

1987

Session Law 87-284

Florida Senate & House of Representatives

Follow this and additional works at: <https://ir.law.fsu.edu/staff-analysis>



Part of the Legislation Commons

Recommended Citation

House of Representatives, Florida Senate &, "Session Law 87-284" (1987). *Staff Analysis*. 703.
<https://ir.law.fsu.edu/staff-analysis/703>

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 877

The original bill would authorize any public education board, including the Board of Regents, to lease educational plants to any nonprofit agency for any purpose as long as it benefits the general public. All such actions would have to be recommended in an educational plant survey done by the Department of Education.

The committee substitute would clarify that any education board can lease an abandoned educational plant to a government agency or public nonprofit group as long as the action was approved by a plant survey. The substitute measure would further authorize any of the public education boards to lease facilities to any group for use at times other than when board activities were scheduled, provided such leasing was based on board adopted policies.

By the Committee on Education and Senator Weinstein

This publication was produced at an average cost of 1.5 cents per page for the information of members of the Legislature and the public.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled
An act relating to the leasing of educational facilities; amending s. 235.056, F.S.; authorizing the leasing of certain educational facilities under certain conditions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida.

Section 1. Subsection (1) of section 235.056, Florida Statutes, 1986 Supplement, is amended to read:

235.056 Lease and lease-purchase of educational facilities.--

(1) A board, including the Board of Regents, is authorized to lease abandoned educational plants to a federal, state, county, or municipal governmental agency or to any public nonprofit agency, for the benefit of the community, when such action is recommended in an educational plant survey. A board, including the Board of Regents, is authorized to lease educational facilities to any public or private entity for use at times other than regularly scheduled board activities, based on policies adopted by such board.

Section 2. This act shall take effect upon becoming a law.

purchase agreement would represent an obligation or require a pledge of the full faith and credit of the state or a local school board.

Each lease-purchase agreement effected would have to contain an annual payment rate that could consist of an amount for the principal and an amount for interest. No agreement interest rate would be allowed to exceed a rate determined in accordance with s. 215.84, F.S.

The legislation would also increase school board discretionary capital outlay millage from 1.5 mills to 2 mills and authorize the proceeds to be used for: the purchase of new as well as replacement buses, the payment of loans approved under provisions of s. 237.161, F.S., and the payments for lease-purchase agreements. Payments for lease purchase agreements, however, would be limited to no more than one-half the proceeds of the discretionary capital outlay millage levied.

Other provisions of the bill would change the publishing requirements for the discretionary capital outlay millage to reflect the expanded uses for the proceeds from such a levy. The sunset of s. 236.25, F.S., would also be delayed from July 1, 1990, until July 1, 1995.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Property owners would experience an increase in ad valorem taxation if school boards chose to levy the additional one-half mill for capital outlay purposes.

B. Government:

The legislation would increase the potential revenue available to local school boards that could be used for capital outlay purposes. Boards might also enjoy increased facilities purchasing flexibility through the use of lease-purchase agreements.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. O'Farrell	<i>WJF</i> O'Farrell	1. ED	Fav/CS
2. _____	_____	2. FTC	_____
3. _____	_____	3. AP	_____
4. _____	_____	4. _____	_____

SUBJECT:

Facilities Leasing

BILL NO. AND SPONSOR:

CSSB 1282 by Com. on Ed.
& Senator Margolis

I. SUMMARY:

A. Present Situation:

School boards are authorized by law to enter into lease and lease-purchase agreements for educational facilities. These agreements may be with private individuals or corporations and may be for existing buildings or buildings to be erected for school purposes.

Lease or lease-purchase agreements may not exceed a term of 30 years and must be approved by the Office of Educational Facilities under rules of the State Board of Education. Rentals may be paid from any legally available funds; however, if ad valorem tax proceeds are to be used, a referendum must be held for approval.

Lease or lease-purchase agreements for a term of less than one year do not need Department of Education approval; however, the rental must be paid from the operations budget.

In addition to the millage levied for operating purposes, school boards may levy up to 1.5 mills to be used for: new construction and remodeling; maintenance, renovation, and repair of existing school plants; school bus replacement; and the purchase of new and replacement equipment.

B. Effect of Proposed Changes:

The bill would create the Educational Facilities Construction and Finance Act of 1987. Outdated language authorizing school boards to enter into lease-purchase agreements would be replaced with new terminology that would continue the lease-purchase authorization in chapter 230, F.S., but would make it consistent with recent changes in definitions and procedures in chapter 235, F.S.

Lease-purchase agreements for facilities and sites would have to be approved by the Office of Educational Facilities, advertised, and awarded on a competitive bid basis. Agreements could be paid for out of current funds or any other funds that were authorized for such purpose by law.

Terms of lease-purchase agreements could not exceed the useful life of the facility or site or 30 years, whichever was less. Agreements would have to be renewed annually. This could be done on an automatic basis contingent upon the school board making a sufficient appropriation for the payment. In the event a board defaulted on an agreement, it could not be required to pay a penalty and would not be prohibited from entering into a similar agreement for a similar facility.

Facilities and sites acquired under a lease-purchase agreement would be exempt from ad valorem taxes. In addition, no lease-

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1282

The committee substitute replaces the equipment-purchasing deferred payment plan in the original bill with an educational facilities and sites lease-purchase program. Aside from the obvious difference between facilities and equipment, the committee substitute and the original bill are generally alike in the fundamentals of the lease-purchase program, except that the committee substitute would have a maximum 30-year life span on lease-purchase agreements. The original bill had a 7-year limit on such pacts.

The committee substitute also contains the following additional provisions:

- a. Would add new school buses and the repayment of s. 237.161, F.S., loans to the authorized uses for the proceeds from the discretionary capital outlay millage levy.
- b. Would limit the use of discretionary capital outlay millage revenue for lease-purchase agreements to one-half the millage proceeds.
- c. Would amend s. 200.065, F.S., to include the proposed expanded uses of discretionary capital outlay millage revenue in the advertising requirements for such a levy.
- d. Would provide that educational facilities and sites purchased through lease-purchase agreements would not be subject to ad valorem taxation.
- e. Would delay the sunset of s. 236.25, F.S., from July 1, 1990, until July 1, 1995.

