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# **Finance & Tax Council**

**Thursday, March 11, 2010**

**9:00 AM**

**404 HOB**

**Action Packet**

**Larry Cretul  
Speaker**

**Ellyn Setnor Bogdanoff  
Chair**

# COUNCIL MEETING REPORT

## Finance & Tax Council

3/11/2010 9:00:00AM

Location: 404 HOB

### Summary:

#### Finance & Tax Council

Thursday March 11, 2010 09:00 am

HB 93 Not Considered

HB 121 Favorable With Council Substitute Yeas: 16 Nays: 0

HB 187 Favorable With Council Substitute Yeas: 16 Nays: 0

CS/HB 557 Favorable With Council Substitute Yeas: 15 Nays: 0

HB 637 Favorable With Council Substitute Yeas: 16 Nays: 0

PCB FTC 10-03 Favorable Yeas: 15 Nays: 0

PCB FTC 10-04 Favorable Yeas: 15 Nays: 0

PCB FTC 10-05 Favorable Yeas: 14 Nays: 0

Committee meeting was reported out: Thursday, March 11, 2010 12:12:05PM

# COUNCIL MEETING REPORT

## Finance & Tax Council

3/11/2010 9:00:00AM

Location: 404 HOB

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Ellyn Setnor Bogdanoff (Chair)	X		
Joseph Abruzzo	X		
Gary Aubuchon	X		
Mackenson Bernard	X		
Chris Dorworth	X		
Keith Fitzgerald	X		
Erik Fresen	X		
Doug Holder	X		
Kurt Kelly	X		
H. Marlene O'Toole	X		
Ron Schultz	X		
William Snyder	X		
Perry Thurston	X		
John Tobia	X		
James Waldman	X		
Michael Weinstein	X		
<b>Totals:</b>	<b>16</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Thursday, March 11, 2010 12:12:05PM

# COUNCIL MEETING REPORT

Finance & Tax Council

3/11/2010 9:00:00AM

**Location:** 404 HOB

**HB 93 : Cost and Benefit Analysis of Legislation**

*Not Considered*

Committee meeting was reported out: Thursday, March 11, 2010 12:12:05PM

# COUNCIL MEETING REPORT

## Finance & Tax Council

3/11/2010 9:00:00AM

Location: 404 HOB

HB 121 : Economic and Demographic Research

Favorable With Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Gary Aubuchon	X				
Mackenson Bernard	X				
Chris Dorworth	X				
Keith Fitzgerald	X				
Erik Fresen	X				
Doug Holder	X				
Kurt Kelly	X				
H. Marlene O'Toole	X				
Ron Schultz	X				
William Snyder	X				
Perry Thurston	X				
John Tobia	X				
James Waldman	X				
Michael Weinstein	X				
Ellyn Setnor Bogdanoff (Chair)	X				
<b>Total Yeas: 16</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Thursday, March 11, 2010 12:12:05PM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 121 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED                    \_\_\_ (Y/N)  
ADOPTED AS AMENDED                    \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION                 (Y/N)  
FAILED TO ADOPT                        \_\_\_ (Y/N)  
WITHDRAWN                \_\_\_ (Y/N)  
OTHER                        \_\_\_\_\_

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1 Council/Committee hearing bill: Finance & Tax Council  
2 Representatives Poppell, Crisafulli and Hudson offered the  
3 following:  
4

**Amendment (with title amendment)**

5                Remove everything after the enacting clause and insert:  
6                Section 1. Section 216.138, Florida Statutes, is created  
7 to read:  
8

9                216.138 Authority to request additional analysis of  
10 legislation.—The President of the Senate or the Speaker of the  
11 House of Representatives may request special impact sessions of  
12 consensus estimating conferences to evaluate proposed  
13 legislation based on tools and models not generally employed by  
14 the conferences, including cost-benefit, return-on-investment,  
15 or dynamic scoring techniques, when suitable and appropriate for  
16 the legislation being evaluated. Unless exempt from s.  
17 119.07(1), information used to develop the analyses shall be  
18 available to the public.

