 94-306) addresses a number of highway safety and motor vehicle issues. Primary issues include:

***Motor Carrier Fuel Tax***

Motor carriers using special fuel or motor fuel are to register under the fuel tax reporting requirements of the federal International Fuel Tax Agreement. Revises other provisions to conform to this federal regulation. (Sections 207.004-207.005, 207.007, 207.011, 207.026 and 207.0281, F.S.)

***Community Service Program***

The law stipulates that a person whose commission of a noncriminal traffic infraction or any traffic infraction including reckless driving which causes the death of another person may, in addition to any other civil, criminal or administrative penalty imposed, be required by the court to serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents, under the supervision of a registered nurse, an emergency room physician, or an emergency medical technician pursuant to a voluntary community service program operated by the trauma center or hospital. (Subsection 316.027(4), F.S.)

***School Buses***

A school bus must not exceed the posted speed limits, nor exceed 55 miles an hour at any time, regardless of a higher posted speed limit. (Subsection 316.183(3), F.S.)

The law also provides clarification regarding safety requirements for vehicles transporting school children. This includes listing required

equipment to be carried, and that children 5 years of age or younger shall be properly restrained. (Subsection 316.613(2), and Subsections 316.615(1) and (2), F.S.)

The legislation mandates that all school bus drivers have a physical examination and post in the bus a certificate of eligibility to drive a school bus. (Subsection 316.615(3), F.S.)

All school buses must have an annual inspection and must be covered by liability insurance in the amount of \$5,000 multiplied by the rated seating capacity of the vehicle, or \$100,000, whichever is higher. (Subsection 316.615(4), F.S.)

***Motor Vehicles***

Any vehicle parked in excess of 24 hours for the purpose of sale or hire is subject to immediate removal without an additional 24-hour waiting period when a second notice of violation has been provided within 10 days of a previous notice of violation. (Subsection 316.1951(4), F.S.)

Vehicles used to transport farmworkers are authorized to display flashing white strobe lights. (Subsection 316.2397(5), F.S.)

The Department is authorized to adopt rules approving light transmittance measuring devices for use in making measurements of window sunscreening material. Data from such devices shall be admissible evidence in a trial resulting from infractions of Sections 316.2951-316.2954. (Subsection 316.2955(3), F.S.)

Use of an electronic display in a vehicle is authorized when it is used in conjunction with a vehicle navigation system. (Subsection 316.303(3), F.S.)

The act clarifies that a vehicle must display lighted lamps and illuminating devices during the twilight hours and during any rain, smoke or fog. (Paragraphs 316.217(1)(a) and (b), F.S.)

### *Bicycle*

Bicycle trailers or bicycle semitrailers may be used to carry children with a bicycle if such device is commercially available and has been designed for such attachment. (Subsection 316.2065(4), F.S.)

### *Child Restraints*

A vehicle manufacturer's integrated child seat is authorized as an approved child restraint device. (Paragraph 316.613(1)(a), F.S.)

The act requires buses that are regularly used to transport children 5 years of age or younger to and from school, or to and from school activities, to have child restraints. (Paragraph 316.615(2)(a), F.S.)

### *Driver Improvement*

Persons electing to attend a driver improvement school must attend a school that is approved by the Department and located within this state. Such person may elect to attend a driver improvement school no more than five times in a lifetime. (Section 318.14, F.S.)

For those convicted of certain traffic offenses, the Department will cancel the driver's license of a person who fails to complete the required driver improvement course within 90 days. The driver's license remain cancelled until the course is completed. (Subsection 322.0261(2), F.S.)

### *Motor Vehicle Registration*

License inspectors appointed by the Bureau of Licensing and Enforcement are authorized to issue a notice of violation to unattended motor vehicles that reasonably appear to be in need of being registered. The inspector may later immobilize the vehicle if the owner has not registered the vehicle within 30 days. Tampering with the immobilization device is a misdemeanor of the second degree. (Subsection 320.02(14), F.S.)

The motor vehicle registration application form is required to include language permitting a voluntary \$1 contribution to the Transportation Disadvantaged Trust Fund. (Subsection 320.02(15), F.S.)

A person's outstanding parking violations do not affect a motor vehicle registration when such vehicle is sold by a motor vehicle dealer, nor does it affect the issuance of the title to a motor vehicle. (Subsection 320.03(8), F.S.)

Also, a person's motor vehicle registration can be cancelled due to delinquent child support obligations, but these obligations will not prohibit the transfer of a motor vehicle registration when sold by a motor vehicle dealer. (Section 322.058, F.S.)

Proof of registration for a replacement vehicle need not be carried during the first 30 days after purchase. (Subsection 320.0605(1), F.S.)

The Department is authorized to cancel any license plate or fuel-use tax decal if the owner pays for the plate or decal, or any fuel tax penalty, liability or interest, with a dishonored check. Further, the Department of Highway Safety and Motor Vehicles and the Department of Transportation may impound any vehicle that has a cancelled license plate or fuel-use tax decal until such fees are paid for with certified funds. (Subsection 320.18(1), F.S.)

### *Motor Vehicle Dealers*

A motor vehicle dealer is authorized to sell, at wholesale, a recreational vehicle acquired in exchange for a motor vehicle, providing such acquisition is incidental to the principal business of being a motor vehicle dealer. (Paragraph 320.27(1)(c), F.S.)

The law provides that a manufacturer of fire trucks, ambulances, or school buses, may sell such vehicles directly to governmental agencies, or to persons who contract to perform firefighting, ambulance, or school

transportation services exclusively to governmental agencies, without processing such sales through a dealer if such vehicles are not available through a motor vehicle dealer. (Subparagraph 320.27(1)(c)5., F.S.)

In addition, a licensed mobile home or recreational vehicle dealer is authorized to transact business in recreational vehicles with a motor vehicle auction. Also, any dealer dealing exclusively in mobile homes is exempted from the privilege of using dealer license plates. (Paragraph 320.77(1)(a), F.S.)

#### *License Plates*

License plates, stickers or decals shall be replaced at no charge to the owner if, when making application to the Department for a replacement, the owner includes a copy of a police report noting the theft of such plate, sticker or decal. (Subsection 320.0607(2), F.S.)

The issuance of fleet license plates to the owner or lessee of 1,000 or more nonapportioned commercial motor vehicles, commercial trailers, trucks, or passenger cars is authorized. (Section 320.0657, F.S.)

The enactment also provides a reduced dimension license plate for disabled persons who own a motorcycle, moped, motorized bicycle or disability access vehicle and are qualified to receive a disabled person parking permit. (Section 320.08035, F.S.)

Furthermore, eligibility for a personalized prestige plate or a specialty plate is expanded to those who lease motor vehicles. (Subsection 320.0805(1), F.S.)

The surviving, unremarried spouse of a P.O.W. may apply for an "Ex-POW" specialty plate. (Subsection 320.089(2), F.S.)

Continued funding of the state manatee programs is provided by allowing continued sales of the manatee license plate. (Subsection 320.08066(5), F.S.)

#### *Commercial Motor Vehicles*

Use of the \$240 forestry license plate is allowed for a truck tractor used exclusively to haul forestry products or a truck tractor used to haul associated forestry harvesting equipment used by the owner of the truck tractor. (Paragraph 320.08(4)(m), F.S.)

The issuance of a commercial driver's license is prohibited while a person is disqualified from operating commercial motor vehicles, or while the person's driving privilege is suspended, revoked or cancelled. (Subsection 322.271(5), F.S.)

The administration of an oral test for an initial hazardous materials endorsement to an applicant for a commercial driver's license is prohibited. (Paragraph 322.57(1)(d), F.S.)

A person who does not possess a valid driver's license may drive a noncommercial or a commercial motor vehicle during a driving skills test, provided the person has passed the vision, hearing, road rules and road signs tests ordinarily administered to applicants for a Class E license, and, if required, has passed the commercial driver's license knowledge test and appropriate endorsement tests. (Section 322.66, F.S.)

An employee of a publicly owned transit system, who is limited to moving vehicles for maintenance or parking purposes exclusively within the restricted-access confines of a transit system's property, is exempt from the requirement of having a commercial driver's license. (Paragraph 322.53(2)(f), F.S.)

#### *Driver's Licenses*

Permits the Department to enter into reciprocal driver's license agreements with other jurisdictions in the United States and its territories and possessions, and with foreign countries or political entities. (Subsection 322.02(3), F.S.)

A person operating a motorcycle is required to have a driver's license

authorizing such operation. (Subsection 322.03(4), F.S.)

A person, under or over the age of 18, whose driver's license or driving privilege has been suspended or revoked for a conviction of certain alcohol or drug offenses must serve 6 months suspension before becoming eligible to obtain a restricted license. (Subsection 322.055(1), F.S.)

A person wishing to retain a hazardous materials endorsement must pass the hazardous materials test if he has not taken and passed the test within the previous 2 years. (Subsection 322.12(1), F.S.)

Provides that a person whose driving privilege has been revoked, suspended, or disqualified at any time during the 7 years preceding license renewal may not be designated as a "Safe Driver." (Subsection 322.121(3), F.S.)

An applicant for a Class A, B, or C driver's license must appear in person for issuance of a color photographic driver's license. (Paragraph 322.14(1)(a), F.S.)

Provides that a member of the Armed Forces, or a member of his immediate family, who was stationed outside Florida at the time of license renewal, must apply for a license renewal within 15 months after its expiration in order to be exempt from a delinquency fee. Reexamination requirements must be met. (Subsection 322.21(6), F.S.)

The Department is authorized to cancel a driver's license if the licensee fails to pay the correct fee or pays with a dishonored check. (Subsection 322.22(1), F.S.)

The Department is authorized to revoke a driver's license upon receiving notice that the driver was convicted of an offense in a foreign country such that, if such crime was committed in this state, the conviction would be grounds for suspension or revocation of his license. (Section 322.24, F.S.)

The Department must assess the full amount of points for a conviction of a motor vehicle

violation that occurred in another state. (Paragraph 322.27(3)(e), F.S.)

A person who has never been issued a driver's license, and whose careless or negligent operation of a motor vehicle causes the death of, or serious bodily injury to another, is guilty of a felony of the third degree. (Paragraphs 322.34(3)(a) and (b), F.S.)

#### *Financial Responsibility*

The amount of bond which must be posted in cash with the Department to provide financial responsibility is increased to \$30,000 per vehicle, up to a maximum of \$120,000. (Section 324.031, F.S.)

Insurance limits are increased so that owners/operators of for-hire passenger transportation vehicles must maintain liability insurance coverage in excess of limits of \$10,000/20,000/10,000 or \$30,000 combined single limits of \$50,000/100,000/50,000 or \$150,000 combined single limits. (Section 324.031, F.S.)

#### *Municipal Government*

Municipalities are authorized to regulate access to streets using security devices or security personnel. (Paragraph 316.006(2)(b), F.S.)

Municipalities are authorized to regulate, restrict or monitor traffic by security devices or security personnel on public streets and highways, whether by public or private parties, and authorizes the maintenance of such streets and highways. (Paragraph 316.008(1)(w), F.S.)

#### *School Crossing Guards*

A county government operating a school crossing guard program is allowed to impose a countywide surcharge on parking fines to fund school crossing guard programs. (Paragraph 316.660(4)(c), F.S.)

***Transportation Disadvantaged***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1161 (CHAPTER 94-142) amends Subsection 320.03(9), F.S., to increase the motor vehicle registration fee by \$1. The proceeds of the increase (estimated at \$9.3 million) will be deposited into the Transportation Disadvantaged Trust Fund and used to pay for increased transportation service for the disadvantaged. Additionally, the act revises Subsection 320.13(2), F.S., to increase by \$1 the fee for temporary license plates. This \$1 increase provides an estimated \$1.9 million which is to be deposited into the Impaired Speeders and Drivers Trust Fund to enhance the state's ability to provide spinal cord and head injury care.

***Airport Zoning Regulations***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1147 (CHAPTER 94-201) amends Section 333.03, F.S., to provide an exemption for aviation schools facilities from airport zoning restrictions relating to noise, which prohibit the locating of educational facilities near airports. [The siting of aviation schools in close proximity to airports provides students with more practical exposure to aircraft and airport operations, and allows additional uses of military airports scheduled to be closed.]

***Traffic Law Enforcement***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1387 (CHAPTER 94-334) modifies Subparagraph 316.640(1)(a)1., F.S., authorizes police employed by a community college or an airport authority to enforce all traffic laws of the state when violations occur on the community college or airport property.

Subsection 316.640(6), F.S., is added to provide that a university, community college or airport authority is considered to be a traffic enforcement agency for the purpose of receiving uniform traffic citations from the Department of

Highway Safety and Motor Vehicles. This law takes effect October 1, 1994.

***Traffic Citations***

HOUSE BILL 1105 (CHAPTER 94-199) amends Subsection 322.15(2), F.S., to require a law enforcement officer issuing a traffic citation to a person who does not display a driver's license on request by the officer, to direct such a person to place his fingerprint on the citation. These provisions take effect October 1, 1994.

***Government-Owned Vehicle Sales***

SENATE BILL 172 (CHAPTER 94-286) revises Subsection 325.203(8), F.S., to provide that government vehicles subject to inspection may not be sold at retail in those counties with motor vehicle inspection programs unless such vehicles have passed an emissions inspection within 90 days prior to sale.

***Medicaid Fraud Unit Motor Vehicles***

SENATE BILL 1738 (CHAPTER 94-308) amends Section 320.025, F.S., to authorize the issuance of confidential registration certificates and license plates to vehicles in the Medicaid Fraud Unit of the Auditor General.

***Motor Vehicle Registration***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 173 (CHAPTER 94-330) revises Subsection 320.055(4), F.S., to clarify that the registration period for short-term rental vehicles is June 1 through May 31.

Subsection 320.055(6), F.S., is added to authorize the Department of Highway Safety and Motor Vehicles to develop and implement a registration renewal system which would evenly distribute the registration renewal period throughout the year for lease vehicles that are not short-term rental vehicles.

New Paragraph 318.141(1)(b), F.S., provides that when a nongovernmental entity needs traffic control for a special event or activity, traffic control officers may be employed to perform traffic control duties only when off-duty full-time law enforcement officers are unavailable. This act takes effect January 1, 1995.

### ***Fleet License Plates***

SENATE BILL 2448 (CHAPTER 94-312) creates Section 320.0657, F.S., which authorizes the issuance of permanent license plates to the owner or lessee of 1,000 or more nonapportioned commercial motor vehicles, commercial trailers or trucks, or passenger cars or trucks.

All vehicles with a fleet license plate will be required to have the company's name or logo and unit number clearly displayed. An annual validation sticker will not be required.

In addition to any license tax imposed for registration purposes, an annual fee of \$6 will be charged for each vehicle registered under this section. The proceeds of this fee will be deposited in the Highway Safety Operating Trust Fund, except that \$2.50 of each fee will be retained as a service charge by the appropriate tax office. Payment of license taxes and fees will be made annually and be evidenced only by the issuance of a single receipt by the Department. Identical language appears as Section 50 of COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 1318 (CHAPTER 94-306).

### ***Florida Arts Council License Plate***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 179 (CHAPTER 94-315) authorizes the Department of Highway Safety and Motor Vehicles to issue the Florida Arts License Plate for an additional \$20 fee. The proceeds are to be forwarded to the Division of Cultural Affairs of the Department of State to

support art organizations, programs and activities within each county.

The act also amends Paragraph 320.08(1)(e), F.S., to define an antique motorcycle for purposes of license taxes and revises Subparagraph 320.0805(8)(a)4., F.S., to permit the use of a historical Florida license plate from or representing the model year of the vehicle as a personalized prestige license plate.

### ***Educational License Plate***

SENATE BILL 190 (CHAPTER 94-116) authorizes the issuance of a specialty license plate to benefit education. Proceeds of an additional \$15 tag fee will be used to enhance school district educational programs and will be distributed to the school district in which they were collected.

### ***Save the Children License Plate***

COMMITTEE SUBSTITUTE FOR SENATE BILL 2016 (CHAPTER 94-210) authorizes the Department of Highway Safety and Motor Vehicles to issue a Florida Save the Children License Plate for an additional fee of \$20, the proceeds of which will be used to fund programs to prevent juvenile delinquency.

### ***Indian River Lagoon License Plate***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 227 (CHAPTER 94-163) amends Paragraph 320.06(3)(a), F.S., to provide that any county commission may, upon majority vote, elect to have the county name on any license plate sold in the county replaced with the words "Sunshine State."

The act authorizes the Department of Highway Safety and Motor Vehicles to issue a Florida Indian River Lagoon License Plate for an additional \$15 fee to benefit the restoration of the Indiana River Lagoon.



***Professional Sports Teams License Plates***

COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 713 (CHAPTER 94-141)  
authorizes the issuance of separate specialty  
license plates for professional sports teams based  
in Florida, including major league baseball,  
national basketball association, national football  
league, arena football teams, and national  
hockey league teams. Proceeds of an additional  
\$25 tag fee will be used to attract, support and  
promote major sporting events and the sports  
industry in Florida.

## STATE GOVERNMENT\*

### *Performance and Accountability*

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2497 (CHAPTER 94-249) makes a number of significant changes to current budgeting procedures and requirements. Essentially, Section 216.0166, F.S., is created to require state agencies, including the judicial branch, to submit a list of programs, performance measures, and standards to the Executive Office of the Governor and the Legislature according to the schedule provided in new Section 216.0172, F.S. Upon approval of such items, state agencies are to then submit performance-based program budgets for the purpose of funding approved programs. When granted performance-based program budgeting authority, the state agency would then have certain budgetary flexibility in transferring funds between traditional appropriations categories in order to better meet its performance measures. Incentives for rewarding state agencies which achieve or exceed their performance measures, as well as disincentives for poor performance, are provided pursuant to Subsection 216.163(4), F.S.

The Office of Program Policy Analysis and Government Accountability (originally the Office of Policy Analysis and Agency Review, or PAAR) would be activated by revising Section 11.51, F.S., to authorize the Office of the Auditor General to conduct program evaluation as required in amended Section 11.513, F.S., and justification reviews according to the schedule provided in Section 216.0172, F.S., which may be revised by the Legislative Auditing Committee. Under added Subsection

11.513(2), F.S., these reviews would begin the same year the state agency began operating its programs under performance-based program budgets, and would be for the purpose of evaluating the effectiveness and efficiency of state agencies' major programs as set out in Subsection 11.513(3), F.S. The director of this office would report directly to the Legislative Auditing Committee, and would be hired or terminated only upon a majority vote of both the House of Representatives and the Senate (Paragraph 115.11(1)(a), F.S.). This office is also authorized to conduct performance audits currently required by law (Subsection 11.51(1), F.S.).

The Commission on Government Accountability to the People is statutorily created. This Commission, composed of 15 members, is to track the impact of state agency actions upon the well-being of Florida citizens by serving as a citizen board to review state agency performance and by holding public hearings to receive input from the public and allow state agencies to comment on their performance (Subsection 14.30(10), F.S.).

The State Council for Competitive Government, composed of the Governor and Cabinet, sitting as the Administration Commission, is authorized by Section 50 of the act to identify any service provided by the state to determine if such service could be better provided by either a private or other public service provider. Certain conditions would have to be considered by the Administration Commission, and approval would be required by the Legislature prior to bidding any state agency

---

\*Based on House Governmental Operations Committee's after session report

service. (This section is similar to the language in COMMITTEE SUBSTITUTE FOR HOUSE BILL 1257 (CHAPTER 94-333)).

Section 121.1905, F.S., is created to establish the Division of Retirement of the Department of Management Services as a separate budget entity. The director of the Division is appointed by the Governor, rather than by the secretary of the Department and is subject to Senate confirmation.

This measure also creates Section 216.235, F.S., to establish the Innovation Investment Program for funding innovative projects proposed by state agencies. New Subsection 216.235(4), F.S., creates the State Innovation Committee for the purpose of awarding funds for such projects. Section 52 of this act requires a portion of the money awarded to be paid back by the state agency at the end of 1 year, with the payback funds coming from savings resulting from the implementation of the project. The remainder of the funds awarded would not be paid back, but pursuant to Section 53 of the act, state agencies are required to document any savings realized, and to use such saved funds to establish internal innovations funds for funding future innovative projects of the agency.

### ***Executive Branch Management***

SENATE BILL 1546 (CHAPTER 94-235) amends Chapter 20, F.S., which pertains to the structure of the executive branch. Sections 20.02-20.06, F.S., are amended to make technical revisions, clarify existing law, remove obsolete language and to make other revisions and modifications. In addition, provisions are added to Chapter 20, F.S., to establish guidelines for the review of functions, programs, and entities of the executive branch, and to set policies and

procedures for appointed entities adjunct to executive agencies.

The act provides general guidelines for the review and appraisal of programs, functions and entities of the executive branch. The law creates Section 20.051, F.S., to provide criteria to consider in conducting such reviews, including consideration of such factors as:

- 1) the purpose for which the function, program, or entity was created and whether the purpose continues to benefit the state;
- 2) whether the function, program, or entity operates effectively and efficiently, and whether it serves to improve the operations of the state;
- 3) whether the function, program, or entity would be more effective if assigned to another state agency;
- 4) whether such functions or activities should be assigned to another entity or abolished; and
- 5) whether the program is cost-effective.

Unless other criteria are specifically provided by law, any review of a function, program, or entity scheduled for repeal is to be conducted in accordance with the same criteria established for reviews.

The enactment creates Section 20.052, F.S., which contains general provisions relating to membership and certain procedures of advisory councils, commissions, or boards of trustees adjunct to executive agencies. The new section of law specifies that such entities may only be created when they are necessary to the furtherance of a public purpose. The executive agency to which such entities are adjunct is required to inform the Legislature if the entity should be repealed because it no longer serves a public purpose. The legislation provides that members be appointed for 4-year staggered terms, that the private citizen members of

boards and commissions be confirmed by the Senate, and that the entities comply with certain procedures and requirements appropriate for governmental entities. [The provisions of this section were contained in Section 11.611, F.S., the Sundown Act. The Sundown Act, however, expired following adjournment sine die of the 1993 Regular Legislative Session.]

Under amended Section 20.055, F.S., chief internal auditors within agencies are renamed as inspectors general, and responsibilities and functions are provided. The inspector general is to advise in the development of performance measures, standards and procedures:

- 1) assess the reliability and validity of information on performance measures and standards;
- 2) review any actions taken by the state agency to improve program performance;
- 3) provide direction for audits, investigations and management reviews relating to programs and operations;
- 4) carry out activities promoting economy and efficiency of operations;
- 5) inform the agency head of cases of fraud, abuses and deficiencies;
- 6) develop audit plans based on the findings of periodic risk assessments; and
- 7) coordinate activities and investigate complaints relating to the Whistle-blower's Act and other similar types of complaints.

Procedures to be used in hiring and removal of inspectors general is provided.

Section 14.32, F.S., is created to establish the Office of the Chief Inspector General within the Executive Office of the Governor:

- the Chief Inspector General is responsible for investigations and activities to deter fraud, waste, abuse,

mismanagement and misconduct in government;

- investigate complaints of agency administrative action;
- coordinate complaint-handling activities of agencies, and act as liaison with outside agencies, the federal government and agency inspectors general; and
- oversee the activities of agency inspectors general.

Paragraph 373.079(4)(b), F.S., is revised to replace the chief internal auditor for each water management district with an inspector general, but permit the Suwannee River and Northwest Florida districts to jointly employ an inspector general.

Subsection 20.41(1), F.S., is amended to require any person appointed Secretary of the Department of Elderly Affairs by the Governor after July 1, 1994, to be confirmed by the Senate. The act will take effect October 1, 1994.

### ***Competitive Bidding***

HOUSE BILL 1257 (CHAPTER 94-333) is meant to encourage public sector managers to practice competitive bidding when dealing with state agency service providers and private industry service providers.

For purposes of the act, "commercial activity" is defined as an activity that provides a product or service that is commonly available from a private source.

"Council" means the State Council on Competitive Government as created by the act.

"Identified state service" means a service provided by the state that has been identified as a commercially available service and brought under study by the Council to determine whether the service may be better provided through competition with private or other public sources.

The Council on Competitive Government, composed of the Governor and Cabinet, is established to implement the state policy of assuring that all state services are performed in the most effective and efficient manner to be the best value to the public and to utilize competition to improve the quality of the service offered.

State agencies are required to submit any services identified by the Council to competitive bidding and specified benefits and cost information must be included in all bids or contracts, but contracts entered into by the Council and decisions as to whether an agency shall engage in competitive bidding are exempt from all state laws regulating or limiting state purchasing and purchasing decisions. The meetings and records of the Council are subject to all state open meetings and open records laws.

The Real Property Lease-Procurement Task Force is created to consist of one member each appointed by the presiding officers of the Legislature and three members appointed by the Governor. Staff support for the Task Force is to be supplied by the Department of Management Services. The Task Force is to study a comparison of a centralized process to a decentralized process to determine which is more efficient and cost effective for the state's real property lease-procurement process. The current roles and performance of the Department's Division of Facilities Management and other state agencies are to be examined in the study which should address the possibilities of:

- 1) the use of market analysis in lease-procurement;
- 2) telecommuting as a factor in determining future office space needs;
- 3) development by the Department of a system for reviewing the real property needs of state agencies; and
- 4) business case analyses for determining the most cost-effective alternative and

alternative methods of creating fixed capital outlay projects in order to better meet the needs of state agencies to buy, build or lease property.

The findings and recommendations of the study are to be reported to the Legislature and Governor no later than December 1, 1994.

Similar provisions concerning a State Council on Competitive Government appear in COMMITTEE SUBSTITUTE FOR HOUSE BILL 2497 (CHAPTER 94-249) summarized at the beginning of this article.

Paragraph 255.25(1)(b), F.S., is added to require state agencies to monitor market conditions and negotiate leases in the private sector to effect the best overall lease terms and to amend leases to the extent permitted by Chapter 255, F.S. The Department is authorized to mediate lease negotiations between an agency and lessor after 6 months if renegotiation fails to produce a compromise when either party requests intervention by the Department.

#### ***State Surplus Property Program***

COMMITTEE SUBSTITUTE FOR SENATE BILL 2522 (CHAPTER 94-226) authorizes state agencies to dispose of surplus property. The act amends Section 273.055, F.S., to direct agencies to develop guidelines regarding the disposal of surplus property and to require agencies to maintain records relating to the disposition of surplus property for audit purposes. The law revises Subsection 273.055(5), F.S., to authorize agencies to retain revenues relating to surplus property activities and appropriates those revenues for an agency's use. The measure also authorizes local government to offer surplus property to private nonprofit agencies by modifying Section 274.05, F.S., and increases to \$5,000 the value threshold for which a public notice for property disposal is

required through revision of Section 274.06, F.S.

