

By Senator Storms

10-03355-08

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1 A bill to be entitled

2 An act relating to the personal needs allowance; amending
3 s. 409.904, F.S.; increasing the monthly personal needs
4 allowance for certain eligible persons; amending s.
5 212.02, F.S.; revising the definition of the term
6 "admissions" to include application to establishments
7 offering, advertising, or engaging in adult entertainment
8 services for purposes of imposing the sales and use tax;
9 creating s. 561.1107, F.S.; requiring the Division of
10 Alcoholic Beverages and Tobacco to report to the
11 Department of Revenue persons or establishments licensed
12 under the Beverage Law that offer such services and do not
13 have a sales tax dealer's certificate of registration
14 displayed; providing for appropriating tax revenues from
15 sales of admissions to establishments providing adult
16 entertainment services for purposes of increasing the
17 monthly personal needs allowance; providing an effective
18 date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Paragraph (a) of subsection (3) of section
23 409.904, Florida Statutes, is amended to read:

24 409.904 Optional payments for eligible persons.--The agency
25 may make payments for medical assistance and related services on
26 behalf of the following persons who are determined to be eligible
27 subject to the income, assets, and categorical eligibility tests
28 set forth in federal and state law. Payment on behalf of these
29 Medicaid eligible persons is subject to the availability of

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30 moneys and any limitations established by the General
31 Appropriations Act or chapter 216.

32 (3) A person who is in need of the services of a licensed
33 nursing facility, a licensed intermediate care facility for the
34 developmentally disabled, or a state mental hospital, whose
35 income does not exceed 300 percent of the SSI income standard,
36 and who meets the assets standards established under federal and
37 state law. In determining the person's responsibility for the
38 cost of care, the following amounts must be deducted from the
39 person's income:

40 (a) The monthly personal allowance for residents, which
41 shall be \$70 per month ~~as set based on appropriations.~~

42 Section 2. Subsection (1) of section 212.02, Florida
43 Statutes, is amended, and subsection (34) is added to that
44 section, to read:

45 212.02 Definitions.--The following terms and phrases when
46 used in this chapter have the meanings ascribed to them in this
47 section, except where the context clearly indicates a different
48 meaning:

49 (1) The term "admissions" means and includes the net sum of
50 money after deduction of any federal taxes for admitting a person
51 or vehicle or persons to any place of amusement, sport, or
52 recreation or for the privilege of entering or staying in any
53 place of amusement, sport, or recreation, including, but not
54 limited to, theaters, outdoor theaters, shows, exhibitions,
55 games, races; any establishment offering, advertising, or engaged
56 in adult entertainment services;~~7~~ or any place where charge is
57 made by way of sale of tickets, gate charges, seat charges, box
58 charges, season pass charges, cover charges, greens fees,

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59 participation fees, entrance fees, or other fees or receipts of
60 anything of value measured on an admission or entrance or length
61 of stay or seat box accommodations in any place where there is
62 any exhibition, amusement, sport, or recreation, and all dues and
63 fees paid to private clubs and membership clubs providing
64 recreational or physical fitness facilities, including, but not
65 limited to, golf, tennis, swimming, yachting, boating, athletic,
66 exercise, and fitness facilities, except physical fitness
67 facilities owned or operated by any hospital licensed under
68 chapter 395.

69 (34) "Adult entertainment services" include lingerie,
70 bikini, or nude modeling; body shampoos or scrubs; private shower
71 shows; peep shows; nude, seminude, or topless dancing; nude,
72 seminude, or topless waitressing; lap, friction, couch, or table
73 dancing; erotic massages or performances; nude photo sessions;
74 and personal escort services.

75 Section 3. Section 561.1107, Florida Statutes, is created
76 to read:

77 561.1107 Inspection of licensed premises; adult
78 entertainment services.--In conducting inspections of
79 establishments licensed under the Beverage Law, the division
80 shall determine if each establishment offering, advertising, or
81 engaged in adult entertainment services as defined by s. 212.02
82 that is licensed by the division is properly registered with the
83 Department of Revenue. Each month, the division shall report to
84 the Department of Revenue the name and address of any such
85 establishment that does not have a certificate of registration
86 conspicuously displayed as required by s. 212.18(3).

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87 Section 4. Revenues from the sales tax imposed on adult
88 entertainment services admissions provided under s. 212.04,
89 Florida Statutes, shall be appropriated from the General Revenue
90 Fund to the Department of Children and Family Services for each
91 fiscal year, beginning with the 2008-2009 fiscal year, for the
92 increase in the personal care allowance provided under s.
93 409.904(3)(a), Florida Statutes, made by this act.

94 Section 5. This act shall take effect July 1, 2008.