Amendment No. 1

19 Section 2. The Office of Economic and Demographic  
20 Research, acting in consultation with the principals of the  
21 consensus estimating conferences and after receiving public  
22 input, shall develop protocols and procedures necessary to  
23 implement s. 216.138, Florida Statutes. At a minimum, the  
24 protocols and procedures to be used for evaluating specific  
25 proposed legislation shall include cost-benefit, return-on-  
26 investment, and dynamic scoring techniques and may include  
27 additional, appropriate economic techniques. Additionally, the  
28 protocols and procedures must address the format for reporting  
29 results and provide proposed linkages to the appropriations and  
30 revenue forecasting processes, including any statutory changes  
31 that may be needed. The linkages must be consistent with the  
32 constitutional requirement for a balanced budget. The office  
33 shall submit a report of its findings and recommendations to the  
34 President of the Senate and the Speaker of the House of  
35 Representatives by December 1, 2010. Subject to approval by the  
36 President of the Senate and the Speaker of the House of  
37 Representatives following the submission of the report, the  
38 protocols and procedures shall be used to the extent feasible  
39 for the analysis of specific proposed legislation by consensus  
40 estimating conferences as provided in s. 216.138, Florida  
41 Statutes, unless and until such approval is subsequently  
42 affirmatively revoked.

43 Section 3. Section 216.133, Florida Statutes, is amended  
44 to read:

45 216.133 Definitions; ss. 216.133-216.138 ~~216.133-216.137.~~  
46 As used in ss. 216.133-216.138 ~~216.133-216.137:~~

Amendment No. 1

47 (1) "Consensus estimating conference" includes the  
48 Economic Estimating Conference, the Demographic Estimating  
49 Conference, the Revenue Estimating Conference, the Education  
50 Estimating Conference, the Criminal Justice Estimating  
51 Conference, the Occupational Forecasting Conference, the Early  
52 Learning Programs Estimating Conference, the Self-Insurance  
53 Estimating Conference, the Florida Retirement System Actuarial  
54 Assumption Conference, and the Social Services Estimating  
55 Conference.

56 (2) "Official information" means the data, forecasts,  
57 estimates, analyses, studies, and other information which the  
58 principals of a consensus estimating conference unanimously  
59 adopt for purposes of the state planning and budgeting system.

60 (3) "Consensus" means the unanimous consent of all of the  
61 principals of a consensus estimating conference.

62 Section 4. This act shall take effect upon becoming a law.  
63  
64

65 -----  
66 **T I T L E A M E N D M E N T**

67 Remove the entire title and insert:

68 A bill to be entitled  
69 An act relating to cost-benefit, return-on-investment, and  
70 dynamic scoring techniques; creating s. 216.138, F.S.;  
71 authorizing the President of the Senate or the Speaker of the  
72 House of Representatives to request special impact sessions of  
73 consensus estimating conferences to evaluate proposed  
74 legislation based on specified techniques; providing for the



COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 121 (2010)

Amendment No. 1

75 information used in the evaluations to be available to the  
76 public unless otherwise exempt from disclosure; requiring the  
77 Office of Economic and Demographic Research to develop protocols  
78 and procedures to be used by the consensus estimating  
79 conferences when evaluating proposed legislation; establishing  
80 minimum requirements; requiring a report to the Legislature;  
81 requiring the use of the protocols and procedures following  
82 legislative approval until such approval is affirmatively  
83 revoked; amending s. 216.133, F.S.; conforming a cross-reference  
84 to changes made by the act; providing an effective date.

# COUNCIL MEETING REPORT

## Finance & Tax Council

3/11/2010 9:00:00AM

Location: 404 HOB

### HB 187 : Tax on Sales, Use, and Other Transactions

Favorable With Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Gary Aubuchon	X				
Mackenson Bernard	X				
Chris Dorworth	X				
Keith Fitzgerald	X				
Erik Fresen	X				
Doug Holder	X				
Kurt Kelly	X				
H. Marlene O'Toole	X				
Ron Schultz	X				
William Snyder	X				
Perry Thurston	X				
John Tobia	X				
James Waldman	X				
Michael Weinstein	X				
Ellyn Setnor Bogdanoff (Chair)	X				
<b>Total Yeas: 16</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 187