***Public Records Management***

HOUSE BILL 2481 (CHAPTER 94-348) addresses public records predominately in the context of the offices of the clerks of the circuit court. Section 28.001, F.S., is created to define "Official Records" as each instrument that the clerk of the circuit court is required or authorized to record in the series of books called "Official Records" as provided for in Section 28.222, F.S. "Public records" has the same meaning as in Section 119.011, F.S., and includes each official record.

Section 28.17 and Subsection 28.19(1), F.S., relating to the verification of records by the clerk and other officers statutorily charged with the duty of recording instruments are repealed as being impractical to execute.

Subsection 28.24(33), F.S., is added to provide for a service fee for furnishing an electronic copy of information contained in a computer database as provided for in Chapter 119, F.S.

Section 28.30, F.S., is amended to require the clerk to dispose of public records and practice electronic recordkeeping pursuant to the rules of the Division of Library and Information Services of the Department of State. Reproductions from such a system are admissible in evidence. Any document sent electronically to the clerk is deemed to be filed when received and the date and time of receipt are acknowledged by the clerk, as opposed to the date and time of transmission. The clerk is not to be held liable for malfunctions or error occurring in such transmission.

Section 92.29, F.S., is revised to provide that reproductions through electronic recordkeeping systems made by any federal, state or local board, department or agency of

any original document in writing or in the electronic system is admissible as evidence in all places and all courts with the same force and effect as the original whether or not the original exists in writing or in the system.

Paragraph 695.26(1)(e), F.S., is amended to alter the specifications for a blank space required on recording instruments affecting real property.

Subsection 25.832(4), F.S., is added to require the Supreme Court to ensure that clearly written policies, procedures and goals for the recruitment, selection, promotion and retention of minorities, including minority women, are established throughout all levels of the judicial system. An annual report on the progress, problems and corrective actions in the implementation of the plan is to be submitted to the Chief Justice.

Section 28.07, F.S., is amended to ensure that the Official Records books of each county are kept at each county seat. Subsection 28.222(6), F.S., is added to specify that all instruments in the Official Records books are always open to the public for inspection and abstracting, but the clerk is not required to provide any related service without payment of appropriate statutory service fees.

Section 28.235, F.S., is created to permit the clerk to make advance payments on behalf of the county for goods and services, including maintenance agreements and subscriptions, pursuant to rules or procedures adopted by the Comptroller for advance payment of invoices.

Paragraph 28.24(15)(d), F.S., is revised to extend the deadline for the filing of a report by each clerk on the Public Records Modernization Trust Fund from December 1, 1993, to November 15, 1994, and to delay the expiration of the paragraph until July 1, 1995, to continue the service charge for each instrument recorded in the Official Records

of \$1 for the first page and 0.50 cents for each additional page.

Section 28.34, F.S., is amended to require the clerk to undertake an annual review of compensation, race and gender employment for persons employed or appointed by the clerk rather than for all employees of the court.

Subsection 55.10(6), F.S., is revised to change the interest rate on a lien transferred from real property to a deposit or bond from 6 percent per year to the legal rate for 3 years and to increase the lump sum to be applied to court costs which may be taxed in any proceeding to enforce the lien from \$100 to \$500.

Subsection 55.502(1), F.S., is modified to include the United States within the definition of "foreign judgment" [current meaning: judgment from another state] for purposes of the Florida Enforcement of Foreign Judgments Act (Sections 55.501-55.509, F.S.).

Subsection 55.505(3), F.S., is amended to provide a service fee of \$25 for the clerk to be paid prior to the mailing of an execution or other process for the enforcement of a foreign judgment.

Subsection 57.081(1), F.S., is revised to require an applicant for a certificate of indigence to file a detailed financial affidavit unless an attorney representing the applicant files a written certificate attesting to the financial condition of the applicant. The free services of the courts, sheriffs and clerks to which an indigent who is a party or intervenor in any judicial or administrative agency proceeding is entitled are limited to:

- 1) filing fees;
- 2) service of process;
- 3) certified copies of orders or final judgments;
- 4) a single copy of any court pleading, record or instrument filed with the clerk;

- 5) examining fees;
- 6) mediation services and fees;
- 7) court appointed counsel fees;
- 8) subpoena fees and services;
- 9) service charges for collecting and disbursing funds; and
- 10) any other cost or service arising out of litigation.

The clerk is required to waive the costs when responsible for preparing the transcript and exhibits in the record for any appeal from an administrative agency decision.

Section 382.022, F.S., is modified to require county court judges and clerks to send marriage application fees to the Department of Health and Rehabilitative Services on or before the 10th day of each month, rather than the 5th day of the month.

Subsection 553.04(1), F.S., is revised to require a plumbing contractor bond be filed with the county code enforcement office rather than the clerk.

Paragraph 925.037(5)(b), F.S., is amended to extend the reporting date for the clerk to submit a report of conflict counsel expenses and costs for the previous local government fiscal year to the Justice Administrative Commission from before April 1 to before September 30 of each year. This is required for the county to be reimbursed for the cost of court appointed counsel.

Paragraph 925.037(5)(c), F.S., is amended to provide the same extension of reporting date for a county to submit to the Justice Administrative Commission the required statement of compliance from its independent certified public accountant stating that each of the forms submitted as required by Paragraphs 925.037(5)(a) and (b), F.S., accurately reflect county expenditures incurred in public defender conflict-of-interest cases.

***Community Service Commission***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1917 (CHAPTER 94-221) creates Section 14.29, F.S., to establish the Florida Commission on Community Service in response to provisions of the National and Community Service Trust Act of 1993 (Pub. L 103-82, 107. Stat. 785 (1993)). The Commission will serve as an advisory board to the Cabinet, Legislature and state agencies on matters relating to volunteers and community service.

The Commission will be administratively housed within the Executive Office of the Governor, but will exercise its responsibilities under Section 14.29, F.S., and the National and Community Service Trust Act, independently.

The Commission may have an unlimited number of nonvoting members, but no less than 15 nor more than 25 voting members, appointed on a bipartisan basis by the Governor. Voting membership requires Senate confirmation.

***Information Technology Resources***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1999 (CHAPTER 94-340) creates Section 282.322, F.S., to establish a special monitoring process for information resources management projects which are designated in the General Appropriations Act. Subsection 216.0445(2), F.S., is added to require the executive administrator of the Information Resource Commission to make any recommendations to the Governor and the appropriations committees as to which projects should be considered for special monitoring. Under new Paragraph 216.163(2)(i), F.S., the Governor's recommendations to the Legislature are to include these recommendations, as well as proviso language specifying whether funds are to be provided for contracting for a project monitor to oversee these projects.

Pursuant to Section 282.322, F.S., the project monitor is to evaluate each major stage of the project to determine whether the deliverables have been satisfied and to assess the level of risk associated with proceeding to the next stage of the project.

This act creates Section 282.20, F.S., to establish the Technology Resource Center (TRC) within the Department of Management Services for the purpose of providing state agencies an information-system utility and to support a wide range of services and applications needed by users of the system. This law also revises Paragraph 282.305(1)(f), F.S., to expand the duties of the Information Resource Commission to authorize the Commission to serve as a clearinghouse with respect to core skills relating to project management, testing, and evaluation.

Further, this legislation adds Subsection 282.313(4), F.S., to authorize the data processing policy board of the Center to approve expenditures derived from the rate structure of the data processing center, not to exceed 5 percent of the annual gross services billings to users, for the purpose of designing, demonstrating and conducting research and development for advanced information technology solutions.

***Indoor Air Quality***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 251 (CHAPTER 94-156) directs the Department of Management Services (DMS) to conduct, in conjunction with other appropriate agencies, a study of the state-owned or leased buildings with regard to indoor air quality (IAQ). The DMS is further directed to: (1) prioritize state buildings; (2) recommend stronger IAQ regulations; (3) review IAQ programs in public schools; (4) provide educational information on IAQ to state agencies; and, (5) to submit a report to the Legislature by



January 1, 1995, on measures to implement recommendations to improve IAQ in public buildings.

***Energy Savings Contracts***

SENATE BILL 394 (CHAPTER 94-112) authorizes state agencies, municipalities, school districts, school boards, or another political subdivision to enter into guaranteed-energy savings contracts with qualified providers after a determination by the agency that the amount to be spent for energy-saving measures would not exceed the amount to be saved in energy and operating costs for 10 years from the date of installation.

***Medicaid Fraud Unit***

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 2110 (CHAPTER 94-251) transfers the Medicaid Fraud- Control Unit from the Office of the Auditor General to the Department of Legal Affairs of the Office of the Attorney General.

The act creates Section 16.59, F.S., providing for a Medicaid Fraud- Control Office in the Department of Legal Affairs and authorizing the office to investigate violations of Section 409.920, F.S., (Medicaid-provider fraud) and refer cases to the statewide prosecutor or appropriate state attorney.

Section 409.920, F.S., is revised to authorize the Attorney General to request and receive the assistance of any state attorney or law enforcement agency in the investigation and prosecution of any violation of the section.

The measure also amends Section 409.910, F.S., relating to third-party liability for payments on behalf of Medicaid-eligible persons to:

- 1) amend legislative intent to broaden principles of recovery to assure greater dollar recovery by the state;
- 2) broaden the scope of the state's independent cause of action against liable third parties;
- 3) broaden the state's ability to consolidate cases involving common legal issues;
- 4) bring cases under the Florida Evidence Code;
- 5) provide for different notice requirements in certain instances; and
- 6) provide additional remedies by construing each item of expense as separate cause of action.

***Performance Audits***

HOUSE BILL 1163 (CHAPTER 94-332) amends Paragraph 125.01(1)(x), F.S., and adds Subsection 166.021(8), F.S., to provide, respectively, that a county or municipality may require an entity funded wholly or in part by the county or municipality to conduct a performance audit at the expense of the county or municipality. Entities which use a county or municipality for the collection of taxes, assessments, fees or other revenues are not considered as being funded by the county or municipality. Independent special districts may be required to conduct performance audits on discrete district programs funded in whole or in part by a county or municipality pursuant to a contract or interlocal agreement.

Sections 125.31, 166.261, 215.47, 218.345, 219.075 and 236.24, F.S., are amended to permit, respectively, investment of public funds in obligations of federal agencies or instrumentalities by: (1) boards of county commissioners; (2) municipalities; (3) the State Board of Administration; (4) special districts; (5) county officers charged with the duty of having, receiving or collecting

moneys; and (6) school boards. The act takes effect January 1, 1995.

***Mileage Allowance***

COMMITTEE SUBSTITUTE FOR HOUSE BILL 413 (CHAPTER 94-139) amends Subparagraph 112.061(7)(D)1., F.S., to increase the mileage reimbursement rate for public officials from 20 cents per mile to 25 cents per mile for fiscal year 1994-1995 and 29 cents per mile for every year thereafter. This act takes effect October 1, 1994.

***Common Carriers Officers***

SENATE BILL 1026 (CHAPTER 94-103) amends Sections 843.081 and 843.085, F.S., to allow special officers appointed by the Governor pursuant to Chapter 354, F.S., relating to special officers for common carriers to carry a badge, drive nongovernmental vehicles with blue flashing lights and lawfully use other police insignia in the line of duty as a special officer.

***Division of Treasury***

HOUSE BILL 545 (CHAPTER 94-166) exempts the Division of Treasury, Department of Insurance, from the provisions of Chapter 287, F.S., which deals with state purchasing, when purchasing certain investment-related equipment or software. Furthermore, this act amends Paragraph 18.125(4)(b), F.S., to increase (from 0.1 to 0.12 percent) the Division's assessment rate for administrative expenses incurred for managing agencies' funds. This measure also deletes the authority for a Division of Benefits so that Section 20.13, F.S., will accurately reflect the structure of the Department of Insurance.

**PUBLIC RECORDS EXEMPTIONS**

During the 1994 Regular Session, exemptions to the public records and public

meetings laws were reenacted, created, or repealed. These exemptions deal with a number of subjects and are listed below.

***Live Birth Information***

COMMITTEE SUBSTITUTE FOR SENATE BILL 600 (CHAPTER 94-85) is an open government sunset review that reenacts and amends exemptions for the Florida Birth-Related Neurological Injury Compensation Association relating to information on live births submitted by the association to hospitals (Subsection 766.314(8), F.S.) and any claim files maintained by the Association until termination of litigation and settlement of all claims arising out of the same incident (Paragraph 766.314(5)(b), F.S.).

These provisions are saved from an October 1, 1994, repeal pursuant to the Open Government Sunset Review Act (Section 119.14, F.S.), but are made subject to future review and repeal under the Act. This act's provisions take effect October 1, 1994.

***Fingerprinted Children***

SENATE BILL 56 (CHAPTER 94-95) reenacts and revises Subsection 937.028(1), F.S., to provide exemptions from the public records law for fingerprints taken for the purpose of identifying a child. In the event a child becomes missing, the fingerprint records can only be released for purposes related to identifying the missing child. These provisions, which take effect October 1, 1994, are subject to future repeal and review pursuant to the Open Government Sunset Review Act (Section 119.14, F.S.).

***Medical Tests and Domestic Violence***

HOUSE BILL 291 (CHAPTER 94-90) is an open government sunset review that reenacts and amends exemptions for:

- 1) results of DNA analyses held by public hospitals (Paragraph 760.40(2)(a), F.S.) and law enforcement agencies (Subsection 943.325(5) and Paragraph 943.325(7)(b), F.S.) as part of a computerized data bank;
- 2) test results of human immunodeficiency virus (HIV) and sexually transmissible diseases (STDs) (Section 796.08, Subsections 951.27(1) and (2) and Subsections 960.003(1),(3),(4) and (6), F.S.);
- 3) medical information held by a public employer (Subsection 760.50(5), F.S.); and
- 4) victims' and witnesses' statements prepared for domestic violence investigations (Subsection 741.29(2), F.S.)

All these exemptions are saved from an October 1, 1994, repeal but made subject to future open government sunset review and repeal. The provisions of this act take effect October 1, 1994.

#### *Medical ID Records*

HOUSE BILL 471 (CHAPTER 94-75) is an open government sunset review that reenacts and revises Subsection 766.1115(4), F.S., exemptions for identifying information found in medical records and adverse incident reports which are provided to governmental entities contracting with health care providers. These provisions take effect October 1, 1994.

#### *Medical Review Committees*

HOUSE BILL 315 (CHAPTER 94-73) is an open government sunset review which reenacts an exemption for reports and meetings of medical review or peer review committees, generally (Section 766.101, F.S.) and those created by the Correctional Medical Authority or the Department of

Corrections (Section 945.6032, F.S.). The exemptions are made subject to the Open Government Sunset Review Act (Section 119.14, F.S.). The reenactment is effective October 1, 1994, the date of the current repeal.

#### *Medical Examination Reports*

SENATE BILL 276 (CHAPTER 94-258) is an open government sunset review that reenacts and amends Paragraph 766.106(7)(c), F.S., exemptions for medical examination reports held by public hospitals, with release only to parties in medical malpractice presuit screening; Subsection 916.107(8), F.S., exemption for clinical assessment and treatment records of mentally ill forensic clients and Section 953.15, F.S., exemption for records of convicted drug offenders, with release only to certain individuals and entities. These provisions take effect October 1, 1994, and are subject to future open government sunset review and repeal.

#### *Claims Files Records*

HOUSE BILL 531 (CHAPTER 94-76) is an open government sunset review which essentially reenacts and modifies Paragraphs 768.28(14), (b), (c) and (d), F.S., the exemption to the public records law for claims files records administered by the state, which records are exempt until termination of all litigation and settlement of all claims arising out of the same incident, and the public meetings exemption regarding meetings and proceedings of any risk management program which relate solely to the evaluation of claims filed or to offers of compromise. The effective date of these exemptions is October 1, 1994, and all are subject to open government review and repeal.

### *Insurance Claims Files*

SENATE BILL 594 (CHAPTER 94-84) is an open government sunset review and reenacts and amends Subparagraph 766.105(3)(e)2., F.S., an exemption for claims files held by public hospitals which are members of the Florida Patient's Compensation Fund until termination of any litigation and settlement of all claims arising out of the same incident. These provisions are effective October 1, 1994, and are subject to the Open Government Sunset Review Act (Section 119.14, F.S.).

### *Money Transmitter Records*

COMMITTEE SUBSTITUTE FOR SENATE BILL 2350 (CHAPTER 94-281) creates exemptions from the public records access provisions of Sections 24(a) and (b) of Article I of the State Constitution, Subsection 119.07(1), F.S., and Section 286.011, F.S., for specific documents generated pursuant to the Money Transmitters Code (Sections 560.101-560.310, F.S.) as created by COMMITTEE SUBSTITUTE FOR SENATE BILL 2380 (CHAPTER 94-238) and HOUSE BILL 2653 (CHAPTER 94-354).

### *Trade Secrets Documentation*

SENATE BILL 102 (CHAPTER 94-100) reenacts and modifies Subsection 815.04(3), F.S., to create a public records exemption for data, programs or supporting documentation which is a trade secret as defined in Section 812.081, F.S., which resides or exists internal or external to a computer, computer system or computer network. [Existing law makes it a felony to release such information.] These provisions take effect October 1, 1994, and are subject to future open government sunset review.

### *Arbitration Awards*

HOUSE BILL 313 (CHAPTER 94-72) is an open government sunset review that reenacts Subsection 684.19(3), F.S., language certified as a public records exemption for issuance of a written statement of reasons for an international arbitration award and for establishing conditions under which the award may be made public. This act, which saves the subsection from an October 1, 1994, repeal provides for future review and repeal. This law takes effect October 1, 1994.

### *Loan Brokering and Unclaimed Property*

SENATE BILL 596 (CHAPTER 94-262) is an open government sunset review which provides that the October 1, 1994, repeal specified in Section 119.14, F.S., for Subsections 687.144(6) and 717.1301(5), would not take effect, thus reenacting the exemption to the public records law for active investigation or examination records regarding loan brokering activities and unclaimed property held by the Department of Banking and Finance.

### *Currency Transactions*

HOUSE BILL 317 (CHAPTER 94-187) reenacts the public records inspection exemption in Subsection 896.102(2), F.S., for information and documents received by the Department of Revenue concerning businesses that receive more than \$10,000 in one or related transactions. However, the exemption is modified to require the Department to provide any report filed under the section or information contained in such report to federal, state and local law enforcement and prosecutorial agencies and the Department of Banking and Finance. This exemption is subject to open government sunset review.

Subsection 213.053(1), F.S., relating to confidentiality and information sharing with

respect to all information received by the Department of Revenue pursuant to the state revenue laws, is amended to include the financial reports and information of Section 896.102, F.S. The act takes effect October 1, 1994.

### *Condominiums and Cooperatives*

HOUSE BILL 535 (CHAPTER 94-77) is an open government sunset review which eliminates the respective requirement in Subsection 718.111(13) and Paragraph 719.104(4)(a), F.S., that condominium and cooperative associations file, with the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation, their annual financial report, and repeals the commensurate public records exemption for that report. These provisions are effective October 1, 1994.

### *Mobile Home Park Disputes*

SENATE BILL 590 (CHAPTER 94-102) repeals Subsection 723.038, F.S., which authorizes the director of the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation to subpoena books and records upon request of a mediator in connection with mobile home park dispute resolution proceedings and which provide an exemption from the public records law for such subpoenaed information. The act takes effect October 1, 1994.

### *Mobile Home Park Finances*

HOUSE BILL 571 (CHAPTER 94-78) reenacts and amends Subsection 723.006(3), F.S., to narrow the public records exemption for financial records submitted by mobile home park owners to the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and

Professional Regulation so that specifically relevant financial records submitted to the Division may be made public if the Division determines pursuant to a consent order, final order, or cease and desist order, that a mobile home park owner has violated the law governing mobile home park owners. This exemption, subject to open government sunset review and repeal, is effective October 1, 1994.

### *Firearm Purchase or Transfer*

SENATE BILL 104 (CHAPTER 94-256) reenacts and amends Paragraph 790.065(4)(a), F.S., to exempt from the provisions of Subsection 119.07(1), F.S., of the public records law records identifying individuals who are approved to purchase or transfer a firearm following a criminal background check conducted by the Florida Department of Law Enforcement effective October 1, 1994.

### *Law Officer Training*

SENATE BILL 64 (CHAPTER 94-253) is an open government sunset review that reenacts and modifies Subsection 943.173(2), F.S., the exemptions to the public records law for examinations relating to the employment and training of law enforcement officers. This would include any developmental materials or work papers. Test scores on officer certification examinations are no longer exempt from the public records law pursuant to this revision which takes effect October 1, 1994, and which is subject to future open government sunset review.

### *Officer Misconduct Information*

SENATE BILL 58 (CHAPTER 94-252) is an open government sunset review that reenacts and amends Paragraph 943.1395(6)(b), F.S., which provides exemptions to the public records law for

information obtained during investigations conducted by the Criminal Justice Standards and Training Commission of officer misconduct. The measure clarifies that the records are open once a determination as to probable cause is made, whether or not probable cause is found. The released records would continue to exclude information currently exempt by law from public disclosure. These provisions are effective October 1, 1994, are subject to future open government sunset review and repeal.

*Intercepted Communications*

SENATE BILL 106 (CHAPTER 94-101) is an open government sunset review which reenacts verbatim existing law (Paragraphs 934.09(7)(b) and (c) and Subsection 943.09(8), F.S.), regarding nondisclosure and use of intercepted wire, oral or electronic communications, and adds language stating that such nondisclosure is required by federal law. The act takes effect October 1, 1994.

*Confidential Informants*

SENATE BILL 108 (CHAPTER 94-70) is an open government sunset review that reenacts and amends Subsection 925.055(2), F.S., an exemption to the public records law for the names of confidential informants that are revealed in the accounting records of local and state law enforcement agencies. These provisions which are subject to future open government sunset review and repeal take effect October 1, 1994.

*Fire Fighter Applicants*

HOUSE BILL 341 (CHAPTER 94-188) amends Subsection 633.527(1), F.S., to repeal the public records exemption for test scores and financial information of a fire fighter applicant held by the Bureau of Fire Standards and Training, Division of State

Fire Marshal, Department of Insurance, effective October 1, 1994.

*Code Enforcement Officers*

COMMITTEE SUBSTITUTE FOR SENATE BILL 168 (CHAPTER 94-128) amends Subparagraph 119.07(3)(k)1., F.S., to create a public records exemption for the home address and home telephone number of local government code inspectors and code enforcement officers.

*Prosecutors Personal Data*

HOUSE BILL 1633 (CHAPTER 94-176) modifies Subparagraph 119.07(3)(k)1., F.S., to create a public records exemption for the home addresses, telephone numbers, social security numbers, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors or assistant statewide prosecutors and their spouses and children; and, in addition, exempt the places of employment of spouses and children as well as the names and locations of schools and day care facilities attended by the children.

*Grand Jury Records*

HOUSE BILL 363 (CHAPTER 94-74) reenacts and revises Subsection 905.17(1), F.S., which provides exemptions to the public records law for stenographic records, notes, and transactions made by a court reporter during sessions of a grand jury and reenacts and amends Subsection 905.28(1), F.S., the exemptions to the public records law relating to the publication of a grand jury presentment. These provisions, which are subject to future open government sunset review and repeal, take effect October 1, 1994.

*Grand Jury Testimony*

SENATE BILL 114 (CHAPTER 94-285) is an open government sunset review that

reenacts exemptions from the public records law relating to disclosure of grand jury testimony (Subsections 905.27(1) and (2), F.S.), and disclosure of statewide grand jury proceedings (Section 905.395, F.S.). This act takes effect October 1, 1994.

*Discrimination Complainants*

HOUSE BILL 731 (CHAPTER 94-91) is an open government sunset review that reenacts and revises exemptions to the public records and public meetings law for documents revealing the identities of parties in complaints filed with the Human Relations Commission (Subsection 760.11(12), F.S.) meetings held by the Commission to conciliate discriminatory housing complaints (Subsection 760.34(1), F.S.), and the actual conciliatory agreements that are on file with the Commission (Section 760.36, F.S.). These exemptions take effect October 1, 1994, and are subject to open government review and repeal.

*Hate Crimes Information*

SENATE BILL 62 (CHAPTER 94-125) reenacts and modifies Subsection 877.19(3), F.S., to make information collected pursuant to the Hate Crimes Reporting Act (Section 877.19, F.S.) exempt from the public records law. Subject to future review and repeal, pursuant to the Open Government Sunset Review Act, these provisions take effect October 1, 1994.

*Sexual Battery Victim*

SENATE BILL 52 (CHAPTER 94-94) is an open government sunset review which reenacts Subsection 960.28(3), F.S., the public records exemption for information identifying a sexual battery victim seeking payment for medical expenses. The act takes effect October 1, 1994, and is subject to the Open Government Sunset Review Act (Section 119.14, F.S.).

*Sexual Offense Victims*

HOUSE BILL 563 (CHAPTER 94-88) is an open government sunset review which reenacts and revises (Section 749.03, F.S.), the public records exemption that prohibits any person from printing, publishing or broadcasting in any instrument of mass communication the identity of a sexual offense victim. This exemption is effective October 1, 1994, and is subject to the Open Government Sunset Review Act (Section 119.14, F.S.).

*Criminal Justice Records*

SENATE BILL 98 (CHAPTER 94-126) revises Section 943.051, F.S., to consolidate provisions relating to the collection, processing and dissemination of criminal justice information and records; reenacts Subsection 943.054(3), F.S., and adds Subsection (4) of the provisions relating to the exchange of federal criminal history records; clarifies the process for verification of the accuracy of a criminal history record (Subsection 943.056(1), F.S.); and reenacts and revises provisions authorizing limited release of criminal justice information in bulk for research and statistical purposes (Section 943.057, F.S.). These provisions take effect October 1, 1994, and are subject to future open government sunset review.

*Criminal Justice Information*

SENATE BILL 66 (CHAPTER 94-99) is an open government sunset review that reenacts Section 943.08, F.S., provisions directing the Criminal Justice Information Systems Council to make recommendations regarding the physical security of the criminal justice information system. These provisions take effect October 1, 1994.

*Criminal History Records*

HOUSE BILL 573 (CHAPTER 94-168) modifies provisions relating to the

dissemination of criminal history records to private vendors operating detention facilities by adding Subsections 943.053(5) and (6), F.S. The Department of Corrections and sheriffs are directed to provide this information to the vendors. This act takes effect October 1, 1994.

SENATE BILL 120 (CHAPTER 94-127) reenacts and modifies exemptions from the public records law relating to court-ordered expunged (Section 943.085, F.S.) and court-ordered sealed criminal history records (Section 943.059, F.S.). The act amends current provisions relating to expunged and sealed criminal history records to make the Florida Department of Law Enforcement (FDLE), rather than the subject of the expunged or sealed criminal history record, responsible for advising certain employing/licensing entities of the existence of an expunged or sealed criminal history record. This act takes effect October 1, 1994, and is subject to future open government sunset review.