Committee on Education


Staff Director

(FILE THREE COPIES WITH THE SECRETARY OF THE SENATE)

available funds" in the context of lease-purchase agreements entered into with the Department of General Services. Though mentioned in the same paragraph authorizing lease-purchase agreements with private individuals or corporations, it is unclear whether the same funding source is available. Moreover, to further cloud the picture, the constitutional provision pursuant to which the General Services language was authorized was eliminated during the 1968 revision of the State Constitution, effectively rendering the language moot.

In contrast, Section 235.056(3) provides that lease-purchase agreements of one year or less must be funded through the current operations budget. It seems that only with respect to agreements exceeding one year may "any available funds" be expended on lease-purchase payments. School boards are not specifically authorized by law to use the proceeds of the discretionary capital outlay millage levy to make lease-purchase payments. The proceeds may only be used to fund new construction and remodeling projects, maintenance, renovation and repair of existing school plants, school bus replacement and the purchase of new and replacement equipment to fund lease-purchase payments. The Florida Education Finance Program (FEFP) Study Council is recommending the amount of discretionary capital outlay millage a school board may levy be increased from 1.5 mills to 2 mills.

B. Effect of Proposed Changes:

The bill clarifies the authority of a school board to enter into lease-purchase agreements for educational facilities and sites, and use current or other funds authorized by law to finance lease-purchase agreements. Specifically, the bill allows a school board to use the proceeds from the 1.5 discretionary capital outlay levy to make payments due under a lease-purchase agreement. Proceeds may also be used to purchase additional, not just replacement, school buses, and retire short-term financial obligations.

In order to overcome the state constitutional requirements for using ad valorem tax monies to fund bonds maturing more than 12 months after issuance, the bill provides that a lease-purchase agreement shall expire on June 30 of each fiscal year, subject to annual renewal upon school board appropriation of sufficient funds. The proposal provides that the lease-purchase payments may stipulate a principal component and an interest component. Further, the bill provides that a lease-purchase agreement does not establish a debt or obligation of the state or a school board, and is not a pledge of the faith and credit of the state or a school board.

To provide additional safeguards, the proposal insures that a failure on the part of a school board to renew a lease-purchase agreement is not a default, may not subject a school board to payment of any penalty, or limit its right to purchase or use educational facilities and sites similar in use or purpose to the facilities and sites which are the subject of the lease-purchase agreement.

Date: April 15, 1987
Revised: May 28, 1987
Final: June 17, 1987

HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION, K-12
STAFF ANALYSIS

BILL #: CS/HB 1326 (PCB ED-7)
RELATING TO: Educational Facilities Construction and Finance Act of 1987
SPONSOR(S): Education K-12 Committee
EFFECTIVE DATE: July 1, 1987
COMPANION BILL(S): CS/SB 1282 by Margolis (Identical), HB 1108 by Young (Similar)
OTHER COMMITTEES OF REFERENCE: (1) Finance and Taxation
(2) Appropriations

I. SUMMARY:

A. Present Situation:

A lease-purchase agreement is a contractual agreement which is called a lease but in substance is a sale. A lease-purchase agreement is also referred to as a conditional-sales lease or an installment-sale. If the lessee is a state or local government, the agreement may be a tax-exempt lease-purchase agreement.

The payments under a tax-exempt lease-purchase agreement include a principal and an interest component. The interest portion of the payment received by the lessor is tax-exempt under the Federal tax law, thus making the agreements more attractive to potential lessors or other investors with an interest in the lease payments.

Tax-exempt lease-purchase agreements typically include a non-appropriations clause to prevent the agreement from being classified as a debt on obligation of a state or local government. The agreement automatically expires if a local government lessee does not appropriate funds sufficient to make the lease-purchase payments.

Pursuant to Sections 230.23(a)(b)5. and 235.056(3), Florida Statutes (1986 Supplement), school districts are authorized to lease-purchase land and buildings for school purposes from private individuals and corporations. Facilities lease-purchased for one year or less are not required to be approved by the Department of Education Office of Educational Facilities unless the cost exceeds \$100,000.

There is an inconsistency in law as to the funds which may be used to finance a lease-purchase agreement. Section 230.23(a)(b)5. authorizes the use of "current or other legally

The bill requires the lease-purchase agreement to be awarded to the lowest and best proposer.

The bill also implements the recommendation of the FEFP Study Council, to increase to 2 mills from 1.5 mills, the amount of discretionary capital outlay millage a school board may levy in a given year.

The proposal also extends the sunset of s. 236.25(2) from 1990 to 1995.

II. ECONOMIC IMPACT:

A. Public:

The impact on the public will depend upon whether, and if so how much, a school board increases its discretionary capital outlay levy from 1.5 mills to 2 mills.

B. Government:

None

III. STATE COMPREHENSIVE PLAN IMPACT:

The bill is consistent with policy statement (17)(b)6., to "identify and implement innovative but fiscally sound and cost-effective techniques for financing public facilities."

IV. COMMENTS:

CS/HB 1326, with one significant change, passed as part of HB 1108. HB 1108 did not include the provision included in CS/HB 1326 authorizing school districts to increase the discretionary capital outlay millage levy from 1.5 mills to 2 mills.

V. AMENDMENTS:

None

VI. PREPARED BY: Stephen T. Hoqqe *STH*

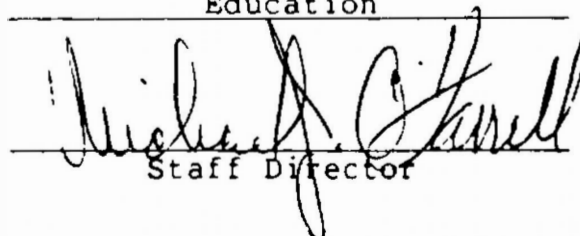
VII. STAFF DIRECTOR: Dr. Mary E. Wolfqanq *mw*

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 877

The original bill would authorize any public education board, including the Board of Regents, to lease educational plants to any nonprofit agency for any purpose as long as it benefits the general public. All such actions would have to be recommended in an educational plant survey done by the Department of Education.