John Rogers (Lobbyist) - Information Only

Florida Retail Federation

P. O. Box 10024

Tallahassee FL 32301

Phone: (850) 222-4082

Committee meeting was reported out: Thursday, March 11, 2010 12:12:05PM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 187 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED            \_\_\_ (Y/N)  
ADOPTED AS AMENDED       \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION     (Y/N)  
FAILED TO ADOPT           \_\_\_ (Y/N)  
WITHDRAWN           \_\_\_ (Y/N)  
OTHER                \_\_\_\_\_

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1 Council/Committee hearing bill: Finance & Tax Council  
2 Representative Rouson offered the following:

4       **Amendment (with title amendment)**

5       Remove everything after the enacting clause and insert:

6       Section 1. Section 569.0073, Florida Statutes, is created  
7 to read:

8       569.0073 Special provisions; smoking pipes and smoking  
9 devices.-

10       (1) It is unlawful for any person to offer for sale at  
11 retail any of the items listed in subsection (2) unless such  
12 person:

13       (a) Has a retail tobacco products dealer permit under s.  
14 569.003. The provisions of this chapter apply to any person that  
15 offers for retail sale any of the items listed in subsection  
16 (2).

17       (b) Derives at least 75 percent of its annual gross  
18 revenues from the retail sale of cigarettes, cigars, and other  
19 tobacco products.

Amendment No. 1

20 (c) Derives no more than 25 percent of its annual gross  
21 revenues from the retail sale of the items listed in subsection  
22 (2).

23 (2) The following smoking pipes and smoking devices are  
24 subject to the provisions of this section:

25 (a) Metal, wooden, acrylic, glass, stone, plastic, or  
26 ceramic smoking pipes, with or without screens, permanent  
27 screens, or punctured metal bowls.

28 (b) Water pipes.

29 (c) Carburetion tubes and devices.

30 (d) Chamber pipes.

31 (e) Carburetor pipes.

32 (f) Electric pipes.

33 (g) Air-driven pipes.

34 (h) Chillums.

35 (i) Bonges.

36 (j) Ice pipes or chillers.

37 (3) Any person who violates this section commits a  
38 misdemeanor of the first degree, punishable as provided in s.  
39 775.082 or s. 775.083.

40 Section 2. This act shall take effect July 1, 2010.

41

42

43 **T I T L E A M E N D M E N T**

44 Remove the entire title and insert:

45 A bill to be entitled

46 An act relating to retail sales of smoking pipes and  
47 smoking devices; creating s. 569.0073, F.S.; prohibiting

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 187 (2010)

Amendment No. 1

48 retail sales of certain smoking pipes and smoking devices  
49 under certain circumstances; specifying criteria for the  
50 lawful sales of such items; providing a criminal penalty  
51 for unlawful sales of such items; providing an effective  
52 date.

# COUNCIL MEETING REPORT

## Finance & Tax Council

3/11/2010 9:00:00AM

Location: 404 HOB

CS/HB 557 : Tangible Personal Property Tax Transparency

Favorable With Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Gary Aubuchon	X				
Mackenson Bernard	X				
Chris Dorworth	X				
Keith Fitzgerald	X				
Erik Fresen	X				
Doug Holder	X				
Kurt Kelly	X				
H. Marlene O'Toole	X				
Ron Schultz	X				
William Snyder	X				
Perry Thurston	X				
John Tobia			X		
James Waldman	X				
Michael Weinstein	X				
Ellyn Setnor Bogdanoff (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Thursday, March 11, 2010 12:12:05PM

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

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1 Council/Committee hearing bill: Finance & Tax Council

2 Representative(s) Workman offered the following:

3  
4 **Amendment**

5 Remove lines 19-22 and insert:

6 of the fee must be disclosed in the rental agreement. The rate  
7 of the recovery fee shall be the prior year's tax rate levied on  
8 the tangible personal property at the business location. The  
9 total recovery fee collected at each business location during a  
10 calendar year shall not exceed the total tangible personal  
11 property tax levied upon the location's tangible personal  
12 property in that calendar year. In the event that a business  
13 location collects any amount in excess of the personal property  
14 taxes levied upon the tangible personal property located at the  
15 business location, the business location shall credit or refund  
16 the overage back to each customer. For purposes of