### *Crime Compensation Records*

SENATE BILL 50 (CHAPTER 94-93) is an open government sunset review which reenacts, effective October 1, 1994, Section 960.15, F.S., the public records exemption for records relating to crimes compensation. This exemption is subject to open government sunset review.

### *Youthful Offender Records*

SENATE BILL 298 (CHAPTER 94-71) repeals Subsection 958.13(2), F.S., an exemption to the public records law for the records of a youthful offender. [This repeal simply allows the records of a youthful offender to be treated as any other inmate's records in the custody of the Department of Corrections, but repeal does not affect juvenile records and does not preclude a

judge from sealing records of a youthful offender.] This act takes effect October 1, 1994.

### *Correctional Records*

SENATE BILL 290 (CHAPTER 94-83) is an open government sunset review which reenacts and revises Subsections 945.10(1) and (2), F.S., the public records exemption for presentence investigation reports held by the Department of Corrections; codifies additional public records exemptions most of which are currently provided for in Department rule; and, reenacts in Subsection 945.10(3), F.S., the restrictions to inmate access to records and pursuant to new Subsection 945.10(4), codifies additional restrictions found in Department rule. All the exemptions, effective October 1, 1994, are subject to future open government sunset review and repeal.

### *PRIDE Records*

HOUSE BILL 343 (CHAPTER 94-331) reenacts and amends Section 946.517, F.S., to clearly provide that the records of the nonprofit corporation created to handle certain correctional work programs--Prison Rehabilitation Industries and Diversified Enterprises, Inc. (PRIDE)--are public records; however, certain proprietary confidential business information was made exempt from public disclosure. The Legislature, the Comptroller, and the Governor can have access to all such proprietary confidential business information upon request and without subpoena. This exemption is subject to the Open Government Sunset Review Act (Paragraph 119.14, F.S.).

### *Executioner Identity*

HOUSE BILL 353 (CHAPTER 94-189) reenacts and amends Section 815.04, F.S., to provide the public records exemption for



## 1994 SUMMARY OF GENERAL LEGISLATION

---

information that would identify an executioner and expressly provides that such information is confidential. Subject to future open government sunset review, these provisions take effect October 1, 1994.

**1992-1994 FLORIDA LEGISLATURE - SPECIAL SESSION D\***

The 1992-1994 Florida Legislature passed no bills and adopted no resolutions or memorials during Special Session D, June 7-9, 1994.

---

\*Prepared by Legislative Library



**CONVERSION TABLE:  
BILL NUMBERS TO SESSION LAW CHAPTER NUMBERS**

Senate Bill No.	Session Law Ch. No.	Senate Bill No.	Session Law Ch. No.	Senate Bill No.	Session Law Ch. No.	Senate Bill No.	Session Law Ch. No.
S 12	94-284	S 590	94-102	S 814	94-56	CS/CS/S 2420	94-311
S 12-C	93-415	S 594	94-84	S 816	94-57	S 2448	94-312
S 26	94-81	S 596	94-262	S 818	94-58	CS/S 2522	94-226
S 30-C	93-420	CS/S 600	94-85	S 820	94-59	CS/S 2654	94-218
CS/S 32-C	93-414	CS/S 606	94-299	S 822	94-60	CS/S 2704	94-282
S 34	94-365	CS/S 612	94-96	S 824	94-266	CS/S 2752	94-283
S 36	94-360	S 616	94-263	S 872	94-267	CS/S 2776	94-367
S 50	94-93	S 620	94-113	S 912	94-268	CS/S 2900	94-133
S 52	94-94	CS/S 626	94-300	S 952	94-61	S 3062	94-227
S 54-C	93-412	CS/S 636	94-230	S 954	94-269	S 3098	94-313
S 56	94-95	S 638	94-231	S 994	94-62	S 3120	94-109
S 56-C	93-421	S 650	94-264	S 996	94-63	S 3174	94-314
S 58	94-252	S 660	94-114	S 998	94-64		
S 58-C	93-422	S 670	94-130	S 1000	94-65	<b>House</b>	<b>Session Law</b>
S 60-C	93-423	S 672	94-86	S 1002	94-66	<b>Bill No.</b>	<b>Ch. No.</b>
S 62	94-125	CS/S 674	94-209	S 1004	94-67	H 21	94-80
S 64	94-253	S 700	94-265	S 1006	94-68	CS/H 31-C	93-409
S 64-C	93-424	S 702	94-41	S 1016	94-214	CS/H 33-C	93-410
S 66	94-99	S 704	94-1	CS/CS/CS/S 1018	94-232	CS/H 43-C	93-410
CS/CS/S 68	94-209	S 706	94-2	S 1026	94-103	CS/H 51	94-239
CS/S 70	94-110	S 708	94-3	S 1068	94-270	H 73-C	93-413
S 74	94-361	S 710	94-4	CS/S 1072	94-131	CS/H 75	94-362
CS/S 76	94-254	S 712	94-5	S 1076	94-79	CS/CS/H 91-C	93-416
CS/S 90	94-254	S 714	94-6	CS/S 1158	94-271	CS/H 101	94-329
S 96	94-255	S 716	94-7	CS/S 1176	94-215	H 113-C	93-417
S 98	94-126	S 718	94-8	CS/CS/S 1194	94-301	H 125-C	93-418
S 102	94-100	S 720	94-9	S 1200	94-272	H 131-C	93-411
S 104	94-256	S 722	94-10	CS/S 1202	94-302	CS/H 137	94-183
S 106	94-101	S 724	94-11	CS/S 1228	94-216	H 137-C	93-419
S 108	94-70	S 726	94-12	S 1244	94-303	CS/H 161	94-240
S 114	94-285	S 728	94-13	S 1254	94-304	CS/H 173	94-330
S 120	94-127	S 730	94-14	CS/S 1278	94-305	CS/CS/H 179	94-315
S 158	94-228	S 732	94-15	CS/S 1296	94-132	CS/H 227	94-163
CS/S 168	94-128	S 734	94-16	CS/S 1306	94-209	CS/H 239	94-184
S 172	94-286	S 736	94-17	CS/CS/S 1318	94-306	CS/H 251	94-156
S 190	94-116	S 738	94-18	CS/S 1320	94-273	CS/H 281	94-185
CS/S 196	94-259	S 740	94-19	CS/CS/S 1346	94-122	H 291	94-90
CS/CS/S 200	94-287	S 742	94-20	CS/CS/S 1350	94-115	CS/H 307	94-186
S 204	94-288	S 744	94-21	S 1362	94-274	H 313	94-72
CS/S 220	94-82	S 746	94-22	CS/S 1392	94-97	H 315	94-73
CS/S 228	94-289	S 748	94-23	CS/S 1400	94-209	H 317	94-187
CS/S 230	94-209	S 750	94-24	S 1450	94-233	H 341	94-188
CS/S 234	94-290	S 752	94-25	S 1468	94-104	H 343	94-331
CS/S 236	94-209	S 754	94-26	CS/S 1474	94-307	H 353	94-189
CS/S 248	94-209	S 756	94-27	CS/S 1482	94-105	H 363	94-74
S 260	94-257	S 758	94-28	S 1502	94-275	CS/H 389	94-241
CS/S 266	94-209	S 760	94-29	S 1504	94-234	H 409	94-138
CS/S 274	94-209	S 762	94-30	S 1546	94-235	CS/H 413	94-139
S 276	94-258	S 764	94-31	S 1618	94-276	H 441	94-87
CS/S 282	94-209	S 766	94-32	CS/S 1668	94-217	CS/H 443	94-165
CS/S 290	94-83	S 768	94-33	S 1738	94-308	H 471	94-75
S 298	94-71	S 770	94-34	CS/S 1748	94-117	H 487	94-190
CS/S 302	94-259	S 772	94-35	CS/S 1756	94-277	H 499	94-140
CS/S 304	94-291	S 774	94-36	S 1766	94-98	CS/H 525	94-134
S 312	94-292	S 776	94-37	CS/S 1780	94-278	H 531	94-76
CS/S 340	94-213	S 778	94-38	CS/S 1784	94-309	H 535	94-77
CS/S 348	94-82	S 780	94-39	S 1820	94-118	CS/H 543	94-191
S 350	94-92	S 782	94-40	CS/S 1910	94-216	H 545	94-166
S 364	94-293	S 784	94-42	CS/S 1944	94-236	CS/H 547	94-167
CS/S 392	94-209	S 788	94-43	CS/CS/S 1950	94-137	CS/H 551	94-316
S 394	94-112	S 790	94-44	CS/S 2012	94-209	H 563	94-88
S 400	94-260	S 792	94-45	CS/S 2016	94-210	H 567	94-368
S 402	94-129	S 794	94-46	S 2018	94-211	H 571	94-78
CS/S 424	94-69	S 796	94-47	CS/CS/S 2076	94-119	H 573	94-168
CS/S 428	94-294	S 798	94-48	CS/CS/S 2110	94-251	H 581	94-169
S 450	94-295	S 800	94-49	S 2120	94-279	CS/H 591	94-359
S 454	94-296	S 802	94-50	CS/S 2156	94-237	H 601	94-242
CS/S 498	94-209	S 804	94-51	S 2184	94-310	CS/H 627	94-157
S 546	94-297	S 806	94-52	CS/S 2264	94-280	H 635	94-170
S 574	94-229	S 808	94-53	CS/S 2350	94-281	CS/H 665	94-171
CS/S 576	94-261	S 810	94-54	S 2360	94-366	CS/H 673	94-158
S 580	94-298	S 812	94-55	CS/S 2380	94-238	CS/H 677	94-192

**CONVERSION TABLE:  
BILL NUMBERS TO SESSION LAW CHAPTER NUMBERS**

House Bill No.	Session Law Ch. No.	House Bill No.	Session Law Ch. No.	House Bill No.	Session Law Ch. No.	House Bill No.	Session Law Ch. No.
CS/H 683	94-317	CS/H 1259	94-204	CS/H 1873	94-154	H 2353	94-319
CS/H 711	94-172	CS/H 1305	94-243	CS/CS/H 1875	94-338	H 2365	94-180
CS/H 713	94-141	CS/H 1309	94-145	CS/H 1917	94-221	H 2371	94-247
H 731	94-91	CS/H 1317	94-146	CS/H 1949	94-135	CS/H 2375	94-320
CS/H 739	94-193	CS/H 1325	94-175	H 1955	94-106	H 2403	94-108
CS/H 749	94-194	CS/H 1369	94-219	H 1957	94-107	CS/H 2409	94-164
CS/H 751	94-195	CS/H 1371	94-147	H 1981	94-161	H 2419	94-248
CS/H 753	94-123	CS/H 1377	94-205	CS/H 1987	94-339	H 2437	94-346
H 865	94-196	CS/H 1383	94-206	CS/H 1999	94-340	H 2441	94-111
CS/H 1025	94-173	CS/H 1387	94-334	CS/H 2025	94-341	H 2443	94-155
H 1055	94-159	CS/H 1401	94-148	H 2027	94-342	H 2445	94-356
H 1079	94-363	CS/H 1405	94-158	CS/H 2043	94-343	H 2447	94-347
CS/CS/H 1087	94-124	H 1513	94-149	H 2047	94-245	H 2463	94-321
CS/H 1093	94-197	H 1529	94-150	CS/H 2079	94-344	H 2481	94-348
CS/H 1095	94-198	CS/H 1585	94-160	H 2087	94-177	H 2483	94-349
H 1097	94-369	CS/H 1587	94-318	CS/H 2103	94-222	H 2493	94-350
H 1105	94-199	H 1633	94-176	H 2143	94-178	CS/H 2497	94-249
CS/CS/H 1141	94-325	CS/H 1635	94-151	CS/H 2197	94-370	H 2509	94-351
H 1143	94-200	H 1637	94-207	H 2199	94-223	H 2541	94-181
CS/H 1147	94-201	CS/H 1689	94-152	H 2217	94-327	H 2545	94-352
CS/H 1161	94-142	CS/H 1705	94-335	H 2221	94-357	H 2557	94-353
H 1163	94-332	CS/H 1717	94-212	H 2223	94-358	CS/H 2587	94-322
CS/H 1165	94-143	CS/H 1741	94-336	H 2229	94-246	H 2589	94-323
CS/H 1195	94-202	CS/H 1743	94-153	H 2243	94-162	H 2653	94-354
CS/H 1199	94-120	CS/H 1745	94-182	H 2255	94-208	CS/H 2665	94-225
CS/H 1207	94-203	H 1763	94-326	H 2281	94-89	CS/H 2679	94-136
H 1209	94-174	CS/H 1781	94-335	H 2301	94-121	H 2799	94-324
H 1213	94-364	CS/H 1789	94-337	H 2321	94-345	CS/H 2813	94-328
CS/H 1227	94-144	CS/H 1801	94-244	H 2325	94-224	H 2817	94-355
CS/H 1257	94-333	CS/H 1813	94-220	H 2333	94-179	H 2879	94-250

# LIST OF SESSION LAW CHAPTER NUMBERS WITH SUMMARY PAGE REFERENCES

SESSION LAW CH. NO.	PAGE NO.	SESSION LAW CH. NO.	PAGE NO.	SESSION LAW CH. NO.	PAGE NO.	SESSION LAW CH. NO.	PAGE NO.
93-409	15	94-44	29	94-104	55	94-162	92
93-410	16	94-45	29	94-105	54	94-163	187
93-411	17	94-46	29	94-106	*	94-164	147
93-412	15	94-47	29	94-107	*	94-165	61
93-413	16	94-48	29	94-108	60	94-166	197
93-414	20	94-49	29	94-109	30	94-167	139
93-415	11	94-50	29	94-110	56	94-168	202
	15	94-51	29	94-111	77	94-169	84
93-416	18	94-52	29	94-112	196	94-170	87
93-417	17	94-53	29	94-113	123	94-171	124
93-418	18	94-54	29	94-114	109	94-172	56
93-419	15	94-55	29	94-115	66	94-173	55
93-420	21	94-56	29	94-116	187	94-174	63
93-421	15	94-57	29	94-117	78	94-175	173
93-422	15	94-58	29	94-118	124	94-176	201
93-423	15	94-59	29		125	94-177	81
93-424	15	94-60	29	94-119	53	94-178	133
94-1	29	94-61	29	94-120	144	94-179	24
94-2	29	94-62	29	94-121	167	94-180	25
94-3	29	94-63	29	94-122	72	94-181	78
94-4	29	94-64	29	94-123	159	94-182	144
94-5	29	94-65	29	94-124	148	94-183	142
94-6	29	94-66	29	94-125	202	94-184	82
94-7	29	94-67	29	94-126	202	94-185	91
94-8	29	94-68	29	94-127	203	94-186	132
94-9	29	94-69	128	94-128	201	94-187	199
94-10	29	94-70	201	94-129	141	94-188	201
94-11	29	94-71	203	94-130	134	94-189	203
94-12	29	94-72	199	94-131	81	94-190	106
94-13	29	94-73	198	94-132	71	94-191	61
94-14	29	94-74	201	94-133	159	94-192	55
94-15	29	94-75	198	94-134	91	94-193	69
94-16	29	94-76	198	94-135	88	94-194	26
94-17	29	94-77	200	94-136	100	94-195	113
94-18	29	94-78	200	94-137	81	94-196	175
94-19	29	94-79	29	94-138	85	94-197	138
94-20	29	94-80	168	94-139	197	94-198	138
94-21	29	94-81	124	94-140	143	94-199	186
94-22	29	94-82	136	94-141	188	94-200	122
94-23	29	94-83	203	94-142	186	94-201	186
94-24	29	94-84	199	94-143	175	94-202	175
94-25	29	94-85	197	94-144	71	94-203	59
94-26	29	94-86	139	94-145	120	94-204	87
94-27	29	94-87	60	94-146	137	94-205	156
94-28	29	94-88	202	94-147	145	94-206	155
94-29	29	94-89	126	94-148	78	94-207	60
94-30	29	94-90	197	94-149	79	94-208	127
94-31	29	94-91	202	94-150	150	94-209	161
94-32	29	94-92	25	94-151	55	94-210	165
94-33	29	94-93	203	94-152	106		187
94-34	29	94-94	202	94-153	71	94-211	29
94-35	29	94-95	197	94-154	149	94-212	68
94-36	29	94-96	56	94-155	77	94-213	55
94-37	29	94-97	107	94-156	195	94-214	78
94-38	29	94-98	136	94-157	106	94-215	166
94-39	29	94-99	202	94-158	124	94-216	60
94-40	29	94-100	199		125	94-217	143
94-41	29	94-101	201	94-159	125	94-218	53
94-42	29	94-102	200	94-160	54	94-219	66
94-43	29	94-103	197	94-161	96	94-220	121

# LIST OF SESSION LAW CHAPTER NUMBERS WITH SUMMARY PAGE REFERENCES

SESSION LAW CH. NO.	PAGE NO.	SESSION LAW CH. NO.	PAGE NO.	SESSION LAW CH. NO.	PAGE NO.
94-221	195	94-280	159	94-334	186
94-222	91	94-281	199	94-335	23
94-223	92	94-282	25	94-336	94
94-224	127	94-283	26	94-337	54
94-225	115	94-284	171	94-338	176
94-226	192	94-285	201	94-339	26
94-227	174	94-286	186	94-340	195
94-228	77	94-287	24	94-341	69
94-229	124	94-288	169	94-342	167
94-230	117	94-289	169	94-343	60
94-231	142	94-290	79	94-344	172
94-232	110	94-291	172	94-345	127
94-233	26	94-292	109	94-346	26
94-234	23	94-293	109	94-347	125
94-235	190	94-294	79	94-348	193
94-236	105	94-295	71	94-349	54
94-237	179	94-296	25	94-350	94
94-238	59	94-297	24	94-351	134
94-239	82	94-298	23	94-352	82
94-240	70	94-299	142	94-353	132
94-241	63	94-300	128		133
94-242	96	94-301	26		134
94-243	70	94-302	26		136
94-244	120	94-303	113		137
94-245	133	94-304	96		138
94-246	121	94-305	81		139
94-247	68	94-306	182	94-354	59
94-248	122		187	94-355	65
94-249	189	94-307	168	94-356	64
	192	94-308	186	94-357	29
94-250	29	94-309	156	94-358	29
94-251	196	94-310	122	94-359	95
94-252	200	94-311	23		
94-253	200	94-312	187	HCR 67-C	21
94-254	123	94-313	174	SJR-2606	75
94-255	175	94-314	132	HJR-2053	75
94-256	200		134		
94-257	148		135		
94-258	198		136		
94-259	123		139		
94-260	141	94-315	187		
94-261	85	94-316	86		
94-262	199	94-317	155		
94-263	168	94-318	91		
94-264	126	94-319	113		
94-265	29	94-320	145		
94-266	29	94-321	67		
94-267	29	94-322	105		
94-268	29	94-323	99		
94-269	29	94-324	150		
94-270	72	94-325	63		
94-271	99	94-326	56		
94-272	26	94-327	61		
94-273	77	94-328	137		
94-274	68	94-329	83		
94-275	99	94-330	186		
94-276	168	94-331	203		
94-277	128	94-332	196		
94-278	174	94-333	190		
94-279	68		191		

\* Revisors' Bills

# 1993—94 COMBINED REGULAR AND SPECIAL SESSIONS

## SUBJECT INDEX—BILLS PASSED

(Some entries may not be in final version)

### A

#### ABANDONED OR UNCLAIMED PROPERTY

- Disposition of Unclaimed Property Amnesty Program; extending program, H543(94-191)
- Gift certificates, less than \$10; not presumed abandoned, H543(94-191)
- Recovery of property; agreements to pay compensation, H543(94-191)

#### ABUSE

##### Adult Abuse

- Protective services; care and protection of "vulnerable" adults, H2409(94-164)

##### Child Abuse

- Abandonment, H2409(94-164)
- Child-on-child sexual abuse, H2409(94-164)
- Child removed from home by HRS, parent or legal custodian obligated to pay child support and other fees while in care of department, H2409(94-164)

##### Reports

- False report of abuse or neglect, H2409(94-164)

##### Disabled Persons Abuse

- Protective services; care and protection of "vulnerable" adults, H2409(94-164)

##### Domestic Violence

- Child custody; convictions of domestic violence considered detriment to child re shared parental responsibility, H525(94-134), H1949(94-135)

- Commission on Minimum Standards for Batterers' Treatment, H525(94-134), H1949(94-135)

- Definition; inclusion of certain acts of violence against a family member or household member, H525(94-134), H1949(94-135)

- Domestic and Repeat Violence Injunction Statewide Verification System, H525(94-134), H1949(94-135)

- Domestic assault and domestic battery, H525(94-134)

##### Domestic Violence Centers

- Funding; dissolution of marriage, fee, H525(94-134), H1949(94-135)

- "Hotline", 24 hour, H525(94-134), H1949(94-135)

- Information or records re clients; confidentiality, H525(94-134), H1949(94-135)

- Injunction for protection, H525(94-134), H1949(94-135)

#### ACCOUNTANTS

- Licensure; regulation, S2076(94-119), H1635(94-151)
- Specialists, H1635(94-151)

#### CUPUNCTURISTS

- Certification, S2076(94-119)

#### ADMINISTRATION, STATE BOARD OF

- Officers and employees, exempt from Career Service System, S650(94-264)

#### ADMINISTRATIVE PROCEDURES

- Evidence, criteria for admissibility in certain hearings, H1981(94-161)
- Taxpayer contest proceedings, H2557(94-353)

#### ADULT CONGREGATE LIVING FACILITIES

- Licensure; regulation, H1383(94-206)

#### ADVANCE DISPOSAL FEE, S3174(94-314)

#### ADVERTISING

- Ad valorem taxes; tax collector to advertise delinquent taxes, H2557(94-353)

#### ADVERTISING (Cont.)

- Bus stop benches, S2156(94-237)
- Outdoor advertising, S2156(94-237)

#### AGRICULTURE

- Agriculture Center and Horse Park, S1194(94-301), S2752(94-283)

##### Commodities Marketing

- Mitigation to be paid using marketing order, H1705(94-335)
- Fertilizers, nitrates, S2420(94-311)

#### AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF

- Agriculture Center and Horse Park Authority, S1194(94-301), S2752(94-283)
- Food recovery programs; solicit, collect, distribute, and deliver surplus fresh fruit and vegetables to needy, S1504(94-234), H1705(94-335)
- Food safety, H2365(94-180)
- Nitrate Study Committee, S2420(94-311)
- Reorganization, S200(94-287)
- Sales tax information provided by Revenue Department, "Bill of Lading Program", H2557(94-353)
- Seafood, marketing and promotional activities, H1705(94-335)

#### AIDS

- Hair braiding; continuing education requirement, S2076(94-119)
- Testing (HIV)
  - Test persons for blood-borne pathogens, under circumstances in which law enforcement officers, firefighters, emergency personnel could become infected, H1377(94-205)

#### AIRCRAFT

- Aero-space industry; parent corporation transferring property to subsidiary, documents excise tax, H2557(94-353)
- Repair and maintenance services, sales tax exemption, S3174(94-314)

#### AIRPORTS

- Licensure for private and limited use airports, S2156(94-237)
- Traffic control, H1387(94-334)
- Zoning
  - Educational facilities, H1147(94-201)

#### ALARM SYSTEMS

- Contractors
  - Licensure; regulation, S12(94-284), S2076(94-119)
- Sales tax, S3174(94-314), H2557(94-353)

#### ALCOHOLIC BEVERAGES

##### Taxation

- Intangible personal property tax; liquor distributors, exempt from paying tax on accounts receivable derived from certain sales of alcoholic beverages, H2557(94-353)
- Local Option Food and Beverage Tax, H2509(94-351), H2557(94-353)
- Municipal resort tax, as provided in county & municipal charters; levy tax on food & beverages, other than alcoholic beverages, consumption off premises, H2079(94-344)

#### ANIMALS

- Animal and Animal Product Inspection and Labeling
  - Nontraditional livestock; deer, bison, cattalo, ostrich, etc., H2365(94-180)
  - Slaughterers or processors, H2365(94-180)
- Animal control officers, H1987(94-339)
- Cats
  - Rabies vaccinations, H1987(94-339)

CONTINUED ON NEXT PAGE



## SUBJECT INDEX-BILLS PASSED

(Some entries may not be in final version)

**ANIMALS (Cont.)**

Cruelty to animals, H1987(94-339)

**Dogs**

Classification as dangerous, H1987(94-339)

Owner's liability for damages to livestock, H1987(94-339)

Rabies vaccinations, H1987(94-339)

Health documentation, substitution of documents of one animal for another animal, S1200(94-272)

**Horses**Agriculture Center and Horse Park, S1194(94-301), S2752(94-283)  
Imported from countries having contagious equine metritis; fees, S1200(94-272)

Water management districts, recreational use; horseback riding, bicycling, H161(94-240), H1227(94-144)

**Livestock**

Agriculture and Consumer Services Department to increase fees to cover costs, S1200(94-272)

Cattle dipping vat, S2420(94-311)

Dog owner's liability for damages to livestock, H1987(94-339)

Nontraditional livestock; deer, bison, cattalo, ostrich, etc., H2365(94-180)

**APPEALS**

Dissolution of marriage, support, custody; costs and fees, H581(94-169)

**APPOINTMENTS****Governor**

Alternative Education Research Institute, S68(94-209)

Article V Task Force, H409(94-138)

Breast feeding; Study Commission on Access to Breast Feeding for Public Sector Employees, S1668(94-217)

Chief Inspector General, S1546(94-235), H2497(94-249)

College Reach-out Advisory Council, H2229(94-246)

Community Service Commission, H1917(94-221)

Corrections Commission, S1748(94-117)

Defense Conversion and Transition Commission, H2589(94-323)

Defense Reinvestment Incentive Advisory Committee, S32-C(93-414)

Education Facilities Study Committee, S312(94-292)

Enterprise Florida Jobs and Education Partnership, S1018(94-232)

Environmental Equity and Justice Commission, S1346(94-122), H1369(94-219)

Government Accountability to the People Commission, H2497(94-249)

Green Swamp Land Authority, H1717(94-212)

Human Resource Development Commission, H2353(94-319)

Independent Living Advisory Council, H2799(94-324)

Juvenile Justice Advisory Board, S68(94-209)

Juvenile Justice Department, Secretary, S68(94-209)

Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes Task Force, S68(94-209)

Minimum Standards for Batterers' Treatment Commission, H525(94-134), H1949(94-135)

Minority Economic and Business Development Commission, H2587(94-322)

Pesticide Review Council, S1450(94-233), H2445(94-356)

Pilotage Rate Review Board, S2076(94-119)

Real Property Lease-procurement Task Force, H1257(94-333)

Rehabilitation Advisory Council, H2799(94-324)

Retirement Division, Department of Management Services; Director, H2497(94-249)

Sesquicentennial Commission, H1689(94-152)

Southeast Florida 2025, S3062(94-227)

Water Management District Review Commission, S1068(94-270)