The committee substitute would clarify that any education board can lease an abandoned educational plant to a government agency or public nonprofit group as long as the action was approved by a plant survey. The substitute measure would further authorize any of the public education boards to lease facilities to any group for use at times other than when board activities were scheduled, provided such leasing was based on board adopted policies.

Committee on Education


Staff Director

(FILE THREE COPIES WITH THE SECRETARY OF THE SENATE)

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. O'Farrell <i>WJ</i>	O'Farrell	1. ED	Fav/CS
2. _____	_____	2. GO	_____
3. _____	_____	3. AP	_____
4. _____	_____	4. _____	_____

SUBJECT:

Educational Plants/Leasing

BILL NO. AND SPONSOR:

CSSB 877 by Com. on Ed.
& Senator Weinstein

I. SUMMARY:

A. Present Situation:

School boards, community college boards of trustees, the Board of Trustees for the Florida School for the Deaf and the Blind, and the Board of Regents are authorized to lease educational plants to federal, state, or local government agencies or public nonprofit agencies for the benefit of the community, provided the action is approved in an educational plant survey.

B. Effect of Proposed Changes:

The committee substitute would authorize the various public education boards to lease abandoned educational plants to government entities and public nonprofit groups. The Department of Education would have to recommend such leases in an educational plant survey.

A second provision would authorize the boards to lease any facility under their purview to any entity as long as the lessee used the facility at a time when regular board activities were not scheduled and the leasing procedure was adopted board policy.

Generally, the first change would enable a public education board to lease buildings it no longer intended to use. The second revision pertains to boards leasing facilities on a short-term or time-limited basis, such as classrooms for scout group meetings.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Access to meeting facilities for a wide variety of community groups might be enhanced should this legislation become law.

B. Government:

Data are not available to determine revenue figures; however, public education boards might gain additional income through an increase in the number of potential renters of educational plants and facilities.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

would benefit the community and when recommended in an educational plant survey.

That section would also provide specific authority for such boards to lease any educational facilities to any public or private entity for use at times other than needed for the educational purposes scheduled by the board or other board activities.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

According to the Department of Education, there would be no impact. Amendments to existing law would only provide clear statutory authority for what are prevailing practices under other sections of law.

B. Government:

According to the Department of Education, there would be no impact. Amendments to existing law would only provide clear statutory authority for what are prevailing practices under other sections of law.

III. COMMENTS:

None

IV. AMENDMENTS:

None

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>O'Farrell</u>	<u>O'Farrell</u>	1. <u>ED</u>	<u>Fav/CS</u>
2. <u>Stenqle</u>	<u>Swindell</u> <i>BTS</i>	2. <u>GO</u>	<u>Favorable</u>
3. _____	_____	3. <u>AP</u>	_____
4. _____	_____	4. _____	_____

SUBJECT:

Leasing of Educational Facilities

BILL NO. AND SPONSOR:

CS/SB 877 by Education and Senator Weinstein

I. SUMMARY:

A. Present Situation:

Article IX, s. 4, Fla. Const., authorizes school boards to operate, control, and supervise all free public schools within the school district. Section 230.03, F.S., reiterates this authorization and additionally provides that school boards "may exercise any power except as expressly prohibited by the State Constitution or general law."

Chapter 235, F.S., the Educational Facilities Act, generally regulates construction, use, and disposal of educational facilities, and, at s. 235.011(3), F.S., (1986 Supp.) defines "board" to mean a district school board, a community college board of trustees, and the Board of Trustees of the Florida School for the Deaf and Blind, unless otherwise specified. Section 235.02, F.S., (1986 Supp.) authorizes a board, and the Board of Regents, to permit educational facilities and grounds to be used for any legal assembly, as community use centers, or as voting places in elections. Section 235.04, F.S., (1986 Supp.) provides that a board may dispose of any land or real property determined to be unnecessary for educational purposes, and provides that a board shall take diligent measures to dispose of educational property only in the best interests of the public. A board, including the Board of Regents, is authorized to lease educational plants to federal, state, or local government agencies or public nonprofit agencies for the benefit of the community, as s. 235.056(1), F.S., (1986 Supp.) provides. Subsection (2) of that section provides that a board may lease its land to any entity for educational purposes when in the board's best interests. The only other limitations specified in those sections relating to disposal and lease are that the actions must conform to an educational plant survey, a systematic study of educational and ancillary plants that determines future needs for educational programs and services.

According to the Department of Education, some boards are uncertain whether it is mandatory that they dispose of educational plants (buildings, equipment, and sites) when no longer needed for educational purposes, or whether a board can put an abandoned educational plant to alternative uses. Additionally, although most boards believe that they may lease space in educational facilities (buildings and equipment) to private groups, other boards do not.

B. Effect of Proposed Changes:

Statutory language would be clarified to authorize a district school board, community college board of trustees, the Board of Trustees for the Florida School for the Deaf and Blind, and the Board of Regents, to lease abandoned educational plants to the governmental agencies or public nonprofit agencies when it

and insert:

(1) A board, including the Board of Regents, is authorized to lease educational plants to a federal, state, county, or municipal governmental agency for any purpose or to any ~~public~~ nonprofit entity agency, for a use that benefits the-benefit-of the general public community, if when such action is recommended in an educational plant survey.

Amendment #2: on page 1, lines 3 & 4, strike: authorizing the leasing of educational plants to any nonprofit agency;

and insert:

authorizing the leasing of educational plants to certain nonprofit entities;

VI. PREPARED BY: Jimmy O. Helms 

VII. STAFF DIRECTOR: Jimmy O. Helms 

JOH:jw

STORAGE NAME: _____

File Copy

Date: April 24, 1987

Revised: April 28, 1987

Final: _____

HOUSE OF REPRESENTATIVES
COMMITTEE ON HIGHER EDUCATION
STAFF ANALYSIS

BILL #: HB 1108

RELATING TO: Educational Plants/leasing

SPONSOR(S): Rep. Young

EFFECTIVE DATE: Upon becoming a law

COMPANION BILL(S): SB 877

OTHER COMMITTEES OF REFERENCE: (1) None

(2) _____

I. SUMMARY:

HB 1108 authorizes a district school board, a community college board of trustees, the board of trustees for the Florida School for the Deaf and the Blind, and the Board of Regents to lease educational plants to any nonprofit agency, instead of requiring such agency to be a "public nonprofit agency."