# COUNCIL MEETING REPORT

## Finance & Tax Council

3/11/2010 9:00:00AM

Location: 404 HOB

HB 637 : Admissions Tax

Favorable With Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Gary Aubuchon	X				
Mackenson Bernard	X				
Chris Dorworth	X				
Keith Fitzgerald	X				
Erik Fresen	X				
Doug Holder	X				
Kurt Kelly	X				
H. Marlene O'Toole	X				
Ron Schultz	X				
William Snyder	X				
Perry Thurston	X				
John Tobia	X				
James Waldman	X				
Michael Weinstein	X				
Ellyn Setnor Bogdanoff (Chair)	X				
<b>Total Yeas: 16</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Thursday, March 11, 2010 12:12:05PM



COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 637 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED                    \_\_\_ (Y/N)  
ADOPTED AS AMENDED       \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION     (Y/N)  
FAILED TO ADOPT           \_\_\_ (Y/N)  
WITHDRAWN                 \_\_\_ (Y/N)  
OTHER                      \_\_\_\_\_

1 Council/Committee hearing bill: Finance & Tax Council  
2 Representative Dorworth offered the following:

**Amendment (with title amendment)**

Remove lines 62-64 and insert:

6 National Football League's Pro Bowl, and the National Basketball  
7 Association's Rookie Challenge, Celebrity Game, 3-Point Shooting  
8 Contest, and Slam Dunk Challenge.

11 -----  
12 **T I T L E A M E N D M E N T**

13 Remove lines 5-6 and insert:

14 professional sporting events, and certain professional sport  
15 sponsored events; providing an

# COUNCIL MEETING REPORT

## Finance & Tax Council

3/11/2010 9:00:00AM

Location: 404 HOB

PCB FTC 10-03 : Working Waterfront Property

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Gary Aubuchon	X				
Mackenson Bernard	X				
Chris Dorworth	X				
Keith Fitzgerald	X				
Erik Fresen			X		
Doug Holder	X				
Kurt Kelly	X				
H. Marlene O'Toole	X				
Ron Schultz	X				
William Snyder	X				
Perry Thurston	X				
John Tobia	X				
James Waldman	X				
Michael Weinstein	X				
Ellyn Setnor Bogdanoff (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

Working Waterfront Property

Missy Timmins (Lobbyist) - Opponent

Marine Industries Association of Florida

2910 Kerry Forest Parkway, D4-368

Tallahassee FL 32309

Phone: (850) 264-3225

Committee meeting was reported out: Thursday, March 11, 2010 12:12:05PM

# COUNCIL MEETING REPORT

## Finance & Tax Council

3/11/2010 9:00:00AM

Location: 404 HOB

PCB FTC 10-04 : Department of Revenue

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Gary Aubuchon			X		
Mackenson Bernard	X				
Chris Dorworth	X				
Keith Fitzgerald	X				
Erik Fresen	X				
Doug Holder	X				
Kurt Kelly	X				
H. Marlene O'Toole	X				
Ron Schultz	X				
William Snyder	X				
Perry Thurston	X				
John Tobia	X				
James Waldman	X				
Michael Weinstein	X				
Ellyn Setnor Bogdanoff (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

General Tax Matters

Robert Babin (Lobbyist) (State Employee) - Information Only

Department of Revenue

501 S. Calhoun Street

Tallahassee FL 32399

Phone: (850) 487-1453

Committee meeting was reported out: Thursday, March 11, 2010 12:12:05PM

# COUNCIL MEETING REPORT

## Finance & Tax Council

3/11/2010 9:00:00AM

Location: 404 HOB

PCB FTC 10-05 : Criminal Penalties for Violations of Tax Statutes

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Joseph Abruzzo	X				
Gary Aubuchon			X		
Mackenson Bernard	X				
Chris Dorworth	X				
Keith Fitzgerald	X				
Erik Fresen	X				
Doug Holder	X				
Kurt Kelly	X				
H. Marlene O'Toole	X				
Ron Schultz				X	
William Snyder	X				
Perry Thurston	X				
John Tobia	X				
James Waldman	X				
Michael Weinstein	X				
Ellyn Setnor Bogdanoff (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Thursday, March 11, 2010 12:12:05PM