Youth Corrections Authority, Executive Director, S68(94-209)

**Legislature**

Alternative Education Research Institute, S68(94-209)

Article V Task Force, H409(94-138)

Blind persons, commission to study delivery of services to blind by Division of Blind Services, S1018(94-232)

Breast feeding; Study Commission on Access to Breast Feeding for Public Sector Employees, S1668(94-217)

Central Voter File Study Committee, H2325(94-224)

**APPOINTMENTS (Cont.)****Legislature (Cont.)**

Defense Conversion and Transition Commission, H2589(94-323)

Education Facilities Study Committee, S312(94-292)

Enterprise Florida Jobs and Education Partnership, S1018(94-232)

Environmental Equity and Justice Commission, H1369(94-219)

Juvenile Justice Advisory Board, S68(94-209)

Northwest Dade County Freshwater Lake Plan Implementation Committee, S1346(94-122)

Real Property Lease-procurement Task Force, H1257(94-333)

Sesquicentennial Commission, H1689(94-152)

Subterranean Termite Treatment Study Committee, H749(94-194)

Water Management District Review Commission, S1068(94-270)

**APPRAISERS****Real Estate Appraisers**

Licensure; regulation, S2076(94-119)

**APPROPRIATIONS**

Agriculture and Consumer Services Department, S1504(94-234), S2420(94-311)

Banking and Finance Department, S2380(94-238), H2653(94-354)

Breast feeding; Study Commission on Access to Breast Feeding for Public Sector Employees, S1668(94-217)

Business and Professional Regulation Department, S2076(94-119), H677(94-192), H1635(94-151)

Citrus Department, H2437(94-346)

Commerce Department, H2679(94-136)

Courts, S1950(94-137)

Education Department, S1076(94-79), H2325(94-224)

Elderly Affairs Department, H2325(94-224)

Environmental Protection Department, S1346(94-122), S1350(94-115), S2120(94-279), H1369(94-219), H1717(94-212), H2445(94-356), H2817(94-355)

**General Appropriations Bills**

General Appropriations Bills, H2221(94-357)

Implementing Bills, H2223(94-358)

Health and Rehabilitative Services Department, H91-C(93-416), S68(94-209), S1668(94-217), H525(94-134), H1587(94-318), H1949(94-135), H2325(94-224)

Health Care Administration Agency, S12-C(93-415)

Highway Safety and Motor Vehicles Department, H2325(94-224)

Insurance Department, S12-C(93-415)

Joint Legislative Management Committee, S1068(94-270)

Juvenile Justice Department, S68(94-209)

Labor and Employment Security Department, S12-C(93-415), H1587(94-318), H2325(94-224)

Law Enforcement Department, S68(94-209), S1176(94-215)

Legal Affairs Department, S68(94-209), H409(94-138), H591(94-359), H2437(94-346)

Management Services Department, H2497(94-249)

Military Affairs Department, H547(94-167)

Parole Commission, H2301(94-121)

Revenue Department, S3174(94-314), H1087(94-124), H2817(94-355)

Rosewood Massacre, H591(94-359)

State Department, H487(94-190), H1689(94-152), H2325(94-224)

Suwannee River Water Management District, H2445(94-356)

Veterans' Affairs Department, H2325(94-224)

**AQUATIC PRESERVES**

Biscayne Bay Aquatic Preserve, H2445(94-356)

Silver Glen Springs, Silver Glen Run; Lake George on St. Johns River, H2025(94-341)

**ARCHITECTS**

Licensure; regulation, S2076(94-119)

**ARTS**

License plates, H179(94-315)

**ASBESTOS**

Asbestos Contractors and Consultants

Licensure; regulation, S2076(94-119)

## SUBJECT INDEX-BILLS PASSED

(Some entries may not be in final version)

**ASSAULT AND BATTERY**

Juvenile Justice Department staff; offense committed against,  
S68(94-209)

**ATHLETE AGENTS**

Licensure; regulation, S2076(94-119)

**ATHLETIC TRAINERS**

Registration; regulation, S2076(94-119)

**ATHLETICS**

Blockbuster Park Special District (Broward; Dade), H1875(94-338)  
Practitioners; licensure re out-of-state/foreign-licensed professionals  
employed by sports entities visiting state for specific sporting  
events, S612(94-96)

**Professional Sports Franchises**

Applicants; previous certification, H1875(94-338)  
Facilities; construction, reconstruction, or renovation of facilities;  
tourist development tax, additional use of revenues,  
S1502(94-275), H1875(94-338)  
Professional sports team, license plates, H713(94-141)  
Sales tax, admissions, S3174(94-314)  
South Florida Sports and Entertainment Special District (Broward;  
Dade), H1875(94-338)  
Super Bowl XXIX, license plates, H713(94-141)

**ATTORNEY GENERAL**

Article V Task Force; review Article V of state constitution,  
H409(94-138)

**ATTORNEYS AT LAW**

Code of Ethics, local attorneys included in code, S1756(94-277)

**ACTIONS AND AUCTIONEERS**

Licensure; regulation, S2076(94-119)  
Recreational vehicles, S1318(94-306)

**AUDITOR GENERAL**

Medicaid Fraud Control Unit vehicles; register under fictitious names,  
S1738(94-308)  
Performance audits, specific guidelines, H2497(94-249)  
Reorganization, S2110(94-251), H2497(94-249)

**AUDITS**

Performance audits, specific guidelines, H2497(94-249)

**B****BARBERS**

Licensure; regulation, S2076(94-119)

**BEACHES AND SHORES**

Coastal Construction  
Concurrent processing of permits; "joint coastal permit", DEP to  
issue single permit in lieu of multiple permits, H2445(94-356)

**BREAST FEEDING, S580(94-298)****BICYCLES**

Trailer or semitrailer, S1318(94-306)

**BINGO**

Regulation, H1763(94-326)

**BIRTHING CENTERS**

Breast-feeding policy for "baby-friendly" facilities, S1668(94-217)

**BLOOD**

Test persons for blood-borne pathogens, under circumstances in which  
law enforcement officers, firefighters, emergency personnel could  
become infected, H1377(94-205)

**BOARD OF REGENTS**

Matriculation and tuition fee schedule; university request to  
implement, approval by board, S636(94-230)

**BOATS AND BOATING**

Boating Advisory Council, H389(94-241)  
Marine sanitation devices and discharges from devices, H389(94-241)  
**Personal Flotation Devices**  
Water skiing and aquaplaning, H389(94-241)  
**Personal Watercraft**  
Rescue service workers, S450(94-295)  
Silver Glen Springs, Silver Glen Run; Lake George on St. Johns River,  
H2025(94-341)  
**Water Skis and Aquaplanes**  
Personal flotation devices, H389(94-241)

**BOLL WEEVILS, S1202(94-302)****BREAST FEEDING, S1668(94-217)****BROWARD COUNTY**

Blockbuster Park Special District, H1875(94-338)  
South Florida Sports and Entertainment Special District (Broward;  
Dade), H1875(94-338)

**BUILDING CODES**

**Building Code Administrators and Inspectors**  
Licensure; regulation, S2076(94-119), S2654(94-218)  
**State Minimum Building Codes**  
Wind resistance provisions, S12(94-284), S2076(94-119)  
**State Uniform Building Code for Public Educational Facilities**  
Construction, S312(94-292)  
Road closure, S312(94-292)

**BUSES**

Benches; advertisements, rights-of-way, S2156(94-237)

**BUSINESS AND COMMERCE**

**Small, Disadvantaged, or Minority Businesses**  
Black Business Investment Board, S1158(94-271), H2679(94-136)  
Bond underwriting; state or local agency issuing bonds or other tax  
exempt obligations through underwriters, encouraged to offer  
minority participation, H2587(94-322)  
Commission on Minority Economic and Business Development;  
assist and develop minority business enterprises, H2587(94-322)  
Council on Small & Minority Business Development; review issues re  
economic development, study ability of financial institutions to  
meet credit needs, H2587(94-322)  
Counties, municipalities, community colleges, or school boards to set  
aside certain funds allocated for contracts with small businesses,  
H2587(94-322)  
"Joint venture", association of two or more businesses to carry out  
single business enterprise for profit; combine property, capital,  
efforts, skills, H2587(94-322)  
Minority-owned Business Certification Task Force; develop uniform  
criteria and procedures for certification as "certified minority  
business enterprise", H2587(94-322)  
Public construction works, H2587(94-322)

**BUSINESS AND PROFESSIONAL REGULATION,  
DEPARTMENT OF**

**Licensure of Regulated Professions, General Provisions**  
Address-of-record, S2076(94-119)  
Complaints; department to assess costs re investigation and  
prosecution of disciplinary complaints, S2076(94-119)  
Disciplinary proceedings, S2076(94-119)  
Foreign-trained professional, guidelines for licensure, S2076(94-119),  
S2654(94-218)  
Inactive and delinquent status, S2076(94-119)  
Practitioners; licensure re out-of-state/foreign-licensed professionals  
employed by sports entities visiting state for specific sporting  
events, S612(94-96)

CONTINUED ON NEXT PAGE

## SUBJECT INDEX—BILLS PASSED

(Some entries may not be in final version)

**BUSINESS AND PROFESSIONAL REGULATION,****DEPARTMENT OF (Cont.)****Licensure of Regulated Professions, General Provisions (Cont.)**

Professional testing services for computerized exams, S2076(94-119)

Renewal and cancellation notices, S2076(94-119)

Reorganization, S2076(94-119), S2654(94-218)

**C****CERTIFICATES OF NEED, H1383(94-206)****CHARITABLE ORGANIZATIONS**

Sales tax exemptions; temporary certificates to newly organized organizations, H2143(94-178)

**CHARITABLE SOLICITATION, S200(94-287)****CHILD CARE**

Community colleges, child development training centers, H1813(94-220)

**Facilities**

Licensure; regulation, S260(94-257)

Indoor recreation facilities, entertainment of children in planned fitness environment through equipment, games, activities, S260(94-257)

**Residential Child-caring Agencies**

Registration; regulation, S260(94-257)

**CHILD CUSTODY**

Parent convicted for domestic violence, court to consider detriment to child re shared parental responsibility, H525(94-134), H1949(94-135)

**CHIROPRACTIC PHYSICIANS**

Licensure; regulation, S2076(94-119), H1025(94-173)

**CIGARETTES AND TOBACCO PRODUCTS**

Prisoners, county; tobacco products considered contraband articles, H1513(94-149)

**CITRUS**

Citrus canker, H2437(94-346)

**CITRUS COUNTY**

Boundaries, S3098(94-313)

**CIVIL ACTIONS**

Civil restitution lien; crime victims recover damages &amp; losses arising out of criminal acts, imposed against real &amp; personal property owned by offender, H2027(94-342)

Executive branch agencies or officers, settlement of suits, H2541(94-181)

**CLERKS OF COURTS**

Circuit courts, H2481(94-348)

Electronic recordkeeping, H2481(94-348)

Felony offenders, change of name; notification to law enforcement agencies, S1254(94-304)

**CLINICAL SOCIAL WORKERS**

Licensure; regulation, S2076(94-119)

**CODE OF ETHICS**

Attorneys, local; included in code, S1756(94-277)

Conflicting employment or contractual relationship, S1756(94-277)

**Financial Disclosure**

Filing, S1756(94-277)

Gifts, S1756(94-277)

Honorarium, S1756(94-277)

Lobbying by former officials, S1756(94-277)

Postemployment restrictions, S1756(94-277)

Relatives, employment restrictions, S1756(94-277)

**COMMERCE, DEPARTMENT OF**

Reorganization, H2679(94-136)

**COMMUNITY AFFAIRS, DEPARTMENT OF**

Reorganization, H2679(94-136)

**COMMUNITY ASSOCIATION MANAGERS**

Licensure; regulation, H2493(94-350)

**COMMUNITY COLLEGES****Administration****Presidents**

Selection process, S636(94-230)

Child development training centers, H1813(94-220)

College Reach-out Program; increase number of low-income and educationally disadvantaged students admitted to and completing postsecondary education, H2229(94-246)

Edison Community College, H2419(94-248)

**Educational Facilities**

Architectural services, S312(94-292)

Leased facilities, S312(94-292)

Prototype designs, S312(94-292)

Sidewalks and bicycle trails, S312(94-292)

Site purchases, S312(94-292)

Enterprise Florida Jobs and Education Partnership; create highly skilled workforce, respond to changing technology and diversified market options, S1018(94-232)

Florida Keys Community College, S1076(94-79)

**Instructional Materials**

Vocational Equipment Challenge Grant Program; matching state funds, S1018(94-232)

**Students****Fees**

Capital improvement fees, H1813(94-220)

Low-income and educationally disadvantaged students admitted to and completing postsecondary education; College Reach-out Program, H2229(94-246)

Technological innovation centers; assist defense-related companies to convert to other technologies, S636(94-230)

Traffic control, H1387(94-334)

**Tuition**

National Guard, S574(94-229)

**COMMUNITY REDEVELOPMENT**

Bonds, S1944(94-236)

**Enterprise Zones**

Incentives, H2679(94-136)

Linked deposit program; encourage financial institutions to increase volume of loans made to small businesses, H2679(94-136)

Strategic development plan; provide direction &amp; coordination of activities by local govt., business, community organizations toward economic improvement, H2679(94-136)

Housing; development of affordable housing within provisions for establishing and developing community redevelopment areas, S1944(94-236)

**COMPREHENSIVE PLANNING**

Correctional facilities, S1320(94-273)

Southeast Florida 2025; steering committee, create vision of South Florida's future; education, law enforcement, health, and transportation, S3062(94-227)

Strategic plans; state agencies or judicial branch, H1999(94-340)

**CONDOMINIUMS**

Access, restricting; facilities available for residents and property owners, H2493(94-350)

Bathtubs and showers, scald prevention devices, S12(94-284)

Bylaws, H2493(94-350)

Eminent domain proceedings, common elements, H1741(94-336)

Hurricane shutters, H2493(94-350)

**CONFERENCE COMMITTEE BILLS**

Appropriations, H2221(94-357), H2223(94-358)

CONTINUED ON NEXT PAGE

## SUBJECT INDEX-BILLS PASSED

(Some entries may not be in final version)

## CONFERENCE COMMITTEE BILLS (Cont.)

Hurricane Catastrophe Fund, H31-C(93-409)  
 Insurance, H33-C(93-410)  
 Juvenile justice, S68(94-209)  
 Save the Children license plates, S2016(94-210)  
 Weapons and firearms; minors, H91-C(93-416)  
 Workers' compensation, S12-C(93-415)

## CONSTITUTION (FLORIDA)

Article V Task Force; review Article V of state constitution,  
 H409(94-138)

## CONSTITUTIONAL AMENDMENTS

## Legislature

Sessions to convene in March in lieu of February,  
 SJR2606(PASSED)

## Taxation

State revenue increases, limitations, HJR2053(PASSED)

## CONSTITUTIONAL AMENDMENTS-IMPLEMENTING BILLS

Homestead property; assessment limitations (Petition), H2557(94-353)

## CONSTRUCTION INDUSTRY

## Contractors

Licensure; regulation, S12(94-284), S2076(94-119)  
 Moneys received for improving or constructing real property; use of  
 funds, S70(94-110)

Energy-efficiency ratings, S12(94-284)

## Public Construction Projects

Competitive bids; local governments, special districts, political  
 subdivisions, projects in excess of specific amount, H1325(94-175)

## CONSUMER FINANCE

Credit property insurance, S2900(94-133)  
 Fees; \$10 for investigating character and credit of persons applying for  
 loans, \$25 on each line of credit account, H2403(94-108)  
 Investigations and examinations of licensees, expenses provided for  
 state employees by licensees, H2403(94-108)  
 Recordkeeping, H2403(94-108)

## CONTINUING CARE RETIREMENT COMMUNITIES

Regulations, H1383(94-206)

## COOPERATIVES

Access, restricting; facilities available for residents and property  
 owners, H2493(94-350)  
 Bathtubs and showers, scald prevention devices, S12(94-284)  
 Bylaws, H2493(94-350)

## CORPORATIONS

Judicial dissolutions, H2217(94-327)  
 Nonprofit Corporations  
 Officers and directors, H443(94-165)  
 Supplemental corporate fee, S3174(94-314)  
 Shares, H2217(94-327)

## CORRECTIONS, DEPARTMENT OF

Correctional Education Board  
 Abolishment, S1320(94-273)  
 Correctional Privatization Commission, H1401(94-148)  
 Corrections Commission; recommend correctional policies, review  
 correctional system, review recommendations of Sentencing  
 Guidelines Commission, etc., S1748(94-117)  
 Reorganization, S68(94-209)  
 Youth Corrections Authority, S68(94-209)

## COSMETICS

Regulations, S1784(94-309)

## COSMETOLOGISTS

Hair-braiding, S2076(94-119)  
 Licensure; regulation, S2076(94-119)

## COTTON

Cotton gins, certificates, S1202(94-302)  
 Liens, S1202(94-302)

## COURTS

Article V Task Force, review state constitution; review structure of  
 courts, etc., H409(94-138)

## Circuit Courts

Alcoholic beverage laws, jurisdiction, H2557(94-353)  
 Dependency cases, jurisdiction, H2409(94-164)  
 Families in need of services and children in need of services,  
 jurisdiction, H2409(94-164)  
 Family court divisions, H2103(94-222)  
 Foster care, jurisdiction, H2409(94-164)  
 Parental rights, termination; jurisdiction, H2409(94-164)  
 Pari-mutuel wagering, jurisdiction, H2557(94-353)  
 Tobacco products tax, jurisdiction, H2557(94-353)

## Supreme Court

Distribution of Florida cases, H2545(94-352)  
 Employees, certain; excluded from definition of "public employees",  
 H2281(94-89)

## D

## DADE COUNTY

Blockbuster Park Special District, H1875(94-338)  
 Expressway/Transportation Authority, S2156(94-237)  
 Local Option Food and Beverage Tax, H2509(94-351), H2557(94-353)  
 South Florida Sports and Entertainment Special District (Broward;  
 Dade), H1875(94-338)

## DEAD BODIES

Disinterment for transportation or relocation; authorization,  
 S2076(94-119)

DEAF AND BLIND, FLORIDA SCHOOL FOR, S312(94-292),  
 S1018(94-232)

## DEEDS AND CONVEYANCES

Conveyance of lands to govt. entity for specified purpose; land  
 conveyed in connection with land development approval, valuable  
 consideration, H1325(94-175)

## DENTAL HYGIENISTS

Licensure; regulation, S1482(94-105), S2076(94-119)

## DENTISTS

Licensure; regulation, S2076(94-119)  
 Oral and maxillofacial surgery, S1468(94-104)

## DESIGNATIONS

Italian Renaissance Festival at Vizcaya, official renaissance festival,  
 S1392(94-97)

## Public Buildings

Alec P. and Louise H. Courtelis Equine Teaching Hospital;  
 University of Florida College of Veterinary Medicine,  
 S2360(94-366)  
 B.J. Thomas - Kenneth E. Flynt Building; Highway Safety and  
 Motor Vehicles Department, S34(94-365)  
 Joe C. Mitchell Administration Building, Florida City State Farmers'  
 Market, S1392(94-97)  
 Kenneth R. Williams Administration Building; Florida Atlantic  
 University, Boca Raton Campus, S2360(94-366)  
 Knight Oceanographic Research Center, building for Department of  
 Marine Science; St. Petersburg Campus, University of South  
 Florida, S2360(94-366)

## Roads and Bridges

B. V. Buchanan Bridge; West Bay/Intracoastal Waterway Bridge on  
 State Road 79 in Bay County, H1213(94-364)  
 Brickell Avenue bridge, Miami; dedicated to Roy F. Kenzie,  
 S1392(94-97)

CONTINUED ON NEXT PAGE

## SUBJECT INDEX-BILLS PASSED

(Some entries may not be in final version)

## DESIGNATIONS (Cont.)

## Roads and Bridges (Cont.)

- Burger King Way; Eureka Drive in Miami, S1392(94-97)
- Ernesto Montaner Memorial Way; portion of S.W. 22nd Avenue in Miami, S1392(94-97)
- General James A. Van Fleet Bridge; portion of Highway 27 in Polk County, S1392(94-97)
- Johnson-Grogan Highway; portion of Highway U.S. 1 in Brevard County, S36(94-360)
- Jose Marti Way; portion of Collins Avenue in Miami, S1392(94-97)
- Manolo Reyes Way; portion of S.W. 3rd Avenue in Miami, S1392(94-97)
- Mayor General Ignacio Agramonte y Loynaz Roadway; portion of West Flagler Street in Miami, H75(94-362)
- Paul S. Buchman Highway; portion of State Road 39 in Hillsborough and Pasco Counties, H1079(94-363)
- Ron Parker Boulevard; portion of State Road 312 in St. Augustine Beach, S74(94-361)
- Scenic highway designation, S2156(94-237)
- Veterans Memorial Highway; portion of State Road 222 in Gainesville, S74(94-361)
- Silver Spurs Rodeo in Osceola County; official rodeo, S1392(94-97)

## DIETETICS AND NUTRITION PRACTICE

- Licensure; regulation, S2076(94-119)

## DISABLED PERSONS

- Assistive Technology Advisory Council; consumers involved re creation and application of technology-related assistance for disabled person, H2799(94-324)
- Developmentally Disabled Persons
  - Direct service provider, H1873(94-154)
- Employment, Career Service System; examinations and other employment qualification assessments administered to persons with disabilities, S620(94-113)
- Endowment for Vocational Rehabilitation; broaden participation and funding potential for support for rehabilitation of disabled persons, H1529(94-150)
- Hearing Impaired Persons
  - Education of exceptional students, S1244(94-303)
  - Infant hearing impairment program, H499(94-140)
- Independent living services, H2799(94-324)
- Spinal Cord or Head Injuries
  - Rehabilitation; funding, H2799(94-324)
  - Vocational rehabilitation and related services provided by Labor and Employment Services Department; regulation, H2799(94-324)
- Vocational rehabilitation and related services provided by Labor and Employment Services Department; regulation, H2799(94-324)

## DISCRIMINATION

- Environmental Equity & Justice Comm.; examine disproportionate concentration of environmental hazards in low-income communities & communities of color, S1346(94-122), H1369(94-219)
- Gender-balanced Boards, Commissions, Councils, and Committees, S340(94-213)
- Workers' compensation; "accident", definition to exclude diseases with certain prejudicial manifestations, S12-C(93-415)

## DISEASES

- Blood-borne pathogens, test persons for; under circumstances in which law enforcement officers, firefighters, emergency personnel could become infected, H1377(94-205)
- Measles and rubella, H2375(94-320)
- Sexually Transmissible Diseases
  - Test persons for blood-borne pathogens, under circumstances in which law enforcement officers, firefighters, emergency personnel could become infected, H1377(94-205)
- Tuberculosis, H2375(94-320)

## DISSOLUTION OF MARRIAGE

- Alimony
  - Appeals; costs and fees, H581(94-169)

## DISSOLUTION OF MARRIAGE (Cont.)

- Alimony (Cont.)
  - Income deduction orders, H1587(94-318)
- Appeals; cost and fees, H581(94-169)
- Assets and liabilities; distribution, H1259(94-204)
- Fees; additional \$18, funding domestic violence centers, H525(94-134), H1949(94-135)
- Parenting courses; educate, train, and assist divorcing parents of minor children, H281(94-185)
- Provisional temporary order of dissolution, 180-day period; involving minor children or wife who is pregnant with husband's child, H281(94-185)

## DREDGE AND FILL ACTIVITIES

- Regulations, S1346(94-122)

## DRIVER IMPROVEMENT SCHOOLS

- Fees, S1318(94-306)

## DRIVER LICENSES

- Commercial driver licenses, S1318(94-306)
- Examination
  - Reexamination, periodic, S1318(94-306)
- Failure to display; fingerprint on citation, H1105(94-199)
- Hazardous materials endorsements, S1318(94-306)
- Motorcycles, S1318(94-306)
- Reciprocal agreements, S1318(94-306)
- Suspension or Revocation
  - Cancellation; failure to pay correct fee or pay by dishonored check, S1318(94-306)
- Voter registration in conjunction with issuance or renewal of licenses or identification cards, H2325(94-224)

## DRIVING UNDER INFLUENCE

- Penalties
  - Fines; portion distributed to brain and spinal cord injury rehabilitation, H2799(94-324)

## DRUGS

- Dimethyl sulfoxide (DMSO), S1784(94-309)
- Ephedrine, S1784(94-309)
- Regulations, S1784(94-309)

## E

## ECONOMIC DEVELOPMENT

- Defense contractors' incentives, S30-C(93-420), S32-C(93-414), H2679(94-136)
- Defense industry; military base reuse plans, H2589(94-323), H2679(94-136)
- Defense-related companies; technological innovation centers at community colleges, assist companies in converting to other technologies, S636(94-230)
- Enterprise Florida, Inc., S1018(94-232), H2679(94-136)
- Enterprise Florida Jobs and Education Partnership; create highly skilled workforce, respond to changing technology and diversified market options, S1018(94-232)
- Environmental-related issues; technological innovation centers at community colleges, S636(94-230)
- Solar energy, H2463(94-321)

## EDUCATION

- Accreditation
  - Council on Postsecondary Accreditation name changed to Commission on Recognition of Postsecondary Accreditation, S2184(94-310)
- Adult Education
  - Community colleges to provide adult education services, S636(94-230)
  - Enterprise Florida Jobs and Education Partnership; create highly skilled workforce, respond to changing technology and diversified market options, S1018(94-232)

CONTINUED ON NEXT PAGE

## SUBJECT INDEX—BILLS PASSED

(Some entries may not be in final version)

**EDUCATION (Cont.)**

- Blueprint 2000, H2353(94-319)
- College Reach-out Program; increase number of low-income and educationally disadvantaged students admitted to and completing postsecondary education, H2229(94-246)
- Department of Education**
  - Blind Services Division**
    - Services; commission to study delivery of services to blind persons by division, S1018(94-232)
  - Marianna Sunland Center, S1244(94-303)
  - Reorganization, S1018(94-232)
- Deregulation, S1018(94-232)
- License plates, enhancement of educational programs, S190(94-116)
- Parent education programs, S68(94-209), H281(94-185)
- Postsecondary Accreditation Council; renaming Commission on Recognition of Postsecondary Accreditation, S2184(94-310)
- Prepaid Postsecondary Education Expense Program, H1143(94-200)
- Public Education Capital Outlay (PECO)**
  - Minor facilities, replacement or construction; not to exceed \$500,000 in cost or 5,000 gross square feet in size, S312(94-292)
- State Board of Community Colleges**
  - Presidents of community colleges; selection process, S636(94-230)

**ELDERLY AFFAIRS, DEPARTMENT OF****Head of Department**

- Secretary; appointment, confirmation, S1546(94-235)

**ELDERLY PERSONS****Offenses Against**

- Protective services; care and protection of "vulnerable" adults, H2409(94-164)