II. ECONOMIC IMPACT:

A. Public:

A broader segment of the citizenry would be able to utilize educational plants on a leased basis when it is for the benefit of the community.

B. Government:

Government would benefit through increased revenues and more efficient use of facilities.

III. STATE COMPREHENSIVE PLAN IMPACT:

HB 1108 is compatible with the State Comprehensive Plan.

IV. COMMENTS:

None

V. AMENDMENTS:

Amendment #1: on page 1, lines 13-17, strike: All language

Amendment 1—On page 1, lines 9-19, strike everything after the enacting clause, and insert: Section 1 Subsection (1) of section 235.056, Florida Statutes, 1986 Supplement, is amended to read:

235.056 Lease and lease-purchase of educational facilities.—

(1) A board, including the Board of Regents, is authorized to lease abandoned educational plants to a federal, state, county, or municipal governmental agency or to any public nonprofit agency, for the benefit of the community, when such action is recommended in an educational plant survey. A board, including the Board of Regents, is authorized to lease educational facilities to any public or private entity for use at times other than regularly scheduled board activities, based on policies adopted by such board.

Section 2 This act shall take effect upon becoming a law

Rep. Young moved the adoption of the amendment, which was adopted

Representative Young offered the following title amendment.

Amendment 2—On page 1, lines 1-5, strike the entire title, and insert: A bill to be entitled An act relating to the leasing of educational facilities, amending s. 235.056, F.S.; authorizing the leasing of certain educational facilities under certain conditions, providing an effective date

Rep. Young moved the adoption of the amendment, which was adopted without objection.

On motion by Rep. Liberti, Chairman, two amendments by the Committee on Higher Education were withdrawn.

Under Rule 8.19, the bill was referred to the Engrossing Clerk.

CS/HB 918—A bill to be entitled An act relating to dentists, amending s. 466.017, F.S.; providing that licensed dentists who have been utilizing general anesthesia or parenteral conscious sedation routinely and competently for specified time periods preceding January 1, 1980, are deemed to have fulfilled training requirements for administration of such medications; requiring certain certification; providing a limited exemption from registration and education requirements, amending s. 466.022, F.S., including ethics review committees under peer review requirements, providing an effective date.

—was read the second time by title and, under Rule 8.19, referred to the Engrossing Clerk.

On motion by C. F. Jones, the rules were waived and—

HCR 1333—A concurrent resolution creating the Joint Committee on Special Districts

WHEREAS, there are approximately 600 independent special districts in the State of Florida created by a variety of methods, and

WHEREAS, the degree to which the citizens of the state participate in the creation, dissolution, and composition of the special districts varies greatly and the degree of citizen participation has a direct effect upon the accountability of the district to the public, and

WHEREAS, the financial impact of special districts is quite large through generated revenues and bonds, and

WHEREAS, special districts make capital outlay and operating expenditure commitments that help shape the future infrastructure of the state, and

WHEREAS, it is imperative to the future of the state that the Legislature take appropriate action to ensure special district accountability to the citizens served, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring.

That there is hereby created a joint interim legislative study committee to be known as the Joint Committee on Special Districts. The committee shall be composed of eight members. One member shall be the chair of the House Committee on Community Affairs, one member shall be the chair of the Senate Committee on Economic, Community and Consumer Affairs, one member shall be the chair of

the House Committee on Finance and Taxation, one member shall be the chair of the Senate Committee on Finance, Taxation and Claims, two members shall be appointed by the Speaker of the House of Representatives and two members shall be appointed by the President of the Senate.

BE IT FURTHER RESOLVED that the Joint Committee on Special Districts shall.

(1) Consider the recommendations of the Florida Advisory Council on Intergovernmental Relations concerning special district accountability recommendations

(2) Create a model act for special district creations

(3) Inventory the Florida Statutes to compile all special district requirements found in the statutes.

BE IT FURTHER RESOLVED, that.

(1) The Joint Committee on Special Districts created by this resolution shall report its findings and recommendations in the form of legislation to the Speaker of the House of Representatives and the President of the Senate no later than March 31, 1988, upon which date the committee shall cease to exist.

(2) Members of the Joint Committee on Special Districts shall be entitled to reimbursement for per diem and travel expenses incurred in carrying out their responsibilities under this act as set forth in s. 112.061, Florida Statutes. The committee is authorized to use the staff of the House of Representatives and Senate in preparing their recommendations.

—was read the second time by title. On motion by Rep. Jones, the concurrent resolution was adopted and, under the rule, immediately certified to the Senate.

HB 1162—A bill to be entitled An act relating to artificial fishing reefs; amending s. 370.25, F.S.; providing that the artificial fishing reef program within the Department of Natural Resources shall establish criteria and guidelines with respect to the construction and maintenance of artificial reefs in the salt waters of the state; providing an effective date.

—was read the second time by title and, under Rule 8.19, referred to the Engrossing Clerk.

HB 1324—A bill to be entitled An act relating to services for the hearing impaired, amending s. 427.503, 427.504, 427.506, and 427.507, F.S., providing definitions, conforming provisions; providing certification procedures, providing equipment specifications, providing inventory procedures; exempting certain records from s. 119.01, F.S.; providing for compliance with standards of the Florida Council for the Hearing Impaired, amending s. 229.8361, F.S.; expanding the membership of the Florida Council for the Hearing Impaired, providing an effective date.

—was read the second time by title and, under Rule 8.19, referred to the Engrossing Clerk.

CS/HB 274—A bill to be entitled An act relating to bingo; amending s. 849.093, F.S., prohibiting callers in bingo games to be participants in the bingo games which they call; requiring cancellation of bingo games under certain circumstances, providing for players in such canceled games to play free of charge in the next game; providing an effective date

—was read the second time by title and, under Rule 8.19, referred to the Engrossing Clerk.

