

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.

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

29 | behalf of these Medicaid eligible persons is subject to the
 30 | availability of moneys and any limitations established by the
 31 | General 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
 50 | of money after deduction of any federal taxes for admitting a
 51 | person or vehicle or persons to any place of amusement, sport,
 52 | or 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
 56 | engaged in adult entertainment services;~~7~~ or any place where

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

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

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85 establishment that does not have a certificate of registration
86 conspicuously displayed as required by s. 212.18(3).

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.