**ELECTIONS****Ballots**

- Absentee ballots, H2325(94-224)
- Translation of ballot in language of minority groups, S626(94-300)
- Canvass of return, H2255(94-208)
- Central Voter File Study Committee, H2325(94-224)
- Primary elections, S424(94-69)
- Voter registration, H2321(94-345), H2325(94-224)

**ELECTRICAL CONTRACTORS**

- Licensure; regulation, S12(94-284), S2076(94-119)

**ELECTROLOGISTS**

- Licensure; regulation, S2076(94-119)

**EMERGENCY MANAGEMENT**

- Contractors; unlawful to receive moneys under contract for improvements to property and fail to use moneys appropriately, S70(94-110)
- Disaster Relief**
  - Disaster volunteer leave, H1055(94-159)
  - Hurricane Catastrophe Fund; State reimbursement contracts with insurers writing personal lines or commercial property insurance policies, H31-C(93-409), H73-C(93-413)
- Tolls, suspension during emergency evacuations, S2156(94-237)

**EMERGENCY MEDICAL SERVICES****Emergency Medical Technicians and Paramedics**

- Test persons for blood-borne pathogens, under circumstances in which technicians and paramedics could become infected, H1377(94-205)

**EMERGENCY RESCUE SERVICES**

- Personal watercraft regulations, S450(94-295)

**EMINENT DOMAIN**

- Attorney's fees, H2243(94-162)
- Condominiums, H1741(94-336)
- Correctional facilities, S1320(94-273)
- Costs; procedures for assessing, H2243(94-162)

**EMINENT DOMAIN (Cont.)**

- Offer of judgment; procedures, consequences of refusing, evidence, H2243(94-162)

**EMPLOYMENT AGENCIES**

- Employee Leasing Companies**
  - Licensure; regulation, S2076(94-119)

**ENERGY**

- Solar Energy**
  - Promotional activities, H2463(94-321)

**ENGINEERS**

- Licensure; regulation, S2076(94-119)

**ENVIRONMENTAL PROTECTION****Areas of Critical State Concern**

- Green Swamp Area, H1717(94-212)
- Tourist Development Tax, collect and administer on local basis, H2557(94-353)
- Drycleaning facilities, H2817(94-355)
- Economic development; community colleges, centers of technology innovation; specialize in technology in environmental areas, S636(94-230)
- Environmental Equity & Justice Comm.; examine disproportionate concentration of environmental hazards in low-income communities & communities of color, S1346(94-122), H1369(94-219)

**Permits**

- Electricity; applications for electrical distribution & transmission lines & other facilities re production, transmission, & distribution of electricity, S1346(94-122)
- Everglades restoration, S1350(94-115)
- Local governments, small; reduced permit processing fee or waiver, S1780(94-278)
- Major sources of air pollution, H2463(94-321)
- Northwest Florida Water Management District, S1346(94-122)
- Wetlands, S1346(94-122)
- Pollutant Spill Prevention and Control**
  - Abandoned Tank Restoration Program; financial assistance for cleanup of abandoned petroleum storage sites, S2420(94-311)
  - Cattle dipping vats, S2420(94-311)
  - Drycleaning facilities, H2817(94-355)
  - Perchloroethylene, tax on production or importation, H2817(94-355)
  - Petroleum Liability Insurance and Restoration Program; small businesses, religious or charitable institutions, small local govt. eligible for costs, S2420(94-311)
- Pollution Control**
  - Federal Clean Air Act; municipalities to indemnify employees exposed to liability under act, H2463(94-321)
  - State buildings, indoor air quality programs; evaluate and develop procedures to improve indoor air quality, H251(94-156)

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

- Parks; state parks system, law enforcement personnel, H2445(94-356)
- Personnel**
  - Deputy secretaries, H2445(94-356)
  - Reorganization, H2445(94-356)

**EVERGLADES**

- Restoration, S1350(94-115)

**EVIDENCE****Sexual Battery**

- Prophylactic device; offender's use of, or victim's request that offender use prophylactic device, H21(94-80)

**Testimony**

- Mentally retarded persons, victims or witnesses; videotaping of testimony, closed circuit television, appointment of advocate, H1873(94-154)
- Worthless checks; prima facie evidence of identity of person who issued check, H1637(94-207)

**EXPRESSWAY AND TRANSPORTATION AUTHORITIES**

- Membership, S2156(94-237)

CONTINUED ON NEXT PAGE

## SUBJECT INDEX—BILLS PASSED

(Some entries may not be in final version)

**EXPRESSWAY AND TRANSPORTATION AUTHORITIES (Cont.)**

Orlando-Orange County Expressway Authority, S2156(94-237)  
Regulations, S2156(94-237)

**F****FAIRS AND EXPOSITIONS**

Amusement Attractions and Rides

Fees; prohibits operation with outstanding fees, S546(94-297)  
Fair associations, S546(94-297)

**FAMILIES**

Parental rights, termination, H101(94-329), H2409(94-164)

Pregnancy and Parenting

Breast feeding, S1668(94-217)

Mother of child unmarried, birth certificates, H1587(94-318)

Parent education programs, S68(94-209), H281(94-185)

Parental responsibility for behavior of children; emphasis re families & children in need of services, counseling or assistance for at-risk children, S68(94-209)

Paternity

Foreign jurisdiction, H1587(94-318)

Testing, H1587(94-318)

**FARMS AND FARMWORKERS**

Migrant Labor

Farm labor contractors, H2333(94-179)

**FEED, COMMERCIAL**

Registration; regulation, S2704(94-282)

**FICTITIOUS NAMES**

Auditor General Medicaid Fraud Control Unit vehicles; register under fictitious names, S1738(94-308)

Registration

Occupational license; copy of registration submitted to county or municipality prior to granting license, H441(94-87)

Restrictions re "corporation", "incorporated", "Corp.", or "Inc.", H441(94-87)

**FINANCIAL INSTITUTIONS**

Automatic Teller Machines

Regulations, H2043(94-343)

Banks and Trust Companies

Reciprocal interstate banking; out-of-state bank holding companies to acquire Fla. banks or bank holding companies, H1207(94-203)

Checks

Worthless Checks

Cancellation; failure to pay correct fee or pay by dishonored check, S1318(94-306)

Party accepting check; certain information required, H1637(94-207)

Prima facie evidence of identity of person who issued check, H1637(94-207)

Credit property insurance, S2900(94-133)

Extraordinary medical cost assistance trust accounts; deposit of moneys collected from public, expenditure of moneys for payment of medical expenses, S200(94-287)

Pay-on-death accounts, S1228(94-216)

**FIRE PREVENTION AND CONTROL**

Emergency rescue services, personal watercraft, S450(94-295)

Firefighters

Death and Disability Benefits

Health insurance premium paid for spouse and children; officer killed in line of duty, H665(94-171)

Test persons for blood-borne pathogens, under circumstances in which firefighters could become infected, H1377(94-205)

**FLORIDA STATUTES**

Reviser's Bills

Judges of compensation claims, redesignated as hearing officers, H1955(94-106)

**FLORIDA STATUTES (Cont.)**

Reviser's Bills (Cont.)

Repealed, superseded laws or laws which have served their purpose; grammatical, typographical, and like error; revision, H1957(94-107)

**FOOD**

Disparagement of perishable agricultural food products; damages, S1072(94-131)

Grain products, standards, H2365(94-180)

Labeling, H2365(94-180)

Milk and milk products, S350(94-92)

Municipal resort tax, as provided in county & municipal charters; levy tax on food & beverages, other than alcoholic beverages, consumption off premises, H2079(94-344)

Permits; regulations, H2365(94-180)

Recovery programs; Agriculture and Consumer Services Dept. to solicit, collect, distribute, and deliver surplus fresh fruit and vegetables to needy, S1504(94-234), H1705(94-335)

**FOOD SERVICE ESTABLISHMENTS**

Sanitation requirements, H2365(94-180)

**FORESTRY**

Truck tractor hauling forestry products, motor vehicle license taxes, S1318(94-306)

**FORT MYERS, CITY OF**

Florida Everglades University, H2419(94-248)

Florida Gulf Coast University, H2419(94-248)

**FOSTER CARE**

Alternate care placement, dependent children placed outside their homes; assess child's physical, psychological, educational, home environment, etc., S68(94-209), H2409(94-164)

Case plan, H2409(94-164)

Parent or legal guardian, indigent; attorney's fees, H101(94-329)

**FRAUDULENT PRACTICES**

Equity skimming; purchase of dwellings, failure of purchaser to make payments on existing mortgages/deeds, use of rent from dwelling by purchaser, S204(94-288)

False Claims Act; punish and deter persons for knowingly causing or assisting in false claims against state; treble damages, H551(94-316)

**FUNERALS**

Crematory and Cremation

Licensure; regulation, S2076(94-119)

Direct Disposers

Licensure; regulation, S2076(94-119)

Disinterment for transportation or relocation; authorization, S2076(94-119)

Embalmers

Licensure; regulation, S2076(94-119)

Funeral Directors

Licensure; regulation, S2076(94-119)

Funeral Establishments

Licensure; regulation, S2076(94-119)

Removal services; refrigeration services, S2076(94-119)

Regulations, S2076(94-119)

**G****GAMBLING**

Public nuisance; abatement, H601(94-242)

**GENDER-BALANCED BOARDS, COMMISSIONS, COUNCILS, AND COMMITTEES, S340(94-213)****GEOLOGISTS**

Licensure; regulation, S2076(94-119)

## SUBJECT INDEX-BILLS PASSED

(Some entries may not be in final version)

## GIFT CERTIFICATES, H543(94-191)

## GOVERNOR

Chief Inspector General; ensure accountability, integrity, and efficiency in agencies, S1546(94-235), H2497(94-249)

Community Service Commission, promote areas of community service; human, educational, environmental, and public safety needs, H1917(94-221)

Human Resource Development Commission, H2353(94-319)

Organizational chart of each agency of executive branch, S1546(94-235)

## Reports

Administration, State Board of, H2497(94-249)

Agriculture and Consumer Services Department, S2420(94-311), H2497(94-249)

Alternative Education Research Institute, S68(94-209)

Attorney General, H409(94-138)

Banking and Finance Department, H2497(94-249), H2679(94-136)

Blind persons, commission to study delivery of services to blind by Division of Blind Services, S1018(94-232)

Business and Professional Regulation Department, H2497(94-249)

Citrus Department, H2497(94-249)

Commerce Department, H2463(94-321), H2497(94-249)

Community Affairs Department, H2497(94-249)

Community Service Commission, H1917(94-221)

Corrections Commission, S1748(94-117)

Corrections Department, H2497(94-249)

Defense Conversion and Transition Commission, H2589(94-323)

Defense Reinvestment Incentive Advisory Committee, S32-C(93-414)

Education Department, S68(94-209), S1018(94-232), H1309(94-145), H2229(94-246), H2497(94-249)

Education Facilities Study Committee, S312(94-292)

Elderly Affairs Department, H2497(94-249)

Enterprise Florida Jobs and Education Partnership, S1018(94-232)

Environmental Protection Department, H2497(94-249)

Game and Fresh Water Fish Commission, H2497(94-249)

Government Accountability to the People Commission, H2497(94-249)

Health and Rehabilitative Services Department, S68(94-209), S1668(94-217), H2409(94-164), H2497(94-249)

Health Care Administration Agency, H2497(94-249)

Highway Safety and Motor Vehicles Department, H2497(94-249)

Insurance Department, H2497(94-249)

Juvenile Justice Advisory Board, S68(94-209)

Juvenile Justice Department, S68(94-209)

Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes Task Force, S68(94-209)

Labor and Employment Security Department, H2497(94-249)

Law Enforcement Department, H2497(94-249)

Legal Affairs Department, H2027(94-342), H2497(94-249)

Lottery Department, H2497(94-249)

Management Services Department, S620(94-113), H1999(94-340), H2497(94-249)

Military Affairs Department, H2497(94-249)

Minimum Standards for Batterers' Treatment Commission, H525(94-134), H1949(94-135)

Parole Commission, H2497(94-249)

Real Property Lease-procurement Task Force, H1257(94-333)

Revenue Department, H2497(94-249)

State Department, H2497(94-249)

Transportation Department, S2156(94-237), H2497(94-249)

Veterans' Affairs Department, H2497(94-249)

Water Management District Review Commission, S1068(94-270)

## GRAND JURIES

Pollutant storage tanks programs; Statewide Grand Jury Report on Florida's Inland Protection Trust Fund Program, S2420(94-311)

## GUARDIANS

Guardian Ad Litem

Appointment, H1259(94-204)

Disabled, developmentally disabled, mentally retarded, and elderly persons; victims or witnesses to sex offenses, H1873(94-154)

## GUARDIANS (Cont.)

Guardian Ad Litem (Cont.)

Security background investigations, H1259(94-204)

## H

## HAZARDOUS SUBSTANCES

Biomedical waste incinerators, H1141(94-325)

Driver licenses, endorsements, S1318(94-306)

Transporting, S1318(94-306), S2264(94-280)

## HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

Alternate care placement, dependent children placed outside their homes; assess child's physical, psychological, educational, home environment, etc., S68(94-209), H2409(94-164)

## Personnel

Incentives for outstanding work in certain areas of child welfare system, H2409(94-164)

Records, S400(94-260)

Reorganization, S68(94-209), S606(94-299), S1278(94-305), H1087(94-124), H1383(94-206)

## HEALTH CARE

## Advance Directives for Health Care

Do-not-resuscitate orders, H137(94-183)

Health care surrogate, H137(94-183)

Living wills, H137(94-183)

## Children's Medical Services

## Infant Health Care

Breast-feeding policy for "baby-friendly" facilities, S1668(94-217)

Hearing impairment program, H499(94-140)

Neonatal intensive care services, H499(94-140)

Perinatal intensive care services, H499(94-140)

## County Public Health Units

Health facilities authorities; surplus funds, S638(94-231)

Records, S400(94-260)

Extraordinary medical cost assistance trust accounts; deposit of moneys collected from public, expenditure of moneys for payment of medical expenses, S200(94-287)

## HEALTH CARE ADMINISTRATION AGENCY

Reorganization, S606(94-299), S1278(94-305), H1383(94-206)

## HEALTH STUDIOS

Regulations, S580(94-298)

## HEARING AID SPECIALISTS

Licensure; regulation, S2076(94-119), H1585(94-160)

Purchasers of hearing aids, information re telecoil, "t" coil, or "t" switch technology, S2076(94-119), H1585(94-160)

## HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

## Head of Department

Executive director/secretary; appointment, confirmation, S1546(94-235)

## HISTORIC PRESERVATION

Markers; official Florida historical markers, H487(94-190)

## HOMEOWNERS' ASSOCIATIONS

Study of laws governing mandatory homeowners' associations and residential subdivisions by Business and Professional Regulation Department, H2493(94-350)

## HOMESTEAD PROPERTY

Homestead exemption, S670(94-130), S3174(94-314), H2557(94-353)

## HOSPICES

Licensure; regulation, H683(94-317)

CONTINUED ON NEXT PAGE



## SUBJECT INDEX—BILLS PASSED

(Some entries may not be in final version)

**HOSPICES (Cont.)**

Medicaid-prepaid-plan enrollee, disenrollment; hospice care, S606(94-299), H683(94-317)

**HOSPITALS**

Breast-feeding policy for "baby-friendly" facilities, S1668(94-217)  
 Disproportionate Share Programs, H1199(94-120)  
 Energy-conservation, S394(94-112)  
 Family practice residency programs, H1745(94-182)  
 Rural health care, S400(94-260), H1199(94-120)  
**Teaching Hospitals**  
 Family practice, H1745(94-182)  
 Trauma care services, S400(94-260), S402(94-129)

**HOUSING**

**Affordable Housing for Low and Moderate Income**  
 Community redevelopment; development of affordable housing within provisions for establishing and developing community redevelopment areas, S1944(94-236)

**I****ICE**

Packaged ice plants, dealers, and transportation vehicles, H2365(94-180)

**IMMUNIZATIONS, H2375(94-320)****INDIAN RIVER LAGOON**

License plates, S1362(94-274)  
 Sewage treatment facilities; DEP to grant extensions to facilities re elimination of discharges, S1362(94-274)

**INDIANS**

Miccosukee Tribe, law enforcement agencies; authority of "criminal justice agencies", S1176(94-215)  
**Seminole Tribe**  
 Everglades restoration, S1350(94-115)  
 Law enforcement agencies; authority of "criminal justice agencies", S1176(94-215)

**INDIGENT AND LOW-INCOME PERSONS**

Environmental Equity & Justice Comm.; examine disproportionate concentration of environmental hazards in low-income communities & communities of color, S1346(94-122), H1369(94-219)

**INFORMATION RESOURCES MANAGEMENT**

Regulations, S2522(94-226), H1999(94-340)

**INSURANCE****Adjusters**

Catastrophe or emergency adjusters, H33-C(93-410)  
 Credit property insurance, S2900(94-133)

**Department of Insurance**

False or misleading financial statements or supporting documents; filing, H33-C(93-410)  
 Immunity from civil liability for providing department with information about condition of insurer, H33-C(93-410)  
 Reorganization, H545(94-166)

**Health Insurance**

Child support, H1587(94-318)  
 Hurricane Catastrophe Fund; State reimbursement contracts with insurers writing personal lines or commercial property insurance policies, H31-C(93-409), H73-C(93-413)

**Insurance Companies**

Examination of insurers, H33-C(93-410)  
 Reporting premium growth, S54-C(93-412), H33-C(93-410)

**Joint Underwriting Plans**

Property and casualty insurance, H33-C(93-410)  
 Windstorm Insurance, H33-C(93-410)  
 Moratorium phaseout, H33-C(93-410), H131-C(93-411)

**INSURANCE (Cont.)****Motor Vehicle Insurance**

No-fault Insurance, H753(94-123)  
 Personal Injury Protection (PIP), H753(94-123)

**Multiple-employer Welfare Arrangement**

Eligibility, S2900(94-133)

**Mutual Insurers**

Assessable mutual insurers converting to stock insurers; criteria and procedures, S2900(94-133)

**Property and Casualty Insurance**

Claims; alternative procedure for resolution of disputed claims, H33-C(93-410)  
 Geographic exposure reduction plans; insurer's plan to cancel or nonrenew personal lines residential property policies to reduce hurricane exposure, H33-C(93-410)  
 Homeowner's policies; replacement cost coverage, law and ordinance coverage, H33-C(93-410)  
 Hurricane Catastrophe Fund; State reimbursement contracts with insurers writing personal lines or commercial property insurance policies, H31-C(93-409), H73-C(93-413)  
 Joint underwriting plans, H33-C(93-410)  
 Moratorium phaseout, H33-C(93-410), H131-C(93-411)  
 Rate filings; rate differentials for properties with certain fixtures & factors reflecting quality of building codes and enforcement, H33-C(93-410)  
 Surplus as to policyholders, H33-C(93-410)

**Rates**

Residential property insurance; rate differentials for properties with certain fixtures & factors reflecting quality of building codes & enforcement, H33-C(93-410)

**Stock Insurers**

Assessable mutual insurers converting to stock insurers; criteria and procedures, S2900(94-133)

Surplus Lines Insurance, H33-C(93-410)

**Windstorm Insurance**

Joint underwriting plans, H33-C(93-410)

**INTEREST**

Judgments, H51(94-239)

**INTERIOR DESIGNERS**

Licensure; regulation, S2076(94-119)

**INTERNATIONAL AFFAIRS**

Export Finance Corporation Account, expand employment & income opportunities through increased exports; provide info., technical asst., financial support, H2679(94-136)  
 Foreign money-judgments, recognition and enforcement, H51(94-239)  
 International Affairs Commission; study feasibility of loaning state employees to foreign countries, provide expertise & exchange information, H2679(94-136)  
 Paternity, effect of determination; foreign jurisdiction, H1587(94-318)  
 Practitioners; exemption from licensure, foreign-licensed professionals employed by sports entities visiting state for specific sporting events, S612(94-96)  
 Professionals, foreign trained; guidelines for licensure, S2076(94-119), S2654(94-218)  
 South Africa, investment, S650(94-264)

**INVESTIGATIVE AND SECURITY SERVICES**

Licensure; regulation, H711(94-172)  
 Sales tax, S3174(94-314), H2557(94-353)

**J****JACKSON COUNTY**

Sunland Center, S1244(94-303)

**JAILS**

Felony offenders, certain; placed in local correctional facilities as condition of probation, reimbursement by Corrections Department, S1016(94-214)

CONTINUED ON NEXT PAGE

## SUBJECT INDEX-BILLS PASSED

(Some entries may not be in final version)

## AILS (Cont.)

## Inmates

Civil restitution lien; crime victims recover damages & losses arising out of criminal acts, imposed against real & personal property owned by offender, H2027(94-342)

Medical expenses; financial responsibility, S428(94-294)

Work projects, H1513(94-149)

Tobacco products, contraband articles, H1513(94-149)

## OB TRAINING

Education accountability for school-to-work transition; schools to assist students in career decisions, H2353(94-319)

Enterprise Florida Jobs and Education Partnership; create highly skilled workforce, respond to changing technology and diversified market options, S1018(94-232)

## JUDGES AND JUSTICES

Article V Task Force, review state constitution; examine selection, retention, discipline, training of judges; review structure of courts, etc., H409(94-138)

## Circuit Courts

Eighteenth Judicial Circuit, 20 judges in lieu of 19, S1950(94-137)

Eleventh Judicial Circuit, 68 judges in lieu of 66, S1950(94-137)

Fifth Judicial Circuit, 17 judges in lieu of 16, S1950(94-137)

Fourteenth Judicial Circuit, 8 judges in lieu of 7, S1950(94-137)

Ninth Judicial Circuit, 29 judges in lieu of 27, S1950(94-137)

Third Judicial Circuit, residency requirements, S1950(94-137)

Twelfth Judicial Circuit, 16 judges in lieu of 15, S1950(94-137)

## County Courts

Broward County, 22 judges in lieu of 21, S1950(94-137)

Dade County, 37 judges in lieu of 36, S1950(94-137)

Hillsborough County, 13 judges in lieu of 12, S1950(94-137)

Seminole County, 5 judges in lieu of 4, S1950(94-137)

## Judicial Nominating Commissions

Geographic distribution of population, distribution of caseloads, racial and ethnic diversity of population within circuit to be considered re nominations, S1950(94-137)

## JUDGMENTS

Foreign money-judgments, recognition and enforcement, H51(94-239)

Interest rates, H51(94-239)

## JURORS

Selection of jurors from county other than where offense committed, H239(94-184)

## JUVENILE JUSTICE, DEPARTMENT OF

Creation, S68(94-209)

## K

## KEY WEST, CITY OF

Criminal analysis laboratory, S1176(94-215)

## L

## LABELS

Bedding, S580(94-298)

Bottled waters, H2365(94-180)

Commercial feed, S2704(94-282)

Milk and milk products, S350(94-92)

## LABORATORIES

Animal disease diagnostic laboratories, S1200(94-272)

Space laboratories, exemption from property tax, H2557(94-353)

## LAKES

Lake Jesup restoration and basin management; "Friends of Lake Jesup", S2120(94-279)

Silver Glen Springs, Silver Glen Run; Lake George on St. Johns River, H2025(94-341)

## LANDLORD AND TENANT

Equity skimming; purchase of dwellings, failure of purchaser to make payments on existing mortgages/deeds, use of rent from dwelling by purchaser, S204(94-288)

## Residential Tenancies

Restoration of possession to landlord, H635(94-170)

Termination of rental agreement, H635(94-170)

## LANDS

Conveyance of lands to govt. entity for specified purpose; land conveyed in connection with land development approval, valuable consideration, H1325(94-175)

Internal Improvement Trust Fund Board of Trustees, S2156(94-237), H161(94-240), H2025(94-341), H2419(94-248), H2445(94-356)

## State Lands

Acquisition, S1320(94-273), S1350(94-115), H161(94-240), H1717(94-212), H2445(94-356)

Disposition, H2445(94-356)

Green Swamp Land Authority, H1717(94-212)

Preservation 2000, S1350(94-115), H161(94-240), H1717(94-212)

## Submerged and Tidal Lands

Acquisition, administration, disposition of lands titled in TITF; board to delegate to DEP or delegate authority to water management districts, H2445(94-356)

## Wetlands

Determination of landward extent of wetlands and surface waters, S1346(94-122)

## LANDSCAPE ARCHITECTS

Licensure; regulation, S2076(94-119)

## LAUNDRY AND DRYCLEANING SERVICES

Registration, H2817(94-355)

Solvents, discharge; restoration, H2817(94-355)

Tax on gross receipts, H2817(94-355)

## LAW ENFORCEMENT, DEPARTMENT OF

Domestic and Repeat Violence Injunction Statewide Verification System, H525(94-134), H1949(94-135)

Statewide criminal analysis laboratory system; Key West, Monroe County, S1176(94-215)

Violent Crime Council, S1176(94-215)

## LAW ENFORCEMENT OFFICERS

## Campus Security

Community colleges, traffic control, H1387(94-334)

Deaf and the Blind, Florida School for, S1018(94-232)

Universities (State), traffic control, H1387(94-334)

## Correctional Officers

## Benefits

Health insurance premium paid for spouse and children; officer killed in line of duty, H665(94-171)

Test persons for blood-borne pathogens, under circumstances in which officers could become infected, H1377(94-205)

## Disability and Death Benefits

Health insurance premium paid for spouse and children; officer killed in line of duty, H665(94-171)

Fleeing from officers, S1618(94-276)

Governor appointees, special officers for carriers; use of lights in or on vehicles or vessels, use of badges or other indicia of authority, S1026(94-103)

Miccosukee Tribe, law enforcement agencies; authority of "criminal justice agencies", S1176(94-215)

Seminole Tribe, law enforcement agencies; authority of "criminal justice agencies", S1176(94-215)

## Sheriffs

Bailiffs; appointments, H2087(94-177)

## Deputy Sheriffs

Uniform system of appointment, retention, discipline, and due-process review, H1165(94-143)

Test persons for blood-borne pathogens, under circumstances in which officers could become infected, H1377(94-205)

CONTINUED ON NEXT PAGE

## SUBJECT INDEX—BILLS PASSED

(Some entries may not be in final version)

**LAW ENFORCEMENT OFFICERS (Cont.)**

Tolls; payment on toll facility, S2156(94-237)

**LEAVE****Annual Leave**

Law Enforcement Department, crime laboratory personnel, S1176(94-215)

Career Service System; general policies, S620(94-113)

Disaster volunteer leave, H1055(94-159)

**Sick Leave**

Law Enforcement Department, crime laboratory personnel, S1176(94-215)

**LEGAL AFFAIRS, DEPARTMENT OF**

Medicaid Fraud Control Office, S2110(94-251)

Reorganization, S2110(94-251)