HB 162—A bill to be entitled An act relating to consumer protection, creating s. 501.059, F.S.; providing definitions; providing restrictions upon unsolicited consumer telephone calls to residences, prohibiting the making of unsolicited consumer telephone calls to certain subscribers, authorizing the Division of Consumer Services of the Department of Agriculture and Consumer Services to investigate complaints of violations and institute civil proceedings, providing severability; providing an effective date.

projects, providing for an alcohol and drug abuse demonstration project, providing for start-up grants, requiring evaluation and reports to the Legislature; providing for an appropriation from the Public Medical Assistance Trust Fund, amending s. 409 2662, F.S., providing for expenditures from the Public Medical Assistance Trust Fund; providing for redistribution of Public Medical Assistance Trust Fund surplus moneys, providing definitions, providing a formula for redistribution, providing administrative fines for failure to repay funds redistributed in error; providing incentives for counties to continue local funding for indigent care; providing for repeal of the redistribution upon repeal of the Hospital Cost Containment Board; providing for Sunset review and repeal, amending s. 395 5094, F.S., directing how funds received from the redistribution formula are to be accounted for in a hospital's budget; creating s. 409 2663, F.S., establishing a state and county funded child health assistance program, creating s. 409 2673, F.S., requiring county participation in funding the child health assistance program, creating the State/County Advisory Council on Health Services; providing for membership and responsibilities; providing for termination of the council, creating a legislative task force to study health care to the elderly and disabled, providing for expansion of Medicaid services contingent upon the findings of the task force, creating ss. 381 701-381.714, F.S., and renumbering s. 381 4961, F.S. as s. 381 715, F.S.; creating the "Health Facility and Services Development Act"; providing definitions; establishing local health councils and the Statewide Health Council; providing powers and duties, providing for funding, creating the Local Health Trust Fund; providing duties of the Department of Health and Rehabilitative Services, relating to health planning, providing duties and responsibilities of the department, relating to certificate of need, providing criteria for review of certificate of need applications, specifying projects subject to review; specifying items subject to expedited review, providing exemptions; specifying content of applications, providing for review process, providing for administrative hearings; providing for judicial review, specifying conditions for issuance of certificates of need, providing an administrative fine, providing a period of validity, providing a penalty, limiting transfer of a certificate of need, providing special provisions with respect to health maintenance organizations, osteopathic acute care hospitals, hospices, and teaching hospitals; providing for injunction, amending s. 395.503, F.S., placing the Hospital Cost Containment Board under the department for certain administrative purposes; increasing the membership of the board, amending s. 395.512, F.S., relating to final legislative budget requests of the board; specifying processing requirements for the department with respect to obstetric or cardiac catheterization services, saving certain existing rules, local and statewide health councils, and state and district plans; allowing certain expenditures for providing obstetric or cardiac catheterization services, saving certain existing rules, local and statewide health councils, and state and district plans; amending ss. 159 27, 395 003, 395 005, 395.011, 395 509, 400 071, 400 471, 400 603, 400 606, and 651 118, F.S., conforming cross-references, repealing ss. 381 493, 381 494, 381.495, 381 4961, 381 498, and 381.499, F.S., relating to the "Health Facilities and Health Services Planning Act", saving part II of chapter 395, F.S., from Sunset repeal; providing for future review and repeal, providing effective dates.

--was read the third time by title. On passage, the vote was:

Yeas--118

The Chair	Carlton	Figg	Gustafson
Arnold	Carpenter	Frankel	Gutman
Ascherl	Casas	Friedman	Hanson
Bainter	Clark	Frahe	Harden
Banjamin	Clements	Gaffney	Hargrett
Bankhead	Cosgrove	Garcia	Hawkins
Bass	Crady	Gardner	Healey
Bell	Crotty	Glickman	Hill
Bloom	Dantzier	Gonzalez-	Hodges
Bronson	Davis	Quevedo	Holland
Brown	Deutsch	Goode	Ireland
Burke	Diaz-Balart	Gordon	Irvine
Burnsed	Drage	Grindle	Jamerson
Canady	Dunbar	Guber	Jennings

Johnson, B L	Mackey	Reaves	Souto
Johnson, R C	Martin	Reddick	Starks
Jones, C F.	Martinez	Rehm	Stone
Jones, D. L.	McEwan	Renke	Thomas
Kelly	Meffert	Rochlin	Titone
King	Messersmith	Rudd	Tobiasen
Langton	Metcalfe	Rush	Tobin
Lawson	Mitchell	Sample	Trammell
Lewis	Morse	Sanderson	Troxler
Liberti	Mortham	Sansom	Upchurch
Lippman	Nergard	Saunders	Wallace
Locke	Ogden	Shelley	Webster
Logan	Ostrau	Silver	Wetherell
Lombard	Patchett	Simon	Woodruff
Long	Peeples	Simone	Young
Mackenzie	Press	Smith	

Nays--None

Votes after roll call:

Yeas--Abrams, Harris
Yeas to Nays--Simone

So the bill passed, as amended and was certified to the Senate

Representatives Patchett and Grindle commended Representatives Abrams (Chairman, Committee on Health Care) and C. F. Jones (Chairman, Subcommittee on Health Financing) for their hard work on CS/HB 1364

Motions Relating to Committee References

On motion by Rep. Martin, Chairman, without objection, HB 857 was withdrawn from the Committee on Natural Resources and remains referred to the Committee on Finance & Taxation. On further motion by Rep. Martin, without objection, HBs 657 and 688 were withdrawn from the Committee on Natural Resources and placed on the Calendar.

On motion by Rep. C. F. Jones, Chairman, without objection, HB 657 was taken from the Calendar and referred to the Committee on Community Affairs.

On motion by Rep. Burnsed, without objection, HCR 1283 was withdrawn from the Committee on Youth and placed on the Calendar.

On motion by Rep. Liberti, Chairman, without objection, HRs 1429 and 1434 were withdrawn from the Committee on Higher Education and placed on the Calendar.