**LEGISLATURE**

Accelerated Employment Reporting Advisory Council, H1587(94-318)

Joint Legislative Management Committee, H91-C(93-416), S68(94-209), S1068(94-270), H2325(94-224)

**Reports**

Agriculture and Consumer Services Department, S1194(94-301), S2420(94-311), S2704(94-282), H1705(94-335)

Alternative Education Research Institute, S68(94-209)

Attorney General, H409(94-138)

Auditor General, S1320(94-273), H161(94-240), H2497(94-249)

Banking and Finance Department, H2679(94-136)

Blind persons, commission to study delivery of services to blind by Division of Blind Services, S1018(94-232)

Business and Professional Regulation Department, S2654(94-218), H2493(94-350)

Central Voter File Study Committee, H2325(94-224)

Commerce Department, H1875(94-338), H2463(94-321)

Community Affairs Department, H1875(94-338)

Community Service Commission, H1917(94-221)

Corrections Commission, S1748(94-117)

Corrections Department, S1320(94-273)

Defense Conversion and Transition Commission, H2589(94-323)

Defense Reinvestment Incentive Advisory Committee, S32-C(93-414)

Education Department, S68(94-209), S636(94-230), S1018(94-232), H1309(94-145), H2229(94-246), H2419(94-248)

Education Facilities Study Committee, S312(94-292)

Enterprise Florida Jobs and Education Partnership, S1018(94-232)

Environmental Equity and Justice Commission, S1346(94-122), H1369(94-219)

Environmental Protection Department, S1346(94-122), H1093(94-197)

Family Practice Physician Retention Advisory Committee, H1745(94-182)

Federal funding programs, task force to increase state participation in programs serving children and families, S68(94-209)

Friends of Lake Jesup, S2120(94-279)

Government Accountability to the People Commission, H2497(94-249)

Governor, H2463(94-321)

Health and Rehabilitative Services Department, S68(94-209), S1668(94-217), H2409(94-164)

Health Care Administration Agency, H683(94-317)

Human Resource Development Commission, H2353(94-319)

Insurance Department, H33-C(93-410)

International Affairs Commission, H2679(94-136)

Joint Legislative Management Committee, H2325(94-224)

Judicial branch, H2497(94-249)

Juvenile Justice Advisory Board, S68(94-209)

Juvenile Justice Department, S68(94-209)

Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes Task Force, S68(94-209)

Labor and Employment Security Department, H2799(94-324)

Legal Affairs Department, H2027(94-342)

Management Services Department, S620(94-113), H251(94-156), H1999(94-340), H2497(94-249)

**LEGISLATURE (Cont.)****Reports (Cont.)**

Military Affairs Department, H2497(94-249)

Northwest Dade County Freshwater Lake Plan Implementation Committee, S1346(94-122)

Parole Commission, H2497(94-249)

Real Property Lease-procurement Task Force, H1257(94-333)

Southeast Florida 2025, S3062(94-227)

Subterranean Termite Treatment Study Committee, H749(94-194)

Transportation Department, S2156(94-237)

Water Management District Review Commission, S1068(94-270)

**Sessions**

Convene in March in lieu of February, SJR2606(PASSED)

**LEVY COUNTY**

Boundaries, S3098(94-313)

**LIBRARIES**

Grants, S3120(94-109)

**LICENSES AND LICENSE TAXES****Occupational License Tax**

Fictitious name registration, H441(94-87)

**LIENS**

Attorney's fees, proceedings re juveniles, H101(94-329)

Civil restitution lien; crime victims recover damages &amp; losses arising out of criminal acts, imposed against real &amp; personal property owned by offender, H2027(94-342)

Clean Lien, S304(94-291)

Construction Liens, S2076(94-119)

Cotton, S1202(94-302)

Motor vehicle repairs, liens for labor or services, S2156(94-237)

**LIMITATION OF ACTIONS**

Antitrust, H551(94-316)

Disparagement of perishable agricultural food products, S1072(94-131)

**LOBBYISTS****Executive Branch Lobbyists**

Registration; reporting, S1756(94-277)

**LOCAL GOVERNMENTS****Annexation**

Involuntary annexation, proposed areas without registered voters, H865(94-196)

Code enforcement boards, S168(94-128), S304(94-291)

Code enforcement officers, S168(94-128), S304(94-291)

Conveyance of lands to govt. entity for specified purpose; land conveyed in connection with land development approval, valuable consideration, H1325(94-175)

**County Officers and Employees**

Attorneys, local; included in Code of Ethics, S1756(94-277)

Federal funds matched by entity, procedure re application; new funds to improve services for children and families; collaborative planning process, S68(94-209)

**Finances**

Audits, performance; entities funded by county or municipality, H1163(94-332)

Permits, governmental entities; imposition of fees on certain local governments, S1780(94-278)

**Municipal Officers and Employees**

Attorneys, local; included in Code of Ethics, S1756(94-277)

**Ordinances**

Curfew, S68(94-209)

Enforcement, S96(94-255)

Parking, surcharge on fines; funding, school crossing guard programs, S1318(94-306)

**Public Nuisances**

Prostitution, drug and alcohol abuse, gambling; abatement, H601(94-242)

**Surplus Property**

Disposition, S2522(94-226)

CONTINUED ON NEXT PAGE

## SUBJECT INDEX-BILLS PASSED

(Some entries may not be in final version)

## LOCAL GOVERNMENTS (Cont.)

## Transportation

Bus stop benches, S2156(94-237)

Rights-of-way; regulate placement of signs, lights, and other structures, S2156(94-237)

## M

## MANAGEMENT SERVICES, DEPARTMENT OF

Leases of real property, H1257(94-333)

Reorganization, S620(94-113), S2522(94-226), H2497(94-249)

State-owned property; disposition of property, trade-in, surplus property, S2522(94-226)

## MARINE FISHERIES COMMISSION, H2371(94-247)

## MARRIAGE

Licenses, H2103(94-222)

## MARRIAGE AND FAMILY THERAPISTS

Licensure; regulation, S2076(94-119)

## MASSAGE PRACTICE

Licensure; regulation, S2076(94-119)

## MEDICAID

Administration; Health Care Administration Agency in lieu of HRS, S606(94-299)

Copayments/coinsurance; pharmacy services, oral and maxillofacial surgery, hearing services, denture services, H1199(94-120)

Fraud control, S2110(94-251)

Fraud Control Unit vehicles, Auditor General's; authorized registration under fictitious names, S1738(94-308)

Hospice care; Medicaid-prepaid-plan enrollee who wishes to enter hospice care, disenrollment, S606(94-299), H683(94-317)

Hospitals, skilled nursing services, H683(94-317)

Joint and several liability, S2110(94-251)

Parenting skills classes, recipients to attend, S68(94-209)

Perinatal intensive care services, H499(94-140)

Physician assistant services, S606(94-299)

## MENTAL HEALTH

## Counselors

Licensure; regulation, S2076(94-119)

## Patients

Minors, victims of crimes; impact of victimization upon normal emotional development; award, H2027(94-342)

## MIDWIFERY

Licensure; regulation, S2076(94-119)

## MILITARY AFFAIRS, DEPARTMENT OF

Trust funds; charges and penalties, H547(94-167)

## MILITARY FORCES

Courts-martial, S576(94-261)

## National Guard

Postsecondary education; tuition waivers, S574(94-229)

Tolls; payment on toll facility, S2156(94-237)

Postsecondary education, tuition, S574(94-229)

## MINING

## Land Reclamation

Phosphate mining, H2445(94-356)

Sand, limrock, or limestone mining activity, S1346(94-122)

## MINORITIES

Foreign speaking; translation of ballot in language of minority groups, S626(94-300)

Gender-balanced Boards, Commissions, Councils, and Committees, S340(94-213)

## MINORS

Alternate care placement, dependent children placed outside their homes; assess child's physical, psychological, educational, home environment, etc., S68(94-209), H2409(94-164)

Boot camps, S68(94-209)

Curfew, S68(94-209)

Dependency proceedings, S68(94-209), H101(94-329), H2409(94-164)

Save the Children license plates, S2016(94-210)

Weapons and firearms, H91-C(93-416), S68(94-209)

Young Criminal Offenders, H91-C(93-416), S68(94-209)

## MIRAMAR, CITY OF

South Florida Sports and Entertainment Special District (Broward; Dade), H1875(94-338)

## MOBILE HOMES

Bingo, H1763(94-326)

Writ of possession, H635(94-170)

## MONEY

Check cashing business; registration, regulation, S2350(94-281), S2380(94-238), H2653(94-354)

Exchanging foreign currency; registration, regulation, S2350(94-281), S2380(94-238), H2653(94-354)

Funds transmitter business; registration, regulation, S2350(94-281), S2380(94-238), H2653(94-354)

Money transmitters, S2350(94-281), S2380(94-238), H2653(94-354)

## MONROE COUNTY

Criminal analysis laboratory, S1176(94-215)

## MORTGAGES AND MORTGAGE BROKERS

Equity skimming; purchase of dwellings, failure of purchaser to make payments on existing mortgages/deeds, use of rent from dwelling by purchaser, S204(94-288)

Foreclosures, S3174(94-314), H2557(94-353)

## MOSQUITO CONTROL DISTRICTS

Surplus property, disposition, S2522(94-226)

## MOTOR FUEL, SPECIAL FUEL, AND OTHER POLLUTANT TAXES

Administrative costs; deductions by Revenue Department, H1317(94-146)

## Aviation Fuel Tax

Administrative costs, deductions by Revenue Department, H1317(94-146)

Commercial Vehicle Road Privilege Tax, S1318(94-306)

## Gas Tax

Administrative costs, deductions by Revenue Department, H1317(94-146)

Claims for tax refund, H2557(94-353)

## Comprehensive Enhanced Transportation System Tax

Administrative costs, deductions by Revenue Department, H1317(94-146)

## Constitutional Gas Tax

Administrative costs, deductions by Revenue Department, H1317(94-146)

## County Tax on Motor Fuel

Administrative costs, deductions by Revenue Department, H1317(94-146)

## Local Option Gas Tax

Administrative costs, deductions by Revenue Department, H1317(94-146)

Interlocal agreement, distribution of taxes; review, S2156(94-237)

## Ninth-cent Gas Tax

Administrative costs, deductions by Revenue Department, H1317(94-146)

## Municipal Tax on Motor Fuel

Administrative costs, deductions by Revenue Department, H1317(94-146)

## Production Tax on Oil and Gas

Refund for overpayment, H2557(94-353)

CONTINUED ON NEXT PAGE

## SUBJECT INDEX-BILLS PASSED

(Some entries may not be in final version)

**MOTOR FUEL, SPECIAL FUEL, AND OTHER POLLUTANT****TAXES (Cont.)****Gas Tax (Cont.)****Refiners, Importers, or Wholesalers**

Licensure; regulation, H2557(94-353)

Limitation; increases in state revenues, HJR2053(PASSED)

**Special Fuels**

Administrative costs; deductions by Revenue Department, H1317(94-146)

Claims for tax refund, H2557(94-353)

Counties, municipalities, school districts licensed as dealers; credit, H2557(94-353)

**MOTOR VEHICLES****Commercial Vehicles**

Temporary license registration plates, S1318(94-306)

**Dealers**

Recreational vehicles, sale; acquisition in exchange for sale of motor vehicle, S1318(94-306)

**Equipment Requirements and Specifications**

Lights, S1318(94-306)

**Weight and Load Regulations**

Commercial vehicles, S2156(94-237)

Windows, sunscreen and tint; light-transmittance-measuring devices, S1318(94-306)

Financial responsibility, S1318(94-306)

Ignition interlock device for motor vehicles, S1318(94-306)

**Inspections**

Government vehicles, S172(94-286)

School buses and vehicles used for transporting students, S1318(94-306)

**License Plates**

Arts, H179(94-315)

County name replaced with "The Sunshine State", H227(94-163)

Dealer, S1318(94-306)

Disabled persons, reduced dimension license plates, S1318(94-306)

Education, S190(94-116)

Fleet, S1318(94-306), S2448(94-312)

Florida Salutes Veterans, S1318(94-306)

Indian River Lagoon, H227(94-163)

Manatee, S1318(94-306)

Panther, S1318(94-306)

Professional sports team, H713(94-141)

Save the Children, S2016(94-210)

**Specialty Plates**

Purchase by lessees, S1318(94-306)

Super Bowl XXIX, H713(94-141)

Temporary tags, \$2 in lieu of \$1, S3174(94-314), H179(94-315), H1161(94-142), H2557(94-353)

**License Taxes**

Fifth-wheel trailers, S1318(94-306)

Motorcycles, antique, H179(94-315)

Surcharge of \$1, distributed to motor vehicle theft prevention, S68(94-209)

Truck cranes, S2156(94-237)

Truck tractor hauling forestry products, S1318(94-306)

**Recreational Vehicles**

Auctions, S1318(94-306)

Motor vehicle dealer, sell recreational vehicle; acquisition in exchange for sale of motor vehicle, S1318(94-306)

**Registration**

Auditor General Medicaid Fraud Control Unit vehicles; register under fictitious names, S1738(94-308)

Commercial fleet, permanent registration, S1318(94-306), S2448(94-312)

Commercial vehicles, S2156(94-237)

**Initial Application**

Nonrefundable fee, \$1.50 in lieu of \$.50, H1161(94-142)

Nonrefundable fee, \$1.50 in lieu of \$.50, H1161(94-142)

Rental vehicles, H173(94-330)

**Repairs**

Liens for labor or services by sale of vehicles, S2156(94-237)

**MOTOR VEHICLES (Cont.)****Repairs (Cont.)**

Motor vehicle repair shops, registration, S580(94-298)

**Safety Belt Law**

Child-restraint requirements, S1318(94-306)

**Trailers**

Fifth-wheel trailer, S1318(94-306)

**Trucks**

Self-propelled truck crane, S2156(94-237)

**Warranties**

Exclusion of vehicles used to transport hazardous materials, gross weight of 10,000 lbs. or more, or designed to transport more than 10 passengers, S2264(94-280)

**MOTORCYCLES AND MOPEDS**

Antique motorcycles, license tax; \$10, H179(94-315)

Driver licenses, S1318(94-306)

**MUSEUMS**

Ringling Museum of Art, H627(94-157)

**N****NATUROPATHIC PHYSICIANS**

Licensure; regulation, S2076(94-119)

**NEGLIGENCE****Damages**

Apportionment of comparative fault; doctrine of joint and several liability, S2110(94-251)

Disparagement of perishable agricultural food products, S1072(94-131)

**Waiver of Sovereign Immunity in Tort Actions**

Juvenile Justice Department, providers or vendors, S68(94-209)

Municipalities to indemnify employees exposed to liability under federal Clean Air Act, H2463(94-321)

Poison control centers, H1371(94-147)

**NURSES**

Licensure; regulation, S2076(94-119)

**NURSING HOMES****Administrators**

Licensure; regulation, S2076(94-119), S2654(94-218)

Licensure; regulation, H1383(94-206)

**O****OCCUPATIONAL THERAPISTS**

Licensure; regulation, S2076(94-119)

**OIL AND GAS**

Exploration and production, H739(94-193)

Leases, H2445(94-356)

**Liquefied Petroleum Gas (LP)**

Sale, H1705(94-335)

**Petroleum Fuel**

Inspection; mislabeled fuel, H1705(94-335)

Measuring devices, H1705(94-335)

**OPEN GOVERNMENT SUNSET REVIEW**

Arbitration; international relationships, H313(94-72)

Communications security, S106(94-101)

Computer crimes, S102(94-100)

Condominiums, H535(94-77)

Cooperatives, H535(94-77)

Correctional work programs, H343(94-331)

Corrections Department, S290(94-83)

Criminal procedures, S108(94-70)

Currency transactions, H317(94-187)

Discrimination, H291(94-90), H731(94-91)

CONTINUED ON NEXT PAGE

## SUBJECT INDEX-BILLS PASSED

(Some entries may not be in final version)

## OPEN GOVERNMENT SUNSET REVIEW (Cont.)

DNA analysis, H291(94-90)  
 Domestic violence, H291(94-90)  
 Drug punishment, S276(94-258)  
 Executioners, H353(94-189)  
 Fire prevention and control, H341(94-188)  
 Grand juries, S114(94-285), H363(94-74)  
 Law Enforcement Department, S58(94-252), S64(94-253), S66(94-99), S98(94-126), S120(94-127), H573(94-168)  
 Lending practices, S596(94-262)  
 Malpractice, S276(94-258), S594(94-84), S596(94-262), S600(94-85), H315(94-73), H471(94-75)  
 Mentally deficient and mentally ill defendants, S276(94-258)  
 Missing persons, S56(94-95)  
 Mobile home park, S590(94-102), H571(94-78)  
 Prisoners, county and municipal, H291(94-90), H573(94-168)  
 Risk management programs, H531(94-76)  
 Sexual battery, H563(94-88)  
 Unclaimed property, disposition, S596(94-262)  
 Victims of crimes, S50(94-93), S52(94-94), S62(94-125)  
 Weapons and firearms, S104(94-256)  
 Youthful offenders, S298(94-71)

## PTICIANS

Licensure; regulation, S2076(94-119), S2654(94-218), H677(94-192)

## PTOMETRISTS

Licensure; regulation, S2076(94-119)

## STEOPATHIC PHYSICIANS

Disability, total and permanent; certification by physician, S3174(94-314)  
 Licensure; regulation, S2076(94-119)

## P

## ARI-MUTUEL WAGERING

Dog Racing  
 Regulations, H2813(94-328)  
 Jai Alai  
 Regulations, H2813(94-328)  
 Tournament of Champions Meet, H2813(94-328)  
 Taxes, H2813(94-328)

## ARKING

Illegally parked vehicles, removal, S1318(94-306)  
 Surcharge on fines; funding, school crossing guard programs, S1318(94-306)  
 Violations; local governments to refer violations of parking ordinances to magistrate/hearing officer, Civil Traffic Infraction Hearing Officer Program, H1195(94-202)

## ARKS AND RECREATIONAL FACILITIES

Indoor recreation facilities, entertainment of children in planned fitness environment through equipment, games, activities, S260(94-257)  
 Law enforcement personnel, state parks system, H2445(94-356)  
 Rails to Trails, H161(94-240)  
 Recreation Districts  
 Board of supervisors, membership, H2493(94-350)  
 Restricting access; facilities available for residents and property owners, H2493(94-350)

## AROLE

Conditional Medical Release, H2301(94-121)  
 Conditional Release, H113-C(93-417), S234(94-290), S428(94-294), H2301(94-121)  
 Control Release, S428(94-294), H2301(94-121), H2441(94-111)  
 Surcharge re cost of supervision; felony offenders, S234(94-290)

## EST CONTROL

Landscape maintenance personnel, commercial, H749(94-194)

## PEST CONTROL (Cont.)

Pest Control Businesses  
 Licensure; regulation, H749(94-194)  
 Pest Control Operators  
 Certification; regulation, H749(94-194)  
 Pesticide applicators, H749(94-194)  
 Pesticides  
 Agricultural pesticides; protection for agricultural workers, S1450(94-233)  
 Termites, H749(94-194)

## PHARMACIES AND PHARMACISTS

Licensure; regulation, S2076(94-119)

## PHYSICAL THERAPISTS

Licensure; regulation, S2076(94-119)  
 Physical therapist assistants, S2076(94-119)

## PHYSICIANS

Intractable pain, S612(94-96)  
 Licensure; regulation, S612(94-96), S2076(94-119)

## PLUMBING

Bathtubs and showers, scald prevention devices, S12(94-284)  
 Standards, S12(94-284)

## PODIATRISTS

Licensure; regulation, S2076(94-119)

## POISON CONTROL

Poison control centers, H1371(94-147)

## POPULAR NAMES

Abandoned Tank Restoration Program, S2420(94-311)  
 Advance Disposal Fee, S3174(94-314)  
 Agricultural Workers Safety Act, S1450(94-233)  
 Appropriations Bills, H2221(94-357)  
 Appropriations Bills, Implementing Bills, H2223(94-358)  
 APRICOT Act, H1743(94-153)  
 Automatic Teller Machines (ATMs), H2043(94-343)  
 "Baby-friendly" Facilities, S1668(94-217)  
 Blockbuster Park Special District (Broward; Dade), H1875(94-338)  
 Blueprint 2000, H2353(94-319)  
 Boot Camps, S68(94-209)  
 Breast Feeding, S1668(94-217)  
 Cattle Dipping Vat, S2420(94-311)  
 Charlie Mack Overstreet Brain or Spinal Cord Injuries Act, H2799(94-324)  
 Civil Restitution Lien and Crime Victims' Remedy Act, H2027(94-342)  
 Clean Indoor Air, H251(94-156)  
 Clean Lien, S304(94-291)  
 Clean Vessel Act, H389(94-241)  
 Code Enforcement Officers, S168(94-128), S304(94-291)  
 Computerized Licensure Examinations, S2076(94-119)  
 Condoms, Sexual Battery, H21(94-80)  
 Curfew, S68(94-209)  
 Defense Contractor Tax Refund Program, S32-C(93-414)  
 Defense Reinvestment Incentive Program, S30-C(93-420), S32-C(93-414)  
 Disaster Volunteer Leave Act, H1055(94-159)  
 Domestic and Repeat Violence Injunction Statewide Verification System, H525(94-134), H1949(94-135)  
 Education Deregulation, S1018(94-232)  
 Education License Plates, S190(94-116)  
 Educational Funding Accountability Act, H2353(94-319)  
 Enterprise Florida Jobs and Education Partnership, S1018(94-232)  
 Environmental Racism, S12-C(93-415)  
 Ephedrine, S1784(94-309)  
 Equity Skimming, S204(94-288)  
 Everglades Restoration, S1350(94-115)  
 False Claims Act, H551(94-316)  
 Family Practice Residency Programs, H1745(94-182)

CONTINUED ON NEXT PAGE

## SUBJECT INDEX-BILLS PASSED

(Some entries may not be in final version)

## POPULAR NAMES (Cont.)

Farming Slander, S1072(94-131)  
 Florida Bay Restoration, S1350(94-115)  
 Food Safety Act, H2365(94-180)  
 Foreign Money-judgment Recognition Act, H51(94-239)  
 Gender-balanced Boards, Commissions, Councils, and Committees, S340(94-213)  
 General Appropriations Bills, H2221(94-357)  
 General Appropriations Bills, Implementing Bills, H2223(94-358)  
 Government Performance and Accountability Act, H2497(94-249)  
 Green Swamp Land Authority, H1717(94-212)  
 Hair-braiding, S2076(94-119)  
 Holocaust, S660(94-114)  
 Homestead Exemption, S670(94-130), S3174(94-314), H2557(94-353)  
 Hurricane Catastrophe Fund, H31-C(93-409), H73-C(93-413)  
 Innovation Investment Program, H2497(94-249)  
 Insurance Glitch Bill, S54-C(93-412), H131-C(93-411)  
 Money Transmitters Code, S2350(94-281), S2380(94-238), H2653(94-354)  
 Motor Voter, H2325(94-224)  
 Pay-on-death Accounts, S1228(94-216)  
 Preservation 2000, S1350(94-115), H161(94-240), H1717(94-212)  
 Rosewood Massacre, H591(94-359)  
 Safe Streets Initiative of 1994, H113-C(93-417)  
 Save Our Bay, S1350(94-115)  
 Save Our Homes, H2557(94-353)  
 Serious and Chronic Young Offender Act, S68(94-209)  
 Sick Buildings, H251(94-156)  
 South Florida Sports and Entertainment Special District (Broward; Dade), H1875(94-338)  
 Tobacco Liability Law, S2110(94-251)  
 Trade Secrets Confidential, S102(94-100)  
 Transfer-on-Death Security Registration Act, S1228(94-216)  
 Violent Crime Council/Violent Crime Investigative Emergency Account, S1176(94-215)  
 Voter Registration Act, H2325(94-224)  
 Workers' Compensation, S12-C(93-415), S56-C(93-421), S58-C(93-422), S60-C(93-423), S64-C(93-424), H137-C(93-419)

## PORTS AND HARBORS

Pilots  
 Licensure; regulation, S2076(94-119), H2483(94-349)  
 Seaport Transportation and Economic Development Program  
 Port transportation or facilities projects, improve movement and intermodal transportation of cargo or passengers in commerce and trade, S2156(94-237)

## PRISONS

Correctional Facilities  
 Private correctional facilities, H125-C(93-418), S1320(94-273), H1401(94-148)  
 Siting and construction of facilities; land acquisition, eminent domain, comprehensive planning, S1320(94-273)  
 Prisoners  
 Civil restitution lien; crime victims recover damages & losses arising out of criminal acts, imposed against real & personal property owned by offender, H2027(94-342)  
 Felony Offenders  
 Change of name; clerks of courts to notify law enforcement agencies, S1254(94-304)  
 Community corrections assistance; certain offenders placed in local correctional facilities as condition of probation; reimbursement by state, S1016(94-214)  
 Surcharge on costs of community supervision programs, S234(94-290)  
 Health Care  
 Copayments by inmates, S1320(94-273)  
 Tuberculosis, H2375(94-320)  
 Inmate Welfare and Employee Benefit Trust Funds  
 Cable T.V. service, rent or purchase video cassettes, T.V.s, or other entertainment equipment, S1320(94-273)  
 Uses of moneys, S1320(94-273)

## PRISONS (Cont.)

Prisoners (Cont.)  
 Release  
 Provisional Release, S234(94-290)  
 Work Programs  
 In-prison inmate work programs, Corrections Department to contract with private industries, H2443(94-155)

## PROBATION

Community Control, S234(94-290), S428(94-294)  
 Correctional Probation Officers  
 Test persons for blood-borne pathogens, under circumstances in which officers could become infected, H1377(94-205)  
 Training and equipment; funding, S234(94-290)  
 Felony offenders, certain; placed in local correctional facilities as condition of probation; reimbursement by Corrections Department, S1016(94-214)  
 Medical expenses of county and municipal prisoners, repayment, S428(94-294)  
 Pretrial Intervention Program  
 Surcharge re cost of supervision; felony offenders, S234(94-290)  
 Surcharge re cost of supervision; felony offenders, S234(94-290)

## PROSTITUTION

Public nuisance; abatement, H601(94-242)

## PSYCHOLOGISTS

Licensure; regulation, S2076(94-119)

## PUBLIC BUILDINGS

Conveyance of lands to govt. entity for specified purpose; land conveyed in connection with land development approval, valuable consideration, H1325(94-175)  
 Energy Conservation  
 Agencies to enter guaranteed-energy-savings contract with qualified provider to reduce energy and operating costs, S394(94-112)  
 Indoor air quality programs; evaluate and develop procedures to improve indoor air quality, H251(94-156)  
 Leases of real property, H1257(94-333)

## PUBLIC LODGING ESTABLISHMENTS

Bathtubs and showers, scald prevention devices, S12(94-284)

## PUBLIC OFFICERS AND EMPLOYEES

Career Service System  
 Disabled persons, S620(94-113)  
 Pay plan, S620(94-113)  
 State Board of Administration, S650(94-264)  
 Transportation Department to develop pilot career service classification and compensation system, S2156(94-237)  
 Part-time employees, personal holidays, S620(94-113)  
 Social Security numbers of state employees, public records exemption, S670(94-130)  
 Supreme Court, certain employees excluded from definition of "public employee", H2281(94-89)  
 Travel  
 Mileage rate increase, privately owned vehicles, H413(94-139)

## PUBLIC RECORDS

Exemptions  
 Child abuse or vulnerable adult, H2409(94-164)  
 Social Security numbers of state employees, S670(94-130)  
 State attorneys, assistants, and families, H1633(94-176)

## PURCHASING

Information technology systems, H1999(94-340)  
 Professional Services  
 Consultants' competitive negotiation, S2076(94-119)  
 State Council on Competitive Government; encourage competition, innovation, and creativity among service providers, H1257(94-333)

## SUBJECT INDEX-BILLS PASSED

(Some entries may not be in final version)

## R

## RADIATION

Surcharge, S12(94-284)

## RADON GAS

Standards for radon-resistant buildings, S12(94-284)

## RAILROADS

Ad valorem tax, assessments, H2557(94-353)

## REAL ESTATE AND REAL PROPERTY

## Brokers and Salesmen

Licensure; regulation, S2076(94-119), H1789(94-337)

## RELIGIOUS INSTITUTIONS

Property taxes; exemption for property entitled to religious exemption, H2557(94-353)

## REPOSSESSION SERVICES

Licensure; regulation, H711(94-172)

## RESPIRATORY THERAPY

Licensure; regulation, S2076(94-119)

## RESTRAINT OF TRADE

## Antitrust

Attorney General, moneys recovered for violations; disposition, H551(94-316)

Limitation of actions, H551(94-316)

## RETAILERS

Gift certificates, H543(94-191)

## RETIREMENT

Contributions, S302(94-259)

Creditable service, definition, S302(94-259)

## Elected State and County Officers' Class

Justices and judges, S76(94-254), S302(94-259)

## Firefighters

## Municipal Firefighters' Pension Trust Funds

Retiree health insurance subsidy, S302(94-259)

Surviving spouse, remarriage, H665(94-171)

## Law Enforcement Officers

Highway Patrol, S26(94-81)

## Municipal Police Officers' Retirement Funds

Retiree health insurance subsidy, S302(94-259)

Surviving spouse, remarriage, H665(94-171)

Out-of-state creditable service, purchase; periods of "public employment" in another state, S302(94-259)

## Retirees

Health insurance subsidy, S302(94-259)

## Senior Management Service Class

Early retirement benefit, S302(94-259)

## Teachers

Out-of-state teaching credit; creditable service, S302(94-259)

## REVENUE, DEPARTMENT OF

## -Head of Department

Executive director/secretary; appointment, confirmation, S1546(94-235)

Reorganization, H1087(94-124), H2497(94-249)

Sales tax information provided to Agriculture and Consumer Services Department, "Bill of Lading Program", H2557(94-353)

## RICO

Attorney General, moneys recovered for violations; disposition, H551(94-316)

## RIVERS

Silver Glen Springs, Silver Glen Run; Lake George on St. Johns River, H2025(94-341)

## ROSEWOOD MASSACRE, H591(94-359)

## S

## SALES TAX

## Admissions Tax

Athletic or other events sponsored by governmental entities, S3174(94-314)

Amusement machines, S3174(94-314)

Burglar protection, detective, and other protection services, S3174(94-314), H2557(94-353)

## Convention Development Tax

Use of proceeds; recreation centers, clubhouses, gymnasiums, golf courses or related buildings and parking facilities, H2509(94-351), H2557(94-353)

## County Discretionary Sales Surtax

Independent special district surtax; special districts to promote tourism, sports, and entertainment complex, levy surtax within districts, H1875(94-338)

## Dealers

Registration fee, S3174(94-314), H2557(94-353)

Returns; quarter or semiannual, H2557(94-353)

Detective, and other protection services, S3174(94-314), H2557(94-353)

Distribution of proceeds, additional revenues to Local Government

Half-cent Sales Tax Clearing Trust Fund, H2047(94-245)

## Exemptions

Aircraft repair and maintenance services, S3174(94-314)

Charitable organizations; temporary exemption certificates to newly organized organizations, H2143(94-178)

Educational institutions, H307(94-186)

Enterprise zones, H2679(94-136)

Taxicabs, H2557(94-353)

Food and Beverage Tax, Local Option, H2509(94-351), H2557(94-353)

Information provided by Revenue Department to Agriculture and Consumer Services Department, H2557(94-353)

Limitation; increases in state revenues, HJR2053(PASSED)

## Rentals

Transient rentals, H2557(94-353)

## Tourist Development Tax

Areas of critical state concern; collect and administer tax on local basis, H2557(94-353)

Professional sports franchise facilities, S1502(94-275), H1875(94-338)

## SALTWATER FISHING

Gear restrictions in certain East Coast counties, H2445(94-356)

## Licenses

Apalachicola Bay, oyster harvesting license, H1209(94-174)

Marketing and promotional activities, Agriculture and Consumer Services Department, H1705(94-335)

Nets; regulation, H2445(94-356)

## SCHOOLS

## Administration

Classify employees within expense categories, H2353(94-319)

Out-of-state administrators, S1018(94-232)

Prekindergarten Early Intervention Program; educational requirements, S364(94-293)

## Attendance

Seven-period day, grades 9-12, S1018(94-232)

180 teaching days, no less than 1,050 hours of instruction; grades 9-12, S1018(94-232)

## Before and After School Programs

Grants; economically disadvantaged adolescents, S68(94-209)

Blueprint 2000; school improvement and education accountability, H2353(94-319)

Chapter I; DOE to develop state plan for use of funds received by school districts, S68(94-209)

## Courses of Study

African-American history, H2665(94-225)

Character development and law education program, S68(94-209)

Computer education, S1018(94-232)

CONTINUED ON NEXT PAGE



## SUBJECT INDEX-BILLS PASSED

(Some entries may not be in final version)

## SCHOOLS (Cont.)

## Courses of Study (Cont.)

- Health education and substance abuse prevention, S1018(94-232)
- Holocaust, S660(94-114)
- Math and science, S1018(94-232)
- Slavery, study proposal, H2665(94-225)
- Writing skills enhancement programs, S1018(94-232)
- Crossing guard program, countywide surcharge on parking, S1318(94-306)

## Developmental Research Schools

- "Blueprint 2000", implementation, H2353(94-319)
- Funding, S312(94-292)
- School advisory councils, H2353(94-319)

## Discipline

- Expulsion, S68(94-209)
- In-school suspension programs; school boards to disapprove programs that fail to directly reduce school's expulsion or out-of-school suspension rate, S68(94-209)
- Suspension, S68(94-209)

## Dropout Prevention

- Parent education programs, S68(94-209), H281(94-185)
- Student support and assistance programs, S68(94-209)
- Teenage Parent Programs
  - Children enrolled in child care centers; funding, S68(94-209)
  - Guidelines, S68(94-209)

## Educational Facilities

- Airport zoning regulations, H1147(94-201)
- Architectural services, S312(94-292)
- Indoor air quality programs; evaluate and develop procedures to improve indoor air quality, H251(94-156)
- Leased facilities, S312(94-292)
- Maintenance, repair and site improvement; purchasing contracts, S312(94-292)
- Prototype designs, S312(94-292)
- Sidewalks and bicycle trails, S312(94-292)
- Site purchases, S312(94-292)

## Expenditures; accountability, H2353(94-319)

## Funding

- District School Tax, S312(94-292)
- Education Finance Program
  - Computation of district required local effort, S312(94-292)
  - Deaf or hard-of hearing allocation, S1244(94-303)
  - Extended day supplement, S1018(94-232)
  - Special programs, S68(94-209)
- License plates, enhancement of educational programs, S190(94-116)

## High Schools

- Seven-period day, S1018(94-232)
- 180 teaching days, no less than 1,050 hours of instruction, S1018(94-232)

## Instructional Materials

- Disabled students, reproduction of materials in braille, large print, or sound recordings for benefit of students, S1244(94-303)

## Job Training

- School-to-work transition; career & curricular counseling, educational institutions that prepare students to enter certain careers, financial aid, H2353(94-319)

## Parent education programs, S68(94-209), H281(94-185)

## Personnel

- Absences; records, S1018(94-232)
- Certification, S1018(94-232)
- Classify employees within expense categories, H2353(94-319)
- Educational support employees; aide, assistant, education paraprofessional, transportation, maintenance, food service, secretary, etc., H751(94-195)

## Prekindergarten Early Intervention Program

- Administrative personnel, educational requirements, S364(94-293)
- "First state education goal", readiness to start school, S68(94-209)
- Resource officer program, S1018(94-232)
- School advisory councils, H2353(94-319)

## School Boards

- Classify employees within expense categories, H2353(94-319)
- Federal funds matched by board, procedure re application; new funds to improve services for children and families; collaborative planning process, S68(94-209)

## SCHOOLS (Cont.)

## School Boards (Cont.)

- Full school utilization program, monitoring and evaluation, S312(94-292)

## Students

## Exceptional Students

- Students with disabilities in lieu of handicapped students, S1244(94-303)
- Teachers' grants, S1244(94-303)

## Teachers

- Certification, S1018(94-232)
- Classify employees within expense categories, H2353(94-319)
- Critical Teacher Shortage Areas
  - Noncertificated teachers, S1018(94-232)
- Exceptional student education grants, S1244(94-303)
- Inservice training, S68(94-209), S1018(94-232)
- Math and science mentor teachers, S1018(94-232)
- Reading resource specialists, S1018(94-232)
- Teachers as advisers program, S1018(94-232)
- Transportation, S1018(94-232), S1318(94-306)

## SECONDARY METALS RECYCLERS

- Registration; regulation, H2557(94-353)

## SECONDHAND DEALERS

- Registration; regulation, H2557(94-353)

## SECURITIES

- Transfer-on-death security registration, S1228(94-216)

## SEEDS

- Registrations, H1705(94-335)

## SENTENCING

- Guidelines, S158(94-228)

## SERVICE OF PROCESS

- Mobile home owner; writ of possession, H635(94-170)
- Restoration of possession to landlord, H635(94-170)
- Sheriffs' fees, H635(94-170)

## SEX CRIMES

- Mentally retarded persons, victims or witnesses; limits on interviews, clearing of courtroom, appointment of advocate, H1873(94-154)

## Minors

- Child-on-child sexual abuse, H2409(94-164)

## Sexual Battery

## Rules of Evidence

- Prophylactic device; offender's use of, or victim's request that offender use prophylactic device, H21(94-80)

- Task Force on Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes; policy re reporting, prevention, investigation, and treatment, S68(94-209)

## SHORT FORM BILLS

## Education

- Slavery, course of study, H2665(94-225)

## SMOKING

- State buildings; agencies to evaluate and develop procedures to improve indoor air quality, H251(94-156)

## SOCIAL SERVICES

## Aid to Families with Dependent Children (AFDC)

- Parenting skills classes, recipients to attend, S68(94-209)
- Families In Need of Services and Children In Need of Services
  - Attorney's fees, H101(94-329)
  - Mediation program, H2409(94-164)
  - Parental responsibility for behavior of children, S68(94-209)
- Federal funding participation, task force; analyze opportunities to increase state participation in federal funding programs serving children and families, S68(94-209)

CONTINUED ON NEXT PAGE

## SUBJECT INDEX-BILLS PASSED

(Some entries may not be in final version)

## SOCIAL SERVICES (Cont.)

## Food Stamps

- Advance disposal fees, S3174(94-314)
- Parenting skills classes, recipients to attend, S68(94-209)

## SOLID WASTE

## Litter

- Illegal dumping, S616(94-263)

## Recycling

- Advance disposal fee, S3174(94-314)

## PACE

- Aero-space industry; parent corporation transferring property to subsidiary, documents excise tax, H2557(94-353)
- Laboratories, exemption from property tax, H2557(94-353)

## SPECIAL DISTRICTS

- Blockbuster Park Special District (Broward; Dade), H1875(94-338)
- South Florida Sports and Entertainment Special District (Broward; Dade), H1875(94-338)

## SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

- Licensure; regulation, S2076(94-119), H1585(94-160)
- Purchasers of hearing aids, information re telecoil, "t" coil, or "t" switch technology, S2076(94-119), H1585(94-160)

## STATE AGENCIES

- Accountability, S1546(94-235), H1257(94-333), H2497(94-249)
- Civil actions; settlement of suits involving executive branch agencies or officers, H2541(94-181)
- Executive branch of government, limiting to 25 departments; organizational chart of each agency maintained by Governor, S1546(94-235)
- Federal funds matched by agency, procedure re application; new funds to improve services for children and families; collaborative planning process, S68(94-209)
- Innovation Investment Program; investment in innovation, produce cost savings and improve delivery of public services, H2497(94-249)
- Inspector generals established in agencies; audits & investigations re programs & operations, inform agency head re problems & deficiencies, etc., S1546(94-235), H2497(94-249)
- International Affairs Commission; study feasibility of loaning state employees to foreign countries, provide expertise & exchange information, H2679(94-136)
- Leases of real property, H1257(94-333)
- Performance audits, specific guidelines, H2497(94-249)
- Performance-based program budgets, H2497(94-249)
- Permits issued to certain local governments, imposition of fees, S1780(94-278)
- Reorganization; transferring specified agency, programs, and functions to another department, commission, or office; types of transfer, S1546(94-235)
- State Council on Competitive Government; encourage competition, innovation, and creativity among service providers, H1257(94-333)
- State-owned property; disposition of property, trade-in, surplus property, S2522(94-226)
- Telecommuting program for state employees, S620(94-113)

## STATE ATTORNEYS

- State attorneys, assistants, and families; public records exemption, H1633(94-176)

## STATE, DEPARTMENT OF

- Sesquicentennial Commission; celebration of 150th anniversary of Florida statehood, H1689(94-152)

## STATE FINANCES

- Budget Stabilization Fund, H2879(94-250)
- Delinquent taxes; Comptroller to withhold payments to persons providing commodities/services to state, leasing property, constructing public works, S220(94-82)
- Hurricane Catastrophe Fund; State reimbursement contracts with insurers writing personal lines or commercial property insurance policies, H31-C(93-409), H73-C(93-413)

## STATE FINANCES (Cont.)

## Investments

- Annual assessment, H545(94-166)
- Investment-related equipment/software, H545(94-166)
- Obligations of agencies or instrumentalities of U.S. Government, H1163(94-332)
- Performance audits, specific guidelines, H2497(94-249)
- Performance-based program budgets, H2497(94-249)
- Service charges deducted from trust funds, exempting certain income from federal contributions or private grants, H547(94-167)
- Taxation; limiting state revenue increases, HJR2053(PASSED)

## STUDENT FINANCIAL AID OR SCHOLARSHIPS

- African and Afro-Caribbean Scholarship Trust Fund, S636(94-230)
- Florida Education Fund, H1309(94-145)
- Florida Resident Access Grant Fund not financial aid program but tuition assistance program; undergraduate at independent nonprofit institution, S636(94-230)
- Florida Student Tuition Scholarship Grant Fund, S636(94-230)
- Jose Marti Scholarship Program, S636(94-230)
- Latin American and Caribbean Basin Scholarship Program, S636(94-230)
- Law school scholarship program, H1309(94-145)
- Mary McLeod Bethune Scholarship Program, S636(94-230)
- Pre-law scholarship program, H1309(94-145)
- Rosewood Family Scholarship Fund, H591(94-359)
- State Tuition Voucher Program renamed Florida Resident Access Grant Program, S636(94-230)
- Virgil Hawkins Fellows Scholarships, H1309(94-145)
- Vocational Student Assistance Grant Fund, S636(94-230)

## SUBSTANCE ABUSE

- Public nuisance; abatement, H601(94-242)

## SUPPORT OF DEPENDENTS

## Child Support

- Appeals; costs and fees, H581(94-169)
- Child care costs, H1587(94-318)
- Child removed from home by HRS, parent or legal custodian obligated to pay child support and other fees while in care of department, H2409(94-164)
- Enforcement, H1087(94-124), H1587(94-318)
- Health insurance, H1587(94-318)
- Income deduction orders, H1587(94-318)

## SURVEYORS

- Licensure; regulation, S2076(94-119)
- Mappers, inclusion in regulating provisions, S2076(94-119)

## T

## TALENT AGENCIES

- Licensure; regulation, S2076(94-119)

## TASK FORCES

- Article V Task Force; review Article V of State Constitution, H409(94-138)
- Athletic Training Regulatory Task Force, S2076(94-119)
- Dependent children requiring placement in alternate care task force, S68(94-209), H2409(94-164)
- Federal funding participation, analyze opportunities for increasing state participation in federal funding programs serving children and families, S68(94-209)
- Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes Task Force, S68(94-209)
- Minority-owned Business Certification Task Force, H2587(94-322)
- Real Property Lease-procurement Task Force, H1257(94-333)

## TAX COLLECTORS

- Costs and fees; tax collector to collect attorney's fees and court costs in performance of duties, H2557(94-353)

## SUBJECT INDEX—BILLS PASSED

(Some entries may not be in final version)

## TAXATION

C-139 Agricultural Privilege Tax, S1350(94-115)

## Corporate Income Tax

Corporations receiving income from controlled foreign corporations, "Subpart F income", to exclude such income from calculation of taxable Florida income, H2557(94-353)

## Credits

Enterprise zones, H2679(94-136)

Internal Revenue Code, references updated; retroactive effect, S672(94-86)

## Overpayments

Refund, S3174(94-314), H2557(94-353)

Delinquent taxes; Comptroller to withhold payments to persons providing commodities/services to state, leasing property, constructing public works, S220(94-82)

## Documents Excise Tax

Aero-space industry; parent corporation transferring property to subsidiary, H2557(94-353)

Drycleaning facilities, tax on gross receipts, H2817(94-355)

Everglades Agricultural Privilege Tax; conducting agricultural trade or business on certain property, S1350(94-115)

## Excise Tax

Citrus, H2437(94-346)

## Intangible Personal Property Tax

Liquor distributors, exempt from paying tax on accounts receivable derived from certain sales of alcoholic beverages, H2557(94-353)

Refund for overpayment, H2557(94-353)

Limitation; increases in state revenues, HJR2053(PASSED)

Municipal resort tax, as provided in county &amp; municipal charters; levy tax on food &amp; beverages, other than alcoholic beverages, consumption off premises, H2079(94-344)

Perchloroethylene, tax on production or importation, H2817(94-355)

## Property Tax

Agricultural lands, classification and assessment, H2557(94-353)

## Assessments

Homestead valuation limitation; reassessment of market values upon changes in ownership, H2557(94-353)

Mobile homes, H2557(94-353)

No return filed, property appraiser to estimate assessment, S1766(94-98)

Railroad property, H2557(94-353)

Delinquent taxes, H2557(94-353)

## Exemptions

Lessees of real property; governmental, municipal, or public purposes, H2557(94-353)

Religious, H2557(94-353)

Social Security numbers of applicants, S670(94-130), S3174(94-314), H2557(94-353)

Space laboratories, H2557(94-353)

## Filing

Deadline April 15, S1766(94-98)

Extension, S1766(94-98)

## Millage

Method of determining millage, H2079(94-344), H2557(94-353)

Religious exemption, H2557(94-353)

## Review of Property Taxes

Administrative review; value adjustment boards, H2557(94-353)

Judicial review, H2557(94-353)

## Public Service Tax

Enterprise zones, H2679(94-136)

## Severance Tax

Minerals, solid and heavy, H1093(94-197)

Phosphate rock, H1093(94-197)

## Tax Certificates

Service charges, H2557(94-353)

## TAXICABS

Leases; sales tax, H2557(94-353)

## TELECOMMUNICATIONS

State employees telecommuting program, S620(94-113)

## Telemarketing

Electronic transfer of funds, S580(94-298)

## TELECOMMUNICATIONS (Cont.)

## Telephone Companies

Electrical and alarm system contracting, certain exemptions from local permitting requirements, S12(94-284), S2076(94-119)

## Toll-free Telephone Service

Regional poison control centers, H1371(94-147)

## THEFT

Commercial horticulture property cleared of natural vegetation and planted in commercially cultivated horticulture products for sale, use, distribution, S1474(94-307)

Foliage; commercially cultivated foliage, harvest for decorative purposes, S1474(94-307)

## TIME-SHARE PLANS, H2493(94-350)

## TOURISM

Blockbuster Park Special District (Broward; Dade), H1875(94-338)

South Florida Sports and Entertainment Special District (Broward; Dade), H1875(94-338)

## TRADE SECRETS

Computer crimes, S102(94-100)

## TRAFFIC CONTROL

## Accidents

Death or personal injuries; 120 community service hours, S1318(94-306)

Reports, S1318(94-306)

Airport authorities, H1387(94-334)

Civil Traffic Infraction Hearing Officer Program; local governments to refer violations of parking ordinances, H1195(94-202)

Community colleges, H1387(94-334)

School crossing guard programs, funding; surcharge on parking fines, S1318(94-306)

Special event or activity, nongovernmental entity paying for traffic control on public streets; use of traffic control officers, law enforcement officers, H173(94-330)

## Traffic Infractions

Disposition of civil penalties, S1318(94-306)

Driver's license, failure to display; fingerprint on citation, H1105(94-199)

Reckless driving; 120 community service hours, S1318(94-306)

Universities (State), H1387(94-334)

## TRANSPLANTS, S1278(94-305)

## TRANSPORTATION

Bus stop benches, S2156(94-237)

## Commuter Rail Authorities

Tampa Bay Commuter Rail Authority, S2156(94-237)

## Contracts

Failure to complete projects within timeframe, S2156(94-237)

## Department of Transportation

Career service classification and compensation system; department to develop on pilot basis, S2156(94-237)

Reorganization, S2156(94-237)

Stormwater management, H2445(94-356)

## High-speed Rail Transportation

Incremental service; rail service provided in all or portion of corridor linking Tampa Bay area, Orlando, and Miami, S2156(94-237)

## Rights-of-way

Benches, transit shelters, and waste disposal receptacles; regulation, S2156(94-237)

Outdoor advertising, S2156(94-237)

## Tolls

Alligator Alley, S1350(94-115)

Law enforcement officers, S2156(94-237)

National Guard, S2156(94-237)

Suspension of tolls during emergency evacuations, S2156(94-237)

Transportation Disadvantaged Commission, S2156(94-237)

Transportation of the disadvantaged, S2156(94-237), H1161(94-142)

CONTINUED ON NEXT PAGE

## SUBJECT INDEX-BILLS PASSED

(Some entries may not be in final version)

## TRANSPORTATION (Cont.)

## Turnpikes

- Concessions, S2156(94-237)
- North Suncoast Corridor renamed Suncoast Parkway, Project 1, S2156(94-237)
- Services, users of turnpike system choice of fuels; repealing provisions, S2156(94-237)
- Suncoast Parkway, Project 2, 30-miles limited access facility; extending State Road 700 in Hernando to State Road 55 near Citrus-Levy County line, S2156(94-237)

## TRAVEL AGENCIES

- Registration; regulation, S580(94-298)

## TRESPASS

- Commercial horticulture property cleared of natural vegetation and planted in commercially cultivated horticulture products for sale, use, distribution, S1474(94-307)
- "Fernery", trespass on land planted in commercially cultivated foliage and posted, S1474(94-307)
- Illegal dumping, S616(94-263)

## TRUST FUNDS

- Accident Reports Trust Fund, Highway Safety and Motor Vehicles Department, S718(94-8)
- Administrative Trust Fund, Law Enforcement Department, S798(94-48)
- Administrative Trust Fund, Legal Affairs Department, S804(94-51)
- Administrative Trust Fund, Lottery Department, S766(94-32)
- Administrative Trust Fund, Management Services Department, S736(94-17), S764(94-31)
- Appellate Opinion Distribution Trust Fund, state courts system, S998(94-64)
- Architects Incidental Trust Fund, Management Services Department, S748(94-23)
- Armory Board Trust Fund, Military Affairs Department, S732(94-15)
- Brain and Spinal Cord Injury Rehabilitation Trust Fund, H2799(94-324)
- Bureau of Aircraft Trust Fund, Management Services Department, S756(94-27)
- Camp Blanding Management Trust Fund, Military Affairs Department, S734(94-16)
- Capital Collateral Trust Fund, Capital Collateral Representative, S952(94-61)
- Child Support Trust Fund, 11th Judicial Circuit, S822(94-60)
- Communications Working Capital Trust Fund, Management Services Department, S740(94-19)
- Consumer Frauds Trust Fund, Legal Affairs Department, S808(94-53)
- Consumer frauds trust funds, various judicial circuits, S912(94-268)
- Court Education Trust Fund, state courts system, S996(94-63)
- Crimes Compensation Trust Fund, Legal Affairs Department, S820(94-59)
- Criminal Justice Training Trust Fund, Corrections Department, S776(94-37)
- Criminal Justice Training Trust Fund, Law Enforcement Department, S792(94-45)
- Dedicated License Trust Fund, Game and Fresh Water Fish Commission, S722(94-10)
- DUI Programs Coordination Trust Fund, Highway Safety and Motor Vehicles Department, S708(94-3)
- Eliminating specific trust funds within various governmental entities pursuant to s. 19(f), Art. III of State Constitution, S700(94-265)
- Establishment of trust funds; criteria, S1004(94-67)
- Exempting specific trust funds from automatic-termination requirements of s. 19(f), Art. III of State Constitution, S702(94-41)
- Family Courts Trust Fund, Supreme Court, H2199(94-223)
- Florida Agricultural Exposition Trust Fund, Corrections Department, S778(94-38)
- Florida Crime Prevention Training Institute Revolving Trust Fund, Legal Affairs Department, S810(94-54)
- Florida Motor Vehicle Theft Prevention Trust Fund, Legal Affairs Department, S814(94-56)