On motion by Rep. Arnold, Chairman, without objection, HRs 1412, 1435, and 1436 were withdrawn from the Committee on Tourism & Cultural Affairs and placed on the Calendar.

Special and Continuing Orders

HB 685--A bill to be entitled An act relating to recreational vehicles, amending s. 513 01, F.S., redefining the term "recreational vehicle", providing an effective date.

--was read the second time by title.

Representative Tobin offered the following amendment:

Amendment 1--On page 1, line 16, following the word "shall" insert, *in reference to recreational vehicles placed in recreational vehicle parks,*

Rep. Tobin moved the adoption of the amendment, which was adopted without objection. Under Rule 8.19, the bill was referred to the Engrossing Clerk.

HB 1108--A bill to be entitled An act relating to the leasing of educational plants, amending s. 235.056, F.S.; authorizing the leasing of educational plants to any nonprofit agency; providing an effective date.

--was read the second time by title.

Representative Young offered the following amendment.

being acquired pursuant to a lease-purchase agreement shall be exempt from ad valorem taxation.

3 No lease-purchase agreement entered into pursuant to this subsection shall constitute a debt, liability, or obligation of the state or a local school board or shall be a pledge of the faith and credit of the state or a local school board.

4 Any lease-purchase agreement entered into pursuant to this subsection shall stipulate an annual rate which may consist of a principal component and an interest component, provided that the maximum interest rate of any interest component payable under any such lease-purchase agreement, or any participation or certificated portion thereof, shall be calculated in accordance with and be governed by the provisions of s 215.84.

Section 4 Subsection (2) of section 236.25, Florida Statutes, 1986 Supplement, is amended to read:

236.25 District school tax.—

(2)(a) In addition to the maximum millage levy as provided in subsection (1), each school board may, until July 1, 1985, levy not more than a 4-mill equivalent against the nonexempt assessed valuation for school purposes; and, beginning on July 1, 1985, may levy not more than 1.5 mills against the nonexempt assessed valuation for school purposes to fund

(a) New construction and remodeling projects, as set forth in s. 235.435(3)(b), without regard to the prioritization in that section, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, or ancillary facilities.

(b) Maintenance, renovation, and repair of existing school plants. However, these funds shall not supplant current expenditures from operating revenues for maintenance, renovation, and repair, based on the average of the prior 3 fiscal years; and such funds shall be subject to the provisions of s 4 of chapter 79-563, Laws of Florida.

(c) School bus purchases replacement.

(d) The purchase of new and replacement equipment. However, these funds shall not supplant current expenditures from operating revenues for the purchase of new and replacement equipment, based on the average of the prior 3 fiscal years.

(e) Payments for educational facilities and sites due under a lease-purchase agreement entered into by a school board pursuant to s. 230.23(9)(b)5 or s 235.056(3), not exceeding, in the aggregate, an amount equal to one-half of the proceeds from the millage levied by a school board pursuant to this subsection.

(f) Payment of loans approved pursuant to s. 237.161.

Violations of these expenditure provisions shall result in an equal dollar reduction in the Florida Education Finance Program (FEFP) funds for the violating district in the fiscal year following the audit citation.

~~(b) The 2-mill equivalent authorized by paragraph (a) shall be a rolled back ad valorem millage rate computed pursuant to s. 200.065(1) based on a 2-mill levy for 1981-1982 rolled back in each subsequent year. This paragraph shall stand repealed on July 1, 1985.~~

Section 5 Paragraph (a) of subsection (9) of section 200.065, Florida Statutes, 1986 Supplement, is amended to read:

200.065 Method of fixing millage.—

(9)(a) In addition to the notice required in subsection (3), a district school board shall publish a second notice of intent to levy additional taxes under s. 236.25(2). Such notice shall specify the projects or number of school buses anticipated to be funded by such additional taxes and shall be published in the size, within the time periods, adjacent to, and in substantial conformity with the advertisement required under subsection (3). The projects shall be listed in priority within each category as follows: construction and remodeling; maintenance, renovation, and repair, bus purchases replacement; and new and replacement equipment, payments for educational facilities and sites due under a lease-purchase agreement; and payments of loans approved pursuant to ss. 237.161 and 237.162. The additional notice shall be in the following form,

except that the second sentence of the second paragraph shall be deleted if the district is advertising pursuant to paragraph (3)(e):

NOTICE OF TAX FOR SCHOOL CAPITAL OUTLAY

The . . . (name of school district) . . . will soon consider a measure to impose a . . . (number) . . . mill property tax for the capital outlay projects listed herein.

This tax is in addition to the school board's proposed tax of . . . (number) . . . mills for operating expenses and is proposed solely at the discretion of the school board. THE COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING EXPENSES AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

The capital outlay tax will generate approximately \$. . . (amount) . . ., to be used for the following projects:

. . . (list of capital outlay projects) . . .

All concerned citizens are invited to a public hearing to be held on . . . (date and time) . . . at . . . (meeting place) . . .

A DECISION on the proposed CAPITAL OUTLAY TAXES will be made at this hearing.

Section 6 Paragraph (c) of subsection (2) of section 235.435, Florida Statutes, 1986 Supplement, is amended to read:

235.435 Funds for comprehensive educational plant needs.— Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(2)

(c) The committee shall review the requests submitted from the districts, evaluate the ability of the project to relieve critical needs, and rank the requests in priority order. The committee shall subtract from the total amount of the project the total amount of funds generated by the requesting district from all sources including the 1.5-mill levy for the next 3 fiscal years. The resultant sum shall be the amount eligible to be funded by the Legislature. This statewide priority list for special facilities construction shall be submitted to the Legislature in the legislative budget request at least 45 days prior to the legislative session.

Section 7. Notwithstanding the provisions of section 1 of chapter 84-349, Laws of Florida, subsection (2) of section 236.25, Florida Statutes, 1986 Supplement, shall not stand repealed on July 1, 1990, and shall continue in full force and effect as amended herein.