## TRUST FUNDS (Cont.)

- Florida Panther Research and Management Trust Fund, Game and Fresh Water Fish Commission, S728(94-13)
- Forfeiture and Investigative Support Trust Fund, Law Enforcement Department, S800(94-49)
- Gas Tax Collection Trust Fund, Highway Safety and Motor Vehicles Department, S706(94-2)
- Grants and Donations Trust Fund, Corrections Department, S780(94-39)
- Grants and Donations Trust Fund, Florida Parole Commission, S1006(94-68)
- Grants and Donations Trust Fund, Highway Safety and Motor Vehicles Department, S704(94-1)
- Grants and Donations Trust Fund, Justice Administration Commission, S824(94-266)
- Grants and Donations Trust Fund, Law Enforcement Department, S788(94-43)
- Grants and Donations Trust Fund, Legal Affairs Department, S812(94-55)
- Grants and Donations Trust Fund, Management Services Department, S746(94-22)
- Grants and Donations Trust Fund, state courts system, S1002(94-66)
- Highway Patrol Insurance Trust Fund, S716(94-7)
- Hurricane Andrew Recovery and Rebuilding Trust Fund, Corrections Department, S782(94-40)
- Hurricane Catastrophe Fund, H31-C(93-409), H73-C(93-413)
- Juvenile Justice Facility Construction and Operation Trust Fund, Juvenile Justice Department, S2018(94-211)
- Juvenile Justice Training Trust Fund, S68(94-209)
- Land Acquisition Trust Fund, Game and Fresh Water Fish Commission, S720(94-9)
- Law Enforcement Trust Fund, Highway Safety and Motor Vehicles Department, S714(94-6)
- Legal Affairs Revolving Trust Fund, Legal Affairs Department, S818(94-58)
- Legal Services Trust Fund, Legal Affairs Department, S806(94-52)
- Legislative review, S1004(94-67)
- Lifetime Fish and Wildlife Trust Fund, Game and Fresh Water Fish Commission, S730(94-14)
- Minerals Trust Fund, Revenue Department, H1095(94-198)
- Mobile Home and Recreational Vehicle Protection Trust Fund, Highway Safety and Motor Vehicles Department, S710(94-4)
- Motor Vehicle Operating Trust Fund, Management Services Department, S750(94-24)
- Motor Vehicle Warranty Trust Fund, Legal Affairs Department, S802(94-50)
- Nongame Wildlife Trust Fund, Game and Fresh Water Fish Commission, S726(94-12)
- Operating Trust Fund, Corrections Department, S784(94-42)
- Operating Trust Fund, Law Enforcement Department, S790(94-44)
- Operating Trust Fund, Management Services Department, S760(94-29)
- Pretax Benefits Trust Fund, Management Services Department, S744(94-21)
- Revolving Escrow Trust Fund, Legal Affairs Department, S816(94-57)
- Revolving Trust Fund, Law Enforcement Department, S794(94-46)
- Sale of Goods and Services Clearing Trust Fund, Corrections Department, S774(94-36)
- Service charges deducted from trust funds, exempting certain income from federal contributions or private grants, H547(94-167)
- State Agency Law Enforcement Radio System Trust Fund, Management Services Department, S758(94-28)
- State attorney RICO trust funds, various judicial circuits, S954(94-269)
- State attorney's forfeiture and investigative support trust funds, various judicial circuits, S872(94-267)
- State Employee Child Care Revolving Trust Fund, Management Services Department, S762(94-30)
- State Game Trust Fund, Game and Fresh Water Fish Commission, S724(94-11)
- State Mediation and Arbitration Trust Fund, state courts system, S1000(94-65)
- State Personnel System Trust Fund, Management Services Department, S742(94-20)

CONTINUED ON NEXT PAGE

## SUBJECT INDEX—BILLS PASSED

(Some entries may not be in final version)

## TRUST FUNDS (Cont.)

- Supervision Trust Fund, Management Services Department, S752(94-25)
- Surplus Property Revolving Trust Fund, Management Services Department, S754(94-26)
- Toll Facilities Revolving Trust Fund, Transportation Department, S770(94-34)
- Transportation Disadvantaged Trust Fund, Transportation Department, S772(94-35)
- Turnpike Controlled Access Trust Fund, Transportation Department, S768(94-33)
- Working Capital Trust Fund, Highway Safety and Motor Vehicles Department, S712(94-5)
- Working Capital Trust Fund, Law Enforcement Department, S796(94-47)
- Working Capital Trust Fund, Management Services Department, S738(94-18)
- Working Capital Trust Fund, state courts system, S994(94-62)

## TRUSTS

- Extraordinary medical cost assistance trust accounts; deposit of moneys collected from public, expenditure of moneys for payment of medical expenses, S200(94-287)

## U

## UNEMPLOYMENT COMPENSATION

- Benefits**
  - Disqualification, H673(94-158), H2447(94-347)
  - Eligibility, H2447(94-347)
  - Payment, H2447(94-347)
- Contributions, H2447(94-347)
- Documentation containing identity of employing unit or individual, confidentiality, S1820(94-118)
- Drug test information, disclosure with proceedings to determine compensability, S1820(94-118)
- Employers with less than 250 employees, volunteer to report hiring practices to Labor and Employment Security Department; pilot project, H1587(94-318)
- Fees, H2447(94-347)

## UNITED STATES

- Federal funding, coordination re availability, S68(94-209)
- Investment of public funds in obligations of agencies or instrumentalities of U.S. Government, H1163(94-332)

## UNIVERSITIES (STATE)

- Accountability, S636(94-230)
- College Reach-out Program; increase number of low-income and educationally disadvantaged students admitted to and completing postsecondary education, H2229(94-246)
- Educational Facilities**
  - Direct-support organization; finance, design and construct, lease, lease-purchase, purchase, or operate facilities, S636(94-230)
  - Indoor air quality programs; evaluate and develop procedures to improve indoor air quality, H251(94-156)
  - Leases and lease purchases, S636(94-230)
  - Sidewalks and bicycle trails, S312(94-292)
- Florida Atlantic University
  - Kenneth R. Williams Administration Building; rename Administration Building, Boca Raton Campus, S2360(94-366)
- Florida Everglades University
  - Campus located in Fort Myers, H2419(94-248)
- Florida Gulf Coast University
  - Campus located in Fort Myers, H2419(94-248)
- Funding**
  - Carryforward of unexpended funds, S636(94-230)
  - Debt service and revolving loans, S636(94-230)
  - State University Sys. Facilities Loan & Debt Surety Program; opportunity to obtain funds, source of secondary credit enhancement for revenue certificates, S636(94-230)

## UNIVERSITIES (STATE) (Cont.)

- Funding (Cont.)**
  - State University System Facility Enhancement Challenge Grant Program, S636(94-230)
  - Trust Fund for Eminent Scholars, S636(94-230)
  - Trust Fund for Major Gifts, S636(94-230)
  - Trust Fund for New Donors, S636(94-230)
  - New World School of Arts, H1801(94-244)
- Students**
  - Internships; incentives for urban/socially and economically disadvantaged area internships to study inner cities in metropolitan/disadvantaged areas, S636(94-230)
  - Low-income and educationally disadvantaged students admitted to and completing postsecondary education; College Reach-out Program, H2229(94-246)
  - Traffic control, H1387(94-334)
- Tuition**
  - Matriculation and tuition fee schedule; university request to implement, approval by board, S636(94-230)
  - National Guard, S574(94-229)
  - Waiver of out-of-state fees, nondegree-seeking students, S636(94-230)
- University of Florida**
  - Alec P. and Louise H. Courtelis Equine Teaching Hospital; College of Veterinary Medicine, S2360(94-366)
  - Viticulture, S454(94-296)
- University of South Florida**
  - Breast feeding; Study Commission on Access to Breast Feeding for Public Sector Employees, S1668(94-217)
  - Knight Oceanographic Research Center, building for Department of Marine Science; St. Petersburg Campus, S2360(94-366)
  - Property and buildings, transferring certain to Edison Community College, H2419(94-248)
- University of West Florida**
  - Community Service Commission, promote areas of community service; human, educational, environmental, and public safety needs, H1917(94-221)

## UNIVERSITIES AND COLLEGES (PRIVATE)

- College Reach-out Program; increase number of low-income and educationally disadvantaged students admitted to and completing postsecondary education, H2229(94-246)
- Florida Resident Access Grant Fund not financial aid program but tuition assistance program; undergraduate at independent nonprofit institution, S636(94-230)

## UTILITIES

- Underground Utilities**
  - Damage prevention and safety, S1296(94-132)

## V

## VENDING MACHINES

- Water, H2365(94-180)

## VETERINARY MEDICINE

- Cruelty to animals; liability, H1987(94-339)
- Licensure; regulation, S2076(94-119)

## VICTIMS OF CRIMES

- Civil restitution lien; crime victims recover damages & losses arising out of criminal acts, imposed against real & personal property owned by offender, H2027(94-342)
- Examinations; payment for victims' initial examination, H2027(94-342)
- Mental health care of minor victim, impact of victimization upon normal emotional development; award, H2027(94-342)
- Mentally retarded persons, victims or witnesses; limits on interviews, clearing of courtroom, appointment of advocate, H1873(94-154)
- Restitution, H2027(94-342)
- Task Force on Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes; policy re reporting, prevention, investigation, and treatment, S68(94-209)

## SUBJECT INDEX—BILLS PASSED

(Some entries may not be in final version)

**VIDEO ARCADES****Amusement Machines**

Registration; regulation, S3174(94-314)

Sales tax, S3174(94-314)

**VITAL STATISTICS****Birth Certificates**

Mother of child unmarried, H1587(94-318)

**VITICULTURE, S454(94-296), H1705(94-335)****VOCATIONAL EDUCATION**

Career education in lieu of vocational education, S1018(94-232)

**Educational Facilities**

Architectural services, S312(94-292)

Indoor air quality programs; evaluate and develop procedures to improve indoor air quality, H251(94-156)

Leased facilities, S312(94-292)

Prototype designs, S312(94-292)

Sidewalks and bicycle trails, S312(94-292)

Site purchases, S312(94-292)

Enterprise Florida Jobs and Education Partnership; create highly skilled workforce, respond to changing technology and diversified market options, S1018(94-232)

**Instructional Materials**

Vocational Equipment Challenge Grant Program; matching state funds, S1018(94-232)

**W****WAGES**

Transportation Department to develop pilot career service classification and compensation system, S2156(94-237)

**WATER AND WASTEWATER****Drinking Water**

Backflow prevention devices, H1743(94-153)

Bottled waters, bottled water plants, water dealers, and water transportation vehicles, H2365(94-180)

Vending machines, H2365(94-180)

Reuse of reclaimed water, H1305(94-243), H1743(94-153)

**Sewage Disposal Systems**

Backflow prevention devices, H1743(94-153)

Backup discharges, H1743(94-153)

Indian River Lagoon System; DEP to grant extensions to facilities re elimination of discharges, S1362(94-274)

Small community sewer construction assistance; financially disadvantaged, H1305(94-243)

Water distribution mains and sewage collection and transmission system, local regulation of construction, S1296(94-132)

**Stormwater Management**

Everglades, S1350(94-115)

**WATER AND WASTEWATER (Cont.)****Stormwater Management (Cont.)**

Inventory and map primary stormwater management systems;

Transportation Department, H2445(94-356)

Water quality standards, S1346(94-122)

**Surface Water Improvement and Management (SWIM)**

Concurrent permit review, H2445(94-356)

Consolidated orders, H2445(94-356)

Determination of landward extent of wetlands and surface waters, S1346(94-122)

Everglades, S1350(94-115)

Indian River Lagoon, license plates, H227(94-163)

**Water and Wastewater Operators**

Certification, S2076(94-119)

**WATER MANAGEMENT DISTRICTS**

Florida Bay restoration, S1350(94-115)

Northwest Florida Water Management District, S1346(94-122)

Permits issued to certain local governments, imposition of fees, S1780(94-278)

Recreational use to include horseback riding, bicycling, H161(94-240), H1227(94-144)

St. Johns River Water Management District, S2120(94-279),

H1717(94-212)

South Florida Water Management District, S1346(94-122),

S1350(94-115)

Southwest Florida Water Management District, H1717(94-212)

Water Management District Review Commission, S1068(94-270)

**WATERWAYS**

Silver Glen Springs, Silver Glen Run; Lake George on St. Johns River, H2025(94-341)

**WEAPONS AND FIREARMS**

Armor-piercing slug, specially designed with steel inner core; manufactured for use in shotguns to pierce armor or metal, S228(94-289)

Possession, display, discharge, sale, or transfer, H91-C(93-416), S228(94-289)

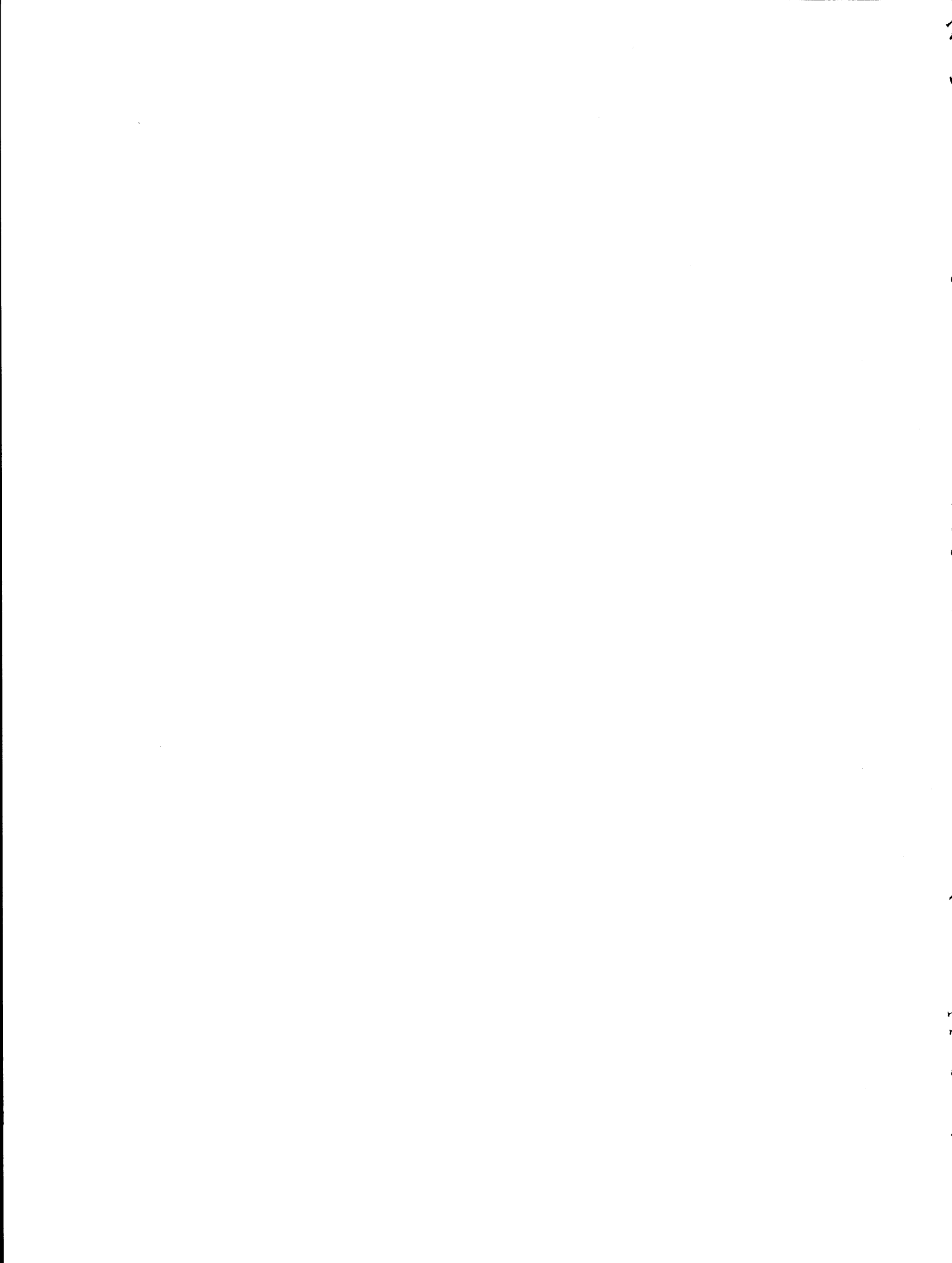
**WITNESSES**

Mentally retarded persons, witness to sex offense; limits on interviews, appointment of advocate, clearing of courtroom, H1873(94-154)

**WOMEN**

Gender-balanced Boards, Commissions, Councils, and Committees, S340(94-213)

**WORKERS' COMPENSATION, S12-C(93-415), S56-C(93-421),****S58-C(93-422), S60-C(93-423), S64-C(93-424), H137-C(93-419)**



## STATISTICS REPORT

SENATE BILLS	FILED	PASSED SENATE	PASSED BOTH CHAMBERS
CONCURRENT RESOLUTIONS	5	3	2
RESOLUTIONS(ONE CHAMBER)	62	58	0
GENERAL BILLS	1371	404	209
LOCAL BILLS	111	95	84
GEN BILL/LOC APPLICATION	0	0	0
JOINT RESOLUTIONS	33	2	1
MEMORIALS	5	3	1
WITHDRAWN	1	0	0
TOTALS	1588	565	297*

HOUSE BILLS	FILED	PASSED HOUSE	PASSED BOTH CHAMBERS
CONCURRENT RESOLUTIONS	8	4	1
RESOLUTIONS(ONE CHAMBER)	148	119	0
GENERAL BILLS	1076	347	171
LOCAL BILLS	149	50	44
GEN BILL/LOC APPLICATION	0	0	0
JOINT RESOLUTIONS	30	2	1
MEMORIALS	8	2	0
WITHDRAWN	37	0	0
TOTALS	1456	524	217*

SENATE AND HOUSE BILLS	FILED	PASSED FIRST CHAMBER	PASSED BOTH CHAMBERS
CONCURRENT RESOLUTIONS	13	7	3
RESOLUTIONS(ONE CHAMBER)	210	177	0
GENERAL BILLS	2447	751	380
LOCAL BILLS	260	145	128
GEN BILL/LOC APPLICATION	0	0	0
JOINT RESOLUTIONS	63	4	2
MEMORIALS	13	5	1
WITHDRAWN	38	0	0
TOTALS	3044	1089	514*



## STATISTICS REPORT

	SENATE BILLS	HOUSE BILLS	TOTAL
FILED, NOT INTRODUCED	0	16	16
BILLS TO CONFERENCE COMMITTEES	1	2	3
BILLS AMENDED	179	236	415
COMMITTEE SUBSTITUTES (CS)	337	343	680
CS/CS	45	22	67
CS/CS/CS	3	0	3
FAVORABLE SENATE COMMITTEE REPORT	402	41	443
FAVOR/AMENDMENT(S) SENATE COM REPT	184	6	190
FAVORABLE HOUSE COMMITTEE REPORT	29	227	256
FAVOR/AMENDMENT(S) HOUSE COM REPT	7	106	113
APPROVED BY GOVERNOR	52	77	129
BECAME LAW WITHOUT SIGNATURE	236	128	364
VETOED BY GOVERNOR	5	10	15
LINE-ITEM VETOED BY GOVERNOR	0	1	1
BECAME LAW, VETO NOTWITHSTANDING	0	0	0
FILED WITH SECRETARY OF STATE (JT. RES., CONC. RES., MEM.)	4	2	6
RESOLUTIONS ADOPTED	58	119	177
FAILED TO PASS SENATE	0	0	0
FAILED TO PASS HOUSE	0	1	1
LAI D ON TABLE	191	176	367
UNFAVORABLE SENATE COMMITTEE REPT	22	0	22
UNFAVORABLE HOUSE COMMITTEE REPORT	0	17	17
INDEFINTELY POSTPONED	2	0	2
WITHDRAWN	1	37	38
WITHDRAWN PRIOR TO INTRODUCTION	0	1	1
WITHDRAWN/FURTHER CONSIDERATION	61	78	139
DIED IN SENATE COMMITTEES	612	169	781
DIED IN HOUSE COMMITTEES	57	409	466
DIED ON SENATE CALENDAR	135	9	144
DIED ON HOUSE CALENDAR	90	158	248
DIED IN SENATE MESSAGES	0	1	1
DIED IN HOUSE MESSAGES	62	8	70
DIED, REFERENCE DEFERRED	0	36	36
DIED, ADDITIONAL REFERENCE DEFERRED	0	4	4

## STATISTICS REPORT

SENATE BILLS	FILED	PASSED SENATE	PASSED BOTH CHAMBERS
CONCURRENT RESOLUTIONS	1	1	0
RESOLUTIONS(ONE CHAMBER)	2	2	0
GENERAL BILLS	28	17	8
LOCAL BILLS	0	0	0
GEN BILL/LOC APPLICATION	0	0	0
JOINT RESOLUTIONS	0	0	0
MEMORIALS	1	1	0
WITHDRAWN	0	0	0
TOTALS	32	21	8*

HOUSE BILLS	FILED	PASSED HOUSE	PASSED BOTH CHAMBERS
CONCURRENT RESOLUTIONS	4	2	2
RESOLUTIONS(ONE CHAMBER)	8	5	0
GENERAL BILLS	56	15	8
LOCAL BILLS	0	0	0
GEN BILL/LOC APPLICATION	0	0	0
JOINT RESOLUTIONS	0	0	0
MEMORIALS	2	2	0
WITHDRAWN	0	0	0
TOTALS	70	24	10*

SENATE AND HOUSE BILLS	FILED	PASSED FIRST CHAMBER	PASSED BOTH CHAMBERS
CONCURRENT RESOLUTIONS	5	3	2
RESOLUTIONS(ONE CHAMBER)	10	7	0
GENERAL BILLS	84	32	16
LOCAL BILLS	0	0	0
GEN BILL/LOC APPLICATION	0	0	0
JOINT RESOLUTIONS	0	0	0
MEMORIALS	3	3	0
WITHDRAWN	0	0	0
TOTALS	102	45	18*

## STATISTICS REPORT

	SENATE BILLS	HOUSE BILLS	TOTAL
FILED, NOT INTRODUCED	4	29	33
BILLS TO CONFERENCE COMMITTEES	1	3	4
BILLS AMENDED	12	8	20
COMMITTEE SUBSTITUTES (CS)	2	5	7
CS/CS	1	1	2
FAVORABLE SENATE COMMITTEE REPORT	5	0	5
FAVOR/AMENDMENT(S) SENATE COM REPT	6	0	6
FAVORABLE HOUSE COMMITTEE REPORT	3	8	11
FAVOR/AMENDMENT(S) HOUSE COM REPT	2	5	7
APPROVED BY GOVERNOR	2	6	8
BECAME LAW WITHOUT SIGNATURE	6	2	8
VETOED BY GOVERNOR	0	0	0
BECAME LAW, VETO NOTWITHSTANDING	0	0	0
FILED WITH SECRETARY OF STATE (JT. RES., CONC. RES., MEM.)	0	2	2
RESOLUTIONS ADOPTED	2	5	7
FAILED TO PASS SENATE	0	0	0
FAILED TO PASS HOUSE	0	0	0
LAI D ON TABLE	3	7	10
UNFAVORABLE SENATE COMMITTEE REPT	0	0	0
UNFAVORABLE HOUSE COMMITTEE REPORT	1	1	2
WITHDRAWN	0	0	0
WITHDRAWN PRIOR TO INTRODUCTION	0	1	1
WITHDRAWN/FURTHER CONSIDERATION	1	1	2
DIED IN SENATE COMMITTEES	3	6	9
DIED IN HOUSE COMMITTEES	3	7	10
DIED IN SENATE MESSAGES	0	3	3
DIED IN HOUSE MESSAGES	7	0	7

## STATISTICS REPORT

SENATE BILLS	FILED	PASSED SENATE	PASSED BOTH CHAMBERS
CONCURRENT RESOLUTIONS	0	0	0
RESOLUTIONS(ONE CHAMBER)	0	0	0
GENERAL BILLS	22	0	0
LOCAL BILLS	0	0	0
GEN BILL/LOC APPLICATION	0	0	0
JOINT RESOLUTIONS	1	0	0
MEMORIALS	0	0	0
WITHDRAWN	0	0	0
TOTALS	23	0	0*

HOUSE BILLS	FILED	PASSED HOUSE	PASSED BOTH CHAMBERS
CONCURRENT RESOLUTIONS	1	0	0
RESOLUTIONS(ONE CHAMBER)	5	0	0
GENERAL BILLS	58	0	0
LOCAL BILLS	1	0	0
GEN BILL/LOC APPLICATION	0	0	0
JOINT RESOLUTIONS	1	0	0
MEMORIALS	2	0	0
WITHDRAWN	0	0	0
TOTALS	68	0	0*

SENATE AND HOUSE BILLS	FILED	PASSED FIRST CHAMBER	PASSED BOTH CHAMBERS
CONCURRENT RESOLUTIONS	1	0	0
RESOLUTIONS(ONE CHAMBER)	5	0	0
GENERAL BILLS	80	0	0
LOCAL BILLS	1	0	0
GEN BILL/LOC APPLICATION	0	0	0
JOINT RESOLUTIONS	2	0	0
MEMORIALS	2	0	0
WITHDRAWN	0	0	0
TOTALS	91	0	0*

## STATISTICS REPORT

	SENATE BILLS	HOUSE BILLS	TOTAL
FILED, NOT INTRODUCED	3	40	43
BILLS TO CONFERENCE COMMITTEES	0	0	0
BILLS AMENDED	0	0	0
COMMITTEE SUBSTITUTES (CS)	2	4	6
CS/CS	0	0	0
FAVORABLE SENATE COMMITTEE REPORT	4	0	4
FAVOR/AMENDMENT(S) SENATE COM REPT	4	0	4
FAVORABLE HOUSE COMMITTEE REPORT	0	4	4
FAVOR/AMENDMENT(S) HOUSE COM REPT	0	4	4
APPROVED BY GOVERNOR	0	0	0
BECAME LAW WITHOUT SIGNATURE	0	0	0
VETOED BY GOVERNOR	0	0	0
BECAME LAW, VETO NOTWITHSTANDING	0	0	0
FILED WITH SECRETARY OF STATE (JT. RES., CONC. RES., MEM.)	0	0	0
RESOLUTIONS ADOPTED	0	0	0
FAILED TO PASS SENATE	0	0	0
FAILED TO PASS HOUSE	0	0	0
LAI D ON TABLE	0	0	0
UNFAVORABLE SENATE COMMITTEE REPT	1	0	1
UNFAVORABLE HOUSE COMMITTEE REPORT	0	0	0
WITHDRAWN	0	0	0
WITHDRAWN/FURTHER CONSIDERATION	0	0	0
DIED IN SENATE COMMITTEES	13	0	13
DIED IN HOUSE COMMITTEES	0	18	18
DIED ON SENATE CALENDAR	6	0	6
DIED ON HOUSE CALENDAR	0	9	9
DIED, ADDITIONAL REFERENCE DEFERRED	0	1	1

## 1994 SUMMARY OF GENERAL LEGISLATION

---

### 1994 VETOED GENERAL BILLS

SENATE BILLS	SUBJECT	DATE
SB 330	Barbering and Cosmetology	05/25/94
SB 2536	Child and Adult Abuse	05/27/94
SB 2998	State Planning and Budgeting	05/25/94

HOUSE BILLS	SUBJECT	DATE
HB 655	Recreation Districts	04/11/94
HB 2063	Local Government/Financial Audits	06/02/94
HB 2208	Secondhand Dealers	05/25/94
HB 2643	Exemptions to Public Records and Meetings	05/25/94

Law  
RFF  
15  
L45  
1994