Section 8. Subsection (2) of section 236.25, Florida Statutes, 1986 Supplement, is repealed effective July 1, 1996, and shall be reviewed by the Legislature prior to such date.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, strike all of lines 2-6 and insert: An act relating to educational facilities; providing for the "Educational Facilities Construction and Finance Act of 1987"; amending s. 230.23, F.S., relating to powers and duties of school boards; revising the conditions of lease-purchase agreements; authorizing the use of certain funds; providing a definition; amending s. 235.066, F.S.; authorizing the leasing of certain educational facilities under certain conditions; providing requirements of lease-purchase agreements, providing an exemption from ad valorem taxation; providing that agreements do not create a debt or obligation of the state or school board; amending s. 236.25, F.S.; authorizing use of funds to finance school bus purchases, rather than replacement, lease-purchase agreements, and payment of certain loans; deleting obsolete provisions; amending s. 200.065, F.S., to conform; amending s. 235.435, F.S., relating to allocations for capital outlay projects; saving s. 236.25(2), F.S., from repeal; providing for future review and repeal; providing an effective date.

On motion by Senator Weinstein, by two-thirds vote HB 1108 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Gordon	Johnson	McPherson	Stuart
Grant	Kirkpatrick	Meek	Thomas
Grizzle	Kiser	Myers	Thurman
Hair	Langley	Peterson	Weinstein
Hill	Lehtinen	Plummer	Weinstock
Hollingsworth	Malchon	Roe-Lehtinen	Woodson
Jenne	Margolis	Scott	

Nays None

SB 846 was laid on the table.

Consideration of HB 183 was deferred.

CS for HB 338—A bill to be entitled An act relating to medical examiners, amending s. 406.11, F.S., requiring the Medical Examiners Commission to make rules providing for notification of the next of kin that an investigation by the medical examiners office is being conducted; providing an effective date.

was read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for HB 338 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas- 36

Beard	Gordon	Kirkpatrick	Peterson
Brown	Grant	Kiser	Plummer
Childers, D	Grizzle	Langley	Roe-Lehtinen
Childers, W D	Hair	Lehtinen	Scott
Crenshaw	Hill	Malchon	Stuart
Deratany	Hollingsworth	Margolis	Thurman
Dudley	Jenne	McPherson	Weinstein
Frank	Jennings	Meek	Weinstock
Girardeau	Johnson	Myers	Woodson

Nays --None

On motions by Senator Weinstein, by two-thirds vote HB 1108 was withdrawn from the Committee on Education, Governmental Operations and Appropriations.

On motion by Senator Weinstein—

HB 1108—A bill to be entitled An act relating to the leasing of educational facilities, amending s. 235.056, F.S.; authorizing the leasing of certain educational facilities under certain conditions; providing an effective date

companion measure, was substituted for CS for SB 877 and read the second time by title.

Senator Margolis moved the following amendments which were adopted.

Amendment 1—On page 1, strike all of lines 10-22 and insert:

Section 1 This act shall be known as the "Educational Facilities Construction and Finance Act of 1987."

Section 2 Paragraph (b) of subsection (9) of section 230.23, Florida Statutes, 1986 Supplement, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(9) SCHOOL PLANT.—Approve plans for locating, planning, constructing, sanitating, insuring, maintaining, protecting, and condemning school property as prescribed in chapter 235 and as follows:

(b) Sites, buildings, and equipment.—

1 Select and purchase school sites, playgrounds, and recreational areas located at centers at which schools are to be constructed, of adequate size to meet the needs of pupils to be accommodated;

2 Approve the proposed purchase of any site, playground, or recreational area for which district funds are to be used,

3 Expand existing sites;

4 Rent buildings when necessary;

5 Enter into leases or lease-purchase, as may be approved under regulations of the State Board of Education, with the Department of

~~General Services for the rental of necessary grounds and buildings for school purposes or of buildings to be erected for school purposes, the terms of such leases or lease-purchases not to exceed 20 years at a stipulated rental, to be paid from current or other legally available funds, and make all other contracts or agreements necessary or convenient in carrying out such purposes. The school board shall also~~ Enter into leases or lease-purchase arrangements, in accordance with the requirements and conditions provided in s. 235.056(3), with private individuals or corporations for the rental of necessary grounds and educational facilities buildings for school purposes or of educational facilities buildings to be erected for school purposes. Current or other funds authorized by law may be used to make payments under a lease-purchase agreement. Notwithstanding any other statutes, if the rental is to be paid from funds received from ad valorem taxation and the agreement is for a period greater than 12 months, an approving referendum must be held. The provisions of such contracts, including building plans, shall be subject to approval by the Department of Education, and no such contract shall be entered into without such approval. As used in this section, "educational facilities" means the buildings and equipment which are built, installed, or established to serve educational purposes and which may lawfully be used. The State Board of Education is authorized to promulgate such rules as it deems necessary to implement the provisions hereof;

6. Provide for the proper supervision of construction;

7. Make or contract for additions, alterations, and repairs on buildings and other school properties;

8. Ensure that all plans and specifications for buildings provide adequately for the safety and well-being of pupils, as well as for economy of construction by having such plans and specifications submitted to the Department of Education for approval; and

9. Provide furniture, books, apparatus, and other equipment necessary for the proper conduct of the work of the schools.

Section 3. Subsections (1) and (3) of section 235.056, Florida Statutes, are amended to read:

235.056 Lease and lease-purchase of educational facilities and sites.—

(1) A board, including the Board of Regents, is authorized to lease abandoned educational plants to a federal, state, county, or municipal governmental agency or to any public nonprofit agency, for the benefit of the community, when such action is recommended in an educational plant survey. A board, including the Board of Regents, is authorized to lease educational facilities to any public or private entity for use at times other than regularly scheduled board activities, based on policies adopted by such board.

(3)(a) A board, including the Board of Regents, is authorized to rent, lease, or lease-purchase educational facilities and sites as defined in s. 235.011. Educational facilities and sites rented or leased for 1 year or less are not required to be approved by the office and must be funded through the operations budget, except that the lease-purchase of educational facilities and sites shall be approved by the office as required by s. 235.26, be advertised for and receive competitive proposals and be awarded to the lowest and best proposer, and be funded using current or other funds specifically authorized by law to be used for such purpose. Prior to educational facilities and sites being leased, rented, or lease-purchased for a period of more than 1 year, such facilities and sites shall be approved by the office; and any available funds may be authorized to be expended for such purposes.

(b)1 The term of any lease-purchase agreement, including the initial term and any subsequent renewals, shall not exceed the useful life of the educational facilities and sites for which the agreement is made, or 30 years, whichever is less.

2 The initial term or any renewal term of any lease-purchase agreement shall expire on June 30 of each fiscal year, but may be automatically renewed annually, subject to a board making sufficient annual appropriations therefor. Under no circumstances shall the failure of a board to renew a lease-purchase agreement constitute a default or require payment of any penalty, nor in any way limit the right of a board to purchase or utilize educational facilities and sites similar in function to the educational facilities and sites which are the subject of the said lease-purchase agreement. Educational facilities and sites

Yeas - 35

Beard	Gordon	Langley	Ros-Lehtinen
Brown	Grant	Lehtinen	Scott
Childers, D.	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crenshaw	Hill	McPherson	Thurman
Deratany	Jenne	Meek	Weinstein
Dudley	Johnson	Myers	Weinstock
Frank	Kirkpatrick	Peterson	Woodson
Girardeau	Kiser	Plummer	

Nays-- None

Vote after roll call:

Yea- Hollingsworth

CS for SB 877 was laid on the table.

HB 183—A bill to be entitled An act relating to holidays; providing that "I Am An American Day" be declared and observed in the state; providing an effective date.

was read the second time by title. On motion by Senator Myers, by two thirds vote HB 183 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas 35

Beard	Gordon	Kirkpatrick	Plummer
Brown	Grant	Kiser	Ros-Lehtinen
Childers, D.	Grizzle	Langley	Scott
Childers, W. D.	Hair	Malchon	Stuart
Crenshaw	Hill	Margolis	Thurman
Deratany	Hollingsworth	McPherson	Weinstein
Dudley	Jenne	Meek	Weinstock
Frank	Jennings	Myers	Woodson
Girardeau	Johnson	Peterson	

Nays None

HB 358—A bill to be entitled An act relating to corporations; creating s. 607.108, F.S., providing definitions; providing requirements regarding affiliated transactions involving interested shareholders; specifying powers of disinterested directors; providing exemptions; creating s. 607.109, F.S., providing procedures for control-share acquisitions; amending ss. 607.244 and 607.247, F.S.; providing conforming language; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil recommended the following amendment which was moved by Senator Langley:

Amendment 1—On page 13, lines 17-31, and all of pages 14-21, strike all of said lines and insert:

(7) The provisions of this section shall also apply to a foreign corporation that has.

(a) Been granted authority pursuant to this chapter to conduct business in this state, and

(b) 100 or more shareholders; and

(c) Its principal place of business, its principal office, or substantial assets within Florida; and

(d) More than 500 Florida residents as employees; and

(e) Gross annual payroll of more than \$5 million to Florida residents, and

(f) Either

More than 10% of its shareholders resident in Florida; or

2 More than 10% of its shares owned by Florida residents; or

3 More than 1,000 shareholders resident in Florida.

Section 2 Section 607.109, Florida Statutes, is created to read:

607.109 Control-share acquisitions.—

(1) "CONTROL SHARES."—As used in this section, "control shares" means shares that, except for this section, would have voting power with respect to shares of an issuing public corporation that, when added to all other shares of the issuing public corporation owned by a person or in respect to which that person may exercise or direct the exercise of voting power, would entitle that person, immediately after acquisition of the shares, directly or indirectly, alone or as a part of a group, to exercise or direct the exercise of the voting power of the issuing public corporation in the election of directors within any of the following ranges of voting power.

(a) One-fifth or more but less than one-third of all voting power.

(b) One-third or more but less than a majority of all voting power.

(c) A majority or more of all voting power.

(2) "CONTROL SHARE ACQUISITION."—

(a) As used in this section, "control-share acquisition" means the acquisition, directly or indirectly, by any person of ownership of, or the power to direct the exercise of voting power with respect to, issued and outstanding control shares.

(b) For purposes of this section, shares acquired within 90 days or shares acquired pursuant to a plan to make a control-share acquisition are considered to have been acquired in the same acquisition.

(c) For purposes of this section, a person who acquires shares in the ordinary course of business for the benefit of others in good faith and not for the purpose of circumventing this section has voting power only of shares in respect of which that person would be able to exercise or direct the exercise of votes without further instruction from others.

(d) The acquisition of any shares of an issuing public corporation does not constitute a control-share acquisition if the acquisition is consummated in any of the following circumstances:

1. Before the effective date of this act.

2. Pursuant to a contract existing before the effective date of this act.

3. Pursuant to the laws of descent and distribution.

4. Pursuant to the satisfaction of a pledge or other security interest created in good faith and not for the purpose of circumventing this section.

5. Pursuant to a merger or consolidation effected in compliance with ss. 607.214, 607.217, and 607.221, or s. 607.227, if the issuing public corporation is a party to the agreement of merger or consolidation.

6. Pursuant to any savings, employee stock ownership, or other employee benefit plan, of the issuing public corporation or any of its subsidiaries or any fiduciary with respect to any such plan when acting in such fiduciary capacity.

(e) The acquisition of shares of an issuing public corporation in good faith and not for the purpose of circumventing this section by or from:

1. Any person whose voting rights had previously been authorized by shareholders in compliance with this section; or

2. Any person whose previous acquisition of shares of an issuing public corporation would have constituted a control-share acquisition but for subsection (d),

does not constitute a control-share acquisition, unless the acquisition entitles any person, directly or indirectly, alone or as a part of a group, to exercise or direct the exercise of voting power of the corporation in the election of directors in excess of the range of the voting power otherwise authorized.

(3) "INTERESTED SHARES."—As used in this section, "interested shares" means the shares of an issuing public corporation in respect of which any of the following persons may exercise or direct the exercise of the voting power of the corporation in the election of directors:

(a) An acquiring person or member of a group with respect to a control-share acquisition.

(b) Any officer of the issuing public corporation.